



Tackling Nuisance Properties in Your Neighborhood

By City Attorney Mara W. Elliott

Safe and healthy neighborhoods benefit all of us. And when even one property is allowed to deteriorate, we are all imperiled by the hazards it creates: Yards piled high with flammable junk, festering pools of stagnant water, infestations of rats and roaches that spill over property lines.

My office intervenes in situations where dangerous property violations persist, and inspections and warnings by police, fire marshals, and City Code Enforcement inspectors are ignored. We provide relief to the neighborhood, and help the occupant obtain resources that may be necessary to address drug addiction, hoarding behavior, and other mental illnesses.

My Office's Nuisance Abatement Unit focuses on quality of life crimes by addressing nuisance and substandard housing properties throughout San Diego. It has successfully petitioned the court to appoint a receiver to bring 22 challenging properties into compliance.

The California Health & Safety Code authorizes the court to appoint a Health and Safety receiver when a property has substandard housing conditions and when the violations are "so extensive and of such a nature that the health and safety of residents or the public is substantially endangered." Working under the direction of the court, the receiver is charged with cleaning up the property, relocating the occupants if necessary, and even offering them counseling or other assistance to address the underlying issues that allowed their home situation to escalate out of control.

Our Nuisance Abatement Unit has pursued Health and Safety receiverships in cases involving abandoned buildings and general public nuisances, but most involve hoarding.

Here are just some of our cases:

- In a Pacific Beach house, piles of furniture and trash inside the home created a serious safety hazard for the occupants, which included young children. The bathroom sinks drained into buckets and water leaks caused mold throughout the structure.
- The yard of a City Heights man was overtaken by squatters, who filled his property with junk and debris while he was busy caring for his seriously ill wife. The trespassers set fires in the canyon behind the property, endangering the entire community. Police were called to the address 117 times in three years. The homeowner had no way to evict the squatters and clean up his property.
- An elderly couple was forced to live in their Bay Ho backyard because there was too much trash inside their home to safely enter it. They lived in a camper shell for five years, took sponge baths in the yard, and cooked on a portable camp stove. Feral cats, skunks, and possums lived alongside them in the piles of debris.
- A University Heights home had a 20-year history of excessive junk, abandoned cars, and

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a strong stench from rotting food inside and out. The occupant cleaned it up twice after being contacted by authorities, but when it became a nuisance again, the court appointed a receiver to step in.

- A man living in a house in Bay Terraces that had no working toilets or showers was collecting urine in hundreds of plastic bottles stacked in his backyard. Doors and windows were blocked by a ceiling-high accumulation of trash, creating an extreme fire hazard.

My Office does not get involved until Code Enforcement inspectors have visited a problem property repeatedly to determine the extent of the issues, and the occupants or owners are issued warnings to comply with the Health & Safety Code.

If the problems are not addressed, the City issues a legal Notice and Order to vacate and repair or demolish the property. The notice clearly identifies every violation, compliance measures, and informs the property owner that failure to comply could lead to the appointment of a receiver. By law, the property owner has a reasonable amount of time to correct the violations. The City makes every attempt to work with the property owner before seeking a receiver, which is always the last resort.

If you have a property in your area that appears to pose an extreme health and safety hazard, please contact the City's Code Enforcement Division at 619-236-5500, the Nuisance Abatement Unit at 619-533-5655, or email CityAttorney@san Diego.gov.

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