

ORDINANCE NO. 1260

**AN ORDINANCE ADDING CHAPTER 156 TO THE PRINEVILLE CITY CODE
HOUSING RECEIVERSHIP ORDINANCE OF THE CITY OF PRINEVILLE**

WHEREAS, Chapter II, Section 4 of the City of Prineville Charter provides:

Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as this charter specifically enumerated each of those powers.

WHEREAS, the City of Prineville City Council finds that properties in violation of the Oregon Housing Receivership Act create an undue risk of harm to the City’s public safety officers and firefighters responding to calls at these properties, as well as neighboring citizens.

WHEREAS, the Council declares that the health, safety and welfare of citizens, public safety officers and firefighters are promoted by adopting and implementing the Housing Receivership Ordinance of the City of Prineville.

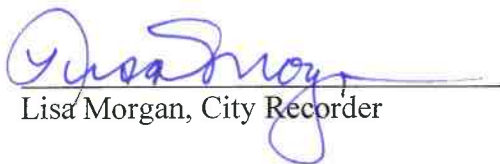
**NOW, THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE DO
ORDAIN AS FOLLOWS:**

1. The Council hereby adopts proposed Chapter 156 attached to this Ordinance to the Prineville City Code.

Presented for the first time at a regular meeting of the City Council held on May 26, 2020, and the City Council finally enacted the foregoing ordinance this 9th day of June, 2020.


Stephen R. Uffelman
Mayor

ATTEST:


Lisa Morgan, City Recorder

CHAPTER 156: RECEIVERSHIP

156.01 Title, Purpose, and Scope; Findings.

This ordinance shall be known and may be cited as the “Housing Receivership Ordinance of the City of Prineville.” The purpose of the ordinance is to establish the authority and procedures for the use of the Oregon Housing Receivership Act (ORS 105.420 to 105.455), and shall apply to all residential property. The remedies provided for in this ordinance shall be in addition to any other remedy set out in the Code. In addition to the Oregon Legislature’s findings set out at ORS 105.420, the City Council specially finds that properties in violation of the Act create an undue risk of harm to the City’s public safety officers and firefighters responding to calls at these properties, as well as neighboring citizens. The Council declares that the health, safety and welfare of citizens, public safety officers and firefighters are promoted by adopting and implementing the Housing Receivership Ordinance of the City of Prineville.

156.02 Definitions.

(1) “Abatement” means the removal or correction of any condition at a property including demolition that violates a provision of a City building or housing code, as well as the making of other such improvements or corrections as are needed to affect the rehabilitation of the property or structure, but not including the closing or physical securing of the structure.

(2) “Building or housing code” means any City law, ordinance or regulation concerning habitability or the construction, maintenance, operation, occupancy, use or appearance of any property.

(3) “Interested Party” means any person or entity that possesses any legal or equitable interest of record in the property, including but not limited to the holder of any lien or encumbrance of record on the property.

(4) “Property” means any real property and all improvements thereon including edifices, structures, buildings, unit or part thereof used or intended to be used for residential purpose including single-family, duplex, multi-family, and mixed-use structures which have one or more residential units.

156.03 Authority

(1) Subject to Council approval, when the City Manager finds that a property is in violation of a building or housing code, and in the exercise of reasonable discretion believes that violation is a threat to the public’s health, safety, or welfare, the City Manager may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement.

(2) In administering the provisions of this ordinance, the City Manager’s approval shall include, but is not limited to:

- a. The selection of properties, subject to Council approval;

- b. The selection of appropriate receivers, subject to Council approval; and
- c. The establishment of written rules and procedures as are deemed necessary for the administration of this ordinance.

156.04 Selection of Properties.

In selecting properties where the City may seek appointment of a receiver, the City Manager shall consider those properties that have, at a minimum, the following characteristics:

- (1) A violation of a building or housing code that threatens the public health, safety, or welfare; and
- (2) The owner has not acted in a timely manner to correct the violations.

156.05 Notice to Interested Parties and Application

(1) At least 60 days prior to the filing of an application of a receiver, the City Manager shall cause notice to be sent by certified mail to all interested parties.

(2) The notice shall give the date upon which the City has the right to file with the Court for the receiver, and in addition shall:

- a. State the address and legal description of the property;
- b. List the building or housing code violations which give rise to the proposed application; and
- c. Give the name, address, and telephone number of a person who can provide additional information concerning the violations and their remedy.

156.06 Selection of Receivers

In selecting specific receivers, the City Manager shall choose the City agency or department designated by the City as being responsible for the rehabilitation of property, an urban renewal agency, or a private not-for-profit corporation, the primary purpose of which is the improvement of housing conditions within the City. In making the selection, the City Manager shall consider, at a minimum, the following:

- (1) The receiver's experience in rehabilitating and managing this type of property; and
- (2) The receiver's capacity to take on additional property management responsibilities.

156.07 Powers of a Receiver.

A receiver appointed by the Court shall have the authority to take any of the actions provided in ORS 105.435.

156.08 Plan and Estimate

Within 30 days after appointment by the court, a receiver shall submit to the City Manager a written plan for abatement. The City Manager shall approve the plan before the receiver commences work on the abatement.

156.09 Record Keeping

The receiver shall keep a record of all monies received and expended and all costs and obligations incurred in performing the abatement and managing of the property. Records shall be kept in a form as shall be agreed upon by the receiver and the City Manager, and copies shall be provided to the City Manager upon request.

156.10 Purchasing

Excepting any Conflict of Interest policy, all abatement work done pursuant to this ordinance is exempt from the provisions of the City's contracting and purchasing code.

156.11 Lien Enforcement; City Agency or Department as Receiver; Foreclosure

In accordance with ORS 105.440(2), if the costs and obligations incurred due to the abatement have not been paid, the order of the Court shall be filed with the county recorder within 60 days of its filing with the Court and shall thereafter constitute a lien on the property. In addition, unpaid liens shall be entered into the docket of City liens, and shall bear interest at the rate of nine percent (9%) per annum and shall begin to run from the date of entry of the lien in the lien docket. Thereafter, the City may cause the property to be sold as provided in ORS 223.505 to 223.590, or any other method provided by law.