

# CODE ENFORCEMENT UNIT

2023

Annual Report



## Code Enforcement Unit

### ANNUAL REPORT

This report describes the activities of the Code Enforcement Unit (CEU) during the 2023 calendar year.

## ACCOMPLISHMENTS

### Developing and Improving Processes and Procedures

Late in 2023 CEU did an assessment of the open CE case by Assessor's Parcel Number (APN) and geographical location. This assessment was done to identify how many open cases there were, to whom they were assigned to and to provide a method of assigning new cases based off area or region. This is a similar method to how Building Inspections are assigned to inspectors. By doing this it creates opportunities for the assigned CEU staff to build relationships in certain communities and provide a more efficient service to the public.

Using the new process, CEU should be more efficient when doing inspections and can visit several properties in a certain area in one outing. This will save both time and fuel.

### Abatements

#### 2023 County-Led Abatements

In the most difficult CEU's cases, the property owner is unwilling or incapable of addressing the public nuisance on their property. In these situations, after repeated attempts to work with the property owner to address the issue, the county is forced to step in, to perform a county lead abatement. Once a Notice to Abate is issued, the property owner has 10 days to either resolve the violation or enter into an agreement to address the violation. If the property owner does not address the violations in one of these options and does not appeal the Notice to Abate to a Hearing Officer within 10 days, the county then has jurisdiction to abate a nuisance.

In 2023 there were seven cases that resulted in county abatement. The first one was at the old Judy's Market that burned down in 2017 located on St Hwy 36 in Carlotta. The owner attempted to obtain a demo contractor and demo permit in 2022, this did not work out for unknown reasons. Due to the hazard posed to the public it was determined that a county abatement would be necessary to remove the nuisance. The county abatement contractor removed the burned out shell of the old market, re-seeded the disturbed area and fenced the property to restrict access.



Judy's Market before abatement



Judy's Market after abatement

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The second and third county abatements were located on St Hwy 101 in Orick. Green Valley Motel and a decommissioned gas station. This was a multi-year effort. In September 2021 a Notice and Order of Substandard Housing and Order to Vacate was posted at Green Valley Motel. The deteriorating condition of the motel, solid waste and junk vehicles made this property a candidate for a county abatement. This property was intended to be abated in 2022, however there was a pending real estate transaction. The gas station caught fire in January 2022 and was declared a public nuisance. This property was also intended to be abated in 2022 and it too was in a pending real estate transaction. Both the Green Valley and the gas station abatements were postponed in 2022 and completed in May 2023.



Green Valley before abatement



Green Valley after abatement



Gas station before abatement



Gas station after abatement

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The fourth county-led abatement involved solid waste and uninhabitable mobile home on Weiler Road in Eureka. In July 2021 a Notice and Order of Substandard Housing and Order to Vacate was properly served. The mobile home and the solid waste on the property was abated by the county in December 2023.



Weiler Road before abatement



Weiler Road after abatement

The fifth abatement took place on Salmon Creek Road in Miranda. The property had a significant fire in July of 2023. The location of the nuisance was near Salmon Creek and the Eel River watersheds. Out of concern for the environment this abatement was accelerated as winter rains were approaching. The abatement was completed in December 2023.



Salmon Creek before abatement



Salmon Creek after abatement

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The sixth and seventh abatements took place at two properties located in Fields landing that are owned by the same property owner. One case was opened in 2016 and the other more recently in 2022. The abatements consisted of solid waste, junk vehicles and maintaining a junkyard. Both abatements were completed in December 2023.



Central Avenue, Fields Landing before abatement



Central Avenue, Fields Landing after abatement





West Ave, Fields Landing before abatement



West Ave, Fields Landing after abatement

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St Hwy 36, Carlotta	Fire-dmaged market demolition	\$	214,729.56
St Hwy 101, Orick	Green Valley Motel- Demolition	\$	475,052.45
St Hwy 101, Orick	Gas Station Demo		
4181 Weiler Rd, Eureka	Demo structures, solid waste, junk vehicles	\$	46,747.17
258 Lupin Drive, Arcata	Tenant Relocation	\$	3,542.00
Central Avenue, Fields Landing	solid waste and junk vehicles	\$	3,008.21
6766 West Av, Fields Landing,	solid waste, maintaining a junk yard	\$	16,881.31
4663 Salmon Creek Rd, Miranda	Solid waste and junk vehicle removal	\$	48,678.80
	<b>Total</b>	<b>\$</b>	<b>808,639.50</b>

## Assessment Liens and Property Tax Direct Charge

Five of county-led abatement projects were subsequently processed to impose an Assessment Lien on each property. The two-remaining county-led abatements are in a judicial process with a Writ hearing scheduled in the Superior Court in late June 2024. In addition, each property had a property tax direct charge added which means the cost of the abatement is now due and payable along with the ordinary property taxes. If unpaid after three years, these properties will be placed for auction by the tax collector and the county stands to recuperate the abatement costs. Green Valley Motel and gas station are on the June 2024 tax auction sale.

## RECEIVERSHIP

A receivership under the Health and Safety Code is an alternative to an enforcement agency taking on the financial and physical responsibility of managing the nuisance abatement process. By leveraging the statutory authority and equitable discretion of the courts, health and safety receiverships can break stalemates in nuisance abatement cases at no cost to taxpayers.

In 2019 a Code Enforcement case was opened on Golf Course Road in Bayside. The violations included unapproved sewage disposal, property/building use in violation of zoning codes, construction without permits, solid waste, junk vehicles, and controlled substances on the premises. This was a very difficult code enforcement case with many different factors. The owner entered into a Compliance Agreement in April 2019, and it was breached in September 2019.

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NTA/NOV were served in January 2022. The property owner was making minimal progress resolving the issues. The community continued to express concerns about the property. Code Enforcement then engaged with a receiver to correct the violations. The court considered the receivership in February 2023 and appointed the receiver at that time. The receiver was able to resolve most of the violations on the property, the property was sold, and the new owner has one year to permit the unpermitted secondary dwelling unit. The receiver will provide oversight and the case will be closed once permitted. Based on this experience, Code Enforcement will continue to explore opportunities using the receivership process for both Traditional and Cannabis cases.

### Upcoming Receiverships

	Address	APN	Supervisor District
12CEU-78	3051 Glendale Dr, Blue Lake, CA	312-091-015-000	5
12CEU-79	264 Maple Creek Rd, Korbek, CA 95550	312-151-008-000	5
14CEU-51	not assigned	304-211-011-000	1
CE22-1722	7218 Summit Ridge Dr, Eureka, CA 95503	306-291-018-000	1

### Outdoor Cultivation Nearly Non-Existent

The success of the cannabis abatement program cannot be overstated. The volume of new outdoor cannabis cases continues to decline. Outdoor cultivation has been easier to identify using aerial imagery. The coming years may become more challenging as the illegal cultivation goes underground.

	2022	2023
Total Cases Noticed	1232	1234
Total Cases with Appeal Requests Submitted	393	394
Total Cases Closed	836	960
Total Cases Still Open	396	355

In 2023 the cannabis team opened 41 new cannabis related cases and closed 15 of those cases. CEU also closed 121 cases from previous years. CEU participated in 29 warrants in 2023, down from 56 in 2022, in conjunction with the Humboldt County Sheriff's Office and California Department of Fish and Wildlife. There were 29 new cases opened because of those warrants. The last warrant that CEU assisted HCSO with to date was in September 2023.

## Upcoming Abatements

In 2023 Code Enforcement identified potential cases for county abatement in the coming year.

	Address	APN	Supervisor District	Violation
12CEU-110	2225 Walker Ave, McKinleyville	510-281-002-000	5	Solid waste, RV as residence, junk vehicles
16CEU-3	991 Mary Rd, McKinleyville	508-101-025-000	5	Solid waste, RV as residence, junk vehicles
17CEU-415	2642 Daffodil Av, Mckinleyville	510-261-022-000	5	Solid waste, RV as residence, junk vehicles
18CEU-11	4438 Bailey St, Eureka, CA 95503	019-151-004-000	1	Solid waste, junk vehicleconst without permits
18CEU-154	2050 Simmons Road, Eureka	300-093-014-000	1	Solid waste, junk vehicles
CE21-1372	1792 Bird Ave. McKinleyville	508-141-037-000	5	Solid waste, RV as residence, junk vehicles
CE21-1401	1989 Peninsula Dr., Manila	506-102-001-000	3	Solid waste, substandard housing

## CHALLENGES

### Code Enforcement Personnel

Personnel in 2023 proved to be challenging for Code Enforcement. In September 2023 CEU lost 2 Code Compliance Officers to the VSIP. In August of 2023 one of our Code Compliance Officers went out on medical leave and did not return that year. In December 2023 Code Enforcement Legal Office Assistant took employment elsewhere and this position has not been filled. All of these contributed to an increased workload by the remaining team members. The number of staff has been reduced from 13 to 8. With this reduction in staff, work must be prioritized and the volume of cases that can be addressed simultaneously has been reduced.

### Deceased Property Owner(s)

CEU identified this issue in 2021 and it continues to be problematic in 2023. Since the Code Enforcement process is designed to hold property owners responsible for public nuisances and violations on their property, it becomes difficult to make progress on a case when there is no one stepping forward to take responsibility for a property. Code Enforcement supports the work of the Public Administrator who is responsible for overseeing probate of an estate when the heirs decline to act, or when there are no known heirs, or when appointed to do so by the Superior Court. Currently there are 21 open CEU cases with a deceased owner. Code

Enforcement looks forward to working with the new Public Administrator on these cases in the coming year.

### **Foreclosure**

Code Enforcement has seen an increase of property owners who have neglected to pay their delinquent Administrative Civil Penalties and have taken no action to resolve Notice to Abate and Notice of Violation. A possible solution would be to begin a foreclosure process; however the Planning and Building Department has not wanted to initiate the foreclosure process because this is not a county objective. However, it is becoming clear that these properties need to be addressed and foreclosure is the process provided in the code. There may be non-profits, adjacent property owners or others that wish to purchase and cleanup these nuisance properties. Receivership is another possible option, rather than foreclosure. Code Enforcement has recently contacted a receiver that is abating abandoned cannabis sites in Sonoma County that have grading violations, unpermitted structures, and solid waste like cases in Humboldt County.

### **Short Term Rentals**

Code Enforcement had 14 new cases in 2023 with violations regarding short term rentals. These violations are difficult to enforce, because compliance can simply involve taking the site off of internet sites. Once the violation is closed, the ads are sometimes put back on the internet. It is anticipated the permitting pathway in the Short-Term Rental Ordinance will reduce the difficulty of responding to complaints on short term rentals.

## 2023 DATA

### 2023 CASES

Supervisor District	New Cases 2023	Cannabis	Traditional	2023 Cases Closed
1	75	6	69	41
2	75	26	49	19
3	49	2	47	17
4	14	0	14	1
5	98	7	91	46
<b>Total</b>	<b>311</b>	<b>41</b>	<b>270</b>	<b>124</b>

### ALL CASES

Supervisor District	All Cases Open or Closed	Closed in 2023 Cannabis	Closed in 2023 Traditional	Total Closed in 2023
1	620	12	100	112
2	1638	79	105	184
3	305	7	51	58
4	128	0	15	15
5	975	18	162	180
<b>Total</b>	<b>3666</b>	<b>116</b>	<b>433</b>	<b>549</b>

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The administrative process allows for the property owner to request an appeal hearing within 10 days of serving the Notice to Abate Nuisance and/or Notice of Violation and Proposed Civil Penalty. The table below represents how many appeal cases were heard in 2023. In all five cases, the hearing officer upheld the county’s position. Currently, 19 appeals are waiting for a hearing. Of those 11 of them are cannabis related and the remaining 8 are traditional cases.

**APPEAL HEARINGS**

	<b>Cannabis</b>	<b>Traditional</b>
Hearings Heard	2	3
Decision Upheld	2	3

**HEIR CASES**

	<b>2022</b>	<b>2023</b>
Total Cases Noticed (NTA/NOV)	1,232	1,256
Total Cases with Appeal Requests Submitted	393	394
Total Cases Closed	836	911
Total Cases Still Open	396	335
In Compliance Agreements	137	117
Recorded Assessment Liens	21	31
Hearing Judgement Orders	7	9
New Owner: Corrective Actions Pending	50	60

# ATTACHMENT A – NEW CASES IN 2023



# ATTACHMENT B – CASES CLOSED IN 2023