



# COUNTY OF HUMBOLDT

For the meeting of: 10/4/2022

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File #: 22-1246

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Consent

**SUBJECT:**

Summarily approve Nuisance Abatement Assessment on the property located at 120784 State Hwy 101, Orick

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Summarily approve the proposed Nuisance Abatement Assessment for case CE20-0849 on the property located at 120784 State Hwy 101, Orick, CA (APN 520-086-008 and 520-086-009) which is in violation of various Humboldt County Codes in the amount of \$119,289.06 in accordance with Title III, Division 5, Chapter 2, section 351-21 Summary Approval of Proposed Assessments.

**SOURCE OF FUNDING:**

General Fund, Code Enforcement (1100269) Nuisance Abatement (631130)

**DISCUSSION:**

The Board is being asked to summarily approve the proposed Nuisance Abatement Assessment for the Green Valley Motel located at 120784 State Hwy 101 in Orick (APNs 520-086-008 & 520-086-009) which is owned by Green Valley Motel, LLC.

The recent case history began in August of 2021 when Code Enforcement was contacted by an occupant of the motel regarding mold, cockroaches and substandard living conditions. An inspection of the one unit revealed several code violations including broken windows, lack of adequate heating, evidence of cockroach infestation, faulty weather protection, lack of smoke detectors and carbon monoxide detectors and general dilapidation of the interior and exterior of the structure. Additional inspections were scheduled for other units of the motel which amounted to a long list of violations of hazardous and unsanitary conditions. The Chief Building Official issued a Notice and Order of Substandard Housing and an Order to Vacate. A Notice to Abate Nuisance and Notice of Violation and Administrative Civil Penalty were also served (see Attachments A and B).

It became apparent the property owner was not able to abate the public nuisances. Therefore, a county abatement was necessary to address the public nuisances. The case was addressed in phases and involved relocating tenants, boarding up the structures to prevent entry, removing solid waste from the exterior of the structures, conducting asbestos and lead testing and fumigating for pest elimination. The Inspection Warrants and Orders of Abatement authorizing the county to perform the abatement activities are in Attachment C.

In the first phase, the county issued relocation benefits to the registered occupants of the motel, which amounted to \$20,449.00. The county worked with the contractor to remove the exterior solid waste and board-up the motel to prevent entry. The board-up and exterior clean-up of the solid waste and junk vehicles amounted to \$23,068.49. The next phase was to conduct an asbestos and lead survey. This is required for demolition of commercial structures and provides the contractor with a survey of materials that will need special disposal during demolition. The testing was conducted during December 2021 and the Asbestos & Lead-Based Paint Survey Report was prepared by GuziWest Inspection and Consulting and cost \$11,977.27.

On January 9, 2022, the defunct gas station adjacent to the Green Valley Motel caught fire. What remains of the structure is an unstable canopy and charred debris. The parcel with the motel and the parcel with the gas station are one legal parcel. The county intends to include demolition of the gas station property as part of the demolition of the motel complex.

There was significant community concern regarding the cockroach, rat and bedbug infestation at the motel and the likelihood of those pests spreading into the community. Therefore, the county entered into an agreement with a pest control company who fumigated the motel complex to eliminate the pests. The structures were tented and fumigated the week of January 10, 2022, at a cost of \$44,580.00 (see Attachment D for post abatement photos and Attachment E for all invoices).

Before demolition could take place, an interested buyer surfaced. In February 2022, Code Enforcement came before your Board and was directed to pursue recovery of the nuisance abatement costs to date by entering into an escrow purchase agreement as part of the sale of the property. Since February, the ongoing property negotiations have continued but have not progressed sufficiently to guarantee recovery of the abatement costs in a timely manner. Therefore, Code Enforcement served a Notice of Nuisance Abatement Assessment and brings this item before your Board for summary approval outside of any escrow agreement (see Attachment E).

The county still intends to move forward with demolition the motel and gas station structures and those activities will incur additional abatement costs. The item before your Board today is to recover the costs for the abatement activities to date. A subsequent Board item will be brought forward to recoup demolition costs.

The current abatement costs associated with the property are in the following table:

Tenant Relocation Payments	\$20,449.00
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Emergency Board Up Services and Solid Waste Removal	\$22,568.49
Asbestos Survey	\$11,977.27
Fumigation	\$44,580.00
Vehicle Towing	\$500.00
Administrative Costs as of August 15, 2022	\$16,514.30
County Counsel	\$2,680.00
<b>Total Abatement Costs</b>	<b>\$119,289.06</b>

Administrative civil penalties are not being sought in this case. The approval of the proposed Nuisance Abatement Assessment will repay the County for the actual costs of abating the public nuisances and correcting the code violations on this property to date. At this point, there is not a rationale for a reduction or elimination of the proposed Nuisance Abatement Assessment because it is based on expenses already paid.

*HCC section 351-21 states "if an objection to the proposed assessment is not filed by any Owner, Beneficial Owner, Occupier or any other person in charge or control of the affected property within ten (10) calendar days after service of the Notice of Nuisance Abatement Assessment, the Humboldt County Board of Supervisors shall summarily approve the proposed assessment without holding a Cost Recovery Hearing."*

Based upon these factors, it is recommended that the Board of Supervisors confirm the proposed Nuisance Abatement Assessment.

Upon summary approval of the Nuisance Abatement Assessment, a Notice of Nuisance Abatement Assessment Lien will be served on the property. This notice will provide forty-five (45) calendar days for the assessment to be paid before the recording of the Notice of Nuisance Abatement Assessment Lien.

Pursuant to HCC section 351-24 after the Notice of Nuisance Abatement Assessment Lien is recorded "the Humboldt County Auditor-Controller shall enter each Nuisance Abatement Assessment upon the affected Property on the Humboldt County Secured Tax Roll. The Nuisance Abatement Assessment shall continue until it is paid, together with interest at the legal maximum rate computed from the Imposition date until payment is received. The Nuisance Abatement Assessment may be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary property taxes...". The Nuisance Abatement Assessment shall also have the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure sections 697.310 *et seq.*

#### FINANCIAL IMPACT:

The cost of preparing the cases and serving the notices has been included as administrative costs in

accordance with established policies and code sections. Administrative staff costs associated with this assessment have been budgeted in the salaries and expenses of budget unit 1100-269 (Code Enforcement). The cost of the abatement was paid out of monies set aside for County abatements in the General Fund and transferred to budget unit 1100-269. With staff recommendation, there is minimal impact to the General Fund with this Board item.

**STRATEGIC FRAMEWORK:**

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents

**OTHER AGENCY INVOLVEMENT:**

Department of Health and Human Services Environmental Health, Building Division and the Sheriff's Department.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

1. The Board could choose not to approve the Nuisance Abatement Assessment. However, this is not recommended because staff recommendations align with Title III, Division 5 of Humboldt County Code. By choosing this option there will be no reimbursement for the public funds spent to clean up and abate the public nuisance

**ATTACHMENTS:**

Attachment A - Notice and Order of Substandard Housing & Order to Vacate

Attachment B - Notice to Abate Nuisance and Notice of Violation

Attachment C - Inspection Warrants and Orders to Abate

Attachment D - Pre & Post Abatement Photos

Attachment E - Invoices

Attachment F - Notice of Nuisance Abatement Assessment

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: H-1

Meeting of: February 15, 2022

File No.: 22-181