

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 630

An Ordinance authorizing forfeiture of redemption for tax foreclosed property upon abandonment or waste; requiring the tax collector to deed property to the County after hearing; to permit affected persons to appear or redeem to avoid forfeiture of redemption right and declaring an emergency.

Multnomah County ordains as follows:

Section I. Section Title and Pleading.

This ordinance shall be known as the Multnomah County Tax Foreclosure Redemption Forfeiture ordinance, may be so pleaded, and shall be referred to herein as "this ordinance."

Section II. Findings.

(A) Properties ordered foreclosed for delinquent taxes by the court do not legally pass into County ownership for two years thereafter during which period persons with recognized legal interests may pay all required taxes to redeem their property.

(B) During the two year redemption period many properties remain vacant or undeveloped resulting in significant deterioration and loss of value for the property as well as contributing to decline of neighborhoods, discouraging investment and attracting nuisances through accumulation of discarded material, occupancy by unauthorized persons and

1 establishment of criminal enterprises.

2 (C) The 1989 legislature created authority for counties to  
3 enact ordinances to accelerate the expiration of the two year  
4 redemption period for tax foreclosed properties which suffer  
5 abandonment or waste and to require the tax collector to convey  
6 title to the County, permitting earlier County intervention to  
7 preserve the value of tax foreclosed property, enhancing  
8 recovery of delinquent taxes and protecting and preserving  
9 community interests.

10 (D) The interests of the County, through protection of the  
11 health and welfare of its residents and preserving the value of  
12 tax foreclosed properties, require that this ordinance be  
13 enacted as an emergency measure to meet and effectively deal  
14 with the problems attendant in the foreclosure of tax delinquent  
15 properties.

16 Section III. Definitions.

17 For the purposes of this ordinance, unless the context  
18 requires otherwise, the following terms are defined as follows:

19 (A) Abandonment: Property not occupied by the owner or  
20 others authorized by the owner, or any entity appearing in the  
21 records of the County to have a lien or other interest in the  
22 property, for a period of six consecutive months, when such  
23 property suffers a substantial depreciation in value or the  
24 likelihood thereof if it remains unoccupied; or property vacant  
25 for less than six months when conditions thereon constitute a  
26 public nuisance or public safety hazard and the record owner

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1 refuses to abate such condition within thirty (30) days after  
2 written demand of the Director is mailed by certified mail to  
3 the last address recorded with the assessor's office.

4 (B) Board: Board of County Commissioners of Multnomah  
5 County, Oregon.

6 (C) Director: Director of the Department of Environmental  
7 Services for Multnomah County, or the Director's designee.

8 (D) Waste: The destruction, material alteration or  
9 deterioration of land or improvements thereon, whether caused  
10 directly by the person rightfully in possession thereof or  
11 permitted to be done by others through failure to supervise such  
12 property resulting in substantial loss of value, or the threat  
13 thereof, to the property.

14 Section IV. Provisions.

15 (A) Subject to hearing hereinafter provided, the owner and  
16 any person or entity that appears in the records of the County  
17 to have a lien or other interest in tax foreclosed property, the  
18 judicial sale of which has been ordered to the County pursuant  
19 to ORS 312.100, shall forfeit any right of redemption in such  
20 property thirty days after the Board has declared such right  
21 forfeit, and upon execution of a deed by the tax collector to  
22 such property all redemption rights in the property shall  
23 terminate.

24 (B) Upon determining that any tax foreclosed property sold  
25 to the County suffers waste or abandonment, the Director may  
26 require a hearing to be conducted to determine whether such

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1 property should be deeded to the county, pursuant to this  
2 ordinance. The Director may appoint a hearings officer to  
3 perform all acts necessary to assure an adequate and complete  
4 hearing is provided.

5 (C) Not less than 30 days prior to the hearing, the  
6 Director shall notify the owner and any person or entity that  
7 then appears in the records of the County as defined in ORS  
8 312.125(6), to have a lien or other interest in the property  
9 subject to the hearing, and the occupants of the property, in  
10 writing and by both certified and regular first class mail, of  
11 the following:

12 (1) The date, time and place of hearing;

13 (2) The date of the judgment and decree entered  
14 pursuant to ORS 312.100;

15 (3) The normal date of expiration of the period of  
16 redemption under ORS 312.120;

17 (4) A warning that a determination that the property  
18 suffers waste or abandonment will result in forfeiture of the  
19 remaining redemption period and issuance of a deed to the County  
20 following expiration of 30 days from the date the Board makes  
21 such determination and that all rights of effected persons will  
22 be forfeit forever unless the property is redeemed within that  
23 30 day period;

24 (5) Legal description of the property and its tax  
25 account number;

26 (6) The name of the owner as it appears on the latest

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1 tax roll.

2 (D) The notice required herein shall be addressed in the  
3 following manner, as appropriate:

4 (1) To an owner, to the owner or owners, as reflected  
5 in the County deed records, at the true and correct address of  
6 the owner as appearing on the instrument of conveyance under ORS  
7 93.260, or as furnished under ORS 311.555, or as otherwise  
8 ascertained pursuant to ORS 311.650; or

9 (2) To a lienholder or entity other than the owner  
10 having or appearing to have a lien or other interest in the  
11 property, to an address which the Director knows or after  
12 reasonable inquiry, has reason to believe will most likely  
13 result in receipt of actual notice. Reasonable inquiry shall  
14 include reliance upon records on file with the state corporation  
15 commissioner, or if the corporation or limited partnership is  
16 not registered in this state, then by sending notice to the  
17 principal office or place of business of the corporation or  
18 limited partnership.

19 (3) To the occupants by first class mail addressed to  
20 "Occupants" and by posting the property.

21 (E) The hearing provided for herein shall be conducted in a  
22 manner calculated to permit full opportunity for the parties to  
23 present and challenge evidence and for the receipt of evidence  
24 without strict observance of formal evidentiary rules, to the  
25 end that the Director may have sufficient basis on which to  
26 recommend to the Board that forfeiture is appropriate. Parties

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1 to the hearing may appear through a representative, so long as  
2 written authorization of any non-attorney to represent the owner  
3 or lienholder is included in the record. Electronic recording  
4 of the proceeding shall be made and preserved for 90 days after  
5 the date of the Board's decision in paragraph (G) herein.

6 (F) Upon a finding by the Director that property is  
7 subjected to waste or abandonment, resulting in forfeiture of  
8 the remaining redemption period, the Director shall communicate  
9 such finding to the Board for its determination. No further  
10 evidence shall be taken by the Board, but it may remand to the  
11 Director should it require further investigation.

12 (G) When the Board adopts the recommendation of the  
13 Director, it may then direct the tax collector to deed the  
14 property to the County not earlier than thirty (30) days from  
15 the date of the Board declaration of forfeiture, during which  
16 period the property may be redeemed by the affected parties.

17 (H) Upon failure of any affected party to redeem within 30  
18 days after the Board acts, the tax collector shall issue a deed,  
19 terminating all redemption rights and cancelling all taxes and  
20 special assessments.

21 (I) Any persons still in possession of the property after  
22 issuance of a deed under paragraph (G) may be removed as  
23 provided in ORS 105.105 to 105.165.

24 Section V. Review.

25 Review of the Board's decision provided in Section IV(G)  
26 shall lie only by Writ of Review, pursuant to ORS Chapter 34.

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Section VI. Savings and Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, that portion shall be considered a separate, distinct and independent provision, and the holdings shall not affect the validity of the remaining portions of this ordinance.

Section VII. Emergency Clause.

This ordinance, being necessary for the health, safety and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its execution by the County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.

Adopted this 30th day of November, 1989, being the date of its first reading before the Board of County Commissioners of Multnomah County.

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By Gladys McCoy  
Gladys McCoy  
Multnomah County Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By Paul G. Mackey  
Paul G. Mackey  
Assistant County Counsel

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