

WHAT IF THE PROPERTY IS IN FORECLOSURE?

During the foreclosure process, the owner/taxpayer of record is still legally responsible to maintain the property and the lender cannot go on the property and clean it up. Neither can the City of Fircrest go on the property.

What happens when a complaint is filed?

1. The City takes in the complaint, logs the information, and investigates the complaint.
2. An investigation is performed.
3. If nuisance violations can be observed from the public right of way, by law, correspondence is sent to the taxpayer of record, along with photographic documentation along with a copy of the nuisance ordinance.
4. If the owner does not respond, a Notice and Abatement Order is issued typically giving the owner 14 days to clean up the property. The Notice and Abatement Order outlines the next step and informs the owner that civil penalties can be assessed in the amount of \$1,000 per day, each and every day that the violation continues.
5. If the owner fails to comply with the Notice and Abatement Order, the issue is turned over to the city's prosecuting attorney for the assessment of civil penalties and subsequent filing of a lien.

WHY ARE PROPERTIES VACANT?

Foreclosures/Walk Aways

The recent increase in vacant residences is most likely due to foreclosures and/or owners walking away from their properties. The economic downturn has caused some people to be unable or unwilling to make their mortgage payments. Banks have foreclosed on some of these properties and owners have simply walked away from others. However, in these instances, the owner/taxpayer of record is still the legal owner of the property. Therefore, neither the bank, nor the City of Fircrest, can legally go on the property and clean it up, as neither is the legal owner/taxpayer of record.

The foreclosure process can be lengthy, sometimes taking upwards of 12-18 months to complete. In many circumstances, homeowners move out, leaving a hole in the neighborhood. Because the foreclosure process is lengthy and is very complex, it is difficult to determine if a property is being foreclosed on. Once the foreclosure process is complete, the lender becomes the owner of the property.

What can neighborhoods do to prevent vacant properties from becoming blighted?

Many neighborhoods have adopted a proactive strategy to address vacant residential properties. Some neighborhoods have begun to assist with the maintenance of adjacent properties by mowing the yard, removing downed branches, and parking cars in the driveway to maintain the appearance of occupancy. These methods have been successful in other neighborhoods in minimizing the damage that vacant properties have had on neighborhoods.

In the meantime, the City of Fircrest will diligently do what we can to address blighted properties. As noted above, the lender can't go on the property and clean it up, as they are not the owner of record until the foreclosure process is complete. For that same reason, the City of Fircrest can't go on the property and clean it up either. We have had some success by corresponding with the current owners in getting them to clean up their property before they are assessed a civil penalty.

As noted above regarding what happens once a complaint is received, civil penalties can be assessed against the property owner in the amount of \$1,000 per day, each day the violation continues.