



COUNTY OF HUMBOLDT

Legislation Text

File #: 22-1031, Version: 1

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Time Certain Matter

SUBJECT:

9:30 AM - Cost Recovery Hearing on Property Located at 7218 Summit Ridge Drive, Humboldt Hill (APN 306-291-018)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Confirm the proposed Nuisance Abatement Assessment on the property located at 7218 Summit Ridge Drive, Humboldt Hill (APN 306-291-018, CE19-0400) in the amount of \$38,778.16 in accordance with Section 351-20 titled Cost Recovery Hearing of Title III, Division 5, Chapter 2 of the Humboldt County Code.
2. Adopt the resolution to confirm the proposed Nuisance Abatement Assessment against Jessica Adams pursuant to Humboldt County Code sections 351-1 *et seq.*

SOURCE OF FUNDING:

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

DISCUSSION:

Staff is recommending that the Board of Supervisors confirm the proposed Nuisance Abatement Assessment for Jessica Adams involving a real property located at 7218 Summit Ridge Drive, Humboldt Hill (APN 306-291-018) in the amount of \$38,778.16. The property owner has appealed the Abatement Assessment. Humboldt County Code (HCC) section 351-20(a) states in part that “the Humboldt Board of Supervisors shall hear testimony and consider evidence concerning the validity of the proposed assessment and any other matters deemed pertinent.”

Violations on the subject property date back to citizen complaints made in November, 2019 regarding conditions upon the premises. The complaints alleged there were junk/inoperable vehicles, unpermitted construction, solid waste, RV being lived in as a residence, hazardous materials and a rodent infestation.

Code Enforcement determined the property was occupied by Jessica Adams, the property owner, and her son, David Mahle, and his girlfriend, Sarah Burke. A consent inspection was arranged for Jan. 27,

2021. Inspection photos are in Attachment A.

The inspection confirmed violations of Humboldt County Code (HCC) and on March 1, 2021, a Notice to Abate Nuisance (NTA) was served on the property for the following violations of Humboldt County Code (HCC), Uniform Housing Code (UHC) and Health and Safety Code (H&S) (Attachment B):

Code Section	Description
UHC 1001.11 and H&S 17920.3	Unsanitary Conditions
HCC 331-28	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes
HCC 311.10.3	Construction of Building/Structure in Violation of Zoning Codes
HCC 521-4	Improper Storage and Removal of Solid Waste
HCC 354-1	Junk and/or Inoperable Vehicles

An appeal hearing request was not submitted by the property owner or the occupants by the deadline. Instead, the property owner and occupants entered into a compliance agreement which provided 45 days to complete the corrective actions required to bring the property into compliance (Attachment C).

The compliance agreement ended on June 18, 2021, and a compliance inspection was conducted, by consent, on June 21, 2021. Although there had been noticeable progress, none of the corrective actions listed in the compliance agreement had been completed. There were still at least five junk/inoperable vehicles present, the unpermitted structures were still in place, and there was a heavy accumulation of solid waste. Code Enforcement was still receiving public complaints about the property. Photographs were taken during the inspection (Attachment D). Because there had been some progress, an extension to the compliance agreement was requested and granted for 30 additional days. A subsequent inspection after the extension, however, revealed continuing HCC violations still present. The property owner requested a second extension and was given an additional 14 days. A compliance inspection was conducted Aug. 5, 2021 and conditions were much the same as before. A third extension was not granted.

Based on the condition of the property, the insufficient progress toward improvements to abate the violations, the continued complaints, and the length of time this property had been in violation, staff determined that a county abatement would be necessary to abate the nuisance conditions. A Notice of Intent to Conduct Public Nuisance Abatement was served on Aug. 11, 2021 (Attachment E). While planning the county abatement several more complaints were received and several inspections from the roadway revealed no improvement to the property.

On April 14, 2022, Code Enforcement inspected the property with the contractor Johns' Group LLC in preparation of a county abatement.

On May 12, 2022, a task order, which included an abatement budget proposal, was executed with

Johns' Group, LLC to perform the public nuisance abatement work for the subject property. Johns' Group, LLC was one of the contractors previously approved through the competitive bid process to perform county abatement work and had entered into a professional services agreement with the county on March 3, 2021 (Attachment F).

An Inspection Warrant and Order of Abatement was issued by Humboldt County Superior Court (Attachment G). The abatement of the property began on May 23, 2022, and concluded on May 31, 2022. At the conclusion of the abatement, the contractor had disposed of 48 tons of solid waste, removed all the junk vehicles, and demolished all unpermitted outbuildings over 120 square feet. See Attachment H for post abatement photos taken on May 31, 2022.

Pursuant to HCC section 351-16 a Notice of Nuisance Abatement Assessment was served for \$38,778.16 which included the \$29,334.95 in costs paid to Johns' Group, LLC to perform the abatement (invoice is included in Attachment I, plus \$9,037.21 for administrative costs incurred on this enforcement action; Attachment J includes the notice and a summary of the administrative costs).

Jessica Adams objected to the proposed abatement assessment pursuant to HCC section 351-17(f) which sets the matter before your Board as a cost recovery hearing. In her objection Ms. Adams stated there was "property damage" and that the contractor was not working the whole time they were on the property and, therefore, the labor costs are not correct (Attachment K).

Although the contractor took care to reduce the damage to the property while abating the nuisances, the abatement included removing 48 tons of "property" and demolishing several outbuildings, so the very nature of the abatement included property damage. The contractor spent 27.5 hours of labor to remove over 48 tons of waste and seven junk vehicles. The property owner's son interfered several times during the abatement causing delays to progress. The contractor estimates there was approximately 14 labor hours spent dealing with the property owner's son and his disturbances to the abatement process. These delays were caused by the property owner's son and not under the control of the contractor. See Attachment L for the contractor's response to the appeal based on labor costs.

The property owner was given ample time and several opportunities to address the violations on her property before the county stepped in. The continuing complaints and lack of improvement required the county to act.

Based upon these factors, staff recommends that your Board confirm the proposed Nuisance Abatement Assessment.

Upon the approval of the Nuisance Abatement Assessment, the property owners will be served a Notice of Nuisance Abatement Assessment Lien. This notice will inform the property owners of the assessment and provide the property owners 45 calendar days to pay the assessment 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 case and serving the notices has been included as administrative costs in accordance with established policies and code sections. Administrative staff costs associated with this Nuisance Abatement Assessment total \$9,037.21 and have been budgeted in the salaries and expenses of budget unit 1100-269 (Code Enforcement). The cost of the abatement totals \$38,778.16 and was paid out of monies set aside for County abatements in the General Fund and transferred to budget unit 1100-269. The total Nuisance Abatement Assessment is proposed in the amount of \$38,778.16. In the event that the property owners fail to pay the final assessment, the Nuisance Abatement Assessment will be recorded as a lien on the property pursuant to the timeline and procedures specified in the County Code and if necessary, the assessment will be returned to the Humboldt County upon the sale of the property. With staff recommendation, there is no 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:

None

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 a reduced or no reimbursement from the property owner for the public funds spent to clean up and abate the public nuisance.

ATTACHMENTS:

- Attachment A - Inspection Photos January 27, 2021
- Attachment B - Notice to Abate Nuisance March 3, 2021
- Attachment C - Compliance Agreement May 4, 2021
- Attachment D - Compliance Inspection Photos June 21, 2021
- Attachment E - Noncompliance and Intent to Abate Letter August 11, 2021
- Attachment F - Professional Services Agreement & Task Order with Johns’ Group, LLC
- Attachment G - Inspection Warrant and Order of Abatement

Attachment H - Post Abatement Photos May 31, 2022
Attachment I - Johns' Group, LLC Invoice
Attachment J - Notice of Nuisance Abatement Assessment & Administrative Costs
Attachment K - Request for Cost Recovery Hearing
Attachment L - Contractor's Response to Labor Costs
Attachment M - Resolution to Confirm NTA Assessment

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A