

REPORT TO THE COMMITTEE ON PUBLIC SERVICES AND SAFETY
RECOVERY OF PUBLIC NUISANCE ABATEMENT COSTS - AB 3510

On April 5, 1989, this Committee directed the City Attorney and City Manager to work with the Legislative Services Department to seek new laws that could expedite the recovery of City costs to abate public nuisances. Under existing law, Government Code section 38773.5 permits the City to recover costs via special assessment. Should the owner fail to pay the special assessment, the County Auditor will levy a lien for the delinquent assessment and property taxes. Although this method gives the City the highest priority as a tax lien, Revenue and Tax Code section 3691 establishes a five year period before the County can foreclose upon the tax lien.

Effective, January 1, 1991, AB 3510 (Chapter 965), by Senator William Frazee, will give the City of San Diego and other municipalities another option to collect its costs for public nuisance abatement. Instead of using the special assessment method, the City Attorney could file a civil law suit against the owner to obtain a judgment lien. While a judgment lien is not as high a priority as a municipal tax lien, it can be foreclosed upon immediately. This remedy will be most effective where the property has few recorded encumbrances and liens, and the owner has sufficient equity to pay for the abatement costs.

AB 3510 authorizes the enactment of a local ordinance to implement this option. The City Attorney's Code Enforcement Unit (CEU) is working with the City Manager's Code Enforcement Coordinator to amend other parts of our nuisance abatement

ordinances. This provision will be incorporated into such amendments.

Respectfully submitted,
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City Attorney

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Attachments

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