



CONSENT CALENDAR

City of San Bernardino Request for Council Action

Date: July 3, 2024

To: Honorable Mayor and City Council Members

From: Rochelle Clayton, Acting City Manager;
Gabriel Elliott, Director of Community Development and Housing

Department: Community Development and Housing

Subject: **Imposing Liens on Certain Real Property to Recover Costs for Code Enforcement Abatements (All Wards)**

Recommendation:

Adopt Resolution No. 2024-144 of the Mayor and City Council of the City of San Bernardino, California, imposing liens on certain real property located within the City San Bernardino for the cost recovery of public nuisance abatements.

Executive Summary

Chapter 8 of the San Bernardino Municipal Code requires Council approval to lien unpaid costs associated with Code Enforcement abatement of hazardous conditions in order to assess unpaid costs of abatement as liens upon the respective parcels of land as they are shown upon the last available assessment roll.

The Abatement Assessments are for public nuisance abatements performed by the Code Enforcement Division. The City initiated abatement and securing of properties, followed up with proper billing provided to the owners and interested parties for costs incurred by the City. The billing notices also included the right to appeal said costs in the notices. The unpaid bills represent a General Fund impact in the amount of \$44,075.33. Approval of the Resolution to lien the unpaid costs associated with these abatements is intended to recover the City costs paid for the abatement of the properties.

Background

On October 5, 2015, the Mayor and Common Council adopted Ordinance MC-1418, which repealed San Bernardino Municipal Code Chapters 3.68 and 8.27 and amended Chapter 8.30. On September 18, 2019, the Mayor and City Council adopted Ordinance MC-1521, which made further revisions to Chapter 8.30. These changes have streamlined the process of abating public nuisances on properties and imposing liens

to enable the City to recover costs for abating nuisances.

Discussion

San Bernardino Municipal Code Section 8.30.050 requires a Resolution be adopted in order to assess unpaid costs of abatement as liens upon the respective parcels of land as they are shown upon the last available assessment roll.

The Abatement Assessments are for public nuisance abatements performed by the Code Enforcement Division which includes properties that were either secured and/or cleaned via administrative inspection warrants or were deemed Unsafe for Occupancy by the Code Enforcement Division or after fire suppression activities, when no responsible parties could be reached.

All affected property owners identified on the Abatement Assessments list have been notified through regular and certified mail of the respective abatement costs per SBMC 8.30.023. Further, affected property owners were also issued a Notice of Summary Abatement with the option to schedule a hearing per SBMC 8.30.045 and have also been advised of their right to appeal said costs within 10 (ten) days, or to pay the costs within 45 days of notice per San Bernardino Municipal Code Section 8.30.030 and 8.30.040. To date, hearings have not been requested and the costs are currently outstanding. As such, staff recommends adopting the Resolution to assess the unpaid costs of the nuisance abatements.

The total of outstanding fees for Abatement Assessment, to include warrant abatements, emergency abatements and demolitions, is \$44,075.33. If property owners come forward to pay their costs prior to the council meeting, their properties will be removed from Attachment 2.

2021-2025 Strategic Targets and Goals

The request to impose liens to recover costs for Code Enforcement abatements aligns with Key Target No. 1: Improved Operational & Financial Capacity and Key Target No. 4: Economic Growth & Development. Imposing liens to resolve public nuisances would ensure the City receives revenue back into the Community & Economic Development Department and that the City continues to strive towards being clean and attractive.

Fiscal Impact

The General Fund is projected to receive \$44,075.33 from this item. This amount will be collected incrementally through property sales, lien payments during escrow, or through assessments added to the County tax roll.

Conclusion

Adopt Resolution No. 2024-144 of the Mayor and City Council of the City of San Bernardino, California, imposing liens on certain real property located within the City of San Bernardino for cost recovery of public nuisance abatements.

Attachments

- Attachment 1 Resolution No. 2024-144, Imposing Liens to Recover Costs for Code Enforcement

- Attachment 2 Resolution No. 2024-144, Exhibit A

- Attachment 3 Ordinance MC - 1521

Ward:
All Wards

Synopsis of Previous Council Actions:

October 5, 2015, Mayor and City Council adopted Ordinance MC-1418, repealing San Bernardino Municipal Code Chapters 3.68 and 8.27 and amended Chapter 8.30 of San Bernardino Municipal Code regarding Public Nuisance Abatement.

April 18, 2018, Mayor and City Council adopted Resolution 2018-106, imposing liens on certain real property located within the City of San Bernardino for the costs of public nuisance.

August 1, 2018, Mayor and City Council adopted Resolution No. 2018-222, imposing liens on certain real property located within the City of San Bernardino for the cost of public nuisance abatements.

September 18, 2019, Mayor and City Council adopted Ordinance MC-1521, Amending Chapters 2.45, 8.24, 8.30, 8.36, 9.92, 15.04, 15.05, 15.20, and 15.28 of the San Bernardino Municipal Code, and adding Chapter 9.94 of the San Bernardino Municipal Code, related to various Code Enforcement Procedures, including the City's administrative hearing procedures and appeals procedures.