

POLICY ON WAIVING LIENS FOR DEMOLITION OF DANGEROUS BUILDINGS

OR HEALTH AND SAFETY ABATEMENTS

I. PURPOSE

This policy establishes the guidelines for waiving and releasing liens placed on property by the city, and specifically covers those liens placed for demolition of a dangerous building or abatement of health and safety violations.

II. DEMOLITION AND HEALTH AND SAFETY ABATEMENT

Pursuant to Chapter 8 of the City of Killeen Code of Ordinances, dangerous buildings or structures are a public nuisance and shall be abated. The city shall comply with all requirements in state law and Chapter 8, as may be amended in the future, in demolishing dangerous buildings.

Nuisances found in Chapter 18 of the City of Killeen Code of Ordinances include high weeds and grass; dangerous weeds over 48 inches; accumulation of litter, trash or rubbish; littering by depositing or dumping; stagnant water; allowing unsanitary conditions; care of premises; and accumulation of fill dirt. These are considered public nuisance pursuant to Chapter 18. The city shall comply with all requirements in state law and Chapter 18, as may be amended, in abatement of public nuisances.

III. FUNDING

Demolition of dangerous buildings shall be completed using any funds available to the responsible department, including the city's general fund and Community Development Block Grant ("CDBG") funds as allowed. Abatement of health and safety nuisances shall be completed using any available funds, but CDBG funds shall not be used.

IV. PLACEMENT OF LIEN

If the owner(s) of property fails to reimburse the city for the costs of demolishing a dangerous building or abatement of a health and safety violation, after the city has given required notice and time to pay, the city shall place a lien on real property on which the violation occurred. The lien shall accrue interest at the rate provided by law until the lien is paid or otherwise released.

V. PROCEDURE FOR WAIVING LIENS

Liens may be waived when Bell County Tax Appraisal District has placed a property into trust for failing to sell in previous sheriff's sales and the city did not previously waive liens. When a property is in trust, the city is responsible for maintenance of the property and may not place additional liens for any abatement to remedy the violation. By the time a property is placed in trust, the city has also made multiple unsuccessful attempts to collect on the liens placed during demolition.

If the city elects to intervene as a party to a foreclosure for delinquent taxes by the Bell County Tax Appraisal District, liens are not waived but instead are extinguished in the foreclosure process.

The city shall not waive liens at the request of a property owner unless, after investigation by city staff, it is determined that the lien was placed in error.

The City Council shall retain authority to waive liens not outlined in this policy and upon any a finding of a public purpose.

When liens are waived, Community Development will prepare a release of lien to be filed in the Bell County records.

VI. PUBLIC PURPOSE

The public purpose served by waiving outstanding liens is to make the properties more marketable by Bell County Tax Appraisal District at sheriff's sales, since often the liens exceed the value of the property and discourage buyers. It will also reduce the amount of time and money the city spends maintaining the real property placed in trust.

VII. WAIVER OF INTEREST ON LIENS

The city makes various attempts to collect outstanding liens, which includes administrative fees and interest that accrues by law from the time of filing with Bell County. Property owners often claim no knowledge of the lien or that a property management company should be responsible. As stated above, the city shall not waive liens at the request of a property owner. The city may waive interest and/or administrative fees on a lien where there is a benefit to the city. Such requests shall be reviewed by the City Manager or his/her designee for approval.

VIII. RESPONSIBILITY AND AUTHORITY

This Policy will be reviewed every three years by the City Council. Upon completion of the review, the City Council will adopt a resolution stating that it has reviewed the Policy on Waiving

Liens for Demolition of Dangerous Buildings or Health and Safety Abatements, and the outcome. Periodic revisions to the Policy will also be approved by resolution of the City Council.

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