

1 BEFORE THE BOARD OF COMMISSIONERS

2 FOR THE COUNTY OF MULTNOMAH

3 ORDINANCE NO. 630

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

9 Multnomah County ordains as follows:

10 Section I. Section Title and Pleading.

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

14 Section II. Findings.

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

20 (B) During the two year redemption period many properties
21 remain vacant or undeveloped resulting in significant
22 deterioration and loss of value for the property as well as
23 contributing to decline of neighborhoods, discouraging
24 investment and attracting nuisances through accumulation of
25 discarded material, occupancy by unauthorized persons and
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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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1 Section VI. Savings and Severability.

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

7 Section VII. Emergency Clause.

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

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

16
17 (SEAL)

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

18
19 By Gladys McCoy
20 Gladys McCoy
Multnomah County Chair

21 REVIEWED:

22 LAURENCE KRESSEL, COUNTY COUNSEL
23 FOR MULTNOMAH COUNTY, OREGON

24 By Paul G. Mackey
25 Paul G. Mackey
Assistant County Counsel
26 6115R/mw
11/9/89/1

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