

**SAN JUAN COUNTY**  
***VOLUNTARY PROPERTY CLEAN-UP PROGRAM***  
***AND***  
***HARDSHIP RELIEF ASSISTANCE***  
**POLICY AND PROCEDURE**

Approved September 17, 2024  
by Board of County Commissioners

**BACKGROUND**

Per NMSA §4-37-1 and San Juan County Ordinances 4, 72, 73, and 127 and in an effort to clean-up the lands of San Juan County and protect the health, safety and welfare of residents of San Juan County, the Board of County Commissioners of San Juan County adopts the following program designed to clean-up premises covered with ruins, rubbish, wreckage, or debris or that contain dilapidated buildings or structures, including mobile homes, manufactured homes, campers or recreational vehicles, within the County when property owners voluntarily apply for assistance and certain income qualifications are met.

Property Clean-Up Program provides landowners who meet certain income limitations a voluntary means for cleaning up land that contains substantial amounts of ruins, rubbish, wreckage or debris, or ruined, damaged and dilapidated buildings or structures, including mobile homes and manufactured homes, that is a menace to the public health, safety, or welfare. Participants will pay only for landfill fees, not labor costs for the clean-up.

Hardship Relief Assistance, whereby all fees are waived, may be available if a landowner or occupant has received a notice from the County that the property is in violation of Ord 72 or 73 and certain, more stringent income and asset limitations are met.

The target cleanup sites are those whose landowners, through an application process, voluntarily agree to allow County employees, inmate workers, or contractors hired by the County to enter their private property for the purpose of the removal of ruins, rubbish, wreckage, debris, refuse, or dilapidated buildings or structures. Applicants of the program may or may not have received a citation or notice of violation of a County Ordinance to apply. Upon application approval, payment of any associated fees, and entrance into an Agreement for Abatement, the County may commence with the removal and disposal of ruins, rubbish, wreckage or debris, or ruined, damaged and dilapidated buildings or structures, which will be hauled off and disposed of on a scheduled date.

## **APPLICATION**

Citizens who are interested in applying for property cleanup or hardship relief assistance may contact the San Juan County Community Development Office (505-334-4550) or pick up an application at the Community Development Office or at the County Clerk's Office to apply for assistance.

## **LIMITATIONS**

No application will be accepted or considered for any of the following:

- Commercial property or business,
- For any property that has previously been cleaned-up by the County pursuant to this or any similar program within the past 2 years if the landowner has changed from the time of initial clean up, or within the past 5 years if the landowner has not changed.

This program is not targeted for household trash. Service will be reserved for larger, hard-to-handle items such as old appliances, cars, landscape debris, junk, and in some cases dilapidated buildings, structures, or mobile homes, etc.

In the event the landowner wishes a junked portable dwelling, RV, camper, boat, etc. be removed, a clear title must be provided. Under certain circumstances, the County may consider removal with no title, upon a signed waiver by the owner.

## **QUALIFICATIONS**

Applicants must be natural persons (as opposed to an artificial person such as an LLC, corporation, public entity, etc.) to qualify for the Clean-Up Program or Hardship Relief.

## **INCOME/ASSETS**

The Board of County Commissioners has set the income and asset qualifications per Resolution.

Voluntary Clean-up Program: Maximum income 200% of Federal Poverty Level. If the Voluntary Clean-up Program income qualification is met, landfill fees will be charged.

Hardship Relief Assistance: Maximum income 100% of Federal Poverty Level AND maximum liquid assets of \$6,000. If Hardship Relief Assistance is granted, all fees will be waived. To qualify for Hardship Relief Assistance, **applicant must provide a statement of need accompanied by proof of all household liquid assets and resources.**

To qualify for services, **applicants must provide income verification documentation. Last year’s W-2 Income Tax Form, 12 months of pay stubs, or other verifiable income documentation must be provided.** San Juan County Clean-up Program mirrors the San Juan County Health Care Assistance Program (HCAP) Federal Poverty Level (FPL) Guidelines (see “Chart A” below). Please note, the federal poverty guidelines are updated annually, and any changes will automatically be incorporated into this policy.

Chart A: Income Limits

<b>Federal Poverty Guidelines 2024</b>		
<b>Household Size</b>	<b>Income Limit Eligibility 200%</b>	<b>Income Limit Hardship Relief 100%</b>
1	\$30,120.00	\$15,060.00
2	\$40,880.00	\$20,440.00
3	\$51,640.00	\$25,820.00
4	\$62,400.00	\$31,200.00
5	\$73,160.00	\$36,580.00
6	\$83,920.00	\$41,690.00
7	\$94,680.00	\$47,340.00
8	\$105,440.00	\$52,720.00
	Add \$10,760 for each additional family member	Add \$5,380 for each additional family member

### **HARDSHIP RELIEF ASSISTANCE**

To qualify for hardship relief assistance, applicant must specifically request hardship relief on the application and must meet the income/asset requirements listed above as well as the following:

- Be a resident of San Juan County for at least 90 days
- Be the owner or occupant of the property proposed for clean-up
- Have received a notice of violation of SJC Ord 72 or Ord 73
- Have not had a judgement entered in Magistrate Court involving the same property and the same parties

### **HAZARDOUS MATERIALS SURVEY**

Each applicant, once determined to be income qualified for the program, must provide to the County documentation that a professional hazardous materials survey has been completed and no hazardous materials or substances are present on the property. The County may make exceptions to this requirement when appropriate and at its sole

discretion. This requirement is waived for those who qualify and are accepted for Hardship Relief Assistance under Ord 72 or 73.

A clean survey is required prior to acceptance into the program. If the survey identifies hazardous materials, the applicant is responsible for abatement of the hazardous materials and evidence of sufficient abatement must be provided to the County prior to the property being accepted for clean-up. The survey and any associated removal or abatement of hazardous materials shall be at the landowner's sole expense.

In the event hazardous waste is determined to be present, the landowner may be directed to the Household Hazardous Waste Program if appropriate.

### **REVIEW PROCESS**

Each application will be considered by a review team, which shall include the Community Development Director, on a case-by-case basis to determine qualifications and exact services to be provided. If the applicant has demonstrated they are income qualified and the County can verify property ownership, then a County representative will visit the site to log and photograph what is being requested for cleanup. San Juan County will not enter any dwellings or other private structures as part of this review process without consent of the owner or occupant. If consent is required for review, but denied by the owner or occupant, the application may be denied.

This information will be shared with the review team to determine the extent of assistance to be offered and whether the property shall be eligible for clean-up. If the property is determined eligible for the program, the applicant will be notified of the estimated size (small – extra large) and fee for the project and to move forward with the required hazardous materials survey.

Once a clean survey is received and approved by the County, and applicant pays all associated fees, applicant will be eligible to enter into an Agreement for Abatement with the County.

Acceptance determination will be made at the sole discretion of the County. Availability of County resources at the time of application shall be considered by the review team. Applicants may be denied due to lack of county resources even if they meet all other qualifications.

The decision of the review team will be communicated to the applicant within a reasonable time after receipt of completed application and all required documentation. Decision of the review team is final, unless the applicant applied specifically for "Hardship Relief Assistance" and is denied Hardship Relief Assistance by the review team, then applicant

may appeal the review team's decision to the San Juan County Commission in writing within 30 days of denial.

### **AGREEMENT FOR ABATEMENT**

Applicants approved by the review team may enter into an Agreement for Abatement. No property will be placed on the list for clean-up before all fees are paid and an agreement is signed by the landowner.

Hardship Relief Assistance: If an applicant has received notice of violation of SJC Ord 72 or 73, meets the maximum income qualification level for Hardship Relief Assistance (See chart A above), **and** is approved for clean-up by the review team, they may enter into an Agreement for Abatement with the County per the terms set forth in Ord 72 or 73.

Property Clean-up Program: If an applicant has not received a notice of violation of Ord 72 or 73 **or** does not meet the maximum income/asset qualification level for hardship relief assistance but does meet the maximum income qualification level for the clean-up program (See chart A above), and is approved for clean up by the review team, they may enter into an Agreement for Abatement with the County whereby the project fee schedule will apply.

Any site that is cleaned up through this program will also be photographed after cleanup has taken place. All photos taken may be used to promote the clean-up program.

In the event the County conducts a clean-up through this program, the landowner is responsible for maintaining the premises in good condition going forward. Should the property become a visible nuisance or health or safety hazard in the future, and there has been no change in landowner, the applicant / property owner will be subject to pay the full cost of the initial clean-up and failure to pay may result in a lien being placed on the property in the same amount.

### **FEES**

Applicants that are qualified and accepted to participate in the Clean-up Program will be required to pay all applicable fees prior to the scheduling of any work.

- Fees will be assessed based on project size. (See Estimated Project Fee Chart for estimated costs).
- The County, through the review process described above, shall make the determination on project size/cost in its sole discretion.
- The Clean-up program charges for landfill fees **ONLY**, not labor.
- Applicants accepted for Hardship Relief Assistance will not be charged.
- Any funds remaining at the completion of a project will be refunded to the payer.

**Any costs not covered by the estimate will be invoiced to the Applicant at the completion of the project, and must be paid within 30 days, unless the Applicant enters into an agreement for a payment plan with the County.**

<b>ESTIMATED PROJECT FEE CHART</b> <b>Calendar year 2024 - \$45 per ton</b> <b>(Will update automatically with annual changes to the County’s landfill contract.)</b>	
<b>Project Size: examples</b>	<b>Escrow Amount</b>
SMALL: RV, small mobile home (pre 1977), trash and debris (20 tons)	\$900.00
MEDIUM: Single wide manufactured home (post 1977), outbuildings (30 tons)	\$1400.00
LARGE: double wide manufactured home with outbuildings (60 tons)	\$2700.00
EXTRA LARGE: Site Built Structure (90 tons)	\$4100.00

**SCHEDULING CLEAN-UP**

Once an Agreement for Abatement is entered into between the County and the Applicant the property will be placed on a list for clean-up. The County makes no guarantee of when clean-up will occur, may prioritize clean-ups in any order deemed appropriate by the County, and reserves the right to remove a property from the list should conditions on the property change significantly before Clean-up is scheduled. If County resources or policy change before clean-up is completed, the County may remove any property from the list at the County’s sole discretion.

In the event a property is removed from the list by the County, any payment made to the County will be refunded to the applicant. No refund will be made if the applicant or landowner requests to be removed from the list, *unless* the property has already been cleaned-up by the landowner or occupant or more than one year has passed from the date the Agreement for Abatement was entered. No refund will be made if the applicant fails to cooperate fully in scheduling a time to conduct the clean-up. Once a property is removed from the list, a new application will be required should a landowner want to be placed back on the list.

When a time and day is scheduled for clean-up, the landowner will be contacted with the details. The landowner or a representative authorized in writing is required to be present during the clean-up process.