

# **5733 HEMMINGWAY DR**



**BUILDING AND STANDARDS BOARD AGENDA ITEM #2 FOR**  
**September 18th, 2025**

**CODE ENFORCEMENT DEPARTMENT**  
**PROPERTY MAINTENANCE AND ZONING**

**September 18th, 2025**

TO: The Honorable Chairman and Board Members

THROUGH: Tony De La Cruz, Planning and Inspections Department, City of El Paso Building Official

FROM: Nathan J. Walsh, C.B.O., Chief Building Inspector

SUBJECT: 5733 Hemmingway Dr. El Paso, Tx 79924

The following is a brief chronology of the investigation of the referenced location:

- 1) The single-family dwelling was built on or about the year 1961. The main structure was constructed of clay brick walls with a brick veneer with a wood frame roof structure with a total of 1100. sq. ft. of living area. The current investigation began on April 10, 2025. The structure was found to have substantial damage and dilapidation, the roof is severely deteriorated and open to the elements, presents a dirt floor, the structure is filled with combustible materials, trash, rubbish and debris. The structure is open to unwanted entry.
- 2) There have been eight (8) PD Code Enforcement Cases and, three (3) Property Maintenance and Zoning Cases at the property since September of 2019.
- 3) A certified notice of violation letter was mailed to the owner YOSHIDA ALLEN Y & ANA M, 12236 NE 131 ST WAY APT B102 KIRKLAND WA 98034-7326 on April 29<sup>th</sup>, 2025
- 4) Certified notices of the public hearing scheduled for September 18th, 2025 of the Building and Standards meeting were mailed to the owners and all interested parties on September 2<sup>nd</sup>, 2025.
- 5) No contact has been made with the property owners or any interested parties.

The owner(s) have been notified of the property violations at this property. As of September 10th, 2025, there has been no action taken, and therefore the Department recommends:

- 1) That the structure is substandard, unfit for habitation or use, and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the certificate of occupancy be revoked; and
- 4) That the rehabilitation be commenced, within ninety (90) days from the date of this order, including obtaining a new certificate of occupancy and City permits; or
- 5) That the structure be demolished within ninety (90) days from the date of this order; and
- 6) That the responsible party shall abide by all permitting requirements; and

- 7) That the structure be secured from the date of this order, and maintained secured until rehabilitated or demolished; and
- 8) That the premises be cleaned of all weeds, trash, and debris from the date of this order and maintained clean thereafter until the structure rehabilitation has been completed and/or structure demolished; and
- 9) That upon failure by the owner(s) or any other interested party to comply with the order of the Building and Standards Commission, the City will demolish the structure after ninety (90) days from the date of this order and may secure the structure from the date of this order or may take whatever action is necessary to bring the property into compliance and place a lien on the property for the work which will be caused by the City to be done.

**NOTICE OF PUBLIC HEARING**

**To all interested parties:**

The owners, mortgagee, lien holders, and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, hereinafter referred to as the "Commission", at the following time and place:

**LOCATION:** El Paso City Hall, 300 N. Campbell, Main Conference Room, El Paso, Texas 79901

**DATE:** Thursday, September 18, 2025

**TIME:** 12:30PM

**PROPERTY:** 5733 Hemmingway Dr El Paso TX 79924 also described as:

Lot 19, Block 98, SUN VALLEY ADDITION, UNIT NINE, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on file in the Front of the Book 916 of Deed Records of El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2021 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records ALLEN Y. YOSHIDA and wife, ANA M. YOSHIDA, 5733 Hemmingway Dr El Paso, TX 79924, are the owner(s), hereinafter referred to as the "Owner" of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Property Maintenance & Zoning Division, Planning and Inspections Department, 801 Texas Ave., El Paso, Texas, 79901, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about April 14, 2025 an inspection of the Property was conducted by the Property Maintenance & Zoning Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]

- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- i. The requirement for Privacy, minimum room dimensions, prohibited occupancy or food preparation spaces not met. [Sec.404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7]
- j. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4, 502.4.1, 502.5]
- k. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- l. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- m. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- n. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- o. The drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. [Sec. 507.1]

The Owner(s) is entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner(s) advocate(s) for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods



for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owner(s) fail(s) to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. The bylaws may be obtained at the Property Maintenance & Zoning Division, Planning and Inspections Department, 801 Texas Ave., El Paso, Texas, 79901 or by calling (915) 212-0134.

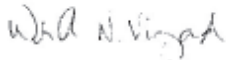
This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

**FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.**

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM:



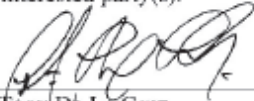
Wendi N. Vineyard  
Assistant City Attorney II

APPROVED AS TO CONTENT:



Javier "Tony" De La Cruz  
Assistant Director  
Planning and Inspections Department  
811 Texas Ave.  
El Paso, Texas 79901  
(915) 212-0104

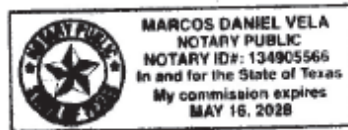
I, Tony De La Cruz, Assistant Director of Planning & Inspections, City of El Paso Building Official, hereby certify that a true and correct copy of the foregoing Notice of Public Hearing regarding the property located at 5733 HEMMINGWAY DR EL PASO TX 79924 were mailed certified-return receipt requested to all owner(s) and interested party(s).

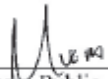
  
Tony De La Cruz

Executed this 2<sup>nd</sup> day of SEPTEMBER, 2025 on behalf of the City of El Paso, Texas, by Tony De La Cruz in his capacity as City of El Paso Building Official.

STATE OF TEXAS  
COUNTY OF EL PASO

Subscribed and sworn to before me, this 2<sup>nd</sup> day of SEPTEMBER, 2025.



  
Notary Public