

CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY

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Bill Type and Number: Ordinance 2021-756

Sponsor: Council Member Cumber

Date of Introduction: October 12, 2021

Committee(s) of Reference: NCSPHS, F

Date of Analysis: October 13, 2021

Type of Action: Ordinance Code Amendment; Requesting One Cycle Emergency Passage

Bill Summary: The bill amends Ordinance Chapter 672, Public Nuisance Abatement Board. Section 672.06 is amended to address cases where a cited property is sold or transferred between the time the citation and the board hearing.

Background Information: This adds procedures if the owner of the property which is subject to the complaint and hearing transfers ownership of the property between the time of the initial notice of the hearing and the time of the hearing. The property owner would need to disclose in writing the nature of the proceeding to the prospective transferee, deliver in writing to the prospective transferee a copy of the pleadings, disclose the findings to the new owner, and file a notice with the board regarding the transfer of property. Failure to disclose the information listed creates a rebuttable presumption of fraud.

The nature of the emergency is that the remaining members of the Public Nuisance Abatement Board received final approval from the Council on October 12, 2021, allowing the Board to immediately commence hearings concerning properties suspected of being public nuisances. Creating a process to address situations where a property owner has transferred title to the subject property is needed to facilitate the Board's ability to respond to the situation in an expeditious manner, while affording the new property owner sufficient due process.

Policy Impact Area: Amendment to Ordinance Code (Public Nuisance Abatement Board)

Fiscal Impact: No known fiscal impact

Analyst: Distel