
UNFINISHED BUSINESS

Bill No: SB 757
Author: Richardson (D)
Amended: 7/3/25 in Assembly
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE: 7-0, 4/2/25
AYES: Durazo, Choi, Arreguín, Cabaldon, Laird, Seyarto, Wiener

SENATE JUDICIARY COMMITTEE: 12-0, 5/6/25
AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Valladares

SENATE FLOOR: 39-0, 5/27/25
AYES: 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
NO VOTE RECORDED: Reyes

ASSEMBLY FLOOR: 71-0, 7/14/25 - See last page for vote

SUBJECT: Local government: nuisance abatement

SOURCE: Author

DIGEST: This bill allows, until January 1, 2035, a city or county to collect fines for specified violations related to the nuisance abatement using a nuisance abatement lien or a special assessment.

Assembly Amendments of 7/3/25 Modify the uses of the funds collected by the mechanisms authored by this bill and require a full waiver of penalties for persons with income equal to or less than 200% of the federal poverty line.

ANALYSIS:

Existing law:

- 1) Prohibits, under the United States and California Constitutions, governments from impairing property rights without due process of law.
- 2) Allows counties and cities to adopt and enforce ordinances that regulate local health, safety, peace, and welfare.
- 3) Defines a nuisance as anything that is injurious to health, indecent or offensive to the senses, obstructs the free use of property, or unlawfully obstructs free passage.
- 4) Allows counties and cities to adopt ordinances that establish local procedures for abating nuisances (AB 2593, Veysey, 1965) and to recover abatement costs, including administrative costs, by using a special assessment, abatement lien, or both.
- 5) Allows, as an alternative to civil and criminal enforcement mechanisms, a local agency's legislative body to make any violation of any of its ordinances subject to an administrative fine or penalty (SB 814, Alquist, Chapter 898, Statutes of 1995).
- 6) Provides that a violation of a local ordinance is a misdemeanor, unless by ordinance it is made an infraction. In general, an ordinance violation that a local agency makes an infraction is punishable by:
 - a) A fine not more than \$100 for a first violation;
 - b) A fine not more than \$200 for a second violation of the same ordinance within one year; and
 - c) A fine not more than \$500 for each additional violation of the same ordinance within one year.
- 7) Allows higher fines for violations of building and safety codes:
 - a) A fine not more than \$130 for a first violation;
 - b) A fine not more than \$700 for a second violation of the same ordinance within one year;

- c) A fine not more than \$1,300 for each additional violation of the same ordinance within one year; and
 - d) A fine not exceeding \$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.
- 8) Allows cities and counties to also impose fines and penalties through civil or criminal proceedings. These fines and penalties are limited to \$1,000 per violation and six months in prison.
 - 9) Requires a local agency that imposes administrative fines or penalties to adopt an ordinance specifying the administrative procedures that govern the imposition, enforcement, collection, and administrative review of those fines or penalties. The administrative procedures must grant a reasonable time to remedy a continuing violation before the imposition of administrative 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.

This bill:

- 1) Authorizes, until January 1, 2035, a city or county collect fines for violations that apply to electrical, plumbing, or other similar zoning or structural issues that create a danger to health and safety through a nuisance abatement lien or a special assessment.
- 2) Prohibits specially assessing fines or penalties or using a nuisance abatement lien for fine collection for a violation that creates a danger to health or safety against a parcel, unless the city or county has provided 30 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.
- 3) Requires a city or county that imposes fines through this mechanism 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.

- 4) Requires a city or county 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 defined.
- 5) Restricts any fines and penalties that are recovered using SB 757's new authority to be used only to fund efforts within city or county government to streamline the issuance of permits for housing development or establish of a revolving loan fund at the municipal level for rehabilitating substandard housing.

Comments

Purpose of this bill. 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."

Lien on me. Special assessments and abatement liens are powerful debt collection mechanisms, which local officials can use to foreclose and sell real property. Specifically, the county tax collector can sell the property after three years to recover unpaid delinquent assessments. When local governments use such powerful tools, property owners need substantial due process safeguards. Local administrative proceedings must meet minimum due process standards established by the courts, including adequate notice to the proper parties, a reasonable opportunity to be heard, and a chance to challenge the evidence. Additionally, state law specifically allows property owners to appeal local administrative fines and penalties in Superior Court. However, allowing local officials to collect unpaid administrative fines with special assessments and abatement liens puts the burden on the property owner to dispute the fines after they have already been collected, instead of requiring a local government to go to court when a property owner doesn't pay. This makes it easier for local governments to collect the money, but harder for a property owner to dispute improperly imposed fines. Before allowing local officials to collect unpaid administrative fines with special assessments and abatement liens, the Legislature may wish to consider whether

existing administrative protections and appeals opportunities adequately protect property owners' due process rights.

Related/Prior legislation

The Legislature has considered five other measures that would grant similar authority, specifically:

AB 2317 (Saldana, 2010), which would have allowed local governments to use nuisance abatement liens and special assessments to collect administrative penalties, with a sunset date of January 1, 2014. Governor Schwarzenegger vetoed AB 2317.

AB 129 (Beall, 2011), which would have allowed local governments to use special assessments for unpaid fines or penalties after following specified procedures. Governor Brown vetoed AB 129.

AB 345 (Ridley-Thomas, 2017) expanded nuisance abatement liens and special assessments to include administrative penalties, with a sunset date of January 1, 2023, and would have also increased the maximum administrative fines for violations of city building codes and safety standards. AB 345 was subsequently amended for an unrelated purpose.

SB 1416 (McGuire, 2018), which was substantially identical to SB 757. Governor Brown vetoed SB 1416.

Finally, last year the Legislature considered AB 491 (Wallis), which would have codified local governments' "ordinary" (not super priority) lien authority for fines and penalties and streamlined the process of getting a judgment for unpaid fines and penalties. AB 491 was held in the Senate Judiciary Committee. This year, AB 632 (Hart) is a reintroduction of that bill and is pending on the Assembly Floor.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 8/15/25)

California Association of Code Enforcement Officers
City of Compton
City of Oakland
Rural County Representatives of California

OPPOSITION: (Verified 8/15/25)

ACLU California Action

Debt Free Justice California
Western Center on Law & Poverty, INC.

ASSEMBLY FLOOR: 71-0, 7/14/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Sharp-Collins, Solache, Soria, Stefani, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bonta, Bryan, Lee, McKinnor, Celeste Rodriguez, Schiavo, Schultz, Ta

Prepared by: Anton Favorini-Csorba / L. GOV. / (916) 651-4119
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