

NUISANCE ABATEMENT

The Ultimate Goal

- To get the property out of bad ownership hands and into good ownership hands
- Cannot be ownership
- Cannot be making a profit
- Why properties are in bad shape to begin with

Who Has Standing?

- The City
- Property owners within 500 feet
- Tenants of the property in question
- Nonprofit organizations which have as their mission to improve housing conditions in that particular jurisdiction

What Buildings Can Be Pursued?

- Residential buildings - single family or multifamily (but not an owner occupant of two units or less)
- Mixed use buildings with commercial space on the first floor
- Not commercial or industrial buildings

Lawsuit filed in Common Pleas Court

- ORC 3767.41 - The Nuisance Abatement Statute
- Title search - lien and mortgage issues
- File the lawsuit first, talk later
- Asking the judge to declare the building a public nuisance
- Asking the judge to appoint a receiver to abate the nuisance
- The process cannot be controlled - things must just unfold
- Others who may have an interest in the property

The Receiver

- Can be different from the entity filing the lawsuit
- Must present a plan to abate the nuisance including costs of demolition, if renovation is not feasible

- What constitutes abating the nuisance

Abating the Nuisance

- Doing the work
- Filing the lien
- Property taxes

Disposing of the Property

- Finding a buyer - court approved sale
- Foreclosure of the lien – Sheriff's Sale

Wrapping It Up

- Deed of Receiver
- Report to the court of final disposition

BEYOND RECEIVERSHIP 101

New Developments in Nuisance Abatement

- Using Nuisance Abatement on Properties Encumbered by Mortgages
 - 4668 North Edgewood (WPDC - A0306709)
 - 615 East Epworth (WPDC - A0306710)
 - 2969 Sidney - A0703534
- Using Nuisance Abatement on Foreclosed Properties
 - 3073 Massachusetts - A0900157