



CITY OF EL MONTE
COMMUNITY DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION

Minh Thai
Interim Community
Development Director

Linda Larsen
Code Enforcement
Supervisor

FORECLOSED PROPERTY ORDINANCE

PROGRAM INFORMATION

On July 20, 2010, the El Monte City Council passed the *Foreclosed Property Ordinance* (Ordinance No. 2755) to amend the residential property registration program as a mechanism to protect residential neighborhoods from blight resulting from the foreclosure crisis and un-maintained properties.

IF I WANT TO FILE A COMPLAINT ABOUT A PROPERTY, WHO DO I CALL?

To report blighted properties call the City of El Monte Code Enforcement Division ("Code Enforcement") line at (626) 580-2080 or e-mail at foreclosure@elmonteca.gov.

HOW DO I REGISTER A FORECLOSED RESIDENTIAL PROPERTY WITH THE CITY OF EL MONTE?

The registration requirements of this Ordinance may be satisfied by providing Code Enforcement with **contact information including street address and telephone number** of the person(s) directly responsible for the property in foreclosure. If the responsible person(s) are located "Out of Area", the **contact information, including street address and phone number**, for the staff of any property management or property preservation company responsible for the security, maintenance, and marketing of the property must also be provided.

Such person(s) must be empowered to:

- (1) Comply with code enforcement orders issued by the City,
- (2) Provide a trespass authorization upon request of local law enforcement authorities if the property is unlawfully occupied,
- (3) Conduct weekly inspections of the property,
- (4) Accept rental payments from tenants of the property if no management company is otherwise responsible for receipt of rents.

Lenders who register a property with Code Enforcement must report any change of information contained in the registration to Code Enforcement within ten (10) days.

WHAT ARE THE REGISTRATION FEES?

An annual registration fee in the amount of **\$398.00** shall be paid to the City of El Monte Code Enforcement Division at the time of registration. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due twelve (12) months after the initial registration date until the foreclosure is cured or the property is resold by the lender.

WHO IS AFFECTED BY THIS ORDINANCE AND WHEN IS THE EFFECTIVE DATE?

Any lender (or beneficiary or trustee who holds or has an interest in a deed of trust) on a property in foreclosure located within the City of El Monte must register that property with Code Enforcement. The Revised Foreclosure Registry Program takes effect September 1, 2010. Therefore, any lender who issues a Notice of Default after September 1, 2010, must register such property with the City of El Monte **within ten days** of the issuance of the Notice of Default. A lender who issues a Notice of Default prior to September 1, 2010, must register the property in foreclosure with the City of El Monte Code Enforcement Division by no later than September 13, 2010.

WHAT ARE THE PENALTIES IF I FAIL TO REGISTER?

If Code Enforcement determines that a lender has failed to register the property, Code Enforcement will provide written notification to the lender of their failure to comply with this ordinance. If the lender fails to comply within thirty (30) days of Code Enforcement's written notification, **the lender shall pay a penalty in the amount of \$250 for the first day of violation, \$500 for the second day of violation, \$1,000 for the third day of violation and any subsequent days of violation following Code Enforcement's written notification.**



City of El Monte

11333 Valley Boulevard
El Monte, California 91731

(626) 580-2085 – City Code Enforcement
(626) 444-2183 – Fax

Building Division Application No.: _____

Date Application Accepted
By Chief Building Official: _____

City Inspector: _____

Date Copy of Application Provided
to Beneficiary: _____

Neighbor Contact No. 1: _____
Phone No.: _____

Neighbor Contact No. 2: _____
Phone No.: _____

Special Conditions Added By Chief Building
Official: Yes
 No

(Space Above Line For Use By City)

**CITY OF EL MONTE
FORECLOSED RESIDENTIAL
PROPERTY REGISTRATION
APPLICATION**

The City of El Monte (the “City”) has enacted Chapter 8.60 of the El Monte Municipal Code (EMMC)

“... to establish a foreclosure of residential property registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned or unoccupied residential properties which are being held by a beneficiary following the completion of a foreclosure proceeding, pending sale by the beneficiary or pending lease by the beneficiary and occupancy of the unoccupied residential structure.”

If the beneficiary or holder of a mortgage security interest in residential property subject to lien foreclosure proceedings (the “Beneficiary”) or any other interested person, including the Declarant identified in Part 16 of this Application, has any question regarding the City residential property foreclosure registration program, please contact Griselda Contreras, Administrative Secretary to the El Monte Community Redevelopment Agency at (626) 580-2010 or send an email to gcontreras@elmonteca.gov and put into the email subject line the words “Foreclosed Property Inquiry”.

This Foreclosure Residential Property Registration Application (the “Application”) shall be deemed to be complete by the City, when the information required below has been provided to

the City, the registration fee amount set forth in Part 17 below, has been paid to the City and the Chief Building Official of the City has accepted this Application, as indicated at Part 18, below.

A complete Application and the accompanying fee should be delivered to Griselda Contreras, Administrative Secretary to the El Monte Community Redevelopment Agency or Teri Russell, City Code Enforcement Secretary at El Monte City Hall – West, Second Floor, 11333 Valley Boulevard, El Monte, California 91731.

The information set forth below in this Application needs to be provided to the City by the Beneficiary, or the agent of the Beneficiary, to initiate the foreclosed property registration process with the City.

1. **Street Address of the Property:**

2. **Los Angeles County Assessor Parcel Number for the Property:**

3. **Twenty-Four Hour Phone Contact Information:**

If the City has any question regarding the Property or this Application who should the City contact by telephone?

Print name of Application contact individual

Print telephone number of Application contact individual

Email address

4. (A) **Name, Address and Phone/Email Contact for Beneficiary/Lender in Foreclosure:**

Beneficiary Email Address: _____

(B) **Name, Address and Phone/Email Contact for Trustor (If known):**

Trustor Email Address: _____

(C) **Name, Address and Phone/Email Contact for Renter/Occupant (If known):**

Renter/Occupant Email Address: _____

5. (A) **Beneficiary Telephone Contact Information:**

(B) **Trustor Telephone Contact Information:**

(C) **Renter/Occupant Telephone Contact Information:**

6. **Foreclosed Property Mortgage Description:**

Beneficiary Loan Identification Number: _____

Date of Deed of Trust; and _____

Original Principal Amount of Mortgage \$ _____

7. **Date of Initial Default Inspection of the Property (SEE: EMMC Section 8.60.030(A)):**

Date of the initial default inspection of the Property unknown at time of submission of the Application

8. **Date of Default Inspection Which Confirmed Property to Be Vacant or Abandoned/Date When Beneficiary Believes Property Became Vacant or Abandoned (SEE: EMMC Section 8.60.030(C)):**

Date of such default inspection of the Property unknown at time of submission of Application

9. **Name, Address and Phone/Email Contact for Foreclosure Trustee:**

Phone Number: _____

Trustee Email Address: _____

10. **Name, Address and Phone/Email Contact For Property Management Service For Inspections (SEE: EMMC Section 8.60.030):**

Property Manager Email Address: _____

11. **Other Contact Person(s) (Specify Relationship to Beneficiary, Trustee, Property Manager or Real Estate Broker):**

Phone Number: _____

Other Contact Person(s) Email Address: _____

12. **At Time of Submission of Application, Has the Property Been Posted By Beneficiary as required by EMMC Section 8.60.030?**

Yes

No

If "No", indicate estimated date by which the required Beneficiary contact notice will be placed on Property:

13. **Photographs of Front, Rear and Sideyards of Property and indicate Date on Each Photograph**

Photos attached by Declarant

Photos to follow within seven (7) days of submission of the Application by Declarant

14. **Property Maintenance and Security Conditions**

The following paragraphs of this Part 14 of the Application (A)-(G), inclusive are conditions of the registration of the Property with the City under EMMC Chapter 8.60. The Beneficiary is responsible for compliance with each of the following property maintenance and security conditions as set forth below:

(A) EMMC Section 8.60.040 (Minimum Property Maintenance Standards)

"Properties which are abandoned or vacant shall be, in comparison to the neighborhood standard, maintained by the beneficiary and kept free of weeds, dry bush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including but not limited to furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

The beneficiary shall maintain such property free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

In general, the maintenance of abandoned or vacant property by the beneficiary shall comply with the standards set forth in Section 8.59.040 and HUD Mortgagee Letter 2007-03, dated January 25, 2007, or such other standard as may hereafter be ordered in writing addressed to the beneficiary by the Chief Building Official.

Adherence to the maintenance and monitoring standard set forth in Section 8.60.040 does not relieve the beneficiary/trustee or property owner of any obligations set forth in any covenants, conditions and restrictions and/or homeowners' association rules and regulations which may apply to the property."

[Special Note: the full text of HUD Mortgage Letter 2007-03, may be viewed by interested persons at www.hud.gov/offices/adm/hudclips/letters/mortgagee]

(B) EMMC Section 8.60.045 (Minimum Property Security Standard)

"Properties which are abandoned or vacant shall be maintained by the beneficiary in a secure manner so as not to be accessible to unauthorized persons. In general, the security of abandoned or vacant property by the beneficiary shall comply with the standards set forth in Section 8.59.030 and HUD Mortgagee Letter 2007-03, dated January 25, 2007, or such other standard as may hereafter be ordered in writing addressed to the beneficiary by the Chief Building Official."

(C) EMMC Section 8.60.050 (Supplemental Requirements for Property Maintenance and/or Property Security)

"In addition to the enforcement remedies established in Chapter 1.18, Chapter 1.19 and Chapter 1.24 of this Code, the Chief Building Official or his or her designee shall have the authority to require the beneficiary/trustee/owner and/or owner of record of any property subject to this Chapter to implement additional maintenance and/or security measures including but not limited to securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to abate and correct the decline of the property."

(D) Basic Property Maintenance and Monitoring Guidance At Time of Submission of Application:

Active maintenance and monitoring of each vacant building or structure on each parcel of land shall include all of the follow:

- (1) Maintenance of landscaping and plant materials on the parcel of land on which the vacant building is located in good condition.
- (2) Maintenance of the exterior of the building and exterior signage and signage structures, in good condition.
- (3) Regular removal of all exterior trash and debris from the parcel of land on which the vacant building is located.
- (4) Maintenance of the vacant building in continuing compliance with all applicable codes and regulations.
- (5) Prompt removal of graffiti which has been applied to any exterior surface on the vacant building or fencing surrounding the building, including graffiti applied to any sign attached to the vacant building.
- (6) Prevention of criminal activity on the premises (vacant building and/or the parcel of land on which the vacant building is located), including but not limited to use and sale of controlled substances, prostitution and criminal street gang activity.

(E) Does the Property have a Pool or Spa?

Yes

No

If "YES" describe pool maintenance arrangements to be undertaken by Beneficiary:

(F) At the time of submission of the Application to the City, the undersigned Declarant (See Part 16, below) on behalf of the Beneficiary, hereby certifies that there is no graffiti on any structure, fence, wall or sign on the Property.

By: _____

Print Name: _____

(G) The Chief Building Official of the City may, for good cause, add additional property maintenance and security conditions to the Property upon written notice to the Beneficiary at any time after the date of submission of this Application to the City.

15. **Number of Dwelling Units on the Property:**

one dwelling unit

two dwelling units

three or more dwelling units

16. **Name and Contact Information for Person (the "Declarant") Submitting this Application to the City:**

Phone Number: _____

Email: _____

The undersigned hereby represents and warrants to the City of El Monte that this Application is submitted to the City on behalf of _____ who is the:

Check each of the applicable boxes below:

- Beneficiary (See Part 4)
- Trustee in foreclosure (See Part 9)
- Property Manager (See Part 10)
- Other _____ (See Part 11)

The undersigned Declarant on behalf of the Beneficiary, whose name, address and contact information appears in Part 4 of this Application, hereby authorizes, requests and gives consent to the City of El Monte to conduct such regulatory inspections of the Property as set forth in EMMC Chapter 8.59 and EMMC Chapter 8.60, from time-to-time as may be indicated.

The undersigned Declarant hereby declares under penalty of perjury that the facts set forth in this Application are true and correct to the best personal knowledge of the Declarant.

Date: _____

By: _____

Print Name of Declarant

Phone Number of Declarant

Email Address of Declarant

17. Fee Schedule

Registration for per Property (per legal parcel)	\$198.00
Inspection and Maintenance Deposit	<u>\$200.00*</u>
TOTAL FEE	\$398.00

Additional costs for inspections or other specific City response costs relating to the Property in excess of the foreclosed residential property program requirements set forth in the City Fee Report, dated August 2008, are the responsibility of the Beneficiary to pay the City and if not paid within thirty (30) days following the date of an invoice from the City, shall be deducted from the Inspection and Maintenance Deposit: (i) at the rate of \$60.00 per hour for such additional City services, rounded to the half hour for City employee time, plus 20% of such

additional hourly cost, as City indirect overhead expense recovery; and (ii) for third party service costs (e.g., pool maintenance, property security, window replacement and the like) at the City's direct cost for the third party services if any, plus 20% for such third party cost as indirect City overhead expense recovery.

NOTE: ALL RESIDENTIAL PROPERTY SOLD OR TRANSFERRED IN THE CITY IS SUBJECT TO THE SEPERATE REAL PROPERTY INSPECTION PROGRAM OF THE CITY UNDER EMMC SECTION 17.016.040. CONTACT THE CITY OF EL MONTE, BUILDING DIVISION FOR MORE INFORMATION REGARDING THE INSPECTION OF THE PROPERTY PRIOR TO SALE OR TRANSFER UNDER THIS SEPARATE PROGRAM.

18. ACCEPTANCE OF APPLICATION BY THE CITY OF EL MONTE

The undersigned hereby deems this Application to be complete, and accepts this Application for registration of the Property on behalf of the City of El Monte.

Date: _____

By: _____

APPLICATION NOTES FOR CITY, BELOW:

*Any unused Maintenance and Inspection Deposit funds are refundable by the City to the Beneficiary upon submission to the City of proof of sale (escrow closing) or lease of the Property to a residential occupant.