

## **ARTICLE 25**

### **FORECLOSURE REGISTRY/ REAL PROPERTY REGISTRATION SYSTEM**

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#### **2501 PURPOSE AND INTENT**

The purpose and intent of this Article is to establish a program to reduce the amount of deteriorating real property located within the County and real property suffering from blight or creating nuisances caused by the lack of adequate maintenance. The program includes a property registration requirement designed to assist in accomplishing the intent and purpose of this Article.

#### **2501.01 INSPECTION, REGISTRATION AND DESIGNATION**

- A. Except as otherwise provided in this Article, any mortgagee who holds a mortgage on specified property upon which a notice of default event has taken place shall inspect that property or cause it to be inspected in accordance with this section. If the inspection reveals that the property is not being occupied by the mortgagor or by persons with the mortgagor's consent, the mortgagee shall register the property on forms to be provided by the County. In connection with that registration, the mortgagee shall also designate in writing a property manager to inspect, maintain and secure the property. A separate inspection, registration and designation is required for each specified property.
- B. Mortgagees have a duty to maintain the registration current, update it as necessary and re-register annually so long as the property remains a specified property.
- C. Registration pursuant to subsection 'A' of this section shall contain, at a minimum, the following information:
  1. The name and mailing address of the mortgagee and the physical address of the mortgagee if the mailing address is a post office box.
  2. A contact name and phone number for purposes of contacting the mortgagee.
  3. The name, address and phone number of the property manager.
  4. The current disposition and occupancy status of the property.
- D. Any property manager designated pursuant to this section must be:
  1. A duly-licensed property management company or property preservation company;
  2. A department or section of a mortgagee that is devoted to property management or preservation; or

3. A service provider specifically employed by a mortgagee to provide property management or preservation within the County.
- E. The obligations listed in subsection ‘A’ of this section must be fulfilled within the time frames set forth below:
1. The property inspection must occur no later than fifteen calendar days following the notice of default event regarding the property.
  2. The property registration and designation of a property manager must occur no later than ten calendar days after the inspection.
- F. With respect to each specified property, the mortgagee and its designated property manager shall be responsible for maintaining the property until the parcel no longer qualifies under the definition of specified property.

### **2501.2 REGISTRATION FEE**

The Board of Supervisors by resolution shall adopt and/or amend fees to implement the provisions of this Chapter. The County shall have the authority to collect any additional fees owed to the County at the time the property is registered. Registration fees are not pro-rated nor refundable.

### **2501.3 MAINTENANCE**

- A. Specified property shall be maintained in accordance with applicable codes and regulations, including without limitation regulations pertaining to dangerous buildings, litter, and hazardous abatement. .
- B. Pools and spas located on specified property shall be kept in working order, so the water remains clear and free of pollutants and debris or drained and kept dry.
- C. Specified property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Doors, windows, gates and other openings that make the property accessible must be closed and locked so that a key, keycard, tool or special knowledge is necessary to gain access. Broken windows must be re-glazed or boarded.
- D. Specified property shall be posted with the name and contact phone number of the mortgagee or property manager. The posting shall be no less than eight and one-half inches by eleven inches and shall contain, along with the name and contact number, the words “THIS PROPERTY IS MANAGED BY” and “TO REPORT PROBLEMS OR CONCERNS CALL” or substantially similar wording. The posting shall be placed in a window adjacent to the entry door or attached to the exterior of the entry door. Exterior postings must be made of weather-resistant materials.

- E. Except as otherwise provided herein, compliance with this Article with respect to any specified property shall be the joint responsibility of the mortgagee and the property manager, as well as the property owner.

#### **2501.4 WAIVED INSPECTION AND MAINTENANCE**

- A. A mortgagee's obligation under this Chapter regarding inspection and maintenance of a specified property may be waived by the County if the mortgagee demonstrates to the satisfaction of the County that the circumstances set forth below exist:
  - 1. The mortgage documents either expressly prohibit the mortgagee and its agents from entering the property for purposes required herein or do not authorize entry to protect the mortgagee's interests in the property; and
  - 2. There is a reasonable possibility, based on articulable evidence, that:
    - a. The obligor under the mortgage or an authorized occupant of the premises will report the entry as a trespass; or
    - b. The obligor under the mortgage will assert against the mortgagee, whether in a foreclosure proceeding or otherwise, a claim that the entry is a breach of the mortgage documents or constitutes an illegal or unauthorized entry on the property.

#### **2501.5 VIOLATIONS—ENFORCEMENT**

- A. It is unlawful for a responsible party under this Article to violate any provision of this Article and any violation will be punished as a misdemeanor as provided under §13-803.
- B. The provisions of this Article will be enforced by the Development Services Department of the County or any other employee designated by the Zoning Inspector.
- C. The Development Services Department and any employee designated by the Zoning Inspector, who observes a violation of any of the provisions of this Article shall initiate a report to the Development Services Department.
- D. In addition to any enforcement remedy otherwise available, the Development Services Department and any other employee designated by the County Zoning Inspector has authority to require a responsible party to implement additional maintenance and/or security measures as may be reasonably required to prevent further decline of the property.

#### **2501.6 LIMITATIONS AND EFFECT**

- A. Nothing in this Article:

1. Requires a mortgagee or its agent or employee to violate any criminal law, Article any court order, or to violate an automatic stay in a bankruptcy proceeding.
  2. Creates a duty or obligation that is owed to, or runs in favor of, any person other than the County and those employees or agents acting on the County's behalf.
  3. Creates or implies a cause of action in favor of, or available to, any person other than the County.
- B. No act by a mortgagee or its officers, employees, agents or contractors in compliance with this Article, and no omission of an act required by this Article on the part of a mortgagee or its officers, employees, agents or contractors, shall be deemed or interpreted to:
1. Make the mortgagee, for any purpose, a "mortgagee in possession" of property subject to a mortgage.
  2. Create a duty or obligation that is owed to, or runs in favor of, any person other than the County and those employees or agents who are acting in the County's behalf.
  3. Create or imply a cause of action in favor of, or available to, any person other than the County.
  4. Create, imply or suggest liability in tort on the part of a mortgagee or its officers, employees, agents or contractors, unless the act or omission would be actionable and result in liability independent of, and notwithstanding the provisions of, this Article.