

Slumlord Enforcement Guidelines

Chapter 11.17

11.17.01 INTRODUCTION

The Arizona Slumlord Act, A.R.S. 33-1901 through 33-1905 in conjunction with the Uniform Code for the Abatement of Dangerous Buildings, 1991 edition, as adopted by the City of Willcox, (hereafter referred to as "ADB") shall be incorporated by reference into the Willcox Slumlord Enforcement Guidelines. A.R.S. 33-1901 through 1905 and ADB may be viewed at the Elsie S. Hogan Library or Public Services and Works.

The Ordinance and the statutes create two (2) primary duties for the owner of residential rental property.

1. Registration with the County Assessor;
2. Maintenance of the rental property - failure to maintain can result in designation of the property as "slum property".

11.17.02 REGISTRATION OF RESIDENTIAL RENTAL PROPERTY:

A. Pursuant to A.R.S. 33-1901 the owner of residential rental property must register with County Assessor.

"Residential Rental Property" is defined as: property that is used solely as leased or rented property for residential purposes. If the property is space rental mobile home park or a recreational vehicle park, "residential rental property" includes the rental spaces leased or rented by the owner of the rental space, but does not include the mobile home or recreational vehicle that serves as the actual dwelling if the dwelling is owned and occupied by the tenant of the rental space and not by the owner of the rental space.

B. In addition to the requirement to register pursuant to A.R.S. 33-1901, persons and entities that are subject to this ordinance shall be required to comply with all county and state registration requirements.

C. Consequences of Failure to Register

1. Civil sanctions for failure to register are delineated in A.R.S. 33-1902 E - F.
2. Unregistered property cannot be occupied. A.R.S. 33-1902 C.
3. Unregistered property is subject to immediate inspection; A.R.S. 33-1904 A (1);
 - a. Inspection of rented property requires the consent of tenant, or the issuance of an inspection warrant;
 - b. If property is a rental space in a mobile home park, right to inspect does not extend to dwelling unit not owned by landlord.

4. The City may conduct inspections on a periodic basis in furtherance of health, safety and welfare. The basis for the inspections may be founded upon any of the following:

- a. Complaints or requests from interested persons.
- b. Condition and appearance of the subject property that give rise to health, safety and/or welfare concerns.
- c. Scheduled routine City inspections.

5. As delineated in A.R.S. 33-1904 A 1 - 2, inspection costs shall be assessed to owner; A.R.S. 33-1904 B.

6. Failure to register does not automatically designate property as slum property, or require implementation of the abatement remedies.

D. Enforcement

Information concerning registration of rental property can be obtained from the County Assessor's Office. Complaints for failure to register rental property under 11.17.02 A and B may be filed in Willcox City Magistrate.

11.17.03 DEFINITION OF SLUMLORD PROPERTY.

A Criteria for designating a "Slum Property" is defined in A.R.S. 33-1901 (3).

B. Criteria for designating a "Dangerous Building" are defined in ADB 301 and 302.

C. Determination by the City building inspector that a residential rental property is a Slum Property and/or a Dangerous Building, as defined above, will result in the building inspector issuing a Notice and Order (see 11.17.07).

1. Procedure for issuing and service of a Notice and Order is delineated in ADB 401 et al.

2. Recordation of the Notice and Order is delineated in ADB 402.

11.17.04 PROCEDURE FOR DESIGNATION AS SLUM PROPERTY

1. The procedure for designating a property as a Slum Property as prescribed under ADB Section 401. Authority to designate slum property rests with the City building inspector. If an inspection reveals that a property meets the requirements for designation, the building inspector shall follow ADB Section 401(b) 2 through 401(b) 5.

2. If the property owner fails to comply with the Notice and Order, and does not appeal the Notice, the building inspector shall file in the office of the County Recorder a Certificate of Designation as a Slum Property (see 11.17.08) pursuant to ADB Section 402. The certificate also must include a warning that the property is subject to the provisions and penalties of A.R.S. 33-1901 through 1905 and ADB 404. In the event that the property thereafter is repaired,

demolished, or otherwise abated, the building inspector shall file a new certificate stating that the property is no longer designated as slum property.

11.17.05 CONSEQUENCES OF DESIGNATION AS SLUM PROPERTY.

1. Abatement of the substandard conditions Pursuant to ADB Section 202 a property designated as a slum property constitutes a public nuisance, and shall be abated by repair, rehabilitation, demolition or removal. These abatement remedies are set forth in A.R.S. Section 403.
2. Property subject to inspections A slum property is subject to immediate inspection, and to annual inspections for 3 years, with costs of the inspection to be assessed to the owner of the slum property. See A.R.S. 33-1904 A (2) and B.
3. Appointment of a temporary receiver Pursuant to A.R.S. 33-1903, the City may seek the appointment of a temporary receiver to operate and rehabilitate a slum property.

11.17.06 ENFORCEMENT

1. Orders issued by the building inspector and/or the Board of Appeals shall be enforced in accordance with ADB Chapters 7, 8 and 9.
2. The building inspector may receive recommendations from the City code enforcement officer and the director of public safety and/or assistant fire chief concerning potential slum properties. In each case, the building inspector shall conduct an inspection to determine if the property is a slum property in accordance with 11.17.02 B 3 c (i) and/or (ii).
3. The process for enforcement of the Slumlord Ordinance is described in following flowchart.

11.17.07 NOTICE AND ORDER

401.2 (2)

Notice and Order - Abatement of Slum Property

Violation #	
Name	
Mailing Address	
Property Address	
Parcel #	

The Building Inspector of the City of Willcox has determined that the described residential rental property is a slum. The described property has three (3) or more of the conditions or defects described in Section 302 of the **Uniform Code for the Abatement of Dangerous Buildings**, as adopted by the City of Willcox.

The specific violations of Section 302 are:

Section 302 (): _____
Section 302 (): _____
Section 302 (): _____
Section 302 (): _____

You have () days from the date of service of this Notice and Order in which to take the following actions(s):

Any and all repairs must be commenced within () days and completed within () days of the service of this Notice, with all work performed in accordance with Willcox Codes, including the securing of all required permits. If directed to vacate the building, the building shall be vacated within () days from the service of this Notice. If directed to demolish the building, the building shall be vacated within () days, all permits shall be secured within sixty (60) days, and demolition must be completed within () days from the service of this Notice.

Method of Service (circle all that apply): Posted Certified Hand delivered

Inspector: _____ Date: _____ Supplement: Yes No

11.17.08 CERTIFICATE OF DESIGNATION AS A SLUM PROPERTY

**NOTICE AND ORDER
ABATEMENT OF SLUM PROPERTY**

If any required repair or demolition work is not commenced and completed as directed in this Notice and Order, the Building Inspector:

(1) will order the building vacated and posted to prevent further occupancy until the directed work is completed; and

(2) may proceed to cause the work to be done and charge the costs thereof against the property or property owner.

Additionally, upon failure to comply with this Notice and Order, the City of Willcox may take action to abate the violations and/or issue a citation to the legal owner of record or other responsible party. Any abatement costs incurred shall be billed and assessed to the legal owner or a lien placed on the property until payment in full, plus any interest due has been received. The City may also charge an additional 5% for inspections or incidental costs and these charges may also be filed as an assessment against the property. Should the City be required to file a legal action to enforce the terms of this Notice and Order, associated legal costs may also be filed as an assessment against the property.

Any person having any record title or legal interest in the building or structure may appeal from this Notice and Order or any action of the Building Inspector to the Board of Appeals. The appeal must be made in writing as provided in Chapter 5 of the Uniform Code for the Abatement of Dangerous Buildings and must be filed with the Building Inspector within the thirty (30) days from the date of service of this Notice and Order. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of this matter.

Any property designated as a Slum Property is subject to the provisions of Title 33, Chapter 17 of the Arizona Revised Statutes providing for penalties, the appointment of a temporary receiver, annual inspections, and payment of costs.

FORM: 401.2 (2)