

Published September 2nd, 2009

Foreclosed Home Becomes Public Nuisance in Lafayette

By Cathy Tyson



This home is at the center of the controversy
Photo Cathy Tyson

are able to bring the property back to its previous condition, take much better care of it, and that the neighborhood could move forward in a positive direction," said Barcelona in a recent statement.

The City became aware of the situation when building permits were filed, but expired due to inactivity. The Contra Costa Building Inspection Department and City staff sent the property owner notice that he was in violation of Lafayette Municipal Codes regarding maintenance of property. It was so deteriorated that it had become a nuisance; the owner was given two weeks to clean it up. Well, that didn't happen. Eventually after more notices, the City did the work and billed the owner for \$4,750. This represented \$2,850 for the abatement along with costs for the City Attorney, the Code Enforcement Officer and administrative fees.

"It has not been pleasant. I have to constantly call the City about rodents, and fire hazard due to teenagers living in the abandoned home lighting candles, and the pool in the backyard attracting mosquitoes. It has been a pain," said adjacent neighbor Vivian Williams. She also worries if she sells her home this eyesore lowers the value of her property.

The \$4,750 abatement fee wasn't paid so a lien was filed with the County for that amount. A public hearing was held adopting a resolution imposing a special assessment of \$10,000 on the property in 2008, as allowed by the Lafayette Municipal Code section 8-2105 General Property Violations. A demand for payment was sent to the owner as well as the mortgage-holder at that time, Countrywide Home Loans.

Now the special assessment total is up to \$15,000 - which represents the \$10,000 fine, the \$4,750 cost of abatement and now a \$250 dollar charge has been assessed to cover cost of putting a levy on the 2009 - 2010 property tax roll.

The home went into foreclosure last year with Countrywide Home Loans. Bank of America bought the firm, so now all of Countrywide's mortgages and foreclosures are the responsibility of B of A.

"Just because a special assessment is issued doesn't mean the fine is terminated. At any time I can issue another citation if they continue not to reply to correspondence or return phone calls. The owner can rack up another \$15,000 to \$20,000 in fines," said Greg Wixom with the County Building Inspection Lamorinda office.

Calls to Bank of America were not immediately returned. Concerned residents can call the City Code Enforcement Officer about homes falling into disrepair at (925) 299-3207; concerns regarding structural issues should be directed to the Lamorinda Building Inspection Office at (925) 299-0263.

The City of Lafayette just wanted to see it cleaned up; easier said than done for a foreclosed home on the corner of Condit Road and Pleasant Hill Road. What originally was a request to clean up the yard has now become a \$15,000 lien on the property.

It started in 2004, when the home was purchased as an investment by Joel Barcelona. A large addition was planned in the rear of the home, so the back of the structure was opened up and framing began. Sheet rock and insulation were removed from the interior of the existing structure; what was left was a hollow shell. Unfortunately Barcelona, like many Californians, fell on hard times, and was unable to complete the remodel. The home eventually went into foreclosure.

"The neighbors have been very patient and endured the nuisance for too long. At one point it was intended to be my family's primary residence but that fell through.

It was more than I could handle and no longer was an investment. I hope now that the bank or the new owners

Reach the reporter at: cathy@lamorindaweekly.com

Copyright © Lamorinda Weekly, Moraga CA