



## Agenda Information Sheet

November 10, 2016

### Agenda Item

Report regarding 2016 activities for blight removal within the City of Marshall.

### Background & Summary of Request:

As of October 31<sup>st</sup>, 35 substandard properties have been removed and lots cleared of debris within in the City; 29 of those were cleared by property owners after they received code enforcement letters, the other six were removed by order of the municipal judge and paid for out of the general fund for code enforcement abatement. It is important to note, that just because the city removes a condemned structure from the property, the city does not own that property, it is still in the ownership of a private entity.

Staff utilizes several different tactics when addressing substandard building violations. Below are steps that outline our process:

1. Violation is observed, we send out a standard violation letter to the property owner as identified on the tax rolls published by Harrison County Appraisal District. The letter is sent certified mail and states that the property owner has 30 days to correct the violation or notify staff that more time is needed.
2. If no response from the first letter is sent we send a second/final notice, giving another 30 day time frame for contacting staff.
3. If neither letter gets a response from the property owner, then we have two options:
  - a. Staff will then research to determine if any taxes are owned on the property in question. If taxes are more than two years delinquent and the structure is not determined to be a life or safety risk to the immediate public then staff will add that property to the list of properties to be forwarded to the appraisal district to begin the foreclosure process. The appraisal district allows us to add five properties a month of their foreclosure list.
  - b. If taxes are current, then staff sends a final notice and places a notice on the property.
4. If taxes are current or if the property poses an immediate life and safety risk and the property has been unresponsive to letters or signs posted on the property; staff will then

order a 10 year limited title certificate on the property, depending on the property this can cost between \$100 and \$350 per certificate. This document informs staff if there are any lien holders on the property and a general ownership history of the property. Working with our attorney and municipal court staff it is then determined who will get official court notice of a hearing where the judge will officially determine that the structure in question is substandard and order removal.

5. Once the list of property owners and lien holders for the property is determined, notices are sent out and a court date is set, typically court dates are set 30 days after the date of the court notice is mailed.
6. At the court hearing the judge reviews all documents related to the case, including pictures of the property, all notices sent to the property owner on record, and hears testimony of staff and the property owner or their representative if they are in attendance.
7. The Municipal Judge then makes an order that the property is substandard and needs to be removed or repaired. State law requires the city give the property owner 30 days after the court order to abate the violation.
8. After 30 days from the court order finding the substandard structure is not removed or repaired; then staff can remove the structure. In most cases staff advertises for a competitive bid for the clearing of the lot to ensure the city is getting the best cost per removal.
9. Once the property is cleared, staff then files a lien on the property for the cost of abatement to ensure when the property is sold the City is paid for the cost of clearing the lot.

In addition to the six properties staff has already taken through the municipal court process this year, we are preparing to take an additional six properties before the judge by the end of this year, those properties include:

- 307 Alamo
- 609 W. Houston
- 1000 Rollingwood
- 107 Fletcher
- 1106 Talley
- 214 W. Rusk

If these properties are ordered for demolition, then we will have removed 41 substandard structures this year.

Any questions about the process in which we address substandard structures can be forwarded to the Planning & Development Department; the department telephone number is 903-935-4455.