



OFFICE OF
NEIGHBORHOOD SERVICES
CODE ENFORCEMENT
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February 27, 2019

**ORDER OF BUILDING OFFICIAL
CERTIFIED MAIL**

US Bank Trust NA
TTEE for LSF9 Master Participation
3701 Regent Blvd
Irving TX 75063

US Bank NA as Trustee
60 Livingston Avenue
Saint Paul MN 55107

Caliber Home Loans
3701 Regent Blvd.
Irving TX 75063

**RE: BUILDING OFFICIAL'S HEARING ON COMPLAINT OF AN ABANDONED, UNFIT AND
SUBSTANDARD HOUSE AT 1711 E DESMET, SPOKANE, WASHINGTON 99202
PARCEL NO: 35162.2407
LEGAL DESCRIPTION: SUB OF SEC 16 L10 B51
E1800371BLDG**

On February 26, 2019, a hearing was held before me as Building Official for the City of Spokane, regarding the substandard, unfit and abandoned house at 1711 E Desmet, City of Spokane, County of Spokane, State of Washington. The hearing was held in accordance with Section 17F.070.440 of the Spokane Municipal Code.

At the hearing, evidence of ownership and condition of this property was presented by the Spokane Code Enforcement Department.

After careful review and deliberation on the above I concluded as follows:

REPORT SUMMARY

At the February 26, 2019 hearing, staff reported that the previous record is on file and available by public records request.

Staff reported that on September 19 and 20, 2018, staff was in contact with the previous owner and the property preservation company regarding access to the property. Staff also re-secured the property on September 19, 2018.

Staff reported that on October 29, 2018, staff was in contact with a prospective buyer.

Staff reported that on January 25, 2019, staff received information that the property had not been sold at the Trustee sale and was now an REO property.

Staff reported that on February 6 and 7, 2019, staff was in contact with previous owner [REDACTED] and current real estate agent [REDACTED]. Staff received a voicemail from [REDACTED] requesting access to the house. Staff returned the call and left a voicemail and advised that it did not appear that she was the owner and that the property preservation company or real estate agent would need to provide her access, as the property had padlocks from these entities. Staff advised the real estate agent of the

phone call and there has been no communication regarding access since this date. [REDACTED] also stated that the property would be cleaned out and listed for sale soon.

Staff reported that on February 14, 2019, staff was contacted by a representative of a title company asking questions about the recorded document. Staff discussed the recorded lis pendens and explained the hearing process.

Staff reported that on February 20, 2019, staff conducted a site visit of the property. There was no substantial change with the exterior of the structure. Some solid waste remains on the exterior but a large solid waste abatement was conducted by Code Enforcement. Many boardings have been removed and property preservation has added padlocks to doors. Water and power remain off and there are no active permits on file.

No property representatives attended the February 26, 2019 hearing or provided testimony regarding the property.

FINDINGS

In conclusion the building is found to be substandard as defined by Section 17F.070.400 of the Spokane Municipal Code, due to:

- A. Dilapidation: exterior decay, water damage. Findings: There is moss on the roof and the roof is weathered and damaged. There are damaged and missing shingles visible on the roof.
- B. Structural defects: foundation, wall and roof framing. The basement hatchway and surrounding framing is dilapidated and there is broken framing visible in the basement.
- C. Unsanitary conditions: waste accumulation, health hazards. Findings: solid waste and exterior storage remains at the side of the house. There toilet is full of human waste.
- D. Defective/inoperable plumbing. Water was turned off on March 22, 2017 and utility notes document multiple illegal turn ons and that occupants were running a hose to a neighboring property to supply water. The property was plugged multiple times, most recently on May 10, 2017. Therefore, there is no water for sanitation at the property.
- E. Inadequate weatherproofing: siding, roofing, glazing. The roof is weathered and damaged. One section of the roof appears to only have tar paper in place. There are broken windows that have now been boarded. There is some missing siding and flashing on the house. All of this is allowing weather to penetrate the structure.
- F. No activated utility service for one year. The water meter at the property was plugged multiple times, most recently on May 10, 2017
- G. Inoperable or inadequate heating system. Findings: The meter is red tagged indicating that the power has been disconnected; therefore there is no power to operate a heating system. Propane tanks and space heaters were observed inside the house.
- H. Hazardous electrical conditions. Findings: There is exposed wiring and a damaged outlet in the kitchen.
- L. Defects increasing the hazards of fire, accident or other calamity. Findings: The property was in foreclosure (now REO) and registered as a foreclosure with the City of Spokane foreclosure monitoring database. There were at least 8 calls for service with Spokane Police at this property in November and December of 2017. Specific SPD incident numbers, 2017-20226320, 2017-20227201, 2017-20238570, 2017-20247820, 2017-202247869, and 2017-20250484 document unauthorized occupants in the house and around the property and reports of fire in the yard and on the front porch. All these defects increase the hazards of fire, accident or other calamity.

The building is also found to be abandoned as defined by Section 17F.070.030 of the Spokane Municipal Code due to:

- Giving indications that no one is presently in possession, such as by disconnection of utilities, disrepair and other circumstances.

UNFIT SMC 17F.070.410

The building is also found to be unfit as defined in Section 17F.070.410 of the Spokane Municipal Code, due to:

- Quantity and extent of conditions

BUILDING OFFICIAL'S ORDER

- 1. Order to provide a written rehabilitation plan:** You are hereby ordered to submit a rehabilitation plan for the house to address all substandard conditions known and unknown as well as any other condition that will be required to make the house habitable again. The plan must include a detailed plan for re-securing the house when needed, addressing graffiti and illegal dumping, and removing transients when necessary. The rehabilitation plan must provide a time line, costs, and estimates from professional tradesmen or contractors and indicate your financial ability to carry out the program. Demolition is an alternative rehabilitation plan when accompanied with a signed contract and time line. You must acquire all necessary permits for the rehabilitation including structural, electrical, mechanical, and plumbing. A standard rehabilitation plan is enclosed for your information.
- 2. Order to assess annual hearing process fee:** The annual hearing processing fee of \$1,500.00 is being assessed per authority of Spokane Municipal Code 8.02.067. This fee is assessed to the land owner where the substandard or unfit building is located for all costs and expenses incurred by the City in administration of and enforcement of this code. A new fee will be assessed at the beginning of each twelve month period that the building remains substandard, unfit or abandoned as determined by the Building Official. The annual hearing process fee is a lien under SMC 17F.070.500 and filed with the Spokane County Treasurer. Up to five hundred dollars of the annual fee may be refunded if the property is repaired and removed from the building official process within one year from the first hearing. The building official or his designee is authorized to officially remove a property from the building official process and authorize the refund, or release of a lien, of a portion of the fee.
- 3. Do Not Assess annual monitoring fee:** This property has been registered as in foreclosure and the registration fee paid. Therefore the Building Official monitoring fee will not be assessed.
- 4. Order to keep secure:** You are hereby ordered to keep the building secure when not undergoing rehabilitation or investigation. The property owner or their contractor may enter to make repairs.
- 5. Do not occupy:** Order is in effect until substandard conditions have been alleviated.
- 6. Further instructions:** Obtain permits where required prior to beginning such work and call for inspections. We will monitor your progress. This matter will be reviewed **August 27, 2019** at 1:30 p.m., in the Council Briefing Center, Lower Level, Spokane City Hall, 808 W. Spokane Falls Blvd., Spokane, WA. Note: the City has implemented new security procedures. You must enter the building on the Post Street side and stop at the front desk for a temporary ID badge.

ASBESTOS *An asbestos inspection is required, per State Law, before authorizing or allowing any construction, renovation, remodeling, maintenance, repair or demolition. The inspection results are required to be documented by written report, maintained on file and made available upon request to the Director, Washington State, Department of Labor and Industries (WAC 296-62-07721). For detailed information contact Spokane Regional Clean Air Agency at (509) 477-4727.*

NOTICE OF RIGHT TO APPEAL

You have the right to appeal the decision of the Building Official to the City Hearing Examiner within 30 days from the date of this letter. Appeal forms are available by contacting the Code Enforcement Department @ 625-6300. Pursuant to Spokane Municipal Code 08.02.087 an appeal fee of \$ 250 must accompany a completed appeal form. THE DATE OF THE LAST DAY TO APPEAL IS MARCH 29, 2019 AT 4:30 pm.

If you have any questions please call Jason Ruffing at (509) 625-6529.

SO ORDERED



Dermott Murphy, Deputy Building Official

DM:JR:mh\ **CERTIFIED**
US Bank Trust NA 91 7199 9991 7039 0188 2491
US Bank NA as Trustee 91 7199 9991 7039 0188 2484
Caliber Home Loans 91 7199 9991 7039 0188 2477

Enclosure: Rehabilitation Plan
PC: D. Murphy, Deputy Building Official
EMAIL: Prochamps@safeguardproperties.com
codecompliance@safeguardproperties.com
SFMortgageResearch@usbank.com
FCFirstLegalPropertyRegistration@caliberhomeloans.com
todd@509properties.com