

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Supervisor Bob Buster

**SUBMITTAL DATE:**  
May 12, 2008

**SUBJECT:** Introduction and Adoption of Ordinance No. 881 Regulating Abandoned and Distressed Residential Properties and Establishing a Registration Program.

**RECOMMENDED MOTION:** That the Board of Supervisors introduce, and on the following week adopt, Ordinance No. 881 Regulating Abandoned and Distressed Residential Properties and Establishing a Registration Program.

**BACKGROUND:** Foreclosed, abandoned and unmaintained properties are increasing in Riverside County.

Beneficiaries/trust deed holders, some with no other connection to Riverside County, do not responsibly maintain these properties.

In general, these foreclosed, abandoned and unmaintained properties create a health and safety risk for the citizens in Riverside County. Specifically, these properties can lead to the following: decline in property value; danger to children as attractive nuisances; opportunities for secretive criminal conduct including, but not limited to, gang and drug crimes; squatters and real estate fraud.

The attached Ordinance No. 881 was developed to address these concerns.

  
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Bob Buster, First District Supervisor

FORM APPROVED COUNTY COUNSEL  
BY:   
LISA A. TRACZYK  
DATE: 5/14/08

Departmental Concurrence

Dept' Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref.: | District: | Agenda Number:



- 1 d. Assignment of Rents. An instrument that transfers the beneficial interest under a  
2 deed of trust from one lender/entity to another.
- 3 e. Beneficiary. A lender under a note secured by a deed of trust.
- 4 f. Buyer. Any person, co-partnership, association, corporation, or fiduciary who  
5 agrees to transfer anything of value in consideration for property described in an  
6 agreement of sale, as defined in this subsection.
- 7 g. Days. Consecutive calendar days.
- 8 h. Deed of Trust. An instrument by which title to real estate is transferred to a third  
9 party trustee as security for a real estate loan. (This type of instrument is used in  
10 California instead of a mortgage.) This definition applies to any and all subsequent  
11 deeds of trust, i.e.: second deed of trust, third deed of trust, etc.
- 12 i. Deed in lieu of foreclosure/sale. A recorded document that transfers ownership of a  
13 property from the trustor to the holder of a deed of trust upon consent of the  
14 beneficiary of the deed of trust.
- 15 j. Default. The failure to fulfill a contractual obligation, monetary or conditional.
- 16 k. Distressed Property. A residential property that is legally occupied and under a  
17 current Notice of Default and/or Notice of Trustee's Sale and/or pending Tax  
18 Assessor's Lien Sale or has been foreclosed upon by the trustee or has been  
19 conveyed to the beneficiary/trustee via a Deed in lieu of Foreclosure/sale.
- 20 l. Evidence of vacancy. Any condition that on its own, or combined with other  
21 conditions present, would lead a reasonable person to believe that the property is  
22 vacant. Such conditions include but are not limited to, overgrown and/or dead  
23 vegetation, dry brush, weeds, accumulation of newspapers, circulars, flyers, notices  
24 and/or mail (except those required by federal, state or local law), past due utility  
25 notices and/or disconnected utilities, accumulation of trash, junk, building materials  
26 and/or debris, discarded personal items including but not limited to furniture,  
27 clothing, large and small appliances, the absence of window coverings such as  
28 curtains, blinds and/or shutters, the absence of furnishings and/or personal items

1 consistent with residential habitation, observations by neighbors, passersby,  
2 delivery agents, government employees or others that the property is vacant.

- 3 m. Foreclosure. The process by which a property, placed as security for a real estate  
4 loan, is sold at auction to satisfy the debt if the trustor (borrower) defaults.
- 5 n. Landscape. Landscape includes, but is not limited to, grass, ground covers, bushes,  
6 shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod  
7 designed specifically for residential installation. Landscape does not include  
8 weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting,  
9 mulch, indoor-outdoor carpet or any similar material.
- 10 o. Landscape maintenance. Landscape maintenance includes, but is not limited to,  
11 regular watering, irrigation, cutting, pruning, mowing and removal of all trimmings  
12 of required landscape.
- 13 p. Local. Within forty (40) road/driving miles distance of the subject property.
- 14 q. Neighborhood standard. Those conditions that are present on a simple majority of  
15 properties within a three hundred (300) foot radius of an individual abandoned  
16 property. An abandoned property that is the subject of a neighborhood standard  
17 comparison, or any other abandoned property within the three hundred (300) foot  
18 radius, shall not be counted toward the simple majority.
- 19 r. Notice of Default. A recorded notice that a default has occurred under a deed of  
20 trust and that the beneficiary intends to proceed with a trustee's sale.
- 21 s. Out of area. In excess of forty (40) road/driving miles distance of the subject  
22 property.
- 23 t. Owner. Any person, co-partnership, association, corporation, or fiduciary having a  
24 legal or equitable title or any interest in any real property.
- 25 u. Owner of record. The person having title to the property as shown on records  
26 recorded with the Riverside County Recorder's Office.
- 27 v. Residential property. Any improved real property, or portion thereof, situated in the  
28 unincorporated territory of the County of Riverside, designed or permitted to be

1 used for dwelling purposes, specifically including the buildings and structures  
2 located on such improved real property. This includes any real property being  
3 offered for sale, trade, transfer, or exchange as "residential" whether or not it is  
4 legally permitted and/or zoned for such use.

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

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

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- 24 a. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed  
25 abandoned and the beneficiary/trustee shall, within ten (10) days of the inspection,  
26 register the property with the Riverside County Building & Safety Department on  
27 forms provided by the County of Riverside.

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- 1 b. If the property is occupied but remains in default, it shall be deemed distressed, and it  
2 shall be inspected by the beneficiary/trustee or his designee monthly until either 1) the  
3 trustor or other party remedies the default, or 2) it is found to be vacant or shows  
4 evidence of vacancy (at which time it is deemed abandoned and required to be  
5 registered as set forth herein.)
- 6 c. The registration shall contain the name of the beneficiary/trustee (corporation or  
7 individual), the direct street/office mailing address of the beneficiary/trustee (no postal  
8 boxes), a direct contact name and phone number for the beneficiary/trustee, and, in the  
9 case of a corporation or out-of-area beneficiary/trustee, the local property maintenance  
10 company responsible for the security, maintenance and marketing of the property. Any  
11 change of the information in the registration required under this paragraph shall be  
12 reported within ten (10) days of the change.
- 13 d. The Board of Supervisors shall establish a registration fee by minute order. An annual  
14 registration fee shall accompany the registration form. The fee and registration shall be  
15 valid for the calendar year, or remaining portion of the calendar year, in which the  
16 registration was initially required. Subsequent registrations and fees are due January 1st  
17 of each year and must be received no later than January 31 of the year due.  
18 Registration fees will not be prorated.
- 19 e. Abandoned properties shall remain subject to the annual registration, maintenance,  
20 security and signage requirement of this ordinance as long as they remain abandoned.

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

- 23 a. Abandoned properties shall be maintained so as to be kept free of evidence of vacancy.  
24 b. Abandoned properties shall also be maintained free of graffiti, tagging or similar  
25 markings by removal or painting over with an exterior grade paint that matches the  
26 color of the exterior of the structure.

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- 1 c. Maintenance of abandoned properties shall include landscape maintenance of visible  
2 front and side yards.
- 3 d. Pools and spas shall either (a) be kept in working order so the water remains clear and  
4 free of pollutants and debris or (b) drained and kept dry. In either case, properties with  
5 pools and/or spas must comply with the minimum security fencing requirements of the  
6 State of California.
- 7 e. Adherence to this section does not relieve the beneficiary/trustee or property owner of  
8 any obligations set forth in any Covenants Conditions and Restrictions and/or Home  
9 Owners Association rules and regulations which may apply to the abandoned property.

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

11 Section 7. SIGNAGE REQUIREMENTS. The abandoned property shall be posted  
12 with the name and 24-hour contact phone number of the local property maintenance company that must  
13 be retained by an out of area beneficiary/trustee. The posting shall be no less than 18" X 24" and shall be  
14 of a font that is legible from a distance of forty-five (45) feet and shall contain, along with the name and  
15 24-hour contact number, the words "THIS PROPERTY MANAGED BY" and "TO REPORT  
16 PROBLEMS OR CONCERNS CALL". The posting shall be placed on the interior of a window facing  
17 the street to the front of the property so that it is visible from the street, or secured to the exterior of the  
18 building/structure facing the street to the front of the property so it is visible from the street; if no such  
19 area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to  
20 the front of the property but not readily accessible to vandals. The exterior posting must be constructed of  
21 and printed with weather resistant materials.

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24 Section 8. ENFORCEMENT, VIOLATIONS AND PENALTIES. The Riverside  
25 County Code Enforcement Department shall have the primary responsibility for enforcing this ordinance.  
26 In addition to any other remedies provided by law, violations shall be prosecuted as described in  
27 Riverside County Ordinance No. 725. Each day a violation is committed or permitted to continue shall  
28 constitute a separate offense and shall be punishable as such. Violations of this ordinance shall be treated

1 as a strict liability offense regardless of intent. Nothing in either this ordinance or Riverside County  
2 Ordinance No. 725 shall prevent the Riverside County Code Enforcement Department from engaging in  
3 efforts to obtain voluntary compliance by means of warnings, notices, or educational programs.

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

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

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

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

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

18 Section 9. ADDITIONAL AUTHORITY. In addition to the enforcement remedies  
19 established in Riverside County Ordinance No. 725, the Riverside County Code Enforcement Department  
20 shall have the authority to require the beneficiary/trustee/owner and/or owner of record of any property  
21 affected by this ordinance to implement additional maintenance and/or security measures including, but  
22 not limited to, securing any/all door, window or other openings, installing additional security lighting,  
23 increasing on-site inspection frequency, employment of an on-site security guard, or other measures as  
24 may be reasonably required to arrest the decline of the property.

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

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