

SENATE THIRD READING

SB 757 (Richardson)

As Amended July 3, 2025

Majority vote

SUMMARY

Allows, until January 1, 2035, counties and cities to collect fines for specified violations related to nuisance abatement using a nuisance abatement lien or a special assessment.

Major Provisions

- 1) Authorizes counties and cities to collect fines related to nuisance abatement by using a nuisance abatement lien or a special assessment.
- 2) Specifies that the collection of fines and penalties related to nuisance abatement through a lien or special assessment is authorized only where the violation applies to electrical, plumbing, or other similar zoning or structural issues that create a danger to health and safety.
- 3) Requires fines and penalties that are recovered through a lien or special assessment to be used only to fund efforts within county or city government to streamline the issuance of permits for housing development or to establish a revolving loan fund at the municipal level for rehabilitating substandard housing.
- 4) Requires a county or city collecting a fine pursuant to this bill to establish a process for granting a hardship waiver to reduce the amount of the fine upon a showing by the responsible party that the responsible party has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.
- 5) Requires, in developing a process for granting a hardship waiver pursuant to 4), above, the county or city to grant total waivers of all fines and penalties for persons with income that is equal to or less than 200% of the federal poverty line, as specified.
- 6) Prohibits a county or city from recovering fines or penalties related to a nuisance abatement through a lien or special assessment unless the county or city has provided 60 days for a person responsible for a continuing violation to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties, except where the violation creates an immediate danger to health or safety.
- 7) Contains a sunset date of January 1, 2035.

COMMENTS

- 1) *Nuisance Abatement.* Both cities and counties are allowed, via ordinance, to establish administrative procedures for abating nuisances that include the ability to recover abatement costs via special assessments and abatement liens. A public nuisance is generally defined as "Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or

unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance." In addition, a city's legislative body may declare what constitutes a nuisance via ordinance.

- 2) *Counties' Nuisance Abatement Procedures.* A county ordinance establishing administrative procedures for nuisance abatement must require that the owner of the parcel, and anyone known to be in possession of the parcel, receive notice of the abatement proceeding and have a hearing in front of the board of supervisors before the county can abate the nuisance. The county supervisors can delegate the hearing to either a hearing board or hearing officer. A county may summarily abate a nuisance that a board of supervisors or county officer determines to constitute an immediate threat to public health or safety.

If the owner fails to pay the county's abatement costs, the board of supervisors can order the abatement cost to be specially assessed against the parcel. The assessment can be collected on the property tax bill, subject to the same penalties, procedure, and sale in case of delinquency as are provided for ordinary county taxes. All laws regarding the levy, collection, and enforcement of county taxes apply to the special assessment.

If a county specially assesses abatement costs against a parcel, it can put an abatement lien on the property. If no abatement lien is recorded and the real property on which an assessment is imposed is sold, or becomes foreclosed, then the assessment transfers to the unsecured tax roll for collection.

- 3) *Cities' Nuisance Abatement Procedures.* A city ordinance establishing a procedure for nuisance abatement and making the cost of abating a nuisance upon a parcel of land a special assessment against that parcel must include notice, by certified mail, to the property owner. The notice must be given at the time of imposing the assessment and must specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale is not affected by the failure of the property owner to receive notice. The assessment can be collected on the property tax bill, subject to the same penalties, procedure, and sale in case of delinquency as provided for ordinary municipal taxes. All laws regarding the levy, collection, and enforcement of municipal taxes apply to the special assessment. However, if the real property is sold, or becomes foreclosed, before the first installment of the taxes becomes delinquent, then the cost of abatement transfers to the unsecured tax roll for collection.

Alternatively, a city can, by ordinance, establish a procedure to collect abatement costs, including administrative costs, by a nuisance abatement lien. The ordinance must require that the owner of the parcel on which the nuisance is maintained receives notice prior to recordation of the abatement lien. If the owner cannot be served with the notice, it can be posted on the property and published in a newspaper. These liens are similar to county nuisance abatement liens.

- 4) *Ordinance Violations.* Current law allows counties and cities to establish ordinances, and makes violations of ordinances misdemeanors, unless the county or city makes them infractions. The violation of an ordinance may be prosecuted by county or city authorities in the name of the people of the State of California, or redressed by civil action. Current law outlines the following fine structure for ordinance violations, and for building and safety code violations, that are determined to be infractions:

<i>Number of violations within specified time periods</i>	<i>Amount of fine for ordinance violations that are infractions</i>	<i>Amount of fine for building and safety code violations that are infractions</i>
First violation	Fine does not exceed \$100	Fine does not exceed \$130
Second violation within one year of first violation	Fine does not exceed \$200	Fine does not exceed \$700
Third violation within one year of first violation	Fine does not exceed \$500	Fine does not exceed \$1,300

For building and safety code violations that are infractions, the fine can be increased to \$2,500 for each additional violation of the same ordinance within two years of the first violation, if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

The law also includes additional provisions for violations of event permits and short-term rental ordinances that are infractions, as well as a process for granting a hardship waiver in specified instances where the fine would impose an undue financial burden on the responsible party.

- 5) *Administrative Alternative.* As an alternative to the court process, a local agency can make any violation of any of its ordinances subject to an administrative fine or penalty. This provision was enacted in 1995 to relieve the courts of some of these cases and offer local governments a faster, easier, and less costly means of pursuing remedies for ordinance violations.

In order to make an ordinance violation subject to an administrative fine or penalty, the local agency must adopt an ordinance specifying the administrative procedures that govern the imposition, enforcement, collection, and administrative review of the fines or penalties. A person may appeal such fines or penalties in superior court within 20 days after service of a

final administrative order or decision. Local agencies must pursue a civil court proceeding to collect fines and penalties that are not secured via the administrative process.

Current law requires these administrative procedures to grant a person responsible for a continuing violation a reasonable time to remedy the violation before the local agency may impose fines or penalties when the violation pertains to building, plumbing, electrical, or other similar structural and zoning issues that do not create an immediate danger to health or safety. State law allows a person responsible for the violation to appeal the fine or penalty in court. If the responsible person refuses to pay fines or penalties that are due, local agencies must go through a civil court proceeding to collect them.

According to the Author

Local governments use various enforcement strategies to make buildings safer. One important strategy is to fine slumlords for having nuisances on their properties. Fines hit bad actors where it hurts: their pocketbook. If they don't fix it, the city or county can abate the nuisance for them. Local agencies can only recover the costs of abating the nuisance through a special assessment against the property; they can't make the landlord pay the fines in the same way – they have to go to court. These fines accumulate into large debts, which hinder cities' and counties' efforts to protect their residents from unsafe buildings.

Arguments in Support

The California Association of Code Enforcement Officers and the Rural County Representatives of California, in support of a prior version of the bill, wrote, "...SB 757...equips local jurisdictions with critical tools to enhance public safety and code compliance- which is the primary objective of code enforcement.

"To ensure the safety of residents, we need to better empower local agencies to deal with dilapidated properties that foster unacceptable living conditions such as insect infestations, unsafe drinking water, inadequate restrooms, and fire hazards. California State housing and health and safety laws are some of the most comprehensive in the nation to assure decent, safe, and sanitary housing for all Californians...

"This bill will empower code enforcement officers to act swiftly and decisively. With the authority to recover fines through non-judicial mechanisms, officers can address hazardous conditions without delay. The built-in protections for property owners—through cure periods and hardship waivers—ensure fairness and transparency...SB 757 would help cities and counties enforce compliance fairly and efficiently through a balanced approach—combining enforcement flexibility with due-process safeguards and sustainable funding."

Arguments in Opposition

The Western Center on Law and Poverty, in opposition to a prior version of the bill, wrote, "Currently, local and county code enforcement can fine property owners over code violations but cannot attach those fines to properties as liens without first filing a case and going in front of a neutral judge. By removing that protection and channeling the proceeds to code enforcement themselves, SB 757 would incentivize the unfettered seizure of properties over code violations, increase racialized wealth extraction, and displace individuals from their homes, all the while doing little to address the public nuisances that the bill purports to address.

"Under current law, property owners in code enforcement proceedings have very little in the way of due process protections. They are not provided with an attorney; they must often let code

enforcement officers onto their properties in order to resolve their cases, opening them up to further scrutiny; they must often appeal a code violation within ten days or lose their rights to contest the violation; they can only go in front of a judge if they go through an administrative appeal process first; and, at any point, if they contest the case against them and lose, they are often on the hook for thousands of dollars in staff time. In short, the judicial oversight requirement for an abatement lien is one of the only due process protections that property owners have. SB 757 would leave property owners all but defenseless by removing this judicial oversight...

"Right now, when localities are faced with an intransigent code violator and summary abatement is not adequate, their option is clear: go to court, request a judgement, and seek a judicial lien for the punitive fines. Homeowners can oppose such requests, and neutral judges can then decide the outcome. This process guarantees homeowners the simple right of their day in court. Removing this and replacing it with administrative liens creates a process ripe for abuse at the expense of vulnerable Californians – threatening to exacerbate the state's housing crisis."

FISCAL COMMENTS

None

VOTES

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Reyes

ASM LOCAL GOVERNMENT: 9-0-1

YES: Carrillo, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Haney, Wilson

ABS, ABST OR NV: Ta

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Bauer-Kahan, Bryan, Connolly, Harabedian, Macedo, Pacheco, Papan, Sanchez, Stefani, Zbur

UPDATED

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CONSULTANT: Angela Mapp / L. GOV. / (916) 319-3958

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