

152943

ORDINANCE NO.

An Ordinance amending Title 24 of the Code of the City of Portland to provide for abatement of imminently dangerous buildings by repair and rehabilitation by the City under the direction of the Council, without public acquisition and with such funds as the Council may allocate for that purpose, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The supply of housing in the city of Portland, particularly low-income housing, has steadily decreased in recent years and is likely to decrease further.
2. The Code of the City of Portland presently does not provide a procedure whereby imminently dangerous buildings may be abated without demolition or public acquisition.
3. To preserve the supply of housing in the city of Portland it is appropriate and in the public interest that the Council provide a procedure whereby imminently dangerous buildings may be abated by rehabilitation and repair by the City, under the direction of Council, without public acquisition.

NOW, THEREFORE, the Council directs:

Section 24.55.040 of the Code of the City of Portland is amended to read as follows:

24.55.040 Abatement of dangerous buildings. All buildings or portions thereof which are determined, after inspection by the Director or his authorized representative, to be dangerous as defined in this chapter, are hereby declared to be public nuisances and shall be abated by:

- (1) public acquisition, repair, and rehabilitation; or
- (2) demolition and removal; or
- (3) repair and rehabilitation, in whole or in part, without public acquisition, by the City under the direction of the Council but only

for such buildings that are used for low income, multi-family housing that are determined by the Director to be imminently dangerous and only to the extent of the imminently dangerous condition and only with Housing and Community Development funds appropriated by the Council for that purpose.

Section 2. Section 24.55.070 of the Code of the City of Portland is amended to read as follows:

24.55.070 Notices and order of Director. (a) Whenever the Director has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, he shall commence proceedings to cause the repair, vacation, or demolition of the building.

(b) Notice and order. The Director shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

(1) The street address and a legal description sufficient for identification of the premises upon which the building is located;

(2) A statement that the Director has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of section 24.55.060;

(3) A statement of the action required to be taken as determined by the Director.

(i) If the Director has determined that the building or structure must be repaired, the order to the owner shall require that all required permits be secured and the work physically commenced within such time as set forth in the order and completed within such time as the Director shall determine is reasonable under all of the circumstances. Work shall be completed within 120 days from the issuance of permits unless the Director orders completion of the work in a shorter period of time which is reasonable under all of the circumstances. The Director may, for cause shown, grant one additional extension of 120 days.

(ii) If the Director has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Director shall determine is reasonable, not to exceed 30 days from the date of the order; that all required permits be secured therefor within 30 days from the date of the order,

and that demolition be completed within such time as the Director shall determine is reasonable.

(c) Service of notice and order. The notice and order, and any amended or supplemental notice and order, shall be served and posted on the property; and one copy thereof shall be served on the owner of record as indicated on the last equalized assessment roll of the county in which said property is located.

(d) Method of service. Service of the notice and order shall be made upon all persons entitled thereto, either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last equalized assessment roll of the county in which the property is located, or as known to the Director. If no address of any such person so appears, or is known to the Director, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings.

Section 3. Section 24.55.110 of the Code of the City of Portland is amended to read as follows:

24.55.110 Enforcement. (a) In the event that the owner shall fail, neglect or refuse to obey an order of the Director to repair or demolish a building, the Director may (i) cause such person to be prosecuted hereunder, or (ii) institute appropriate action to abate such building as a public nuisance pursuant to the following procedure:

(1) The Director shall refer the matter to the commissioner in charge of the Bureau of Buildings who shall report the same to the City Council. The Council shall fix a date for a hearing, cause notice to be posted on the alleged dangerous building or structure and serve on those persons entitled to service pursuant to section 24.55.070.

(2) The notice shall state that the Council shall conduct a public hearing to ascertain whether the premises in question constitute a public nuisance subject to abatement by repair without public acquisition, rehabilitation, and repair or by demolition of buildings or structures situated thereon. The notice shall also state that if said premises, in whole or in part, are found to constitute a public nuisance, such nuisance may be abated by the city by repair and rehabilitation, with or without public acquisition, or by demolition and removal, in which case the cost of such abatement will be assessed upon such premises and such cost will constitute a lien upon such land

and a charge against the owner until paid. Said notice shall inform the recipient thereof of the alleged violations existing on his premises and shall direct that the owner appear before the Council on the date set for the hearing and show cause why the premises should not be declared a public nuisance.

(3) Service of this notice shall be by personal service of the notice or by mailing a copy of said notice by certified mail, postage prepaid, return receipt requested, to all persons entitled thereto under section 24.55.070, and by publication of the notice in the official newspaper of the City. Service shall be made at least fifteen (15) days prior to the date fixed for the hearing. Proof of personal service, publishing, posting or mailing of the notice shall be made by affidavit of the person serving, publishing, posting or mailing the same and the affidavit shall be filed with the City Auditor. Service by certified mail in the manner herein provided shall be effective on the date of mailing. The failure of any person to receive such notice shall not affect the validity of any proceedings hereunder.

(b) In the event the bureau has posted a notice to vacate a building pursuant to any authority in this chapter, the bureau at the time of posting shall give written notice of the posting to the commissioner in charge of the Bureau of Buildings. The commissioner may report the matter to the council for hearing and abatement in the manner specified in this section, except that (i) the council may schedule a hearing whether or not an order to repair or demolish has been issued or served pursuant to section 24.55.070, and (ii) the council may shorten the period of notice prior to hearing specified in subsection (a)(3) of this section as necessary to provide a hearing in time to avoid vacation of the building.

Section 4. Section 24.55.120 of the Code of the City of Portland is amended to read as follows:

24.55.120 Council hearing. On the date fixed for the hearing, the Council shall hear all parties interested therein after which it shall then determine whether or not the premises shall be declared to be a public nuisance. If it determines that the premises constitute a public nuisance, it shall by ordinance declare the premises to be a nuisance. The ordinance may, in the exercise of the Council's discretion, allow the owner or person responsible a period of time in which to abate the nuisance. The ordinance shall direct the Director to abate the nuisance, if it is not abated within the time, if any, allowed to the owner or person responsible, and direct whether the

nuisance shall be abated by City Personnel or by private contract and whether with or without advertising for bids therefor. A copy of the ordinance shall be mailed to the owners of record. If the owner or person responsible therefor fails to abate the nuisance within the time fixed, the director shall cause the same to be abated, in the manner directed by the Council, keeping account of all expenses incurred including all overhead expenses. Upon completing the abatement, the director shall file a statement for the cost thereof with the City Auditor.

Section 5. Section 24.55.130 of the Code of the City of Portland is amended to read as follows:

24.55.130 Rehabilitation and repair under direction of council in lieu of demolition. (a) If the Council upon the hearing provided for in section 24.55.120 determines that the premises constitute a dangerous building and a public nuisance but that it is reasonably possible that the structure may be rehabilitated and repaired and rendered usable as housing, the Council, upon making such findings, may: (1) provide for public acquisition of the premises in the manner provided by law; or (2) provide for abatement by repair and rehabilitation, in whole or in part, by the City under the direction of the Council, without public acquisition, but only for such buildings that are used for low-income multi-family housing that are determined by the Director to be imminently dangerous and only to the extent of the imminently dangerous condition and only with Housing and Community Development funds as the Council may appropriate for that purpose.

(b) (1) Upon acquisition, the property may be rehabilitated and repaired by the City under direction of the Council and utilized for housing.

(2) Upon acquisition, the property may be sold to a public body or a private person to be utilized for housing, before rehabilitation and repair, upon condition that the property be rehabilitated by the purchaser or his agent in such time and manner as the Council shall establish. If the property is not rehabilitated and repaired within the time and in the manner set forth in the conditions of sale, the Council may foreclose or otherwise terminate the purchaser's interest in the property in any manner provided by law.

(c) Property acquired under this section shall be utilized for housing by sale to a public body or private person by warranty deed, trust deed, contract or any other legal instrument which, in the discretion of the Council, is appropriate to accomplish the purposes of this chapter and need not be by public sale or bid.

ORDINANCE No.

Section 6. Section 24.55.140 of the Code of the City of Portland is hereby amended to read as follows:

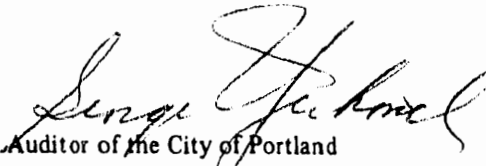
24.55.140 Assessment. Upon receipt of the statement, the Auditor shall forthwith mail to the owner of the property therein mentioned by certified mail, postage prepaid, return receipt requested, at his last known address, a notice setting forth the expense incurred and stating that the Council proposes to assess that amount against the property and also to charge it against the owner personally and the date the Council will hear the matter, and the objections to the proposed assessment may be made in writing and filed with the auditor on or before twenty days from the date of the notice. Upon the expiration of the period of twenty days, objection to the proposed assessment shall be heard and determined by the Council in the regular course of business. An assessment for cost and overhead expenses shall be made by ordinance and shall be entered in the docket of city liens. Upon entry, the same shall constitute a charge against the owner personally and a lien upon the property from which the nuisance was abated, which lien shall be collected in all respects as provided for street improvement liens except bonding will not be permitted and shall bear interest at the rate of nine (9%) percent per year from ten days after the date of entry in the lien docket. The lien shall have priority over all other liens and encumbrances whatsoever. An error in the name of the owner or in the use of a name other than that of the true owner of the property, or the failure of the owner to receive notice of the assessment shall not render the charge against the owner personally or the assessment void, but the same shall be a valid and existing charge against the owner personally and a lien against the property.

Section 7. The Council declares that an emergency exists because structures presently used for housing in the city of Portland may be vacated within the next thirty (30) days if rehabilitation and repair is not undertaken; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, MAR 4 1982

COMMISSIONER SCHWAB
COMMISSIONER STRACHAN
G.M. Georgeff/K.H. Scouperdis:djb
March 1, 1982

Attest:


Auditor of the City of Portland

Calendar No. 571

ORDINANCE No.

Title 152043

An Ordinance amending Title 24 of the Code of the City of Portland to provide for abatement of dangerous buildings by repair and rehabilitation by the City under the direction of the Council, without public acquisition and with such funds as the Council may allocate for that purpose, and declaring an emergency.

Filed MAR 3 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Gordon Coell
Deputy

as amended

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG	1	
SCHWAB	1	
STRACHAN	1	
IVANCIE	1	

FOUR-FIFTHS CALENDAR	
JORDAN	<i>CA/AS</i>
LINDBERG	<i>MDL/mgt</i>
SCHWAB	<i>[Signature]</i>
STRACHAN	<i>MDL/mgt</i>
IVANCIE	

INTRODUCED BY
COMMISSIONER SCHWAB COMMISSIONER STRACHAN

NOTED BY THE COMMISSIONER
Affairs <i>[Signature]</i>
Finance and Administration
Safety
Utilities
Works <i>MDL/mgt</i>

BUREAU APPROVAL
Bureau:
Prepared By: <i>BMG</i> Date: <i>[Signature]</i> GEORGEFE SCUMPERDIS:djb 3-1-82
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head:

CALENDAR	
Consent	Regular

NOTED BY
City Attorney <i>CPT</i>
City Auditor
City Engineer