



Omaha Vacant and Abandoned Property Ordinance (Jan 14 2016)

In August, 2013 OTOC first advocated for adoption of Vacant and Abandoned Property Ordinance as a tool to fight the blight caused by owners who abandon their unwanted properties. In November, 2015 the Omaha City Council adopted a property registration ordinance with the full support of OTOC and other citizens. The Omaha registration program applies to 3 categories of commercial and residential property:

- (1) Abandoned Buildings:** Vacant and tax delinquent, foreclosed or in the process of foreclosure.
- (2) Neglected Buildings:** Vacant and deteriorated, including at least one of the following:
 - multiple code violations,
 - repeatedly unsecured for more than 30 days,
 - boarded up for more than 90 days,
 - uninhabitable due to storm or fire damage and no consistent effort to repair within 90 days of the damage,
 - substantial deterioration caused by failure to maintain and correct code violations
 - unsafe (condemned) for more than two years.
- (3) Vacant Parcels:** Vacant land that is not being maintained, including overgrown grass and landscaping, trash or abandoned personal property.

Two Properties Exempt from registration:

- (1)** Property that is listed for sale and not in foreclosure but only if outward appearance is being maintained.
- (2)** Property that is under construction with a valid building permit.

Responsible Party: (1) Owner; and

(2) Mortgage Lender who has either: (a) accepted a deed-in-lieu of foreclosure (Borrower can't just send deed to Lender-- the Lender must have accepted the in lieu of foreclosure process); or (b) obtained a judicial decree of foreclosure (there are few judicial foreclosures in Nebraska); or (c) has submitted the highest bid for the property at a foreclosure sale.

Registration After Notice From the City: City building inspectors will make complaint-initiated inspections of property to determine if registration is required under the ordinance. After receiving a notice from the City, a Responsible Party has 30 days to register the property (or complete the steps necessary to maintain and secure it so registration is no longer required), and pay a \$500 registration fee for Abandoned or Neglected Buildings. There is no registration fee for Vacant Parcels. The property must be re-registered (and \$500 fee paid for Abandoned or Neglected Buildings) every ninety days until it no longer qualifies for registration. An additional \$500 civil penalty may be assessed every ninety days for failure to register Abandoned or Neglected Buildings.

Duty of Mortgage Lender to Inspect: Once a Mortgage Lender becomes a Responsible Party it has 10 days to inspect the property and if vacant, the property is considered an Abandoned Building that must be registered within 30 days of the inspection, without waiting for notice from the City.

Duty to Maintain and Secure Property Subject To Registration: A Responsible Party must keep the property secure and maintain the outside appearance of the property, including keeping it free from trash and graffiti, mowing and maintaining the landscaping, performing exterior painting and glass replacement and taking other steps necessary to maintain an acceptable cosmetic appearance of the property.

For more information, contact OTOC at 402-344-4401 or otocfornebraska@gmail.com



Registration must include a plan and timeline to sell, repair or demolish the property.

Violation of the ordinance is a misdemeanor offense. A Responsible Party is personally liable for unpaid registration fees and civil penalties that also become liens against the property.

How to File a complaint about a house with possible code violations

To file a complaint about a house with suspected code violations, you may use email (the preferred method) or telephone

1. Email Tracy.Murray@cityofomaha.org

- Put the property address in the subject line
- In the body of the email include
 - Your first and last name (anonymous complaints are not accepted)
 - Your telephone number
 - Reasons for your complaint- description of what you see at the address
 - If the property is or is not vacant
 - If you are or are not a tenant of the property
- Email is the preferred method
 - Ms. Murray can process email complaints faster
 - You will get an email from her stating that, based on your complaint, the address is in the system

2. Telephone the Permits and Inspections Division of the Planning Department:

(402) 444-5150 Ext. 2114

- You will probably be asked to leave a voice mail
- Include the same information as in an email

3. Track the progress of the case generated by the complaint at www.enforceomaha.com

- Select the “Enforcement” tab at the bottom of the page
- Enter the case number if you know it or the address of the property
- When the new page loads under record details click the side arrow next to 'More Details'.
- Click the + next to 'Application Information Table' and the list of violations will appear.
- You can track status of the case
- Find the date of first inspection and subsequent inspections
- Find the name and address of owner

4. Telephone for other complaints:

- Health Department for rodents, bugs, or molds (402) 444-7485
- Litter and weeds (402) 444-5910
- Trees (402) 444-5925

Only the owner of the property may be told the name of the person who files a complaint and he/she must fill out paperwork at the Civic Center to prove they are the owner.