

**To the Mayor and Members of the City Council****June 4, 2024**

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**SUBJECT: OVERVIEW OF PROPERTY MAINTENANCE RESPONSIBILITIES
AND RESOURCES FOR OWNERS OF VACANT PROPERTY**

The purpose of this Informal Report is to provide an overview of property maintenance enforcement and options for holding owners/tenants accountable.

Property Maintenance Enforcement

Property maintenance ordinances apply to all private property, regardless of being residentially or commercially zoned. Owners are required to keep their properties litter-free, without accumulation of materials, which tend to decay and become putrid or provide harborage for rodents and other vectors. The Code Compliance Department investigates complaints related to property maintenance violations and issues Notices of Violation to property owners and tenants to abate observed violations. If owners fail to comply, code officers proceed with enforcement actions, regardless of whether the property is occupied or vacant. Enforcement actions routinely begin with citations and expand from there to include judgements, abatements, property liens, penalties, and injunctive relief. Tenants are responsible for maintaining the cleanliness of the property and are subject to citations. Ultimately, the burden of responsibility is upon the property owner. If the property is vacant and property taxes are owed, the Code Compliance Department may submit a formal tax foreclosure request through Linebarger, Goggan, Blair & Sampson. Tax foreclosure is helpful in situations where there is an absentee or unresponsive owner. The goal is to get the property in the hands of a responsible owner who will maintain the property and occupy the buildings.

Illegal Dumping - Property Owner Responsibility

Illegal dumping is putting trash, garbage, waste or anything discarded where it does not belong, whether or not the person dumping owns the property. Dumping in unauthorized locations is a crime and a public health and safety hazard. Dump sites can contain hazardous waste and other dangerous material while also attracting rodents, mosquitoes and other pests. Illegal dumping often occurs on vacant lots, wooded areas and vacant businesses. Even though illegal dumping is a crime, the property owner is ultimately responsible for the clean-up. Code officers work with owners to find deterrents, such as limiting access to the property, placing cameras to monitor activity and creating a line of sight by cutting undergrowth and trimming trees. When property owners are non-responsive, the City pursues 10-day nuisance abatement orders for putrescible waste or orders from the Building Standards Commission for items that may be considered to have value, such as furniture or electronics. If the owner fails to comply, the City has the authority to enter onto the property and cause the removal of the items and lien the cost against the property.

Removal of Unauthorized Camps on Private Property

Unauthorized camping is prohibited unless express written permission is received from the property owner or agent. Unauthorized camps, on public or private property, may be reported by residents as well as property owners and are addressed jointly by various departments. Once a camp is reported, the Police Department's HOPE Team warns campers to leave the property and simultaneously DRC Solutions, a third-party non-profit organization, provides assessments and resources to qualifying campers. Code Compliance's Nuisance Abatement Team then posts legal notification for the owner to abate the property maintenance issue (private property only) within 10 days of the notice. Once, the 10-day time period has expired, Environmental Services' Solid Waste

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Division is scheduled to clean the property with assistance from the Police Department. The cost of removing the camp remnants is liened against the property.

Vacant Property Registration Ordinances

Some municipalities have created vacant property registration ordinances to protect the public health, safety and welfare of the residents when an owner or person responsible for a property fails to maintain and manage the property to ensure it does not become a nuisance. Vacant property ordinances require owners to register vacant buildings. Other requirements may include a registration fee, proof of insurance, submission of a maintenance plan, inspections and posting rules. Municipalities use the fees to enforce health and safety codes on these properties. Texas cities adopting ordinances addressing vacant buildings include Dallas, Arlington, Lewisville, Mansfield and San Antonio. These municipalities have taken a broad range of approaches in prescribing when and what types of vacant properties trigger the ordinance requirements including limiting the ordinance to vacant commercial or industrial properties in a central business district, historic district or tax reinvestment zones, the percentage of the structure that is vacant, and how long a property has been vacant.

When considering a vacant property registration ordinance, staffing and return on investment should be considered. Responsible owners who properly maintain their properties tend to comply with registration ordinances while absentee and unresponsive owners wait to be caught typically requiring enforcement action to gain compliance. For those owners who are non-responsive, processes currently exist to abate property maintenance violations while liening the cost against the property.

Panhandling Response Resources for Commercial Properties

The Fort Worth Police Department and resource partners continue to respond to panhandling calls for service and work with NPOs to provide training and education regarding on-going issues. Police continue to work with TPW and place signage at problem locations to educate individuals that panhandling in the streets is prohibited. Residents and businesses, to include convenience store operators and the local retail community, are encouraged to report panhandling issues.

Neighborhood Police Officers, Environmental Services, and Code Compliance staff are able to provide collateral created by the Police department during the course of routine inspection activities and to discuss resources to meet each business' unique needs.

To report issues, please use the MyFW app or reach out to the City's Call Center at 817-392-1234.

For questions regarding this information, please contact, Interim Code Compliance Director Shannon Elder at (817) 392-6326 or Deputy City Attorney Melinda Ramos at (817) 392-7631, Assistant Chief Alldredge at 817-392-4131, or Environmental Services Director Cody Whittenburg at (817) 392-5455.

David Cooke
City Manager