ATTACHMENT TWO

Ordinance Comparison

PVPO as proposed by CPI and ACCE	Proposed APO and Current VP Ordinance
Registration Applies to: 1) all residential properties in default and REO properties irrespective of whether they are occupied or vacant Maintenance, Inspection, Security and Posting Requirements Applies to: 1) A residential property in default or a REO property and 2) Vacant or showing Evidence of Vacancy for more than 30 days.	Proposed Ordinance Applies to all of the following: 1) all vacant commercial and residential structures where Notice of Abatement has been issued by NCCD ; 2) all vacant commercial and residential structures where code violations or nuisance conditions exist at the property; 3) all vacant commercial and residential structures where property is under Notice of Default, Notice of Trustee's sale, or pending Tax Assessor's Lien Sale or which has been subject of foreclosure sale (so includes REO properties); and 3) vacant lots where there is nuisance activity or code violations
Requires that Properties Must be Registered within 30 days of issuance of Notice of Default (NOD) City shall maintain a registry of - vacant properties, - all occupied or vacant properties under default, - REO owned properties. Responsible Party for Defaulted or REO property is required to register within 30 days of NOD or sale. Information is required to be updated within 10 days of any change to the following: 1) Name, address, or type of Responsible Party, direct contact name and phone number 2) Vacancy or shows Evidence of Vacancy, (if so a Statement of Intent must be completed) 3) If Vacant or shows Evidence of Vacancy, local contact information required Purpose of registry is to determine which are at risk of becoming blighted nuisance properties with code violations and to inspect for compliance	No Registration Requirement but Responsible Person(RP) is required by law to file a Statement of Intent annually. The Statement of Intent must be filed within 30 days of the date NCCD determines property has become abandoned. The Statement of Intent requires specific information regarding ownership, contact information, and must describe RP's plan for rehabilitation, development, occupancy, and maintenance - see attached form. (current VP ordinance has this requirement but only for vacant properties which are unsecured or boarded)

Allows City to use discretion with inspecting these properties.
Registration Fee required annually (cost recovery amount)

No fee required to file Statement of Intent

Penalty for failure to Abate
Failure by RP to comply with Notice of Violation may be liable for an administrative penalty of $1000 per day with a max penalty of $500,000 unless can show that structure is subject of an active building permit for repair, rehabilitation , or demolition and RP is proceeding diligently in good faith to complete the repair, rehabilitation or demolition

Abandoned Property Penalty – current SDMC section 54.0315 states that every 90 days an owner of a vacant unsecured or boarded structure may be liable for a civil penalty of $500, not to exceed $5,000 in a calendar year, unless: (1) a Statement of Intent has been filed and approved by the Director; and (2) one of the following applies:
(A) the structure is the subject of an active building permit for repair or rehabilitation and the owner is proceeding diligently in good faith to complete the repair or rehabilitation; or,
(B) the structure is maintained in compliance with this Division and is actively being offered for sale, lease or rent; or,
(C) the property owner can demonstrate that he or she made a diligent and good faith effort to implement the actions set forth in the approved Statement of Intent within the time line contained within the Statement of Intent. Subsequent penalties are $1,000 for the next 90 calendar day period each structure continues to constitute a Vacant Structure; $1,500 for the next 90 calendar day period; and $2,000 for the next 90calendar day period that each structure continues to meet the definition of a Vacant Structure. At no time may the amount of the civil penalty exceed $5000 per structure in a calendar year. This section would be amended to apply to all Abandoned Properties

In addition, current SDMC sections 12.0609 thru 12.0610 authorize the assessment of an Abatement Penalty when property needs to be abated (boarded and secured). Penalty is at discretion of NCCD -for example if RP has assets and is repeat violator, penalty may be appropriate. Maximum rate is $2500 per day not to exceed $250,000

Reinspection fee also allowed for reinspections of property

Abatement Costs and Fee – RP shall be liable for any actual and administrative costs associated with Abatement by City	Current SDMC section 12.0612 authorizes the City to recoup costs of abatement including investigation and administrative costs.
Summary Abatement authorized	Current SDMC sections 12.0701 thru 12.0703 allow for summary abatement
Fee required for Notice to Abate and Notice of Violation (cost recovery)	No fee charged for any Notices
Appeals allowed for anyone aggrieved	Current SDMC allows for appeal of abatement and any penalties
Penalties collected to be deposited in General Fund	Penalties are deposited in Code Enforcement Fund to be used to enhance code enforcement
Maintenance Standards Requires that properties be maintained in comparison to Neighborhood Standard (free of brush, weeds, trash, and various misc material)	Maintenance Standards Requires that properties be free of waste, junk, debris, graffiti. RP may be required to erect fence to discourage dumping. Similar pool regulations. Enacting a Neighborhood Standard comparison is not recommended as it is difficult to enforce, subjective, conducive to administrative remedies only, and creates such a different standard depending on neighborhood
Posting of Signs Required - must have contact info for RP to report blight Must be 18"x24" in size; 45 feet in distance; must be visible to street	Posting of Signs May be required – must indicate address of property; whether a Letter of Agency is on file with Police; the name and telephone number of the RP or designee such as property manager, asset manager of real estate agent