



GUIDE TO CO-EXISTING WITH NUISANCE PROPERTIES

This guide provides information about the relevant city code, and actions neighbors may take to abate some of the disruptive behaviors of a nuisance property.

Please note that the email addresses and telephone numbers presented in this document were verified and up to date when this document was prepared in July 2021. They may change over time.

If you find more up-to-date information, or information that should be added to this guide, please communicate it to the land use chair of the Brentwood-Darlington Neighborhood Association at

bdlanduse@gmail.com.

CITY OF PORTLAND CODE APPLICABLE TO NUISANCE PROPERTIES

CHAPTER 14B.60 CHRONIC NUISANCE PROPERTY
WWW.PORTLAND.GOV/CODE/14/B60

The code enumerates nuisance activities, and defines terms used throughout the code.

It states that when the police chief or a precinct commander receives two or more police reports documenting nuisance activities on or near a property, the chief or commander will review the reports and decide whether nuisance activities have occurred. The chief or commander may then inform the property owner that the property is in danger of becoming a “chronic nuisance property.”

If yet another police report convincingly documents nuisance activities at the property, the police chief or precinct commander shall notify the owner that the property is now classified as a “chronic nuisance property.” The notification will require the owner to respond quickly and propose a plan to abate the nuisance activities in order to avoid action by the police bureau.

If the owner doesn’t respond as required, the police chief or precinct commander may refer the matter to the police bureau’s commissioner (at present, the mayor) and the city attorney.

At that point, the commissioner (city council member) in charge of the Portland Police Bureau may authorize the city attorney to begin legal proceedings to abate the nuisance property as well as “seek closure” and the imposition of civil penalties and other relief deemed appropriate.

If the circuit court involved determines that the property in question is a “Chronic Nuisance Property,” the court shall order that the property be closed and secured against all unauthorized access, use, and occupancy for at least six months (but no more than one year). The court will go on to consider details of the case and decide on penalties, if any, and other matters.



BDNA Note 1: As the code makes clear, there exist several points at which a police or judicial action against a nuisance property can veer off course and fall short of property closure. Until city code changes, we are left with individual actions that we as residents may take to abate some behaviors. Information is provided below.

BDNA Note 2: At the time this guide was being assembled (July 2021), the City of Portland was facing challenges that pushed nuisance properties down the list of priorities. Although the Portland Police Bureau would like to offer relief with respect to these properties, it may not be able to do so because of reduced staffing that coincides with an increase in violent crime and other demanding issues.

ACTIONS THAT MAY ABATE SOME NUISANCE BEHAVIORS



REPORT ILLICIT ACTIVITY:

Report everything to city bureaus or police (code violations, zoning violations, illegally parked vehicles, people living in vehicles parked in the right of way where sidewalks would normally exist, abandoned vehicles, drug use or sales, loud dogs, etc.)

SEE THE BACK OF THIS GUIDE FOR A LIST OF WAYS TO REPORT

COMMUNICATE WITH THE PROPERTY OWNER:



Talk to the property owner. Reach out to build connection and relationship. Inform the property owner of the concerning behaviors observed at the property, and request abatement. If this communication is not successful, consider sending your message by certified mail to show that it was indeed delivered to the property owner, and that indeed you tried to communicate with this person or company. To find a property owner, go to www.portlandmaps.com and enter the address of the nuisance property. The name of the owner will appear in the first batch of property information.

WORK WITH NEIGHBORS ON SAFETY AND SURVEILLANCE:

If you team up with neighbors, you are likely to feel less frustrated, more fortified, and safer. Neighbors can work together to patrol the area around a nuisance property, set up surveillance video, install or repair fencing, buy dogs, carry out clean-up, and generally consult on ways to survive a difficult situation with as much humor and resilience as possible.



ACTIONS THAT MAY ABATE SOME NUISANCE BEHAVIORS (CONTINUED)



COLLECT DATA:

Keep an organized log book of dates, times, cars, license plates, and other information related to undesirable or illegal activity at the nuisance house. Include photos. Include in your log a record of all actions you take (see list of actions below). This log will help you build your case, and will be useful to the NRT and others (e.g., city commissioners, attorneys).

Ask two or three neighbors to join the effort. Ask them to keep logs and share the data with you periodically (to integrate into your own log). Give your neighbors the contact information they need to report undesirable or illegal activity observed at the property (see information later in this document). Meet with your neighbors regularly. If you can, find someone, such as a retiree, who can keep watch during the day.

BDNA Note: It is essential to collect data on suspicious behavior, not record information about individuals based solely on their race, ethnicity, age, or other characteristics. We can be quite unconscious of our own implicit bias, which may lead to unjust labeling. Therefore report and describe individuals only in connection with suspicious behavior.



CONNECT WITH THE NEIGHBORHOOD ASSOCIATION:

Ask the neighborhood association (NA) to support your efforts to make the neighborhood safer and more welcoming. The NA may be able to help by communicating with the NRT and city council, collecting area data on nuisance properties, and organizing residents to advocate as a group to city officials.



Find your neighborhood at www.portlandmaps.com

ACTIONS THAT MAY ABATE SOME NUISANCE BEHAVIORS (CONTINUED)

FORTIFY YOUR OWN PROPERTY:

For more information on making your own property safer from trespassing, vandalism, and robbery, visit:

www.eastportland.org/crime-prevention

www.portland.gov/civic/communitysafety



CONTACT EAST PORTLAND COMMUNITY SAFETY TEAM:

These city staff persons are part of the Office of Community & Civic Life. They have been assigned to help residents in the area overseen by the police bureau's East Portland Precinct.

Mary Tomkins (503) 823-4764
Mary.Tompkins@portlandoregon.gov

Stacey Vu (503) 823-5532
Stacey.Vu@portlandoregon.gov

COMMUNICATE WITH THE PORTLAND POLICE BUREAU EAST PRECINCT NEIGHBORHOOD RESPONSE TEAM (NRT):



The Neighborhood Response Team (NRT) is a group of officers assigned to deal with problems like nuisance properties. The NRT does not have the full complement of officers it once had, and it may not be able to offer the assistance it once offered. Nevertheless, if one is to have any prospect of closing down a nuisance house or at least abating its behaviors, one must connect with, and provide collected information to, the NRT.

The current lead on the East Precinct Neighborhood Response Team is Officer Craig Andersen.

Contact by email at craig.andersen@portlandoregon.gov

To connect with the NRT by leaving a phone message, call (503) 823-4800, choose **Option 2**, and speak with the front-desk officer.

WHEN TO TAKE LEGAL ACTION

One should seek high-quality legal advice and acquire a thorough understanding of one's rights and obligations before considering a lawsuit against the owner of a nuisance property. The legal process is likely to be arduous and expensive, and may well have a disappointing outcome.

Attorney Jeff Merrick has prepared a guide to lawsuits for nuisance.

He addresses:

- The difference between a private nuisance and a public nuisance.
- How bad a nuisance must be to justify a lawsuit.
- What types of damage the nuisance has caused (e.g., reduced property value).
- The necessity to show that the property owner knew of “intentional, reckless or negligent conduct.”
- Examples of defenses that could be used against your complaint.
- Information about suing for an injunction (that is, shutting down a nuisance property) rather than suing just for money damages.

To read Mr. Merrick's guide, visit:

oregonlitigationattorney.com/lawsuit-for-nuisance-in-oregon

BDNA acknowledges that Mr. Merrick is the author of the foregoing lawsuit information, but is not promoting his legal services.

Ways to Report

Non-emergency crimes:

Report non-emergency crimes to 503-823-3333
or to www.portlandoregon.gov/police/cor

Illegal camping or related garbage:

One Point of Contact - www.portlandoregon.gov/toolkit/70039
To report, call 503-823-4000 or
email: reportpdx@portlandoregon.gov (PDX Reporter)

Illegal dumping:

Report illegal dumping to Metro at 503-234-3000

Code, zoning, and other violations:

(503) 823-2633 or
www.portland.gov/bds/report-violation-and-check-status-reported-violation

Illegally parked vehicles:

Report parking violations to Parking Patrol: (503) 823-5195.
(automated reporting system)
www.portland.gov/transportation/parking/report-illegally-parked-vehicle

Abandoned vehicles:

www.portland.gov/transportation/parking/abandoned-auto

Drug complaints or drug house:

www.portland.gov/police/drug-complaint

**THIS LIST WAS VERIFIED JULY 2021
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