

BACKGROUND:

Vacant and abandoned properties create costly disinvestment problems in Columbus neighborhoods; problems which have been exacerbated by the recent mortgage foreclosure crisis. With Columbus experiencing an influx of absentee investors, who buy inexpensive, dilapidated properties and then do nothing, hoping that the revitalization work of others in the community will increase their property values. These vacant and abandoned properties actually detract from the quality of life, as well as the economic opportunities, of those living around them. They are an impediment to individual neighborhood redevelopment and, ultimately, to achievement of city-wide economic development goals.

Minimizing the harm done by vacant and abandoned properties and restoring these properties to productive use are priorities for city government, land owners, neighborhood residents, and the business community who are all working together to develop strategies to mitigate the harm of vacant properties. Following up on earlier legislation that created and revised the Registry of Neglected Properties, Ord. 0946-04, Ord. 0947-04, and Ord. 0897-05, this legislation is needed to codify the procedure for and issuance of criminal penalties upon disappearing real property owners.

The following amendment to City Code Chapter 4711, "Neglected Properties Registry," with the enactment of "Penalties for Disappearing Real Property Owner" consisting of one section numbered 4711.11, was crafted in consideration of the needs expressed by the City Attorney's Office, Department of Development, property owners, neighborhood residents, community leaders, and locally based real-estate agents, over the course of four (4) separate public hearings and ongoing opportunities for input.

FISCAL IMPACT:

No funding is required for this legislation.

..Title

To amend Chapter 4711 of the Columbus City Codes, "Neglected Properties Registry," by the enactment of new Section 4711.11, entitled "Penalties for Disappearing Real Property Owner."

..Body

WHEREAS, Ordinances 0946-2004 and 0947-2004, passed by City Council on July 19, 2004, and 0897-2005 passed by City Council on July 9, 2005 creating and then revising Title 47, Nuisance Abatement Code which included significant innovative measures intended to address nuisance vacant land and buildings having a blighting effect on the city's neighborhoods; and

WHEREAS, Since the passage of said ordinances, the Neighborhood Services Division's Code Enforcement Section, The City Attorney's Office, The City Council, as well as property owners and residents, have identified the need to codify procedures and penalties to address disappearing real property owners; and

WHEREAS, The current mortgage foreclosure crisis has intensified the number of abandoned properties whose absentee owners make little or no effort to or respond to notifications of code violations from City inspectors, allowing the properties to further deteriorate ; and

WHEREAS, Vacant and abandoned properties detract from the quality of life, as well as the economic opportunities, of those living around them; and

WHEREAS, Citing a common goal to stabilize and maintain neighborhoods, four (4) separate public hearings and ongoing opportunities for input, built strong consensus by The City Attorney's Office, Department of Development, property owners, neighborhood residents, community leaders, and locally based real-estate agents on the notification process and penalties for disappearing real property owners;
now therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That Chapter 4711 of the Columbus City Codes, “Neglected Properties Registry,” is hereby supplemented by the enactment of new Section 4711.11, entitled “Penalties for Disappearing Real Property Owner,” reading as follows:

4711.11 Penalties for Disappearing Real Property Owner

(A) In the event the City determines that a City Code violation exists on a particular parcel of real property, it shall be evidence that the parcel of real property constitutes a public nuisance if the City by affidavit or sworn testimony demonstrates that the following requirements have been met in attempting to serve the notice of violation on the owner of the subject parcel:

(1) The notice of violation was sent by certified-mail-return-receipt requested to the owner’s address listed in the public records maintained by the Franklin County Auditor, and the envelope containing the notice was returned with an endorsement showing failure of delivery; and

(2) The residence of the owner is not known and was not able to be ascertained with efforts conducted with reasonable diligence.

(B) If there has been no successful service of a notice of a violation upon a property owner, but the City has complied with the requirements set forth in division (A) of this section, any criminal charge that may subsequently be filed against the property owner for that code violation shall be a misdemeanor of the first degree.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowable by law.