

# City's troubled properties create thorny problems for officials, eyesores for unhappy neighbors

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October 7, 2007

The city calls them "dangerous" and "derelict."

They are buildings with problems so severe that Salem's Compliance Services Division tracks them on regularly updated lists. Salem has 15 buildings within its city limits labeled as dangerous, derelict or both. Each listed building has its own story of a swift-moving fire, slow decay or even a misadventure in home remodeling.

"Whenever I add to it, it means something horrible has happened to somebody, somewhere," said Brady Rogers, administrator of the city's compliance services division.

Derelict buildings typically are abandoned structures dying slow deaths from neglect. A dangerous building usually gets on the city's list because of a sudden event that makes them structurally unsafe. They are both in a different class than other public nuisances, such as a property strewn with junk.

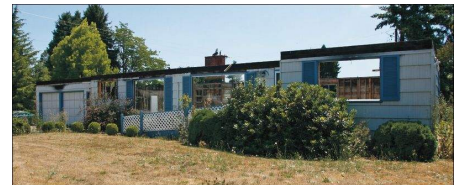
The D.A. White's seed warehouse at 140 Front St. NE -- an entry on the city's derelict list for years because of its condition and unoccupied state -- recently jumped to the dangerous list.

On Sept. 27, Salem Fire Department investigated a report that the building's foundation was cracked. Officials determined the brick structure was in danger of collapse and temporarily closed a portion of Front Street NE.

Engineering efforts to stabilize the warehouse, built in the 1890s, began last week.

Most of the buildings on the city's dangerous or derelict lists are single-family homes or apartment units, and they seldom attract as much attention as a building poised to topple in a downtown street.

In the case of fires, insurance settlements usually kick in and the damaged building is either repaired or demolished in several months. But a roofless shell of a house at 4192 Sylvia St. SE shows what can happen when complications arise.



**TIMOTHY J. GONZALEZ | STATESMAN JOURNAL**

This burned-out house on Sylvia Street SE has drawn the ire of its neighbors. The house was gutted by fire in 2006, and the city has not been able to get the property owners to take action.

## Derelict vs. dangerous

Salem makes a distinction between derelict and dangerous.

Derelict buildings primarily are abandoned, boarded-up structures with safety issues.

In Salem's city code, a derelict building is defined as "a building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare."

A building that is unoccupied and unsecured, is in a state of deterioration, or has a pest infestation can fall into the derelict category. Derelicts occasionally slide into the dangerous category as the property degrades -- sometimes after homeless people use them as campsites.

Dangerous buildings have defects "to the extent that the life, health, property or safety of the public or its occupants are endangered," according to the city code. Buildings the city labels as "dangerous" usually have structural problems, are considered a fire hazard or both.

Fires often are the culprit, but shoddy remodeling also puts buildings on the list. One of the properties on Salem's current dangerous list, for example, has a third floor built without a permit.

Technically, only the third floor of the house, 980 Cottage St. NE, is considered dangerous by the city because its ability to bear weight is questionable.

Generally, the city doesn't allow people to live in dangerous or derelict buildings.

But there are exceptions. If only part of a building is dangerous -- for example one unit in a duplex has fire damage -- the city may allow people to live in the portions deemed safe.

### Nightmare on Sylvia Street

Eighteen months ago, fire gutted the house that had served as Loving Hands Adult Foster Care home. It has lingered on the city's dangerous building list ever since, irking neighbors worried about blight.

The property's bankrupt owner has been unable to either make repairs or tear the structure down. Despite the fire damage, the building had a chance to be spared, according to the property owner's attorney.

A contractor arrived and began making repairs. The damaged roof was removed.

Then, the rebuilding effort stopped -- and rain poured into the wide open structure.

"If I decided to sell my house, it wouldn't have any curb appeal," said Jackie Gettman, who lives across the street from the eyesore in a sage-green house that she's occupied since the 1960s.

On a recent visit to the neighborhood, the condition of the property was obvious from the street. Side windows were broken and a sliding patio door was open. A jungle of weeds was growing in the yard.

"They are taller than I am," said Bette Cripe, who walks by the forlorn site to get to her residence in Sundial Mobile Home Park.

Cripe worries the building will become an unsafe "clubhouse" for children, or a gathering spot for undesirables.

Back when the foster care home was operating, the property blended in with a neighborhood filled with ranch-style houses and big yards. Neighbors had no complaints then about the house's exterior appearance or its yard.

Salem City Councilor Laura Tesler, whose Ward 2 includes Sylvia Street SE, said the neighborhood has good reason to be angry about the delay in razing the roofless house.

"I've been working with them for months on this building and it's driving me nuts," Tesler said. Rats have been observed scampering across the property, she said.

### The dangerous and the derelict

Salem began keeping lists of derelict and dangerous buildings mainly as a safety advisory for city employees. City inspectors, public works employees, police and fire officials, can check the lists before they enter a building.

No city employee is actively searching Salem neighborhoods to find candidates for the derelict or dangerous lists. Instead, the city learns about the buildings through a variety of means,

Several buildings in Salem are categorized as both derelict and dangerous.

--Michael Rose

### Link

Until recently, Salem's lists of dangerous and derelict buildings were internal documents rarely seen by the public. The city's Compliance Services Division now posts the lists on Salem's Web site.

Lists can be viewed at [www.cityofsalem.net/departments/scdev/compliance](http://www.cityofsalem.net/departments/scdev/compliance).

Complaints about buildings also can be filed online at this location.

### Drug labs

Salem also maintains a list of problem properties: those contaminated by illegal drug labs.

Methamphetamine use remains a problem in Salem, but most of the drug apparently is being made elsewhere. Salem Compliance Services Division's current list of drug lab sites is blank.

Brady Rogers, administrator of the city's Compliance Services Division, said the city has seen a sharp reduction in meth labs in recent years. Only one drug lab has been placed on Salem's list this year and that property, at 4540 Sparrow Court NE, has since been abated.

Five years ago, as many as a dozen contaminated properties were on the drug lab list, Rogers said. He speculates that restrictions on buying the chemicals needed to make meth -- such as requiring prescriptions for cold medicines containing pseudoephedrine -- have discouraged local meth production.

-- Michael Rose

including citizen complaints and media coverage of fires.

How long a property stays on either of the list depends on a number of factors: it can be a few months, it can be much longer. A house on 925 Howard St. SE has been on the dangerous list for about four years; its owner has been cited by the city, but the case still is in litigation.

Salem has limited leverage to compel building owners to make repairs or call a wrecking crew. City officials are reluctant to boot people from their homes and some owners don't have the money to fix their property.

U.S. Housing and Urban Development funds are available through the city that can help low-income people fix their homes. The program provides as much as a \$25,000 loan with zero percent interest, and the loan doesn't have to be repaid until the home is sold or title transferred.

"If the home is in such extreme disrepair that it's going to need more than \$25,000, we can't help," said Rena Peck, who oversees the city's single family rehabilitation loan program. Peck doesn't know whether the loans have been used to get a home removed from the dangerous or derelict list.

The city can slap owners of derelict buildings with fines that start at \$100 per quarter. Owners of dangerous buildings can be cited, although the city doesn't take such actions if progress is being made toward correcting the problem.

As a last resort, the city can order demolition of a building.

### **The building that wouldn't die**

Over on Sylvia Street, what fire didn't destroy is caught in a web of court proceedings and red tape.

Katherine Flynn, the property owner and former operator of Loving Hands Adult Foster Care, has insurance and financial troubles that her attorney said is thwarting attempts to clean up the site.

Dennis Liggett, Flynn's attorney, blames an insurance company for a large share of the difficulties. The insurer refused to pay Flynn's claim, which derailed the initial plan to rebuild, he said.

Liggett declined to elaborate on why Flynn's insurance claim was denied "due to possible litigation."

Salem Fire Department ruled the May 24, 2006, fire an accident. Fire investigators determined a resident of the foster care home dumped cigarette butts into a trash can, igniting the contents.

The fire's aftermath would seem to offer an opportunity for a home builder. Even though the housing market is slowing down, some builders are always on the hunt for buildable lots. In fact, Flynn did hear from at least one person interested in buying the real estate.

"When people offer you half of what it's worth, you're really not interested in selling," Liggett said.

Fynn's disputed insurance claim was only the start of her troubles. Financial problems soon followed and contributed to the delay in knocking down the burned building.

The Oregon Department of Human Services, which regulates adult foster-care homes, denied her application to open a new facility at another location. Circumstances related to the fire were cited by state officials as reasons for denying the license application, including alleged problems with evacuating the home's residents.

Flynn is appealing the state's decision.

In July, Flynn filed a Chapter 7 bankruptcy. The bankruptcy filing means a judge must approve plans to dispose of the property on Sylvia Street, throwing another complication into making the eyesore vanish.

#### **Salem goes to court**

Salem intends to ask the bankruptcy court's permission to demolish the building, which Flynn's attorney opposes.

Her attorney concedes the building is "an attractive nuisance" and needs to come down, but Flynn doesn't want the city to take charge of the demolition work. The city would place a lien on the property to cover its demolition costs and Flynn figures she can do the job cheaper, Liggett said.

Salem's compliance services division's administrator is skeptical about Flynn's ability to complete the demolition. Little progress was made in taking down the building, even before the bankruptcy filing brought things to a halt.

"They have been working on it intermittingly for a year and a half. There just doesn't seem to be a true end in sight," Rogers said.

If the bankruptcy court sides with the city's plan, Rogers would need to ask the city council to release funds for the demolition work. It would be only the second time in 14 years that Rogers has found it necessary to request city funds to demolish a dangerous building.

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