

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 757 (Richardson)
Version: April 7, 2025
Hearing Date: May 6, 2025
Fiscal: No
Urgency: No
ID

SUBJECT

Local government: nuisance abatement

DIGEST

This bill permits a local government to collect fines or penalties related to nuisance abatement through a special assessment or nuisance abatement lien, as specified.

EXECUTIVE SUMMARY

Nuisances can be major problems for California cities and their residents. Some examples of nuisances include fire hazard and refuse and debris that attracts vermin. Given the health and safety risks that a nuisance may pose to community members or residents, cities and counties have an interest in having nuisances corrected. Currently, a city or county may elect to abate a nuisance on a property if it provides the property owner notice and an opportunity to be heard before the abatement takes place, unless the nuisance poses an immediate threat to public health and safety, in which case the city or county may abate the nuisance immediately. When a city or county abates a nuisance, it may collect the costs of the abatement from the property owner, and if the owner fails to pay these costs, the city or county can collect them through the issuance of a special assessment or nuisance abatement lien. However, it may not collect fines or penalties through a special assessment or nuisance abatement lien. SB 757 would permit a city or county to collect the fines or penalties related to nuisance abatement through a special assessment or nuisance abatement lien, though a city or county would be required to provide a property owner a reasonable period of time to correct the nuisance prior to the imposition of the fine, except where the nuisance poses an immediate threat to health or safety. SB 757 also would require a city or county to create a process for providing a property owner a hardship waiver of the fine or penalty, as specified, and would specify that its allowable fines or penalties would only apply with regard to nuisances that apply to electrical, plumbing, or other similar zoning or structural issues that create a danger to health and safety. SB 757 also would require that the fines collected through such processes must be used to support local

enforcement of state and local building and fire codes, and other specified purposes. SB 757 is author sponsored, and is supported by the Cities of Oakland and Compton. The Committee has received no timely letters of opposition. SB 757 previously passed out of the Senate Local Government Committee by a vote of 7 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Defines a nuisance as anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or anything which is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or which unlawfully obstructs the free passage or use of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway. (Civ. Code § 3479.)
- 2) Specifies that a city may declare by ordinance what constitutes a nuisance. (Gov. Code § 38771.)
- 3) Permits a legislative body to provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing, or maintaining the nuisance, and permits the legislative body to make the expense of abatement of nuisances a lien against the property on which it is maintained and a personal obligation against the property owner, as specified. (Gov. Code § 38773.)
- 4) Permits a county board of supervisors to establish a procedure for the abatement of a nuisance through an ordinance. Specifies that this ordinance, at a minimum, must require that the owner or person known to be in possession of the property be provided notice of the abatement proceeding and an opportunity to appear and be heard before the board of supervisors before the county abates the nuisance. Specifies that it does not prohibit the summary abatement of a nuisance upon an order of the board, or upon an order of a county officer, if the board or officer determines that the nuisance constitutes an immediate threat to public health or safety. (Gov. Code § 25845(a).)
- 5) Requires that, in any action to abate a nuisance, whether by an administrative proceeding, judicial proceeding, or a summary abatement, the owner of the property be liable for all costs of abatement incurred by the county, including administrative costs and any and all costs incurred in the physical abatement of the nuisance. (Gov. Code § 25845(b).)
- 6) Permits a county to, by ordinance, provide for the recovery of reasonable attorney's fees in any action by the prevailing party. Permits the ordinance to limit recovery of attorney's fees to those individual actions or proceedings in which the county elects

at the initiation of the action to seek recovery of its own attorney's fees. (Gov. Code § 25845(c).)

- 7) Permits a board of supervisors to specially assess the cost of the abatement against the property if the owner fails to pay the costs of the abatement upon the county's demand, and permits this assessment to be collected at the same time and in the same manner as ordinary county taxes. Specifies that all laws applicable to the levy, collection, and enforcement of county taxes are applicable to such a special assessment. (Gov. Code § 25845(d).)
- 8) Specifies that, if the board of supervisors specially assesses the cost of abatement against the property, the board may also record a notice of abatement lien. Requires that the notice of abatement lien, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the owner or possessor, set forth the date when the abatement was ordered by the board and the date that the abatement was complete, a description of the property subject to the lien, and the amount of the abatement cost. (Gov. Code § 25845(e).)
- 9) If the board of supervisors do not record a notice of the abatement lien, and the property to which the abatement costs relates has been sold or transferred, or a lien has been created and attached to the property, prior to when county taxes would become delinquent, the nuisance abatement costs may not be recoverable as a lien, but instead through the unsecured tax roll. (Gov. Code § 25845(f).)
- 10) Specifies that a nuisance abatement lien has the same priority as a judgment lien on real property, and continues until it is released. Permits the board of supervisors or any authorized county officer to release the lien or subordinate it in the same manner as a judgment lien. (Gov. Code § 25845(g).)
- 11) Permits the board of supervisors to provide that, upon entry of a second or subsequent civil or criminal judgment within a two-year period that finds that an owner is responsible for a condition that may be abated, except for substandard building conditions when the owner is diligently abating them, as specified, the court may order the owner to pay treble the costs of abatement. (Gov. Code § 25845.5.)
- 12) When the nuisance is in a building or on its lot, specifies that the local building codes enforcement agency must initiate a process to abate the nuisance after 30 days' notice to the owner to abate the nuisance, unless the agency determines a shorter period of time is necessary to prevent an immediate threat to the health or safety of occupants of the building, nearby residents, or the public. (Health & Saf. Code § 17980.)

- 13) Permits the legislative body of a city to establish a procedure to collect nuisance abatement and related administrative costs by a nuisance abatement lien, and requires that such an ordinance provide a property owner notice prior to the recording of a nuisance abatement lien. (Heath & Saf. Code § 38773.1.)
- 14) Permits the legislative body of a city to establish a procedure for the abatement of a nuisance and to make the cost of abatement a special assessment against the parcel subject to the nuisance, if notice is provided, as specified. Permits a city to provide for the recovery of attorneys' fees by the prevailing party in any action to abate a nuisance, as specified. (Health & Saf. Code § 38773.5.)

This bill:

- 1) Would specify that an owner of a parcel upon which a nuisance exists is liable for fines related to nuisance abatement in any action to abate a nuisance, whether by administrative proceedings, judicial proceedings, or summary abatement.
- 2) Would permit a county or city to recover fines related to nuisance abatement through a special assessment or a nuisance abatement lien, as specified.
- 3) Specifies that, if the board of supervisors does not record a notice of the abatement lien, and the property to which the abatement costs relates has been sold or transferred, or a lien has been created and attached to the property, prior to when county taxes would become delinquent, the fines for the nuisance abatement may not be recoverable as a lien, but instead through the unsecured tax roll.
- 4) Would specify that the collection of fines and penalties related to nuisance abatement is authorized only where the violation applies to electrical, plumbing, or other similar zoning or structural issues that create a danger to health and safety.
- 5) Specifies that such collected fines and penalties may only be used to support local enforcement of state and local building and fire codes and municipal codes relating to nuisances, and to facilitate compliance with state and local building and fire code standards, including through the establishment of a revolving loan fund for rehabilitating substandard housing.
- 6) Requires a county collecting a fine for nuisance abatement to establish a process for granting a hardship waiver to reduce the amount of the fine upon a showing by the responsible party that the responsible party has made a bona fide effort to comply after the first violation, and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.
- 7) Prohibits a county from specially assessing fines or penalties related to nuisance abatement for a violation that creates a danger to health and safety unless the county

provides the property owner a reasonable period of time, as specified in a county ordinance, to correct or otherwise remedy the violation prior to the imposition of the fines or penalties, except where the violation creates an immediate danger to health or safety.

8) Repeals its provisions on January 1, 2035.

COMMENTS

1. Author's statement

According to the author:

Local governments use various enforcement strategies to make buildings safer. One important strategy is to fine slumlords for having nuisances on their properties. Fines hit bad actors where it hurts: their pocketbook. If they don't fix it, the city or county can abate the nuisance for them. Local agencies can only recover the costs of abating the nuisance through a special assessment against the property; they can't make the landlord pay the fines in the same way – they have to go to court. These fines accumulate into large debts, which hinder cities' and counties' efforts to protect their residents from unsafe buildings.

2. Counties' authority to abate nuisances

Under the California and United States Constitutions, cities and counties have general police powers to preserve the health, safety, and welfare of the public. This general police power is a broad power; however, it is constrained by the Due Process clause of the Fifth Amendment. The Due Process clause guarantees that the government, including state and local governments, may not be deprived of life, liberty, or property without the due process of law. (U.S. Const., Amend. V.) The Due Process clause guarantees an individual notice and an opportunity to be heard before the government takes an action to deprive the individual of their life, liberty, or property.

Nuisances can be major problems for California cities and their residents. A nuisance is generally defined as "anything which is injurious to health, including ... the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or [which] unlawfully obstructs the free passage or use [...] of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway." (Civ. Code § 3479.) Some examples of nuisances include fire hazards and refuse and debris that attracts rats. (*People v. Oliver* (1948) 86 Cal. App. 2d 885; *Coole v. Haskins* (1943) 57 Cal. App. 2d 737.) A nuisance can be either a public or a private nuisance. A public nuisance affects an entire community or neighborhood, and a private nuisance is the "unreasonable, unwarrantable or unlawful use by an individual

of his own property so as to interfere with the rights of others.” (*Wolford v. Thomas* (1987) 190 Cal. App. 3d 347, 358.) Counties may also define by ordinance certain activities or objects as nuisances. As a nuisance affects the health or safety of individuals or the community, counties and cities have an interest in having the nuisance corrected.

If a nuisance exists on private property in a city, such as in a sub-standard apartment complex, the county and its code enforcement officers may engage the property owner to request that they eliminate the nuisance. However, the property owner may be unwilling to do so, or unreachable. In such a case, the county may try to require the property owner to eliminate the nuisance through a civil or criminal proceeding. If none of these options succeeds in eliminating the nuisance, the county may decide to abate the nuisance itself.

Current law permits a county to establish procedures for abating a nuisance. Such process must, at a minimum, provide the owner of the property on which the nuisance exists to be given notice of a nuisance abatement proceeding and the opportunity to appear before the board of supervisors to be heard before the county abates the nuisance itself. (Gov. Code § 25845.) However, these procedural steps can be bypassed if the county or an authorized officer of the county determines that the nuisance constitutes an immediate threat to public health and safety, in which case, the county or an officer of the county may immediately abate the nuisance. When the nuisance is in a building or on its lot, the local building codes enforcement agency must initiate a process to abate the nuisance after 30 days’ notice to the owner to abate the nuisance, unless the agency determines a shorter period of time is necessary to prevent an immediate threat to the health or safety of occupants of the building, nearby residents, or the public. (Health & Saf. Code § 17980.)

When the county abates the nuisance itself, the property owner can be liable for all of the costs incurred by the county in doing so, including for the county’s attorney’s fees. (Civ. Code § 25845(b)(c).) If the owner of the property refuses to pay these costs to the county upon demand, the county may specially assess the amount against the property owner’s property. A special assessment is essentially an additional tax to apply to the property’s property tax bill, which can be collected at the same time and manner as property taxes. A special assessment is treated like normal property taxes, in that the county can pursue its normal processes and remedies to collect the amount that it has for collecting delinquent property taxes.

If a county specially assesses the nuisance abatement, it also may place a lien on the property for the payment of the nuisance abatement costs. To do so, the board of supervisors must record a notice of abatement lien that identifies, at a minimum, the owner or possessor of the property, the last known address for the property owner or possessor, the date when the board of supervisors ordered the nuisance to be abated and the date when the abatement was complete, a description of the property, and the amount of the abatement cost. (Civ. Code § 25845(e).) The county must mail this notice,

by certified mail, to the property owner, or if their last address is not known, the county must post it on the property with the nuisance. If the county does not record a notice of abatement lien against the property, and the property is sold or becomes subject to another lien prior to when taxes are due, the abatement costs cannot be collected through a lien. (Civ. Code § 25845(f).) Additionally, in order to collect the abatement costs by lien, the county must notify the property owner before the notice of abatement lien is recorded. (Civ. Code § 38773.1.) If a county does place a nuisance abatement lien on a person's property, the county may recover the amount of the lien by foreclosing on the property.

Lastly, current law allows a county to pass an ordinance that makes a property owner with a nuisance on their property liable for treble costs (three times) for the abatement of the nuisance when there have been two or more civil or criminal judgments against the property owner in a two-year period for a nuisance, except when the nuisance is for substandard conditions in a building used for habitation and the owner is remedying the nuisance. (Civ. Code §§ 254845.5; 28773.7.)

3. Counties' authority to levy fines

A violation of a county ordinance is a misdemeanor, unless an ordinance makes that violation an infraction. (Gov. Code § 25132.) If a violation is an infraction, it can be punishable by: a fine not to exceed \$100 for a first violation; a fine not to exceed \$200 for a second violation of the same ordinance within a year; or \$500 for each additional violation of the same violation within a year of the first violation. (Gov. Code § 25132.) If the violation is a violation of local building and safety codes that is an infraction, the allowable fines can be: \$130 for a first violation; \$700 for a second violation of the same ordinance within a year; and \$1,300 for all subsequent violations within a year of the first violation. (Gov. Code § 25132(c).)

A county may elect to pursue an administrative fine or penalty for a violation of a county ordinance instead of pursuing fines through a civil or criminal process. (Gov. Code § 53069.4.) To establish an administrative fine, the county or local agency must establish procedures for the imposition, enforcement, collection, and administrative review of such administrative fines. These procedures must provide a person responsible for a violation of the ordinance a reasonable period of time to correct or remedy the violation before the county can impose the fine, when the violation relates to building, plumbing, electrical, or other similar structural or zoning issues. (Gov. Code § 53069.4(a)(2).) This requirement, however, does not apply to violations that create an immediate danger to health or safety. A person subject to an administrative fine may seek review of the imposition of the administrative fine by a court if they file an appeal within 20 days of being served with a notice of the administrative fine. (Gov. Code § 53069.4(b).) The court will hear the case de novo.

If the violation for which the administrative fine is created is otherwise punishable by an infraction, then the administrative fine cannot be greater than the maximum limits allowed for infractions for ordinance violations. However, in any other context, except for when an administrative fine is for a cannabis business operating without a license, administrative fines are not limited by statute as to their amount.

4. SB 757 allows counties to include nuisance abatement fines in nuisance abatement liens

SB 757 proposes to allow counties to collect fines through a special assessment or nuisance abatement lien, thereby expanding those tools' use beyond the collection of the costs of the nuisance abatement. It permits fines to be collected through the lien only when the violation applies to electrical, plumbing, or other similar zoning or structural issues that create a danger to health and safety. SB 757 includes language that mirrors the language in the current statutory provisions that provide for administrative fines, providing a reasonable period for the property owner to cure the violation. This would ensure that any administrative fine may only be assessed or collected through a lien if the county complies with the process for imposing administrative fines, allowing a person subject to the fine an opportunity to correct the violation. However, this provision also still includes the exception for when the nuisance poses an immediate danger to health or safety. SB 757 also includes the language from the statutes relating to fines for infractions that require counties to establish a process by which a person subject to the fine may request the fines be decreased, if they show that they have made a bona fide effort to comply after the first violation, and that the fine would cause an undue hardship.

SB 757 has a number of other miscellaneous provisions as well; it requires that any fines collected through a special assessment or lien be used only to support local enforcement of state and local building, fire, and municipal codes related to nuisances, and the facilitation of compliance with state and local building and fire code standards. Lastly, SB 757 includes a sunset provision, repealing its provisions on January 1, 2035.

5. Opposition's concerns on due process and discriminatory impact

Concerns have been raised by opposition regarding whether SB 757 provides property owners sufficient due process. In fact, the concern over the lack of due process was the reason that Governor Brown vetoed a similar effort to this bill in 2018.¹ However, it should be noted that SB 757 does not alter the process by which counties can impose administrative fines, specially assess nuisance abatement costs, or place a lien on the property owner's property. Current law provides for notice and an opportunity to contest before the fine, or a special assessment or lien, is imposed, except for in cases of an immediate threat to health and safety. To the degree that this process provides

¹ See Governor's veto message, AB 1468, McGuire, Stats. 2018.

adequate due process, it must still be followed under SB 757. Opponents also argue that many counties' fines have disparate racial impacts and harm low-income property owners, and that SB 757's requirement that the funds from such fines be used only for enforcement of state and local building and fire codes provides perverse incentive for code enforcement officers to bring more nuisance violations.

6. Amendments

The author has agreed to amendments that would specify the period of time during which a property owner may correct the nuisance prior to the imposition of fines or penalties related to nuisance abatement. This period would be 30 days. A full mock-up of these amendments are attached at the end of this analysis.

7. Arguments in support

According to the City of Oakland, which supports SB 757:

As a city that frequently contends with persistent code violations, illegal dumping, substandard housing, and abandoned properties, we rely on the ability to recover the costs of nuisance abatement efforts to protect residents and maintain safe neighborhoods. **SB 757 builds on existing law by authorizing cities and counties to recover not only abatement costs but also related fines and penalties through nuisance abatement liens or special assessments – **a critical advancement for local enforcement.

The bill also includes vital safeguards to ensure fairness, including:

- A requirement to provide reasonable time for property owners to remedy violations prior to the imposition of penalties, unless there is an immediate danger to public health or safety;
- A process for hardship waivers, ensuring that low-income and responsible property owners are not unduly burdened if they have made bona fide efforts to comply; and
- A mandate that all recovered fines be reinvested into local code enforcement and housing rehabilitation efforts, including revolving loan funds to support the remediation of substandard housing.

These provisions will significantly strengthen our ability to address chronic nuisance properties while also supporting equitable outcomes and community reinvestment.

In Oakland and similarly situated cities across the state, unresolved code violations often erode quality of life, impact surrounding property values, and strain limited municipal resources. SB 757 gives us a flexible and fiscally

responsible mechanism to improve housing and public safety standards, particularly in historically underserved communities.

SUPPORT

City of Oakland
City of Compton

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 491 (Wallis, 2024) would have provided a local government the authority to impose an ordinary lien authority for fines and penalties, and would have streamlined the process for obtaining a judgment for unpaid fines and penalties. AB 491 died in this Committee.

SB 1416 (McGuire, 2018) would have permitted a county or city government to collect a fine or penalty relating to nuisance abatement through a special assessment or nuisance abatement lien. SB 1416 is substantially similar to this bill. SB 1416 was vetoed by Governor Brown, who stated in his veto message that he vetoed the bill out of concerns that “allowing local governments to collect fines by assessing them against an owner’s property reduced important due process protections.”

AB 345 (Caballero, 2017) would have expanded nuisance abatement liens and special assessments to include administrative penalties, with a sunset date of January 1, 2023, and also would have increased the maximum administrative fines for violations of city building codes and safety standards. AB 345 was substantially gutted and amended to address a different area of law.

AB 129 (Beall, 2011) would have allowed local governments to use special assessments for unpaid fines or penalties, if they followed specific procedures. AB 129 was vetoed by Governor Brown, who stated that the bill “would weaken the due process requirements for local building departments to obtain property liens. Local governments already have a fair process in place, and I see no reason to change it.”

AB 2317 (Saldana, 2010) would have allowed local governments to use nuisance abatement liens and special assessments to collect administrative penalties, with a

sunset date of January 1, 2014. The Governor vetoed AB 2317, stating that “it is important that the due process rights of homeowners are balanced against a local government’s right to collect a nuisance abatement fine. The current system that requires a local government to seek judicial approval to impose a lien properly balances these opposing interests.”

PRIOR VOTES:

Senate Local Government Committee (Ayes 7, Noes 0)

Amended Mock-up for 2025-2026 SB-757 (Richardson (S))
(Amendments may be subject to technical changes by Legislative Counsel)

Mock-up based on Version Number 98 - Amended Senate 4/7/25

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25845 of the Government Code is amended to read:

25845. (a) The board of supervisors, by ordinance, may establish a procedure for the abatement of a nuisance. The ordinance shall, at a minimum, provide that the owner of the parcel, and anyone known to the board of supervisors to be in possession of the parcel, be given notice of the abatement proceeding and an opportunity to appear before the board of supervisors and be heard before the abatement of the nuisance by the county. However, nothing in this section prohibits the summary abatement of a nuisance upon order of the board of supervisors, or upon order of any other county officer authorized by law to summarily abate nuisances, if the board or officer determines that the nuisance constitutes an immediate threat to public health or safety.

(b) In any action to abate a nuisance, whether by administrative proceedings, judicial proceedings, or summary abatement, the owner of the parcel upon which the nuisance is found to exist shall be liable for all costs of abatement incurred by the county and fines related to the nuisance abatement, including, but not limited to, administrative costs, and any and all costs incurred in the physical abatement of the nuisance. Recovery of costs pursuant to this section shall be in addition to and shall not limit any prevailing party's right to recover costs pursuant to Sections 1032 and 1033.5 of the Code of Civil Procedure or any other provision of law.

(c) A county may, by ordinance, provide for the recovery of attorney's fees in any action, administrative proceeding, or special proceeding to abate a nuisance. If the ordinance provides for the recovery of attorney's fees, it shall provide for recovery of attorney's fees by the prevailing party, rather than limiting recovery of attorney's fees to the county if it prevails. The ordinance may limit recovery of attorney's fees by the prevailing party to those individual actions or proceedings in which the county elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the county in the action or proceeding.

(d) If the owner fails to pay the costs of the abatement upon demand by the county, the board of supervisors may order the cost of the abatement to, and fines related to the nuisance abatement to, be specially assessed against the parcel. The assessment may be

collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to the special assessment.

(e) If the board of supervisors specially assesses the cost of the abatement, and fines related to the nuisance abatement, against the parcel, the board also may cause a notice of abatement lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date that abatement of the nuisance was ordered by the board of supervisors and the date the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost.

(f) However, if the board of supervisors does not cause the recordation of a notice of abatement lien pursuant to subdivision (e), and any real property to which the costs of abatement, and fines related to the nuisance abatement, relates has been transferred or conveyed to a bona fide purchaser for value, or a lien on a bona fide encumbrancer for value has been created and attaches to that property, prior to the date on which the first installment of county taxes would become delinquent, then the cost of abatement, and fines related to the nuisance abatement, shall not result in a lien against that real property but shall be transferred to the unsecured roll for collection.

(g) Recordation of a notice of abatement lien pursuant to subdivision (e) has the same effect as recordation of an abstract of a money judgment recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure. The lien created has the same priority as a judgment lien on real property and continues in effect until released. Upon order of the board of supervisors, or any county officer authorized by the board of supervisors to act on its behalf, an abatement lien created under this section may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated.

(h) The board of supervisors may delegate the hearing required by subdivision (a), before abatement of a public nuisance, to a hearing board designated by the board of supervisors. The hearing board shall make a written recommendation to the board of supervisors. The board of supervisors may adopt the recommendation without further notice of hearing, or may set the matter for a de novo hearing before the board of supervisors.

(i) The board of supervisors may, by ordinance, delegate to a hearing officer appointed pursuant to Section 27720 the powers and duties specified by this section.

(j) The collection of fines and penalties related to nuisance abatement under this section is authorized only where the violation applies to electrical, plumbing, or other similar

zoning or structural issues that create a danger to health and safety. Fines and penalties that are recovered pursuant to this section shall be used only to support local enforcement of state and local building and fire codes and municipal codes related to nuisances, and to facilitate compliance with state and local building and fire code standards, including through establishment of a revolving loan fund at the municipal level for rehabilitating substandard housing.

(k) A county collecting a fine pursuant to this section shall establish a process for granting a hardship waiver to reduce the amount of the fine upon a showing by the responsible party that the responsible party has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.

(l) A county shall not specially assess fines or penalties related to the nuisance abatement for a violation that creates a danger to health or safety against a parcel pursuant to this section unless the county has provided ~~for a reasonable period of time~~ 30 days, as specified in the ordinance, for a person responsible for a continuing violation to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties, except where the violation creates an immediate danger to health or safety.

(m) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

SEC. 2. Section 25845 is added to the Government Code, to read:

25845. (a) The board of supervisors, by ordinance, may establish a procedure for the abatement of a nuisance. The ordinance shall, at a minimum, provide that the owner of the parcel, and anyone known to the board of supervisors to be in possession of the parcel, be given notice of the abatement proceeding and an opportunity to appear before the board of supervisors and be heard before the abatement of the nuisance by the county. However, nothing in this section prohibits the summary abatement of a nuisance upon order of the board of supervisors, or upon order of any other county officer authorized by law to summarily abate nuisances, if the board or officer determines that the nuisance constitutes an immediate threat to public health or safety.

(b) In any action to abate a nuisance, whether by administrative proceedings, judicial proceedings, or summary abatement, the owner of the parcel upon which the nuisance is found to exist shall be liable for all costs of abatement incurred by the county, including, but not limited to, administrative costs, and any and all costs incurred in the physical abatement of the nuisance. Recovery of costs pursuant to this section shall be in addition to and shall not limit any prevailing party's right to recover costs pursuant to Sections 1032 and 1033.5 of the Code of Civil Procedure or any other provision of law.

(c) A county may, by ordinance, provide for the recovery of attorney's fees in any action, administrative proceeding, or special proceeding to abate a nuisance. If the ordinance provides for the recovery of attorney's fees, it shall provide for recovery of attorney's fees by the prevailing party, rather than limiting recovery of attorney's fees to the county if it prevails. The ordinance may limit recovery of attorney's fees by the prevailing party to those individual actions or proceedings in which the county elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the county in the action or proceeding.

(d) If the owner fails to pay the costs of the abatement upon demand by the county, the board of supervisors may order the cost of the abatement to be specially assessed against the parcel. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to the special assessment.

(e) If the board of supervisors specially assesses the cost of the abatement against the parcel, the board also may cause a notice of abatement lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date upon which abatement of the nuisance was ordered by the board of supervisors and the date the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost.

(f) However, if the board of supervisors does not cause the recordation of a notice of abatement lien pursuant to subdivision (e), and any real property to which the costs of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or a lien on a bona fide encumbrancer for value has been created and attaches to that property, prior to the date on which the first installment of county taxes would become delinquent, then the cost of abatement shall not result in a lien against that real property but shall be transferred to the unsecured roll for collection.

(g) Recordation of a notice of abatement lien pursuant to subdivision (e) has the same effect as recordation of an abstract of a money judgment recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure. The lien created has the same priority as a judgment lien on real property and continues in effect until released. Upon order of the board of supervisors, or any county officer authorized by the board of supervisors to act on its behalf, an abatement lien created under this section may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated.

(h) The board of supervisors may delegate the hearing required by subdivision (a), prior to abatement of a public nuisance, to a hearing board designated by the board of supervisors. The hearing board shall make a written recommendation to the board of supervisors. The board of supervisors may adopt the recommendation without further notice of hearing, or may set the matter for a de novo hearing before the board of supervisors.

(i) The board of supervisors may, by ordinance, delegate to a hearing officer appointed pursuant to Section 27720 the powers and duties specified by this section.

(j) This section shall become operative on January 1, 2035.

SEC. 3. Section 38773.1 of the Government Code is amended to read:

38773.1. (a) The legislative body may by ordinance establish a procedure to collect abatement and related administrative costs and fines by a nuisance abatement lien. This ordinance shall require notice before the recordation of the lien to the owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current.

(b) The notice shall be served in the same manner as summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Section 6062.

(c) A nuisance abatement lien shall be recorded in the county recorder's office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

(1) A nuisance abatement lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

(2) In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in paragraph (1) shall be recorded by the governmental agency. A nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

(3) A nuisance abatement lien may be foreclosed by an action brought by the city for a money judgment.

(4) Notwithstanding Section 6103, Section 27383, or any other provision of law, the county recorder may impose a fee on the city to reimburse the costs of processing and recording the lien and providing notice to the property owner. A city may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

(d) The collection of fines and penalties related to nuisance abatement under this section is authorized only where the violation applies to electrical, plumbing, or other similar zoning or structural issues that create a danger to health and safety. Fines and penalties that are recovered pursuant to this section shall be used only to support local enforcement of state and local building and fire codes and municipal codes related to nuisances, and to facilitate compliance with state and local building and fire code standards, including through establishment of a revolving loan fund at the municipal level for rehabilitating substandard housing.

(e) A city collecting a fine pursuant to this section shall establish a process for granting a hardship waiver to reduce the amount of the fine upon a showing by the responsible party that the responsible party has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.

(f) A city shall not recover fines or penalties related to the nuisance abatement through a lien pursuant to this section unless the city has provided ~~for a reasonable period of time~~ 30 days, as specified in the ordinance, for a person responsible for a continuing violation to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties, except where the violation creates an immediate danger to health or safety.

(g) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

SEC. 4. Section 38773.1 is added to the Government Code, to read:

38773.1. (a) The legislative body may by ordinance establish a procedure to collect abatement and related administrative costs by a nuisance abatement lien. This ordinance shall require notice before the recordation of the lien to the owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current.

(b) The notice shall be served in the same manner as summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Section 6062.

(c) A nuisance abatement lien shall be recorded in the county recorder's office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

(1) A nuisance abatement lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

(2) In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in paragraph (1) shall be recorded by the governmental agency. A nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

(3) A nuisance abatement lien may be foreclosed by an action brought by the city for a money judgment.

(4) Notwithstanding Section 6103, Section 27383, or any other provision of law, the county recorder may impose a fee on the city to reimburse the costs of processing and recording the lien and providing notice to the property owner. A city may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

(d) This section shall become operative on January 1, 2035.

SEC. 5. Section 38773.5 of the Government Code is amended to read:

38773.5. (a) As an alternative to the procedure authorized by Section 38773.1, the legislative body may, by ordinance, establish a procedure for the abatement of a nuisance and make the cost of abatement, including fines, a special assessment against that parcel of land on which the nuisance is maintained.

(b) A city may, by ordinance, provide for the recovery of attorney's fees in any action, administrative proceeding, or special proceeding to abate a nuisance. If the ordinance

provides for the recovery of attorney's fees, it shall provide for recovery of attorney's fees by the prevailing party, rather than limiting recovery of attorney's fees to the city if it prevails. The ordinance may limit recovery of attorney's fees by the prevailing party to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the city in the action or proceeding.

(c) Any procedure established pursuant to this section shall include notice, by certified mail, to the property owner, if the property owner's identity can be determined from the county assessor's or county recorder's records. The notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection, and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, before the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

(d) A local agency that has imposed an assessment pursuant to this section may, subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code, conduct a sale of vacant residential developed property for which the payment of that assessment is delinquent.

(e) Notices or instruments relating to the abatement proceeding or special assessment shall be entitled to recordation.

(f) The collection of fines and penalties related to nuisance abatement under this section is authorized only where the violation applies to electrical, plumbing, or other similar zoning or structural issues that create a danger to health and safety. Fines and penalties that are recovered pursuant to this section shall be used only to support local enforcement of state and local building and fire codes and municipal codes related to nuisances, and to facilitate compliance with state and local building and fire code standards, including through establishment of a revolving loan fund at the municipal level for rehabilitating substandard housing.

(g) A city collecting a fine pursuant to this section shall establish a process for granting a hardship waiver to reduce the amount of the fine upon a showing by the responsible party that the responsible party has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.

(h) A city shall not specially assess fines or penalties related to the nuisance abatement against a parcel pursuant to this section unless the city has provided ~~for a reasonable period of time~~ 30 days, as specified in the ordinance, for a person responsible for a continuing violation to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties, except where the violation creates an immediate danger to health or safety.

(i) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

SEC. 6. Section 38773.5 is added to the Government Code, to read:

38773.5. (a) As an alternative to the procedure authorized by Section 38773.1, the legislative body may, by ordinance, establish a procedure for the abatement of a nuisance and make the cost of abatement of a nuisance upon a parcel of land a special assessment against that parcel.

(b) A city may, by ordinance, provide for the recovery of attorney's fees in any action, administrative proceeding, or special proceeding to abate a nuisance. If the ordinance provides for the recovery of attorney's fees, it shall provide for recovery of attorney's fees by the prevailing party, rather than limiting recovery of attorney's fees to the city if it prevails. The ordinance may limit recovery of attorney's fees by the prevailing party to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the city in the action or proceeding.

(c) Any procedure established pursuant to this section shall include notice, by certified mail, to the property owner, if the property owner's identity can be determined from the county assessor's or county recorder's records. The notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection, and enforcement of municipal taxes shall be

applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, before the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

(d) A local agency that has imposed an assessment pursuant to this section may, subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code, conduct a sale of vacant residential developed property for which the payment of that assessment is delinquent.

(e) Notices or instruments relating to the abatement proceeding or special assessment shall be entitled to recordation.

(f) This section shall become operative on January 1, 2035.