



California Association of Code Enforcement Officers Module 2

Learning Domain 242

Dangerous Buildings

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Introductions

- Instructor Introduction
 - Michelle Cervantes, CCEO
 - County of Riverside, Transportation
- County of San Bernardino, County of San Diego, and County of Riverside – 27 years
- CACEO - Instructor
- CACEO Board of Directors- Reg 6
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Disclaimers

- CACEO is a statewide organization serving the needs of a diverse group. Some information may not apply to your agency at this time but will still serve you well during your career.
- The instructor is not an attorney and the information provided is not intended to serve as legal counsel. Review any actions with your organization's legal counsel before proceeding.
- Your agency policy is the authority under which you should act. Any information in conflict with your agency policy should be reviewed with your supervision and management.



Module Goals

Dangerous Building ordinance per your jurisdiction

Identifying a Dangerous Building

Proper notification to property owner and tenants

Proper posting

Abatement

Case Management



Dangerous Buildings





Authority

California Constitution – Article XI, Sec. 7

“A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.”



Authority

Government Code Sec. 38660



California Building Code
California Code of Regulations (CCR)
Title 24

aka

California Building Standards Code





California Building Code

- Published by the ICC, IAPMO, NFPA
- Amended and adopted by the State of California
- Amended and adopted by the City, County or Special District



Title 25

- California Code of Regulations Title 25, section 52 et seq.
- Health and Safety Code Section 17920 – 17992
- Abatement of Nuisances



What form of Government?

- Charter Cities
- General Law Cities
- Counties



What form of Government?

- Charter Cities – can proceed with enforcement actions **without** a hearing
- General Law Cities and Counties – Must hold a hearing to declare the property to be a nuisance, dangerous or substandard property.



Model Codes Code

- 1997 Uniform Housing Code
- 1997 Uniform Code for the Abatement of Dangerous Buildings

Prior to conducting enforcement, be familiar with which model codes have been adopted by your jurisdiction.



Substandard vs. Dangerous

- Can a substandard building become a dangerous building?
- Can a dangerous building become substandard?



Dangerous Buildings





Process

- Conduct inspection based on complaint or proactive enforcement
- Document inspection with pictures, notes and third-party reports
- Create Notice (Violation, Order, Courtesy)
- Service of Notice (Mail, hand deliver, post to property, email)
- Appeal Period (set forth in ordinance or state code 30 days)



Process

- Appeal or Administrative Hearing
 - (local or regional board/officer adopted by jurisdiction)
- Hearing Officer's disposition (decision)
- File hearing Officer's disposition with County Recorder per California Health and Safety Code 17985
- Abatement
- Cost Recovery



Really...How bad is it?

Imminent Danger

- Attempt contact with property owner or responsible party
- Inform Supervisor, Legal Counsel
- Summary Abatement ordered.

No further than minimum necessary to abate emergency.

- Contact abatement contractor and line out specific details of abatement



Really.....How bad is it?

Imminent Danger

Summary Abatement

- Document abatement with before, during and after pictures, notes and third-party reports.
- Remain onsite and monitor the abatement until complete.
- A written declaration shall be executed by the Officer and signed by the Director having jurisdiction over Dangerous Buildings.
- The declaration shall be filed with the County Recorder



Really...How bad is it?

Action needed but no imminent danger

Administrative Abatement

- Notice and Order provided to responsible party with a Notice to Appear and Show Cause included. (2 documents)
 - Notice to Appear will provide a minimum of 20 days between date Notice and Order was posted to property and Administrative Hearing to allow for voluntary compliance.
 - Notices are properly served by mail and posted to property per ordinance.
 - Post property with Dangerous Building placards for general public to view



Really...How bad is it?

Action needed but no imminent danger

Administrative Abatement

- Administrative Hearing is conducted by local or regional hearing board/officer
- Hearing shall be recorded, may be continued, oaths required, evidence rules and rights of parties apply.
- Letter of Determination from hearing board/officer shall be:
 - Served to the property owner via certified mail
 - Posted to the property for the general public to view
 - Filed with the County Recorders Office



Contents of the Letter of Determination

Administrative Hearing

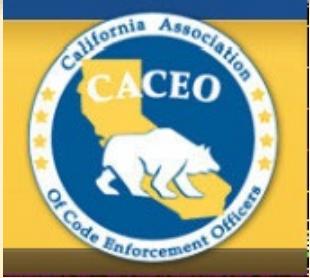
1. Issued within 30 days of Administrative Hearing
 1. If the preponderance of evidence showed that there is a public threat, the Letter of Determination may require the property owner to conduct abatement actions no later than 15 days post hearing.
2. Building vacated by occupants, with possible relocation
3. Building boarded, fenced, patrolled and/or other means necessary to protect the public. (Securing the property does not constitute proper abatement of the nuisance)



Contents of the Letter of Determination

Administrative Hearing

4. If the nuisance is not abated within the time and in the manner specified, the nuisance may be abated by the city, without further notice or consent of the owner or any party in interest, in such manner as may be ordered by the hearing examiner, and the expense thereof, including all costs of enforcement, and relocation benefits required to be paid by the city as a result of the owner's failure to do so, may be made a lien on the subject property.
5. Time for challenging decision per section 1094.6 of the California Code of Civil Procedure
6. Decision Final



Administrative Hearing

Once the Letter of Determination has been issued the burden is on the property owner to abate the issues by the date listed on the letter.

An inspection shall be conducted to ensure the abatement conducted by the property owner meets the jurisdiction requirement.

If the abatement has not been conducted by the property owner, the City has the right to conduct the abatement without formal notice to the property owner.



Common Issues

- Property owner obstructs inspection of the property
- Property owner obstructs abatement contractor

Contact Supervisor and Legal Counsel to determine correct path of action, which may include boarding/securing property, inspection warrant or removal of utilities provided to property.



Document

Document, Document, Document

It is absolutely imperative that all case activity is documented to ensure that if the case moves to an appeal hearing, administrative hearing, administrative abatement or summary abatement all the required steps were taken to inform the property owner and facilitate compliance.

- Property inspection pictures, notes and third-party reports
- Notices mailed to property owner and/or posted to property
- All interaction with property owner, manager or contractor
- Dates building permits were obtained regarding the property
- Schedule of repairs submitted by owner or contractor
- Any activity observed or progress inspections



Questions?