

CITY OF ALBUQUERQUE

CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500

600 2nd Street NW

Albuquerque, NM 87102

Tel: (505) 924-3850 Fax: (505) 924-3847



Oct 21, 2024

NOTICE AND ORDER WITH APPEAL

**1213 INC
5715 CENTRAL AVE NE
ALBUQUERQUE, NM 87108**

Dear Property Owner:

The City of Albuquerque Planning Department, Code Enforcement Division, made an inspection of the building or structure owned, occupied, or controlled by you at: **5715 CENTRAL AV NE, Albuquerque, NM**
UPC: 101805712318032502 on Oct 21, 2024

The Property is more particularly described as:

035LOTS 26 THRU 31 & VACATED ALLEY TIJERAS PLACE ADD

Violations of the Uniform Housing Code, hereafter 'Code', City Council Enactment Ordinance No. 25-2018 and codified at 14-3-1-1 et seq ROA 1994, were found that must be corrected in order to maintain the accepted standards of health and safety provided for in the Code.

FINDINGS

The Code Enforcement Section has found the units to be substandard under the provisions of the Code. The findings of the inspection are as listed on the following page.

You may be eligible for assistance in resolving the noted violations. Please call 768-HELP for further information.

Sincerely,


Samuel Seay

Code Enforcement Specialist
(505) 803-6425

File Number: CF-2024-060230

Job Number: 213234229-001

Initial Print Date: Oct 21, 2024

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Description of Violation(s) found on the property located at:

Address: **5715 CENTRAL AV NE, Albuquerque, NM UPC: 101805712318032502**

The above-described premises have been inspected and the following violations of City laws and regulations have been found:

Violation Type	Violation Description	Resolve By Date
14-3-2-2 Light and Ventilation	At time of inspection Units 21, 22, 23, 24, 29, 33, 41, 42, 43, 44, and 47 have no ventilation for bathroom or ventilation has been plugged with rags or taped off. Resolve all violations to bring property back into compliance.	Oct 18, 2024
14-3-4-7 Hazardous Mechanical Equipment	At time of inspection Units 21,22,23,26,29,30,31,33,35,40,41,42,44,45,47,49, and 50 all have modified wall furnace, ventilation obstruction, or thermostat inop creating a fire hazard to all units. A licensed contractor shall inspect and test all mechanical equipment and make all necessary repairs with all required permits being attained and all required inspections conducted. This includes all gas lines. * Units 23 and 47 have burn marks on walls surrounding furnace.	Oct 18, 2024
14-3-4-8 Inadequate Weather Protection	At time of inspection Units 29, 30, 33, 34, 40, 42, 47, and 50 have broken or screwed shut windows door jams severely damaged from forced entry. Resolve all violations to bring property back into compliance. All broken and or missing windows and doors shall be repaired or replaced to open close and lock as designed. All doors and windows leading outside shall be properly weather protected with weather stripping to help keep the outside elements out..	Oct 18, 2024
14-3-4-11 Inadequate Exits	At time of inspection unit have excess Clotter creating a fire hazard and egress problem or windows screwed shut. Units 22, 40, 44 and 50 all were found to be in violation. Resolve all violations to bring property back into compliance.	Oct 18, 2024
14-3-4-4 Nuisance	Due to the violations listed in this Notice and Order, it has been determined that the structure is substandard and is creating a	Oct 18, 2024

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	<p>nuisance to the neighborhood and surrounding community. Structure has been in a dilapidated state for an extended period of time without adequate maintenance and is creating a nuisance to the neighborhood and surrounding community.</p> <p>*Call volume for APD and code enforcement for drug use and sales from property have increased in last month. Units 24, 29, and 36 found to have drug paraphernalia unit units.</p>	
14-3-4-1 Substandard Building	<p>Due to violations listed in this Notice and Order, your property is Substandard thereby creating a nuisance for the neighborhood and surrounding community. The property must be secured, brought up to code, and restored to a safe habitable condition. This property is to remain secured and clean at all times. A lien will be filed against the property for the securing and or cleaning of your property when necessary. The structure was secured and a lien will be filed for the costs.</p>	Oct 18, 2024
14-3-4-2 Inadequate Sanitation	<p>Dwelling has been with out any adequate maintenance for an extended period of time which has allowed for an accumulation of animal waste and trash to build up throughout dwelling creating unsanitary conditions. All waste (feces, urine) and trash shall be removed from dwelling prior to dwelling being occupied. Resolve all violations to bring property back into compliance.</p> <p>* Unit 22, 45 and 47 all have unsanitary conditions leading to hazardous condition for all surrounding units.</p>	Oct 18, 2024
14-3-4-6 Hazardous Plumbing	<p>Faucet(s) on the property were observed leaking. All leaking faucets and/or toilets on the property shall be fixed replaced or repaired.</p> <p>* Units 21, 25, 29, 34, 44, 47, 49, 50 have missing or leaking fixtures for showers and sinks in bathroom.</p>	Oct 18, 2024
14-3-4-5 Hazardous Wiring	<p>Section 14-3-3-2 (A) (2) (a) All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type</p> <p>* Units 21,23, 30, 49 and 50 have exposed wiring, excessive extension cords creating a hazardous condition and fire hazard.</p>	Oct 18, 2024

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14-3-5-12 Substandard Buildings	Section 14-3-5-12 All buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be nuisances and shall be abated by repair or rehabilitate.	Oct 18, 2024
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Code Sections	Code Description
14-3-2-2(C)	Mechanical Ventilation. In lieu of required exterior openings for natural ventilation, a mechanical ventilation system may be provided in all guest rooms, dormitories, habitable rooms and public corridors. In bathrooms, water closet compartments, laundry rooms and similar rooms a mechanical ventilation system connected directly to the outside shall be provided.
14-3-4-7	HAZARDOUS MECHANICAL EQUIPMENT shall include any mechanical equipment that does not conform to all applicable laws and codes in effect at the time of installation and which has been maintained in a good and safe condition. All dwellings and dwelling units that use gas shall be provided with gas service. Gas facilities connected to or in any building or structure are to be maintained hazard-free and in a state of good repair. All heating facilities shall be free from health hazards associated with ventilation, mounting, and gas connections and other defects. Unvented fuel-burning heaters must be of a listed and approved type and are prohibited as the sole source of heating. Ovens, stoves or ranges, or other cooking appliances shall not be used for the purpose of heating any portion of a dwelling. Listed, approved portable space heaters may only be used as the sole source of heating on a temporary basis when the permanent heating system is being repaired or replaced.
14-3-4-8(A)	Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows, doors and basement hatchways.
14-3-4-12(A)	INADEQUATE EXITS shall include all buildings or portions thereof not provided with adequate exit facilities as required by this code except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
14-3-4-4(C)	Any property or condition meeting definition of a nuisance as described under § 14-3-1-4 of this code.
14-3-4-1(B)(1)	Notwithstanding any other provision in this code if, in the opinion of the inspector, the conditions at a property constitute an imminent hazard, the inspector may order immediate abatement of the hazard without notice. Such abatement of an imminent hazard shall be limited to the minimum work necessary to remove the

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	hazard, and may include disconnection of utilities, securing of the structures or emergency cleaning of the property to abate any violations found.
14-3-4-2(L)	Lack of adequate maintenance or the presence of general dilapidation.
14-3-4-6	HAZARDOUS PLUMBING shall include any plumbing that does not conform to all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross- connections and siphonage between fixtures.
14-3-4-5	<p>HAZARDOUS WIRING shall include all wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.</p> <p>All dwellings and dwelling units shall be provided with electrical service. Electrical facilities connected to or in any building or structure are to be maintained hazard-free and in a state of good repair. The electrical system shall be free from such hazards as bare wiring; overloaded circuits or services; equipment not properly grounded; over-fused circuits; misuse of wiring, including the use of extension cords in lieu of permanent wiring; non-approved wiring; and wiring exposed to moisture or extreme heat. Broken, loose, frayed, inoperable, defective or missing portions of the electrical service, lines, switches, outlets, fixtures and fixture coverings shall be repaired or replaced.</p>
14-3-5-12	<p>All buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be nuisances and shall be abated by repair, rehabilitation, demolition, removal or securing all accessible openings and entrances to building in accordance with the procedure as provided herein.</p> <p>Any building that has been determined to be substandard and which has been abated by securing all accessible openings and entrances shall be repaired, rehabilitated, demolished or removed within 12 months of being secured. The failure to repair, rehabilitate, demolish or remove such building within 12 months shall be prima facie evidence that the building is a menace to the public comfort, health, peace or safety and should be condemned. At the first City Council meeting following the 12 month period the administration may present the City Council with a Resolution of Condemnation as provided for in Section 3-18-5 NMSA 1978 and proceed with condemnation as provided for under that statute.</p> <p>('74 Code, § 7-24-3B) (Ord. 34- 1986; Am. Ord. 2-2007; Am. Ord. 2018-025)</p>

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NOTICE OF ADMINISTRATIVE REMEDIES

Pursuant to Section 14-3-5-4(A)(1), you or any person having any title or legal interest in the building or structure may dispute the violations and findings listed above by appealing this Notice and Order or any action of the Department to the Office of the City Clerk. In the case of demolition, the appeal procedure shall be as set forth in Section 3-18-5 NMSA 1978. The appeal must be in writing and filed with the City Clerk's Office prior to the effective date of this order. The effective date of this order is eight (15) days from Oct 21, 2024.

A form for filing an appeal is available in the City Clerk's Office at 600 2nd St. NW, Suite 720. The form is not necessary as long as the required information is included in the appeal. Pursuant to Section 14-3-5-4 ROA 1994, the required information includes: the names of all appellants participating in the appeal; a brief statement in ordinary and concise language of that specific order or action protested along with a copy of the order, notice, or action together with any material facts claimed to support the contentions of the appellant; a brief statement of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside; the signatures of all parties named as appellants and their official mailing addresses; and a verification, by declaration under penalty of perjury, of at least one appellant as to the truth of the matters stated in the appeal.

An appeal of the Notice and Order will stay enforcement of that Notice and Order. Failure to file an appeal, however, shall constitute a waiver of the right to an administrative hearing. Adjudication by the Office of Administrative Hearings shall schedule the hearing to a date and time not to exceed fifteen (15) business days from the date of the filing of the appeal. Written notice of the time and place of the hearing shall be given at least ten (10) business days prior to the date of the hearing to each appellant either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. Only those matters or issues specifically raised by the appellant shall be considered at the hearing.

The department may impose a civil fine, notice of which shall be appealable under the administrative appeal procedures of this article, of \$200 for a first violation of this article, and \$300 for a second violation of this article and \$500 for a third or subsequent violation of this article. Failure to pay the fine, appeal the fine, or prevail at an administrative hearing challenging the fine shall allow the Department to place a lien upon the subject property or any asset owned by the owner. The Department may also choose to collect on the fine through any other method allowed by law. Pursuant to Albuquerque, N.M., Rev. Ordinances §14-3-5-99.

A re-inspection fee shall be assessed failed inspections after the compliance date on the Notice and Order. This fee shall be \$50 per inspection pursuant to Albuquerque, N.M., Rev. Ordinances §14-3-5-8(B). Failure to pay the fine, appeal the fine, or prevail at an administrative hearing challenging the fine shall allow the Department to place a lien upon the subject

property or any asset owned by the owner. The Department may also choose to collect on the fine through any other method allowed by law.

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ORDER

IF THE PROPERTY IS NOT VACATED, SECURED, AND THE VIOLATIONS LISTED ABOVE REMAIN OUTSTANDING BY 5:00 PM ON THE EFFECTIVE DATE OF THIS NOTICE AND ORDER, AND IF NO APPEAL IS FILED PRIOR TO THE EFFECTIVE DATE OF THIS NOTICE AND ORDER, THE CITY MAY CAUSE ANY STRUCTURES TO BE SECURED AS WELL AS ANY TRASH/DEBRIS REMOVED WITHOUT FURTHER NOTICE TO ANY PARTY, AND A LIEN WILL BE PLACED AGAINST THE PROPERTY FOR THE CITY'S COSTS ASSOCIATED WITH SECURING AND/OR CLEANING THE PROPERTY. THE REMEDIES CONTEMPLATED IN THIS PARAGRAPH ARE IN ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW.

ADDITIONALLY, A CERTIFICATE OF SUBSTANDARD BUILDING WILL BE FILED AT THE COUNTY CLERK'S OFFICE. A LIEN WILL BE PLACED AGAINST THE PROPERTY ASSOCIATED WITH THESE ACTIONS.

AS THE OWNER OF THE BUILDING OR STRUCTURE, YOU WILL HEREBY BE ORDERED TO SECURE THE BUILDING IN THE FOLLOWING MANNER SHOULD (1) YOU FAIL TO TIMELY APPEAL THIS NOTICE AND ORDER TO THE CITY CLERK'S OFFICE OR (2) THE OFFICE OF ADMINISTRATIVE HEARINGS AFFIRMS THIS NOTICE AND ORDER:

VACATE THE BUILDING OR STRUCTURE ON THE EFFECTIVE DATE OF THE ORDER. AFTER VACATING THE BUILDING OR STRUCTURE, YOU MUST THEN SECURE ALL ACCESSIBLE OPENINGS AND ENTRANCES TO THE BUILDING(S) WITHIN ONE (1) DAY OF THE EFFECTIVE DATE OF THE ORDER. FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN THE CITY SECURING THE BUILDING AND FILING A LIEN AGAINST THE PROPERTY FOR THE COST OF SECURING THE BUILDING. YOU MUST THEN REPAIR OR DEMOLISH THE BUILDING OR STRUCTURE. IN REPAIRING OR DEMOLISHING THE BUILDING OR STRUCTURE, OBTAIN ALL REQUIRED PERMITS AND PHYSICALLY COMMENCE WITHIN ONE (1) DAY(S) OF THE EFFECTIVE DATE OF THIS ORDER. THE REPAIRS MUST BE COMPLETED BY **date (OCTOBER 18, 2024)**. A FINAL INSPECTION BY THIS DEPARTMENT IS REQUIRED PRIOR TO RE-OCCUPANCY OF THE BUILDING OR STRUCTURE. A FEE WILL BE ASSESSED FOR THE FINAL INSPECTION.

If you have any questions concerning this Notice and Order, or the cited violations, please call me at: (505) 803-6425. Please reference Notice and Order number CF-2024-060230.


Samuel Beay
Code Enforcement Specialist
(505) 803-6425

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Language Access Notice. We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

Notificación de Acceso Lingüístico. Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento, ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaasdzil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihgii dah diikaah, -k'eh -di tsin Plaza Del Sol Kinit'aagoo, 600 2nd Kinit'aa NW, Albuquerque, NM 87102.

Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。