

ORDINANCE NO.880
AN URGENCY ORDINANCE OF THE COUNTY OF RIVERSIDE
REGULATING ABANDONED AND DISTRESSED RESIDENTIAL PROPERTIES
AND ESTABLISHING A REGISTRATION PROGRAM

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that abandoned and distressed residential properties pose an immediate risk to the public peace, health and safety of the citizens of Riverside County because the detrimental effects from the lack of security and maintenance of abandoned and distressed residential properties endangers children unprotected from unsecured pools and other attractive nuisances, and further endangers neighborhoods affected by the resulting squatting, vandalism, burglaries, other crimes and physical and economic blight.

Section 2. PURPOSE. The purpose of this ordinance is to establish uniform and reasonable regulations to prevent the immediate risks and detrimental effects associated with abandoned and distressed residential properties.

Section 3. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. Abandoned property. A residential property that is vacant and is under a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessors Lien Sale, or a property that has been the subject of a foreclosure sale where the title was retained by or transferred to the beneficiary of the deed of trust involved in the foreclosure, or a property transferred under a deed in lieu of foreclosure/sale.
- b. Accessible property. A structure/building on property that is accessible through a compromised/breached gate, fence, wall, window, door, etc. and/or is unsecured in such a way as to allow access to the interior space by unauthorized persons.
- c. Agreement of sale. Any agreement or written instrument, which provides that title to residential property, shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.
- d. Assignment of Rents. An instrument that transfers the beneficial interest under a deed of trust from one lender/entity to another.
- e. Beneficiary. A lender under a note secured by a deed of trust.
- f. Buyer. Any person, co-partnership, association, corporation, or fiduciary who agrees to transfer anything of value in consideration for property described in an agreement of sale, as defined in this subsection.
- g. Days. Consecutive calendar days.
- h. Deed of Trust. An instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. (This type of instrument is used in California instead of a mortgage.) This definition applies to any and all subsequent deeds of trust, i.e.: second deed of trust, third deed of trust, etc.
- i. Deed in lieu of foreclosure/sale. A recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

- j. Default. The failure to fulfill a contractual obligation, monetary or conditional.
- k. Distressed Property. A residential property that is legally occupied and under a current Notice of Default and/or Notice of Trustee's Sale and/or pending Tax Assessor's Lien Sale or has been foreclosed upon by the trustee or has been conveyed to the beneficiary/trustee via a Deed in lieu of Foreclosure/sale.
- l. Evidence of vacancy. Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to, overgrown and/or dead vegetation, dry brush, weeds, accumulation of newspapers, circulars, flyers, notices and/or mail (except those required by federal, state or local law), past due utility notices and/or disconnected utilities, accumulation of trash, junk, building materials and/or debris, discarded personal items including but not limited to furniture, clothing, large and small appliances, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, observations by neighbors, passersby, delivery agents, government employees or others that the property is vacant.
- m. Foreclosure. The process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) defaults.
- n. Landscape. Landscape includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar material.
- o. Landscape maintenance. Landscape maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning, mowing and removal of all trimmings of required landscape.
- p. Local. Within forty (40) road/driving miles distance of the subject property.
- q. Neighborhood standard. Those conditions that are present on a simple majority of properties within a three hundred (300) foot radius of an individual abandoned property. An abandoned property that is the subject of a neighborhood standard comparison, or any other abandoned property within the three hundred (300) foot radius, shall not be counted toward the simple majority.
- r. Notice of Default. A recorded notice that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.
- s. Out of area. In excess of forty (40) road/driving miles distance of the subject property.
- t. Owner. Any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.
- u. Owner of record. The person having title to the property as shown on records recorded with the Riverside County Recorder's Office.
- v. Residential property. Any improved real property, or portion thereof, situated in the unincorporated territory of the County of Riverside, designed or permitted to be used for dwelling purposes, specifically including the buildings and structures located on such improved real property. This includes any real

- property being offered for sale, trade, transfer, or exchange as “residential” whether or not it is legally permitted and/or zoned for such use.
- w. Secured. Treated with such measures as may be directed by the Director of Code Enforcement or his or her designee that assist in rendering the property inaccessible to unauthorized persons, including, but not limited to, the closure, locking, pad-locking, chaining, repair and/or boarding of fences, walls, windows, door(s) (walk-through, sliding and garage), and/or other openings of such size that may allow a child access to the interior of the accessible property. In the case of broken windows, secured includes the reglazing or boarding of the window. Boarding shall be completed to a minimum of the current HUD securing standards set at the time the boarding is completed or required, and shall additionally require painting the boards with an exterior grade paint that matches the color of the accessible property.
 - x. Trustee. The person, firm or corporation holding a Deed of Trust on a property.
 - y. Trustor. The borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.
 - z. Vacant. A building/structure that is not legally occupied.

Section 4. REGISTRATION/FEES. Any beneficiary/trustee who holds a deed of trust on a property located within the unincorporated territory of the County of Riverside shall perform an inspection of the property that is the security for the deed of trust upon default by the trustor and prior to recording a Notice of Default with the Riverside County Recorders Office.

- a. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the beneficiary/trustee shall, within ten (10) days of the inspection, register the property with the Riverside County Building & Safety Department on forms provided by the County of Riverside.
- b. If the property is occupied but remains in default, it shall be deemed distressed, and it shall be inspected by the beneficiary/trustee or his designee monthly until either 1) the trustor or other party remedies the default, or 2) it is found to be vacant or shows evidence of vacancy (at which time it is deemed abandoned and required to be registered as set forth herein.)
- c. The registration shall contain the name of the beneficiary/trustee (corporation or individual), the direct street/office mailing address of the beneficiary/trustee (no postal boxes), a direct contact name and phone number for the beneficiary/trustee, and, in the case of a corporation or out-of-area beneficiary/trustee, the local property maintenance company responsible for the security, maintenance and marketing of the property. Any change of the information in the registration required under this paragraph shall be reported within ten (10) days of the change.
- d. The Board of Supervisors shall establish a registration fee by minute order. An annual registration fee shall accompany the registration form. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1st of each year and must be

received no later than January 31 of the year due. Registration fees will not be prorated.

- e. Abandoned properties shall remain subject to the annual registration, maintenance, security and signage requirement of this ordinance as long as they remain abandoned.

Section 5. MAINTENANCE REQUIREMENTS. Abandoned properties shall be maintained in a manner comparable to the neighborhood standard. At a minimum:

- a. Abandoned properties shall be maintained so as to be kept free of evidence of vacancy.
- b. Abandoned properties shall also be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.
- c. Maintenance of abandoned properties shall include landscape maintenance of visible front and side yards.
- d. Pools and spas shall either (a) be kept in working order so the water remains clear and free of pollutants and debris or (b) drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements of the State of California.
- e. Adherence to this section does not relieve the beneficiary/trustee or property owner of any obligations set forth in any Covenants Conditions and Restrictions and/or Home Owners Association rules and regulations which may apply to the abandoned property.

Section 6. SECURITY REQUIREMENTS. Abandoned properties shall be secured.

Section 7. SIGNAGE REQUIREMENTS. The abandoned property shall be posted with the name and 24-hour contact phone number of the local property maintenance company that must be retained by an out of area beneficiary/trustee. The posting shall be no less than 18" X 24" and shall be of a font that is legible from a distance of forty-five (45) feet and shall contain, along with the name and 24-hour contact number, the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL". The posting shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street; if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. The exterior posting must be constructed of and printed with weather resistant materials.

Section 8. ENFORCEMENT, VIOLATIONS AND PENALTIES. The Riverside County Code Enforcement Department shall have the primary responsibility for enforcing this ordinance. In addition to any other remedies provided by law, violations shall be prosecuted as described in Riverside County Ordinance No. 725. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Violations of this ordinance shall be treated as a strict liability offense regardless of intent. Nothing in either this ordinance or Riverside County Ordinance No. 725 shall prevent the Riverside County Code Enforcement Department from engaging in efforts to obtain voluntary compliance by means of warnings, notices, or educational programs.

In accordance with Riverside County Ordinance No. 725, Section 7.d., the administrative penalties for each violation shall not exceed the following amounts:

- a. \$100.00 for a first violation;
- b. \$200.00 for a second violation of the same ordinance within one year; and
- c. \$500.00 for each additional violation of the same ordinance within one year.

If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the administrative penalty shall increase at the rate specified above.

In accordance with Riverside County Ordinance No. 725, Section 9.b., the civil penalties for each violation shall not exceed \$1,000 for each day, or portion thereof, that the violation continues to exist.

The administrative and civil penalties assessed shall be payable to the County of Riverside. Payment of the administrative and civil penalties shall not excuse the failure to correct the violation nor shall it bar further enforcement action.

Section 9. ADDITIONAL AUTHORITY. In addition to the enforcement remedies established in Riverside County Ordinance 725, the Riverside County Code Enforcement Department shall have the authority to require the beneficiary/trustee/owner and/or owner of record of any property affected by this ordinance to implement additional maintenance and/or security measures including, but not limited to, securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard, or other measures as may be reasonably required to arrest the decline of the property.

Section 10. SEVERABILITY. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect the remainder of the ordinance or the application of such provision(s) to other persons or circumstances.

Section 11. EFFECTIVE DATE. This ordinance is hereby declared to be an urgency measure and shall take effect immediately upon its adoption. In accordance with the requirements of Government Code section 25123, subdivision (d), the Board of Supervisors hereby declares that the provisions contained herein are necessary for the immediate preservation of the public peace, health, or safety for the following reasons: failure to secure and maintain abandoned residential properties has the effect of (a) physically endangering children through lack of protection from access to unsecured pools and other attractive nuisances, (b) physically endangering neighborhoods by increasing the locations and opportunities for squatting, vandalism, burglaries and other crimes, and (c) exposing all residents to the detrimental economic effects of neighborhood blight.

Adopted: 880 Item 3.2 of 05/13/2008 (Eff: immediately)