

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**PUBLIC COMMENT:**

**16.1**

During the oral communication section of the agenda for Tuesday, April 18, 2023, Francisco Rodriguez, Mead Valley resident, spoke a letter he received informing him that he is not allowed to park his big rig truck on his property or street and there is a need for safe places to park big rig trucks.

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**ATTACHMENTS FILED WITH  
CLERK OF THE BOARD**

**AGENDA NO.  
16.1**



# Riverside County Board of Supervisors Request to Speak



Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Francisco Rodruge

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date: \_\_\_\_\_ Agenda # Publico

### PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

\_\_\_\_\_ Support      \_\_\_\_\_ Oppose      \_\_\_\_\_ Neutral

**Note:** If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

\_\_\_\_\_ Support      \_\_\_\_\_ Oppose      \_\_\_\_\_ Neutral

I give my 3 minutes to: \_\_\_\_\_



# BOARD RULES

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MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**PUBLIC COMMENT:**

**16.2**

During the oral communication section of the agenda for Tuesday, April 18, 2023, Daryl Terrell spoke regarding a proposed ordinance to enforce theft of catalytic converters.

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ATTACHMENTS FILED WITH  
CLERK OF THE BOARD

AGENDA NO.  
16.2





# Riverside County Board of Supervisors Request to Speak

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SPEAKER'S NAME: Darryl Terre II

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date: 4-18-23 Agenda # 16

### PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

\_\_\_\_\_ Support      \_\_\_\_\_ Oppose      \_\_\_\_\_ Neutral

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**THE PROPOSED**

**RIVERSIDE COUNTY**

**UNLAWFUL POSSESSION**

**OF**

**CATALYTIC CONVERTER**

**ORDINANCE:**

**ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF  
CATALYTIC CONVERTERS IN RIVERSIDE COUNTY**

**SUBMITTED BY DARYL TERRELL AT THE APRIL 18, 2023, RIVERSIDE COUNTY  
BOARD OF SUPERVISOR MEETING**



**THE PROPOSED RIVERSIDE COUNTY UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS  
ORDINANCE: Establishing Regulations Prohibiting The Unlawful Possession Of Catalytic  
Converters In Riverside County**

**BACKGROUND**

The theft of catalytic converters has increased significantly in cities across California and the nation. In 2021, approximately 1,600 catalytic converters were reportedly stolen in California each month, and California accounted for 37% of all catalytic converter theft claims nationwide.

Catalytic converters are an external component of a vehicle, accessible from the underside of a parked car. They convert most of a vehicle's emissions into less harmful forms, improving air quality and vehicle performance. As part of their construction, catalytic converters contain valuable materials such as platinum and palladium, rare metals that command ever-increasing prices on the recyclables market.

This type of theft is popular because of the value of precious metals contained within the catalytic converter, the ease of removing the catalytic converter from a vehicle, and the ease of selling the item to a scrap metal dealer for cash.

These thieves move across jurisdictional lines and in many cases are committing other crimes such as auto theft. Catalytic converter theft is challenging for law enforcement because of the lack of serial numbers or other identifying information on a catalytic converter which can positively identify the item as stolen.

It is very difficult for the officer to prove the item is stolen and take enforcement action. An individual stopped by police while possessing a catalytic converter does not need to show proof of ownership, and unless the officer can identify a victim who then must be able to positively identify the catalytic converter as theirs, may have to release the individual along with the catalytic converter.

Catalytic converter thefts continues to rise as individuals are incentivized to commit catalytic converter thefts for multiple reasons including: (1) the ease and undetectable nature of committing such thefts, potentially in a matter of seconds through the use of common tools such as a reciprocating saw; (2) the ability to recycle catalytic converters at scrap metal yards for high dollar returns ranging from \$200 to \$1,200 per catalytic converter; and (3) loopholes in legislation protecting criminals from prosecution unless a victim can be identified.

**PROBLEM**

There is currently no County legislation applicable within Riverside County to directly define and punish catalytic converter thefts absent an identifiable victim. Additionally, there is currently no County, State, or Federal legislation applicable within the Riverside County requiring individuals

to provide proof to law enforcement as to how they obtained catalytic converters in their possession. This limits law enforcement's ability to (1) protect the public by preventing catalytic converter thefts and (2) seize suspected stolen catalytic converters when there is no identifiable victim present. As a result, preventing and punishing these crimes at present is nearly impossible due to the ease and speed with which catalytic converter thefts can be committed and the difficulty of tracing a particular catalytic converter back to its prior owner (the victim), because catalytic converters typically have no identifying markers.

The Legislature has enacted, and the Governor has signed into law, Senate Bill (SB) 1087 and Assembly Bill (AB) 1740, which generally prohibit (1) individuals from purchasing a used catalytic converter from anyone other than certain specified sellers, including automobile dismantlers, automotive repair dealers, or an individual possessing documentation, as specified, that they are the lawful owner of the catalytic converter; and (2) requires core recyclers to keep a detailed written record, including the year, make, and model of the car from which a catalytic converter was removed, as well as a copy of the vehicle's title, prior to purchasing a catalytic converter from a seller.

State law puts that kind of burden of proof on recycling companies. We don't see that same type of burden of proof placed on individuals. And so, while a lot of those regulations apply to core recyclers, they are not currently applicable to individuals. The Legislature has not expressed its intent, whether explicitly or impliedly, to occupy the field of catalytic converter theft legislation. Individuals in possession of stolen catalytic converters are able to recycle them for substantial profit at relatively low risk, while victims are forced to commit to costly repairs.

#### **AUTHORITY**

Pursuant to Article XI, Section 7 of the California Constitution, the County has broad discretionary power to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

#### **SOLUTION**

The mere possession of a detached catalytic converter is not a crime. The Board of Supervisors can enact an ordinance that makes it unlawful to possess any catalytic converter that is not attached to a vehicle, unless the individual has valid documentation or other proof to verify that they are in lawful possession of the catalytic converter. The ordinance as proposed will help protect our residents and assist law enforcement.

By criminalizing the mere possession of an unattached catalytic converter absent proof of ownership or lawful possession, this ordinance would combat this criminal practice by: (1) achieving deterrence by establishing zero-tolerance for catalytic converter thefts; (2) establishing sanctions for possessing stolen catalytic converters; (3) prohibiting the falsification of information in documents and records used to verify ownership or lawful possession of a catalytic converter; (4) preventing criminals from profiting from the sale and recycling of stolen catalytic converters; (5) providing indirect justice to the victims of catalytic converter theft cases that have



gone or will go unsolved for the reasons discussed above; and (6) minimizing the fiscal and personnel impact on the Riverside County and the Riverside County Sheriff's Department by reducing the time invested in deterring and investigating catalytic converter thefts.

### **SUMMARY OF THE ORDINANCE**

The proposed ordinance would address unlawful possession of a catalytic converter. Persons unable to provide lawful proof of ownership (as outlined in the Ordinance), would be subject to a felony or misdemeanor conviction with a fine of up to \$1,000 and/or up to 12 months imprisonment in the county jail for each separate violation, as enforced by the Riverside County Sheriff's Department.

Due to the increase in the number of catalytic converter thefts throughout Riverside County, I drafted an Ordinance to provide clear accountability for those in unlawful possession of catalytic converters. Catalytic converters can be stolen quickly from a vehicle, with minimal skill, by using a common reciprocal saw. Once removed, the vehicle is inoperable and is subject to costly repairs, often in the thousands of dollars. Under current law, there are limited legal consequences for this type of theft, therefore, an ordinance is needed to provide sanctions for possession of stolen catalytic converters.

The proposed ordinance would define unlawful possession of a catalytic converter and requires valid documentation when the part is not attached to a vehicle. Valid proof is outlined in the Code and requires documentation containing all of the following:

- Vehicle License Plate number and Vehicle Identification Number (VIN)
- Name, address, and telephone number of the owner of the vehicle
- Signature of the owner authorizing removal of the catalytic converter
- Name, address, and phone number of the current owner of the catalytic converter

For removed catalytic converters staying in possession of the current owner, the following documentation is required:

- Proof of Ownership of the vehicle
- Valid receipt for the replacement catalytic converter
- Proof of installation for the replacement catalytic converter

## PROPOSE ORDINANCE

### AN ORDINANCE OF THE COUNTY OF RIVERSIDE ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

**SECTION 1.** The Board of Supervisors of Riverside County finds that:

- (A) The residents of Riverside County have experienced catalytic converter thefts from automobiles over the past several years.
- (B) Catalytic converters contain expensive precious metals including platinum, palladium, and rhodium, which can have significant value to thieves.
- (C) Catalytic converter thefts are on the rise because individuals are incentivized to commit the thefts for multiple reasons including, but not limited to: (1) the ease and undetectable nature of committing such thefts, potentially in a matter of seconds and through the use of common tool such as a reciprocating saw; (2) the ability to recycle catalytic converters at scrap metal yards for high dollar returns; and (3) loopholes in legislation protecting criminals from prosecution unless a victim can cannot be identified.
- (D) Finding the victims of these crimes is nearly impossible due to the manner in which catalytic converter thefts occur and the lack of identifying markers on catalytic converters linking stolen catalytic converters to the respective victims.
- (E) The inability to identify the victims of catalytic converter thefts can inhibit the ability to successfully prosecute individuals for the thefts.
- (F) There is currently no County, State or Federal legislation applicable within the Riverside County to define and punish catalytic converter thefts absent an identifiable victim.
- (G) There is currently no County, State, or Federal legislation applicable within the Riverside County requiring individuals discovered to be in possession of



detached catalytic converters to provide proof to law enforcement as to how they obtained catalytic converters, thus limiting law enforcement's ability to (1) protect the public by preventing catalytic converter thefts; and (2) seize suspected stolen catalytic converters when no victim is present.

- (H) The Legislature has enacted, and the Governor has signed into law, Senate Bill (SB) 1087 and Assembly Bill (AB) 1740, which generally prohibit (1) individuals from purchasing a used catalytic converter from anyone other than certain specified sellers, including automobile dismantlers, automotive repair dealers, or an individual possessing documentation, as specified, that they are the lawful owner of the catalytic converter; and (2) requires core recyclers to keep a detailed written record, including the year, make, and model of the car from which a catalytic converter was removed, as well as a copy of the vehicle's title, prior to purchasing a catalytic converter from a seller.
- (I) The Legislature has not expressed its intent, whether explicitly or impliedly, to occupy the field of catalytic converter theft legislation; and be identified.
- (J) Regulating possession of detached catalytic converters neither contradicts nor duplicates the statutes adopted by the Legislature on the topic of catalytic converters.
- (K) This Ordinance is necessary to provide the Riverside County Sheriff's Department a means to protect the public, deter this criminal activity and promote a more productive use of Riverside County's resources by staff responsible for investigating catalytic converter thefts.
- (L) The County hereby enacts this ordinance requiring a person in possession of a detached catalytic converter to show proof of valid ownership to law enforcement upon request.

## **SECTION 2.      PURPOSE AND INTENT**

Catalytic converter theft is an increasing problem within Riverside County and causes significant financial damage to the victims. Due to the lack of federal or state legislation that requires showing proof of ownership of a catalytic converter to law enforcement, criminal enforcement remedies are limited. The purpose and intent of this Chapter is to provide Riverside County with reasonable means to address the impact on the community and the victims posed by increasing catalytic converter thefts.

**SECTION 3.**      **AUTHORITY.** The ordinance is adopted pursuant to the authority granted by Article XI, Section 7 of the California Constitution.

**SECTION 4.**      **DEFINITIONS.** For purposes of this section, “lawful possession” includes:

- (A) being the lawful owner of the catalytic converter.
- (B) in possession of the catalytic converter with the lawful owner's written consent. It is not required to prove the catalytic converter was stolen to establish the possession is not a “lawful possession.”

**SECTION 5.**      **UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER.**

- (A) It shall be unlawful for any person, other than a Core Recycler as defined in California Business and Professions Code Section 21610, to possess a catalytic converter that is not attached to a vehicle, unless the person has valid proof to verify that they are in lawful possession of the catalytic converter.
- (B) This section does not apply to a detached catalytic converter that has been tested, certified, and labeled or otherwise approved for reuse, and being bought or sold for purposes of reuse in accordance with the Federal Clean Air Act (42 U.S.C. §§7401 ets eq,) and regulations under the Clean Air Act, as they may, from time to time, be amended.
- (C) It is unlawful for any person to knowingly falsify or cause to be falsified any information in a record intended to show valid proof of ownership.

**SECTION 6.**      **VALID PROOF OF OWNERSHIP.**

For purposes of this section, valid proof of ownership means:

- (A) A document containing all of the following information:
  - (i) The license plate number and vehicle identification number of the car from which the catalytic converter was removed.



(ii) The name, address, and telephone number of the owner of the vehicle from which the catalytic converter was removed.

(iii) The signature of the vehicle owner authorizing removal of the catalytic converter.

(iv) The name, address, and telephone number of the current owner of the catalytic converter.

(B) In the event the catalytic converter is in the possession of the current owner of the vehicle from which it was removed, valid proof of ownership means:

(i) Ownership documentation for the vehicle;

(ii) A valid receipt for a replacement catalytic converter; and

(iii) Proof of installation of the replacement catalytic converter.

## **SECTION 7. VIOLATIONS.**

(A) Each and every violation of this section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the County of Riverside Code of Ordinances. Each and every catalytic converter unlawfully possessed is a separate violation of this section.

(B) Each and every violation of this section may in the discretion of the Riverside County District Attorney be prosecuted as a Felony or misdemeanor and upon conviction be subject to a fine not to exceed \$1000 or imprisonment in the county jail for a period of not more than 12 or imprisonment in the state prison, or by both such fine and imprisonment.

(C) The remedies provided herein are not to be construed as exclusive remedies. The County is authorized to pursue any proceedings or remedies provided by law.

(D) It shall be unlawful for any individual or entity other than a metal recycler to possess a used catalytic converter that was cut from its original vehicle, rather than unbolted, unless the individual or entity provides the applicable information under Section 4.

**SECTION 8.**        **SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such section, subsection, sentence, clause, or phrase shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION 9.**        **EFFECTIVE DATE.** This Ordinance shall take effect thirty (30) days after its adoption.



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**PUBLIC COMMENT:**

**16.3**

During the oral communication section of the agenda for Tuesday, April 18, 2023, Rudi Krause spoke regarding the science behind COVID-19, books he wrote, including Origin of the Species regarding anaerobic virus, and his new book, Covid Gain of Oxygen Function (GOOF).

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ATTACHMENTS FILED WITH  
CLERK OF THE BOARD

AGENDA NO.  
16.3



# Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: RUDI KRAUSE

Address: SAN CLEMENTE

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: 714 984-9687

Date: 4/18/23 Agenda # PUBLIC

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item: NOBEL PRIZE DISCOVERY COVID-19 OXYGEN OF FUNCTION

\_\_\_\_\_ Support N/A Oppose \_\_\_\_\_ Neutral

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MINUTES OF THE BOARD OF SUPERVISORS  
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**PUBLIC COMMENT:**

**16.4**

During the oral communication section of the agenda for Tuesday, April 18, 2023, Nayael Mendoza, Perris area resident and truck driver, spoke regarding the need for safe places to park big rig trucks in the county.

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ATTACHMENTS FILED WITH  
CLERK OF THE BOARD

AGENDA NO.  
16.4





# Riverside County Board of Supervisors Request to Speak

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SPEAKER'S NAME: Nayael Mendoza

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date: \_\_\_\_\_ Agenda # Publico

### PLEASE STATE YOUR POSITION BELOW:

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Support       Oppose       Neutral

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MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**PUBLIC COMMENT:**

**16.5**

During the oral communication section of the agenda for Tuesday, April 18, 2023, Roy Bleckert spoke regarding increase in crime and the lack of state backing to enforce laws.

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ATTACHMENTS FILED WITH  
CLERK OF THE BOARD

AGENDA NO.  
16.5





# Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Roy Beckert

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date: \_\_\_\_\_ Agenda # PUBLIC COMMENT

### PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

\_\_\_\_\_ Support      \_\_\_\_\_ Oppose      \_\_\_\_\_ Neutral

**Note:** If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

\_\_\_\_\_ Support      \_\_\_\_\_ Oppose      \_\_\_\_\_ Neutral

I give my 3 minutes to: \_\_\_\_\_



# BOARD RULES

## **Requests to Address Board on "Agenda" Items:**

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

## **Requests to Address Board on items that are "NOT" on the Agenda/Public Comment:**

Notwithstanding any other provisions of these rules, a member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES. Donated time is not permitted during Public Comment.

## **Power Point Presentations/Printed Material:**

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please ensure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

## **Individual Speaker Limits:**

**Individual speakers are limited to a maximum of three (3) minutes.** Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin to flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

## **Group/Organized Presentations:**

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the bottom of the form.

## **Addressing the Board & Acknowledgement by Chairman:**

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MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**PUBLIC COMMENT:**

**16.6**

During the oral communication section of the agenda for Tuesday, April 18, 2023, Sharon Lewis Campbell and Julie Wilson from Delta Sigma Theta, Inc. spoke regarding their chapter and the issues they are working on within the communities including human trafficking.

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ATTACHMENTS FILED WITH  
CLERK OF THE BOARD

AGENDA NO.  
16.6





# Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject to Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Sharon Lewis-Campbell

**Address:** 18557 Moorland Ct.

**City:** Riverside **Zip:** 92508

**Phone #:** 713 359-8639

**Date:** 4/18/23 **Agenda #** public comment

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

           **Support**                 **Oppose**                 **Neutral**

**Note:** If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

           **Support**                 **Oppose**                 **Neutral**

**I give my 3 minutes to:** Julie Wilson



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MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**PUBLIC COMMENT:**

**16.7**

During the oral communication section of the agenda for Tuesday, April 18, 2023, Barbara Nitis of the U.S. Small Business Administration Office of Disaster Recovery and Resilience spoke regarding loans for homeowners, renters and businesses affected by the Fairview Fire.

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**ATTACHMENTS FILED WITH  
CLERK OF THE BOARD**

**AGENDA NO.  
16.7**





# Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Barbara Niti's

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date: \_\_\_\_\_ Agenda # \_\_\_\_\_

## PLEASE STATE YOUR POSITION BELOW:

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Support       Oppose       Neutral

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Support       Oppose       Neutral

I give my 3 minutes to: Disaster Assistance  
For Fairview  
Fire



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U.S. Small Business  
Administration

## U.S. SMALL BUSINESS ADMINISTRATION FACT SHEET - DISASTER LOANS

### CALIFORNIA Declaration #17846 & #17847

(Disaster: CA-00370)

Incident: **FAIRVIEW FIRE**

occurring: September 5 through October 3, 2022

in Riverside County, California;

the contiguous California counties of: Imperial, Orange, San Bernardino & San Diego;  
and the contiguous Arizona county of: La Paz

#### Application Filing Deadlines:

Physical Damage: June 5, 2023

Economic Injury: January 4, 2024

If you are located in a declared disaster area, you may be eligible for financial assistance from the U.S. Small Business Administration (SBA).

#### What Types of Disaster Loans are Available?

- Business Physical Disaster Loans – Loans to businesses to repair or replace disaster-damaged property owned by the business, including real estate, inventories, supplies, machinery and equipment. Businesses of any size are eligible. Private, non-profit organizations such as charities, churches, private universities, etc., are also eligible.
- Economic Injury Disaster Loans (EIDL) – Working capital loans to help small businesses, small agricultural cooperatives, small businesses engaged in aquaculture, and most private, non-profit organizations of all sizes meet their ordinary and necessary financial obligations that cannot be met as a direct result of the disaster. These loans are intended to assist through the disaster recovery period.
- Home Disaster Loans – Loans to homeowners or renters to repair or replace disaster-damaged real estate and personal property, including automobiles.

#### What are the Credit Requirements?

- Credit History – Applicants must have a credit history acceptable to SBA.
- Repayment – Applicants must show the ability to repay all loans.
- Collateral – Collateral is required for physical loss loans over \$14,000 and all EIDL loans over \$25,000. SBA takes real estate as collateral when it is available. SBA will not decline a loan for lack of collateral, but requires you to pledge what is available.

#### What are the Interest Rates?

By law, the interest rates depend on whether each applicant has Credit Available Elsewhere. An applicant does not have Credit Available Elsewhere when SBA determines the applicant does not have sufficient funds or other resources, or the ability to borrow from non-government sources, to provide for its own disaster recovery. An applicant, which SBA determines to have the ability to provide for his or her own recovery is deemed to have Credit Available Elsewhere. Interest rates are fixed for the term of the loan. The interest rates applicable for this disaster are:

Loan Types	No Credit Available Elsewhere	Credit Available Elsewhere
Home Loans	2.188%	4.375%
Business Loans	3.040%	6.080%
Non-Profit Organizations	1.875%	1.875%

#### Economic Injury Loans

Loan Types	No Credit Available Elsewhere	Credit Available Elsewhere
Businesses & Small Agricultural Cooperatives	3.040%	N/A
Non-Profit Organizations	1.875%	N/A

#### What are Loan Terms?

The law authorizes loan terms up to a maximum of 30 years. However, the law restricts businesses with credit available elsewhere to a maximum 7-year term. SBA sets the installment payment amount and corresponding maturity based upon each borrower's ability to repay.

Barbara Niti's  
public comment



### **What are the Loan Amount Limits?**

- **Business Loans** – The law limits business loans to \$2,000,000 for the repair or replacement of real estate, inventories, machinery, equipment and all other physical losses. Subject to this maximum, loan amounts cannot exceed the verified uninsured disaster loss.
- **Economic Injury Disaster Loans (EIDL)** – The law limits EIDLs to \$2,000,000 for alleviating economic injury caused by the disaster. The actual amount of each loan is limited to the economic injury determined by SBA, less business interruption insurance and other recoveries up to the administrative lending limit. EIDL assistance is available only to entities and their owners who cannot provide for their own recovery from non-government sources, as determined by the U.S. Small Business Administration.
- **Business Loan Ceiling** – The \$2,000,000 statutory limit for business loans applies to the combination of physical, economic injury, mitigation and refinancing, and applies to all disaster loans to a business and its affiliates for each disaster. If a business is a major source of employment, SBA has the authority to waive the \$2,000,000 statutory limit.
- **Home Loans** – SBA regulations limit home loans to \$200,000 for the repair or replacement of real estate and \$40,000 to repair or replace personal property. Subject to these maximums, loan amounts cannot exceed the verified uninsured disaster loss.

### **What Restrictions are there on Loan Eligibility?**

- **Uninsured Losses** – Only uninsured or otherwise uncompensated disaster losses are eligible. Any insurance proceeds which are required to be applied against outstanding mortgages are not available to fund disaster repairs and do not reduce loan eligibility. However, any insurance proceeds voluntarily applied to any outstanding mortgages do reduce loan eligibility.
- **Ineligible Property** – Secondary homes, personal pleasure boats, airplanes, recreational vehicles and similar property are not eligible, unless used for business purposes. Property such as antiques and collections are eligible only to the extent of their functional value. Amounts for landscaping, swimming pools, etc., are limited.
- **Noncompliance** – Applicants who have not complied with the terms of previous SBA loans may not be eligible. This includes borrowers who did not maintain flood and/or hazard insurance on previous SBA loans.

**Note:** Loan applicants should check with agencies / organizations administering any grant or other assistance program under this declaration to determine how an approval of SBA disaster loan might affect their eligibility.

### **Is There Help with Funding Mitigation Improvements?**

If your loan application is approved, you may be eligible for additional funds to cover the cost of improvements that will protect your property against future damage. Examples of improvements include retaining walls, seawalls, sump pumps, etc. Mitigation loan money would be in addition to the amount of the approved loan, but may not exceed 20 percent of total amount of physical damage to real property, including leasehold improvements, and personal property as verified by SBA to a maximum of \$200,000 for home loans. It is not necessary for the description of improvements and cost estimates to be submitted with the application. SBA approval of the mitigating measures will be required before any loan increase.

### **Is There Help Available for Refinancing?**

- SBA can refinance all or part of prior mortgages that are evidenced by a recorded lien, when the applicant (1) does not have credit available elsewhere, (2) has suffered substantial uncompensated disaster damage (40 percent or more of the value of the property or 50% or more of the value of the structure), and (3) intends to repair the damage.
- **Businesses** – Business owners may be eligible for the refinancing of existing mortgages or liens on real estate, machinery and equipment, up to the amount of the loan for the repair or replacement of real estate, machinery, and equipment.
- **Homes** – Homeowners may be eligible for the refinancing of existing liens or mortgages on homes, up to the amount of the loan for real estate repair or replacement.

### **What if I Decide to Relocate?**

You may use your SBA disaster loan to relocate. The amount of the relocation loan depends on whether you relocate voluntarily or involuntarily. If you are interested in relocation, an SBA representative can provide you with more details on your specific situation.

### **Are There Insurance Requirements for Loans?**

To protect each borrower and the Agency, SBA may require you to obtain and maintain appropriate insurance. By law, borrowers whose damaged or collateral property is located in a special flood hazard area must purchase and maintain flood insurance. SBA requires that flood insurance coverage be the lesser of 1) the total of the disaster loan, 2) the insurable value of the property, or 3) the maximum insurance available.

Applicants may apply online, receive additional disaster assistance information and download applications at <https://disasterloanassistance.sba.gov/>. Applicants may also call SBA's Customer Service Center at (800) 659-2955 or email [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov) for more information on SBA disaster assistance. For people who are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. Completed applications should be mailed to U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.