

BUILDING & STANDARDS COMMISSION

From Notice of Violation to Pending Action Letters (lien/demolition will be handled by Jason Sarate)

Process and procedures regarding “Unsafe Structures” Building & Standards Enforcement

1. Complaints are received from the general public and other governmental agencies including patrols by the Property Maintenance & Zoning Division of the Planning and Inspections Department. A file is opened and maintained by the Property Maintenance & Zoning Division of the Planning and Inspections Department. The Property Maintenance & Housing Inspector will be required to follow all SOP's in regards to the maintenance, documentation and updates of their case record in Accela, BSC drive folder and hard file folder throughout the duration of their case.
2. A physical investigation of the site is conducted by a City Property Maintenance & Housing Inspector abiding by all laws, ordinances and constitutional amendments for obtaining entry.
3. A search for ownership is done by the Property Maintenance & Zoning Division staff through Central Appraisal District, EP County Deed Search and Tax Records. A Notice of Violation letter (30 day IPMC letter) is sent to the property owner(s) stating the specific items that violate the El Paso Municipal Code. The owner(s) are given thirty (30) calendar days to correct the violations and notified that if they do not correct the violations within the allotted time, the case will be submitted to the City Building and Standards Commission for unsafe structure proceedings. The letter states that the Commission will decide whether or not the structure is unsafe and whether or not it should be rehabilitated, vacated, secured, cleaned or demolished as per Title 18,50 and 2.38 of the El Paso Municipal Code.
4. If the owner(s) do not respond within thirty (30) calendar days, the Property Maintenance & Zoning Division inspectors will request a title search via email through the title company's representative, Danny Estrada, at email address destrada@lonestartitle.com and carbon copy Mr. Nathan Walsh, Mr. Cesar Ortiz, and Rosa Gomez. If known, Property Maintenance & Housing Inspector will need to advise Nathan Walsh, Cesar Ortiz, and Rosa Gomez that the owner(s) and/or any interested party(s) will need a language interpreter for the BSC meeting so arrangements can be made prior to the meeting.
5. Once the title report received from the title company, Rosa Gomez will forward to the City Attorney's Office who will then review the title report and identify the

owners, mortgagees, and lienholders (interested parties) that must receive notice of any hearing (Notice of Public Hearing Letter) before the Building and Standards Commission. (Notice to owners, mortgagees, and lienholders is required by City Code 2.38.090(C) and Local Government Code §214.001(b)(2)-owners, and §214.001(e)-mortgagees and lienholders.)

6. The City Attorney's Office will forward the title report, invoice for title report, and memo identifying the interested parties including owner(s), to the Property Maintenance & Zoning Division. Either Rosa, Cesar or Nathan will forward that report with identified interested parties including owner(s) to the Property Maintenance & Housing Inspector.
7. The Property Maintenance & Zoning Division shall pay the invoice for title report and retain a copy of the invoice for the file. The copy of the invoice for the file will be emailed to the Property Maintenance & Housing Inspector so that the inspector may update and document the file in Accela, BSC folder drive and hard file.
8. As soon as the memo identifying the interested parties is received by Property Maintenance & Zoning staff, the Property Maintenance & Housing Inspector shall prepare a Notice of Public Hearing Letter (before the Building and Standards Commission), Notice of Public Hearing 1st trip posting notice, and the Demolition/Rehabilitation Recommendations Agenda Memorandum. If an emergency situation is present, action may be taken by the City before the Commission meets if applicable (emergency measures declaration from the Fire Official and/or Building Official and/or the new board and secure procedures). Once those documents are completed, the Property Maintenance and Housing Inspector will email the Administrative Support Personnel and carbon copy the Division Manager and Supervisor advising the documents are ready and completed in the BSC folder file. The Inspector will also need to update Accela and the hard file.
9. The Notice of Public hearing letter must include: (LGC 212.001 (c)(e):
 - a) Name and address of the owner of the affected property if that information can be determined.
 - b) An identification of the building and legal description of the property on which it is located.
 - c) A description of the violation(s) of El Paso Municipal Code that is present at the building.
 - d) A statement that the owner(s), lienholder(s), or mortgagee(s) will be required to submit at the hearing proof of the scope of any work that may be required to comply and the time it will take to reasonably perform the work.
 - e) A description of the hearing.
 - f) A statement that the mortgagee(s) and lienholder(s) will be given an opportunity to comment at the hearing.

- g) A statement that the municipality will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
10. The Notice of **Public** Hearing letter is mailed certified mail with return receipt requested, to all property owners, mortgagees, lienholders and any other interested parties, at least 10 calendar days prior to the Building and Standards Commission Hearing by the Administrative Support Personnel. (As a departmental policy, we will be requiring the mailing of these letters 20 days prior to the Building and Standards Commission Hearing.) The Property Maintenance & Housing Inspector will also post the Notice of Public Hearing 1st trip posting notice at the address of violation the day the Notice of Public Hearing letters are signed, initialed and mailed. Posting pictures of the posting will be required for the case management and shall be updated into the Accela, BSC folder and hard file folder by the inspector.
11. The Notice of Public Hearing letter/publication is also submitted to El Paso Times by the Administrative Support Personnel to be advertised in the newspaper at least ten (10) days prior to the hearing. The Administrative Support Personnel shall also file the Notice of Public Hearing in the Official Public Records of Real Property for the County. A posting of this letter will need to be posted at City Hall by the Administrative Support Personnel.
12. The Administrative Support Personnel shall forward an invoice for the newspaper publication and the County filing fee to Property Maintenance & Zoning staff to be retained in the Accela, BSC folder and hard file. (Property Maintenance & Housing Inspector's responsibility to update and maintain those files.)
13. Property Maintenance & Housing Inspectors shall also prepare a report (BSC PowerPoint presentation) to be presented to the Building and Standards Commission. The report shall include staff's findings and recommendations.
14. The property owner(s) or their representative may also appear before the Building and Standards Commission to present to the Commission any documents to demonstrate how the property can be made safe.
15. **The day of the hearing the Property Maintenance & Housing Inspector shall search the County Deeds and Records website to determine if there has been any change of ownership.** If there has been a change in ownership the item will be deleted from the agenda by the Administrative Support Personnel at the hearing and staff shall restart the process at #3 and schedule a new hearing. The staff shall also search the U.S. Post Service track and confirm site to determine if all notices have been mailed in the required time.

16. The Building and Standards Commission may decide to pursue the following with regard to structures brought before them:

- A. Order structure(s) to be secured and maintained secure until rehabilitated.
- B. Order structure(s) to be vacated if someone is living in the structure.
- C. Order demolition.
- D. Order the premise to be cleaned and maintained.
- E. Impose civil penalties.
- F. Postpone item until the next board meeting (however, the Commission may still order structure to be secure and maintained).

17. In most cases, staff will recommend that the owner take the action that is ordered within thirty (30) days; however, the commission may allow more time pursuant to State Law.

18. The next business day following the Hearing, the Property Maintenance & Housing Inspector shall prepare a final approved/amended Order of the Commission (Final Order Demo/Rehab letter and Final Order Demo/Rehab publication). The inspector shall then notify the Administrative Support Personnel, Division Manager and Supervisor of the completed documents and save them in the BSC folder drive, Accela and hard file.

The Order needs to include an additional reasonable time as provided by State Code for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to timely take the ordered action. The Property Maintenance and Housing Inspector will be required to place a Hard Hold on the parcel of the address stating the property was condemned and the Certificate of Occupancy was revoked.

19. Following the Hearing and when notified by the Property Maintenance & Housing Inspector that the documents are ready, the Administrative Support Personnel shall "promptly" mail by certified mail, a copy of the Final Order to the owner(s), lienholder(s), or mortgagee(s). (LGC 214.001(g)). A copy of the Notice of Final Order Publication shall be posted at the address in violation by the Property Maintenance & Housing Inspector the same day the Final Orders are mailed. Posting pictures must be obtained and Accela, BSC Folder and hard file must be updated accordingly.

20. Following the Hearing and when notified by the Property Maintenance & Housing Inspector that the documents are ready, the Administrative Support Personnel shall provide a copy of the Final Order and a Notice of Final Order Publication to the City Clerk, City Attorney's Office, Chairman of the Commission present the date of the Hearing and the Building Official.

Notice of Order does not mean the entire order. Is simply a notice containing:

- a) The street address or legal description of the property;
 - b) The date of the hearing;
 - c) A brief statement indicating the results of the order; and
 - d) Instructions stating where a complete copy of the order may be obtained.
- (See the Final Order Publication notices in the BSC folder drive)

21. Within ten (10) days after the date the Order is signed, the Administrative Support Personnel shall file the Final Order in the City Clerk's office and publish the Notice of Final Order in the newspaper. (LCG 214.001 (f)).

22. Administrative Support Personnel shall also file a copy of the Final Order in the Official Public Records of Real Property for the County. The Administrative Support Personnel will post the Notice of Order at City Hall.

23. The Administrative Support Personnel shall forward an invoice for the newspaper publication and the County filing fee to Property Maintenance & Zoning staff to be retained in the Accela, BSC folder and hard file. (Property Maintenance & Housing Inspector's responsibility to update and maintain those files.)

24. A person affected by an Order of the Commission shall have twenty (20) days after notice is provided, to request a rehearing.

25. If the interested parties do not comply with the terms of the Order in the time allotted, the City may take the ordered action to bring the property into compliance. The following steps will be implemented:

- a. If a change in ownership has occurred the new owner will be contacted and provided with a copy of the Building and Standards Commission Order. The new owner will be given an opportunity to bring the property into compliance with the Commission order via a rehearing through the Building and Standards Commission.
- b. If there is no change in ownership, notices of the impending action and notices of utilities abatement (i.e. secure and clean or demolition) will be sent, certified mail, to all owner(s) and interested parties informing them of the date (thirty (30) calendar days) and time the city will begin performance of the work in accordance with the commission order by the Property Maintenance & Housing Inspector. An abatement order is prepared by the inspector to be reviewed by the Division Manager/Supervisor, Building Official, legal department and forwarded to the third party approved contractor for secure/clean and/or demolition. A writ of entry will need to be prepared and signed by a Judge with language advising the writ's purpose for the abatement (secure/clean/demolish/vacate) to be conducted by the approved third party contractor in conjunction with a Building & Standards Commission order. It will be the inspector's responsibility to prepare the writ of entry.

Once the writ of entry is returned and signed by a Judge, the inspector will then forward that writ to the Division Manager and carbon copy the Division Supervisor. The Division Manager will forward the writ to the approved third party contractor that will be conducting the work. Inspector will update Accela, BSC folder file and hard file with all documents.

- c. Five days prior to the scheduled date the city will begin performance of the work in accordance with the commission order, the Property Maintenance & Housing Inspector shall mail, certified mail, to all owner(s) and interested parties informing them of the abatement action (5 day letter) and post the notice at the property (2.38.090, D, 1, a-d) with a copy of the final order. Posting pictures must be taken by the inspector. Inspector will update Accela, BSC folder file and hard file with all documents.

26. The day before the work is to commence the Property Maintenance & Housing Inspector will search the county deeds and records to determine if a change in ownership has occurred. If there has been a change in ownership the approved third party contractor will be notified not to proceed with the action. If there is no change in ownership, the third party contractor may commence with the work. The day of the work, the Inspector must be present with a copy of the Final Order and signed writ of entry document. The inspector will need to take photos of the property prior to the work performed. If EPPD is required to stand by, it will be the Inspector's responsibility to reach out to the region's EPPD PAR Officer and schedule his/her assistance. Once the work has been concluded, the Property Maintenance & Housing Inspector will taking pictures of the abatement and shall notify CAD to remove all homestead exemptions from the property if applicable. The inspector will be required to update Accela, BSC folder and hard file folder with all appropriate pictures/documentation.

27. Jason Sarate with ESD will handle the demolition/lien process for these BSC final orders.

~~28.~~ [REDACTED]

~~29.~~ [REDACTED]

30. [REDACTED]

31. [REDACTED]

32. [REDACTED]

33. [REDACTED]

34. [REDACTED]

35. [REDACTED]

IT WILL BE THE RESPONSIBILITY OF THE PROPERTY MAINTENANCE AND HOUSING INSPECTOR WORKING ON THE CASE TO ASSURE THAT ALL DOCUMENTS, PICTURES, ORDERS, WRITS, INVOICES, DRAFT LETTERS, MAILED LETTERS, USPS TRACKING CONFIRMATIONS, ETC., BE UPDATED/ADDED/ENTERED INTO THE ACCELA ENHS CASE, BSC FOLDER DRIVE AND HARD FILE FOLDER.

BSC CHECKLIST



MONTH: _____

1. BEFORE THE MEETING

- ☐ Send first reminder to BSC Commission members

Date completed:

- ☐ Received NOPH Letters and Publications from Inspectors

Date completed:

- ☐ Email NOPH and Publications to legal for approval and signatures

Date completed:

- ☐ Email NOPH letters signed by legal to Tony De La Cruz for his signature

Date completed:

- ☐ Request publication with EP Times minimum 15 days prior to meeting so it can Publish 10 days prior to meeting.

Date requested:

Date to be published:

- ☐ Record with the county the first four pages up to Legals and Building Official's signatures.

<http://apps.epcounty.com/eRecording/Account/Login>

Username: City of El Paso Planning

Password: Pl@nning2022

- ☐ Prepare NOPH Letters with envelopes and mail minimum 10 calendar days before meeting

Date completed:

- ☐ Drop off NOPH letters with City Clerk along with EP Times posting and EP County recordings for Laura Prine's Signature

Date completed:

- ☐ Mock presentations from Inspectors

Date completed:

- ☐ Enter Agenda, web backups, previous meeting minutes (PDF format) to Granicus for online posting

Date completed:

- ☐ Email second reminder to BSC Commission members

Date completed:

- ☐ Confirm with IT coverage for meeting, an email can be sent to IT-SS-TEAMS
- ☐ Friday prior to meeting, call Commissioners who have not responded to confirm quorum.
- ☐ Save Power point presentations in flash drive to use during meeting to project presentations
- ☐ To Include in Commissioner Packets (Also prepare packet for Legal, Tony, and Nathan Walsh)

Agenda

Minutes

Power Point presentations for each item

- ☐ Print out extra agendas to place at the entrance and sign in sheet for public comment
- ☐ Take name plaque, packets, and flash drive

2. DURING THE BSC

- ☐ Set up name plates according to district
- ☐ Help inspectors Set up power point in projectors
- ☐ Place agendas in the table before entering the room
- ☐ If anyone from the public wants to speak, provide the chair with the name prior to the start of the meeting.

3. AFTER THE BSC

- ☐ Collect all folders from the Commissioners and name plaques as well as USB from computer
- ☐ Once Inspectors submit Final Orders, wait for Nathan and Tony for review and approval
- ☐ Send Final Order to Legal for signature (Roman Salina, Vineyard Wendi)
- ☐ When received from Legal, Tony needs to sign
- ☐ Once final orders are signed by Wendi and Tony coordinate with the Chair to sign.
- ☐ When orders are signed by chair request Final Order in newspaper and mail out final orders
- ☐ Once newspaper posting is available, take Final Orders to City Clerk for signature
- ☐ Final orders need to be recorded with the county as well.