

[Bracketed] material is that portion being deleted
Underlined material is that portion being added

BILL NO. _____

SUMMARY – An Ordinance amending Title 11 of the Clark County Code by adding a new Chapter designated as Chapter 13 relating to registration of abandoned residential property.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 11 OF THE CLARK COUNTY CODE TO REQUIRE A BENEFICIARY TO PERFORM AN INSPECTION UPON DEFAULT OF TRUSTOR WITHIN 10 DAYS OF RECORDING A NOTICE OF DEFAULT AND TO REGISTER THE PROPERTY IF IT IS DEEMED ABANDONED; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 11, Chapter 11.13, which shall be titled as Registration of Abandoned Residential Property is hereby added as follows:

11.13.010 Findings

(a) Pursuant to NRS 244.189, a board of county commissioners may exercise such powers and enact such ordinances, not in conflict with the provisions of NRS or other laws or regulations of this State, as the board determines are necessary and proper for the rehabilitation of abandoned residential property.

(b) By enactment of the ordinance codified in this Chapter, the Clark County Board of County Commissioners has determined its provisions are necessary and proper for the rehabilitation of abandoned residential property.

(c) The presence of vacant, abandoned residences can lead to neighborhood decline, attractive public nuisances, contribute to lower property values and discourage potential buyers from purchasing a home adjacent to or in neighborhoods with vacant abandoned residences.

(d) Abandoned residences quickly succumb to the forces of nature and the elements, grass and weeds grow long, swimming pools become stagnant, public health hazards, landscaping dies from lack of attention or grows out of control, windows break, and exteriors suffer damage from normal wear-and-tear and vandalism and communities suffer, and has a negative impact first on neighboring residences and then on entire neighborhood.

(e) The abandoned residential property registration program is a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned property.

(f) Neighborhoods should be protected from becoming blighted through the lack of adequate maintenance and security of abandoned and vacant properties subject to mortgages that are in default.

(g) The beneficiary's registration of abandoned and vacant residential property, or residential property subject to a mortgage which is in default, will establish a contact person for the county to address concerns regarding the maintenance and security of the property.

(h) It is in the public interest to address safety and aesthetic concerns and the economic order of the County to assure that abandoned residential property subject to a

mortgage in default or foreclosure will continue to be maintained and secured and that blight will not occur.

11.13.020 Definitions

(a) “Abandoned” means residential property that is vacant and is under a current Notice of Default and/or Notice of Trustee’s Sale, pending Tax Assessors Lien Sale and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure and any residential properties transferred under a deed in lieu of foreclosure/sale.

(b) “Beneficiary” means a mortgagee or lender under a note secured by a deed of trust.

(c) “County” the County of Clark, a political subdivision of the State of Nevada.

(d) “Default” means that the beneficiary filed a foreclosure action or public notice of default on the mortgage. A mortgage shall be considered in default at such time as the beneficiary declares said mortgage to be in default either in writing, by recording a lis pendens, or by its actions constituting a notice of default, or commences foreclosure proceedings.

(e) “Evidence of vacancy” means any condition visible from the exterior that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation; and statements by

neighbors, passersby, delivery agents, or government employees that the property is vacant.

(f) “Foreclosure” means the judicial or non-judicial process by which a property, placed as security for a mortgage loan is to be sold at an auction to satisfy a debt upon which the borrower has defaulted.

(g) “Responsible Contact Person” means a natural person or any form of business, whether as owner, beneficiary, mortgagee, trustee, trustor, agent or otherwise, who has authority to rehabilitate the property or a legal interest in the property.

(h) “Vacant” means any building or structure that is not lawfully occupied or inhabited by human beings.

11.13.030 Registration

(a) Any beneficiary or their designee shall perform an inspection of the residential property that is the security for the deed of trust, upon default by the trustor, within 10 days of recording a notice of default with the Clark County Recorder’s Office. If the residential property is found to be vacant or shows evidence of vacancy, it is, for purposes of this Chapter, deemed abandoned and the beneficiary shall within 10 days of the inspection register the abandoned property. The beneficiary or their designee shall register the abandoned property by registration with a system approved by the chief of code enforcement.

(b) If the residential property is occupied but remains in default, it should be inspected every other month by the beneficiary or their designee. The beneficiary shall continue to inspect the residential property every other month until (1) the trustor or

another party remedies the default or (2) it is deemed abandoned. If the property is deemed abandoned the abandoned property shall be registered as required as above.

(c) At the time of registration the beneficiary shall designate in writing the responsible contact person to maintain and secure the abandoned property subject to the mortgage in default.

(d) Registration shall contain at a minimum the name of the beneficiary, the mailing address of the beneficiary's, e-mail address, and telephone number and name of the responsible contact person and said person's mailing address, e-mail address, telephone number and fax number. The responsible contact person shall be responsible for securing and maintaining the property. The responsible contact person shall be available to be contacted by the county, Monday through Friday between 9:00 a.m. and 5:00 p.m., holidays and lunch hours accepted. The County shall charge an annual fee of one-hundred dollars (\$100.00) for any registration or a modification of registration and it may assign and delegate the collection of such fee to an independent contractor.

(e) This section shall also apply to vacant properties that have been the subject of a foreclosure sale where title is transferred to the beneficiary as well as any vacant properties transferred to the beneficiary under a deed in lieu of foreclosure.

(f) Properties subject to this section shall be required to be registered annually as long as they remain vacant or subject of having been declared by beneficiary to be in default.

(g) The beneficiary or their designee that has registered a property under this ordinance must report any change of information contained in the registration within ten (10) days of the change.

(h) Failure of the beneficiary to properly register or to reflect a change of circumstances as required by this section is a violation of the County Code.

11.13.040 Supplemental Provisions.

Nothing contained in this ordinance shall prohibit the county from enforcing its codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by code.

SECTION 2. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the ____ day of _____, 2011.

PROPOSED BY: _____

PASSED on the ____ day of _____ 2011.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
Chair

ATTEST:

DIANA ALBA, County Clerk

This ordinance shall be in force and effect from and after the _____ day of
_____ 2011.