

Meeting Date: 01/10/2023 (6)

Ordinance No. 10825 (N.S.)

AN ORDINANCE ADDING A NEW SUBSECTION TO SECTION 142 OF ARTICLE IX OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES AND NEW SECTION 18.310 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO RECEIVERSHIP PROCEEDINGS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that petitioning the court for receivership pursuant to Health and Safety Code section 17980.7 is a powerful remedy available in California to address dilapidated, abandoned and/or nuisance properties. Where there are substandard properties, the court directly controls the property via the court-appointed receiver. The County would be able to utilize the expertise of the receiver to bring the property back up to code and supervise the rehabilitation of the property at the property owner's expense. This action protects residents and tenants who have been subjected to substandard conditions by absentee or recalcitrant property owners. This action will also help address repeated violations of the County's land use ordinances, including but not limited to apartments, houses, motels, commercial buildings, and vacant properties containing solid waste, unsafe living conditions, or repeated violations of the County code. Appointment of a receiver is also authorized under other provisions of State law; for example, Business and Professions Code section 17203 allows a court to order receivership in order to prevent violations of unfair competition law. This ordinance will authorize County Counsel to initiate receivership proceedings on behalf of County departments pursuant to State law, including but not limited to Health and Safety Code section 17980.7 and Business and Professions Code section 17203.

Section 2. Add a new subsection (t) to Section 142 of Article IX of the San Diego County Code of Administrative Ordinances to read as follows:

(t) To initiate receivership proceedings on behalf of its client departments pursuant to State law, including but not limited to Health & Safety Code section 17980.7 and Business & Professions Code section 17203, under the procedure set forth in Section 18.310 of the San Diego County Regulatory Code.

Section 3. Add a new Section 18.310 to Title 1, Division 8 of the San Diego County Code of Regulatory Ordinances to read as follows:

SEC. 18.310. RECEIVERSHIP PROCEEDINGS.

The director of a County department may request that County Counsel initiate a receivership proceeding pursuant to State law. The costs associated with receivership, including but not limited to administrative costs and staff time including attorneys' fees and costs ("Enforcement Costs") shall be included within the costs recoverable by the County for such warning or notice, as permitted by law. County Counsel may seek Enforcement Costs of the County through any methods permitted by law, including but not limited to Health and Safety

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Code section 17980.7(c)(11). Enforcement Costs may be invoiced to the property owner or other responsible party for payment and collection in accordance with the cost recovery procedures in the Code associated with the particular warning or notice.

Section 4. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
CLAUDIA G. SILVA, County Counsel

By: Mark Day, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 10th day of January 2023.


NORA VARGAS
Chair, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Desmond
NOT PRESENT: Fletcher

ATTEST my hand and the seal of the Board of Supervisors this 10th day of January 2023.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Nancy Vizcarra, Deputy



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