3419 LA LUZ

BUILDING AND STANDARDS BOARD AGENDA ITEM # 6 FOR WEDNESDAY, MARCH 30, 2011

CODE COMPLIANCE DIVISION

MEMORANDUM
March 4, 2011

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Environmental Services Department

FROM: Bill Stern, Deputy Building Official

SUBJECT: 3419 La Luz Avenue, El Paso, Texas, 79903

The following is a brief chronology of the investigation of the referenced location:

1) First investigated on October 18, 2010. The multi family dwellings were built in 1942, according to Central Appraisal records, constructed of Brick walls with plaster coating and a wood framed roof structure with composition shingle covering. The structures were found occupied and in an advanced state of disrepair. There are several exposed plumbing pipes, inadequate Heating, Venting and Cooling systems and inefficient electrical systems throughout the complex posing a safety hazard to the occupants. There are two basement units that do not meet code to be occupied as habitable areas. The roof and ceiling assembly and roof coverings have not been maintained.
2) A certified condemnation letter was mailed to Antonio Dill, on December 7, 2010.
3) Certified notices of the public hearing scheduled for March 30, 2011, were mailed to the owners and all interested parties on March 8, 2011.
4) As of March 8, 2011, $5,297.36 in taxes is owed.

The owners have been notified of the property maintenance violations at this property to date there has been no corrective action taken, and therefore the Division recommends that it be found:

1) That the structures are substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3) That the structures' certificate of occupancy be revoked; and
4) That the structures can be rehabilitated; and
5) That the structures be vacated and secured within thirty (30) days and maintained secure until rehabilitated; and
6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

CODE COMPLIANCE DIVISION
December 7, 2010

NOTICE OF VIOLATION

Antonio Dill
1926 Arizona
El Paso, Texas 79902-5108

Re: 3419 La Luz Ave.
Blk: 111 East El Paso
Lot: 9 & 10 & E 15.00 Ft of 8
Zoned: A-2
BSC10-00962
7009 2820 0004 3726 0961

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

> **18.50.106.1 General.**
> When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

> **18.50.106.1.1 Unsafe Structures.**
> An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
>
> **18.50.106.1.2 Unsafe Equipment**
> Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
>
> **18.50.106.1.3 Structure Unfit for Human Occupancy.**
> A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is

in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **3419 La Luz Ave., El Paso, Texas, 79903,** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

a. The floors have not been maintained in a safe manner. [Sec. 305.4]

b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]

c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]

d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]

e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]

f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]

g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]

h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]

i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

j. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

k. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Building and Standards Commission at a hearing scheduled by this department.

As a result of the aforementioned violations, the following action may be taken:

a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards

Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.

b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-3691.

Nellie Avalos
Building Inspector

MA/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **30th** day of **March, 2011** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the building located on the property at **3419 La Luz Avenue**, in El Paso, Texas, which property is more particularly described as:

> **Legal Description: The East 15 feet of Lot 8 and all of Lot 9 and 10, Block 111, SUPPLEMENTAL MAP NO. 1 OF EAST EL PASO, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 51, Plat Records of El Paso, Texas.**

is unsafe and dangerous, because of the following violations:

a. The floors have not been maintained in a safe manner. [Sec. 305.4]

b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]

c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]

d. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]

e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]

f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]

g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]

h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]

i. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].

j. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Texas, Antonio Dill, 3419 La Luz Avenue, El Paso, Texas, 79903-4308, Antonio Dill, 1300 West Yandell, El Paso, Texas, 79902, Antonio Dill, 2711 Federal Avenue, El Paso, Texas, 79930,

Antonio Dill, 1926 Arizona Avenue, El Paso, Texas, 79930, Eagles Nest Properties, LTD, Lienholder, 8201 Lockheed, Suite 235, El Paso, Texas 79925, William Ehrlich or Herbert Ehrlich, Trustees, 109 North Oregon, 12th Floor, El Paso, Texas, 79901, Centro De Salud Familiar La Fe, Inc., Lienholder, c/o Casey S. Stevenson, Scott Hulse, PC, P. O. Box 99123, Chase Tower,11th Floor, El Paso, Texas, 79999-9123, The Webb Family Trust, Lienholder, c/o Sato Webb, 2701 Pierce, El Paso, Texas, 79930, Seok-Lee Brown, Lienholder, c/o Corey Haugland, James & Haugland, PC, 609 Montana Avenue, El Paso, Texas, 79902, ("the **Owners**") are listed as the owners of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Environmental Services Department, 7969 San Paulo Drive, El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owners of said property are hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owners, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of the Commission the City may pursue one, or more of the following actions:

I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;

II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said building in an amount not to exceed $1,000.00 a day for each violation, or $10.00 a day if the Owners show that the property is the Owner's lawful homestead; and

III) appoint a receiver as permitted by state law; and

IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:

Bill Stern, C.B.O.
Deputy Building Official
Code Compliance Division

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Antonio Dill
3419 La Luz Avenue
El paso, Texas, 79903-4308

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Antonio Dill
1300 West Yandell
El Paso, Texas, 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Antonio Dill
2711 Federal Avenue
El Paso, Texas, 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Antonio Dill
1926 Arizona Avenue
El Paso, Texas, 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Eagle Nest Properties, LTD, Lienholder
8201 Lockheed, Suite 235
El Paso, Texas, 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

William Ehrlich
Or Herbert Ehrlich, Trustees
109 North Oregon, 12th Floor
El Paso, Texas, 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Centro De Salud Familiar La Fe, Inc., Lienholder
c/o Casey S. Stevenson
Scott Hulse, PC
P. O. Box 99123
Chase Tower, 11th Floor
El Paso, Texas 79999-9123

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

The Webb Family Trust, Lienholder
c/o Sato Webb
2701 Pierce
El Paso, Texas, 79930

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Seok-Lee Brown, Lienholder
c/o Corey Haugland
James & Haugland, PC
609 Montana Avenue
El Paso, Texas, 79902

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 3419 La Luz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 3419 La Luz Avenue El Paso, Texas.

Date:
Time:

Inspector

UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 10/18/10 **REP. DISTRICT:** 8

ADDRESS: 3419 La Luz Avenue ` **ZONED:** A-2

LEGAL DESCRIPTION: The East 15 feet of Lot 8 and all of Lot 9 and 10, Block 111, SUPPLEMENTAL MAP NO. 1 OF EAST EL PASO, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 51, Plat Records of El Paso, Texas.

OWNER: Antonio Dill **ADDRESS:** 1926 Arizona Avenue
El Paso, Texas 79902

BUILDING USE: Illegal conversion of Multi-family dwellings

TYPE OF CONSTRUCTION: V – Main-brick w/wood framing; rear structure -cinder block w/wood framing

FOOTINGS: Concrete
CONDITION: Unable to determine condition of footing due to subterranean placement.

FOUNDATION WALL: Concrete
CONDITION: Fair. Unable to determine condition due to wall coverings inside on illegal basement apartments

FLOOR STRUCTURE: Wooden floors on illegal apartment units located in the main structure and concrete slab on grade on rear apartments.
CONDITION: Poor. Most if not all floor coverings must be replaced.

EXTERIOR WALLS: Brick walls on main structure and CMU on rear apartments.

HEIGHT: 20' +/- **THICKNESS:** 8" +/-

CONDITION: Fair. Only cleaning and minor repairs are needed.

INTERIOR WALLS & CEILINGS: 2 x 4 Wood framing covered with sheet rock.
CONDITION: Poor. The sheet rock walls contain holes and must be replaced in many areas.

ROOF STRUCTURE: Pitch roof, wood frame w/shingles
CONDITION: Poor. A registered roofing or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into compliance.

DOORS, WINDOWS, ETC.: Wood doors and aluminum frame windows
CONDITION: Poor. Most doors and windows must be replaced and new windows must meet egress.

MEANS OF EGRESS: Egress is obstructed.
CONDITION: Poor. Blocked windows, egress not accessible to exterior.

PLUMBING: Most of the plumbing must be replaced to meet code. A licensed plumber must be hired to evaluate the entire plumbing system and make all the required repairs.

ELECTRICAL: The electrical system is substandard and must be evaluated by a licensed contractor and make the required repairs to meet code.

MECHANICAL: Substandard. Hire a mechanical contractor to evaluate entire system and make the repairs, which are needed to bring the system into compliance with the code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: approx. 4 families

WARNING POSTED: No **BARRICADED:** NO **POLICE AID REQD.:** No

REMARKS: These substandard illegal apartment buildings are a danger to the occupants and the general public. The structures should be vacated and secured within thirty (30) days and maintained secure until rehabilitated. The property should be cleaned within thirty (30) days.

Nellie Avalos
Building Inspector