

Office of the Los Angeles City Attorney
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REPORT NO. R25-0557

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REPORT RE:

**THE ADMINISTRATION, ENFORCEMENT, GOVERNANCE, IMPLEMENTATION,
OVERSIGHT, POLICY OPTIONS, RESOURCES, AND CODE AMENDMENTS TO
STREAMLINE NUISANCE ABATEMENT PROCEEDINGS IN THE LOS ANGELES
MUNICIPAL CODE AND THE LOS ANGELES ADMINISTRATIVE CODE**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 24-0196

Honorable Members:

This Report responds to the City Council's request (Council File 24-0196) that this Office report on the administration, enforcement, governance, implementation, and oversight of nuisance abatement proceedings in the Los Angeles Municipal Code (LAMC) and the Los Angeles Administrative Code (LAAC); and report on the personnel and resources required for nuisance abatement. As requested, this Office and the Chief Legislative Analyst (CLA) consulted with each other as well as with other City departments, entities, and offices involved in the nuisance abatement process; and this Report considers programs such as Administrative Citation Enforcement (ACE), the Vacant Building Ordinance, and abatement proceedings conducted by the Los Angeles City Attorney's Office. It is this Office's understanding that the CLA will provide a separate report at a later date, regarding instruction number 3 of the Public Works Committee's April 9, 2024 report, as adopted by the City Council (Council), which requests the CLA to provide policy options and code amendments to streamline matters relative to the nuisance abatement process.



The City has the constitutional authority to declare what activities or uses constitute a nuisance and to enact regulations designed to eliminate or reduce the occurrence of a nuisance.¹ State law expressly provides that the City's legislative body may declare by ordinance what constitutes a nuisance.² Further, state law identifies three distinct methods for abating a nuisance: (1) criminal proceeding, (2) civil action, or (3) direct abatement.³ A public officer or body may abate a nuisance if authorized by law.⁴ Accordingly, Council may adopt an ordinance to declare what constitutes a nuisance, and may establish procedures to abate a nuisance at the property's owner's expense.⁵

Consistent with this authority, the City has declared certain circumstances to be public nuisances that may be abated, and has created procedures for doing so in both the LAMC and the LAAC. The City departments or bodies that possess abatement authority include the Department of City Planning (DCP), the Department of Building and Safety (DBS), the Los Angeles Fire Department (LAFD), and the Board of Public Works (BPW). Further, this Office is authorized by both state and local law to file civil and criminal actions in order to abate public nuisances occurring within City limits on behalf of the People of the State of California (People). Broadly speaking, the City (or this Office on behalf of the People) may pursue abatement proceedings administratively, legislatively, or judicially.

This Report responds to Council's request in the following sections:

- I. Types of Nuisance Abatement Proceedings in the LAMC and LAAC
 - A. Administrative Nuisance Abatements
 - B. Legislatively Initiated Nuisance Abatements
 - C. Judicial Nuisance Abatements

- II. Personnel and Resources Required for Nuisance Abatement
 - A. Department of Building and Safety
 - B. Department of City Planning
 - C. Office of the City Attorney

I. Nuisance Abatement Proceedings in the LAMC and LAAC

The proceedings are categorized as administrative, legislative, or judicial

¹ Article 11, section 7 of the California Constitution explicitly provides that: "A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." Cal. Const., Art. XI, § 7.

² Cal. Gov't Code § 38771.

³ Cal. Gov't Code § 3491.

⁴ Cal. Gov't Code § 3494.

⁵ *City of Stockton v. Frisbie and Latta* (1928) 93 Cal. App. 277, 289.

abatement proceedings, as referenced below. An analysis of each code authorized proceeding will include a brief overview of legal requirements, administration and implementation issues, enforcement and remedies, as well as governance and oversight issues, all of which explain the manner in which each type of proceeding is employed.

A. Administrative Nuisance Abatements

The LAMC and LAAC authorize a variety of administrative nuisance abatement actions that may be initiated by various City departments whose discretionary actions in some instances may be appealed to a board, commission, or Council.

1. Modification or Revocation of Discretionary Entitlements and Land Uses Pursuant to LAMC § 13B.6.2

Pursuant to LAMC Section 13B.6.2,⁶ DCP may modify, rescind, discontinue, or revoke, any discretionary zoning approval⁷ or land use if the approval or land use is determined to have become a public nuisance. Modification includes the ability to impose and remove operating conditions to abate the nuisance. This section applies to all types of properties, but is most pertinent to properties operating under a discretionary zoning approval.

Requirements:

DCP may exercise this authority upon a finding that a land use or discretionary approval is being used or operated such that it: (1) jeopardizes or adversely affects the public health, peace, or safety of persons residing or working on the premises or in the surrounding area; (2) constitutes a public nuisance; (3) has resulted in repeated nuisance activities; (4) adversely impacts nearby uses; (5) violates any provision of the Zoning Code,⁸ or any other local, state, or federal law; (6) violates any condition of a prior legislative or discretionary land use approval; or (7) violates any approval initiated by the property owner or their representative related to the land use.⁹ In order to discontinue or revoke a land use or discretionary approval, DCP must also establish that: (1) such a determination will not impair the constitutional rights of any party; (2) prior governmental efforts to cause the owner or operator to eliminate the nuisance conditions have failed; and (3) the owner or operator has failed to demonstrate a willingness or ability to eliminate the nuisance conditions.¹⁰

⁶ Effective January 23, 2024, the authority for such administrative nuisance abatement is located at LAMC § 13B.6.2. This authority was formerly codified at LAMC § 12.27.1.

⁷ Such approvals would include variances and conditional use permits.

⁸ LAMC Chapters I and 1A, as applicable.

⁹ LAMC § 13B.6.2(A)(1).

¹⁰ LAMC § 13B.6.2(E).

Administration and Implementation:

The process may be initiated by a Zoning Administrator (ZA), who would give the business operator, lessee, property owner, and all properties within 500 feet of the alleged nuisance, 24-days' notice by mail of a public hearing conducted by the ZA, after which the ZA may modify, discontinue, or revoke a land use or discretionary approval upon making the appropriate written findings supported by substantial evidence in the record.¹¹ The decision of the ZA may be administratively appealed to Council within 15 days after the date of the ZA's letter of determination, and Council may rule on an appeal after conducting a public hearing.¹²

Any decision by the ZA, or Council on appeal, may be modified upon application of the subject business operator, lessee, or property owner, provided that: (1) one year has passed from the imposition of conditions; (2) there have been substantial changes in the nature and operation of the land use or discretionary approval; or (3) there has been a change of circumstances such that continued enforcement of previously imposed conditions is no longer reasonable or necessary.¹³

Enforcement and Remedies:

The enforcement mechanisms and remedies in LAMC Section 13B.6.2 include the following: (1) imposing conditions of operation, including the closure or removal of buildings or structures; (2) imposing a fee to cover the costs of processing the abatement proceeding; (3) requiring the business operator or property owner to file a Compliance Review within 2 years of the imposition of operating conditions; (4) criminal prosecution for a failure to comply with any requirement or condition imposed; and (5) discontinuing or revoking a land use or discretionary zoning approval.¹⁴ If a land use or discretionary zoning approval is discontinued or revoked, DBS may vacate and secure a property, premises, building, or any portion thereof, by whatever means it deems necessary including padlocking, barricading, or fencing the property, and disconnecting the utilities.¹⁵

Additionally, the cost of abating a property through this process, including cost of inspection, becomes the personal obligation of the business operator, property owner, or person in control, and may be recovered by way of a Council confirmed property lien as provided in LAAC Section 7.35.3.¹⁶

¹¹ LAMC §§ 13B.6.2(B)-(D).

¹² LAMC §§ 13A.2.8(B), 13B.6.2(G)

¹³ LAMC § 13B.6.2(H).

¹⁴ LAMC §§ 13B.6.2(D)(5), 13B.6.2(F).

¹⁵ LAMC §§ 91.9003, et seq.

¹⁶ LAMC § 13B.6.2(D)-(6).

Governance and Oversight:

The initiation of modification or revocation proceedings falls within the discretion of the Zoning Administrator within DCP. Thus, DCP oversees the abatement proceedings on a day-to-day basis, although the physical closure of a location through this process usually requires the assistance of DBS. Due to the code specified appeal process that leads to Council as an appeal decision-maker, Council exercises ultimate oversight over the result.

2. Abatement of Vacant Buildings Pursuant to LAMC §§ 91.8904, et seq. and 98.0701, et seq., a/k/a the “Vacant Building Ordinance”

Pursuant to LAMC Sections 91.8904, et seq., and 98.0701, et seq.,¹⁷ the Los Angeles Department of Building and Safety (DBS) may administratively abate a vacant building or structure that is open to unauthorized entry, and/or has nuisance conditions such as an accumulation of trash, debris, and excessive vegetation. After issuing an order to a property owner or a person in control (responsible person), DBS may abate the nuisance conditions, secure the property, and even have the vacant building declared a public nuisance that may be demolished.¹⁸ These sections specifically apply to vacant buildings and structures.

Requirements:

DBS may administratively abate any vacant building or structure, defined as any structure or building that is unoccupied, or occupied by unauthorized persons, and is unsecured or not barricaded.¹⁹ DBS may use this authority where there is also evidence that the vacant structure: (1) is open to unauthorized entry; (2) exhibits an accumulation of trash, debris, vehicle parts, or other nuisance conditions; or (3) has graffiti visible from a public street or alley.²⁰

Administration and Implementation:

To initiate an administrative abatement of a vacant property, DBS issues an order to the responsible person to abate the nuisance conditions within 10 days of the mailing of the order, although the City may enter the property and remove any graffiti itself if the property owner consents.²¹ The abatement order may require the responsible person to, clean, fence, secure, and barricade the property, and otherwise

¹⁷ LAMC §§ 91.8904, et seq., and 98.0701, et seq. are located in different divisions of the LAMC but have similar and sometimes overlapping provisions.

¹⁸ LAMC §§ 91.8904.1, 98.0706.

¹⁹ LAMC § 98.0702.

²⁰ LAMC §§ 91.8904.1, 91.8904.1.1, 98.0701.

²¹ LAMC §§ 91.8904.1.1, 98.0707.

abate any other nuisance conditions at the property.²²

If the responsible person fails to abate the nuisance conditions, the City and its contractors may enter the property and directly eliminate, or abate, the nuisance conditions itself. Abatement includes but is not limited to the following: graffiti removal; drainage of swimming pools; physically securing any vacant structure open to unauthorized entry with fencing and barricades; securing the property by means of City personnel or outside security personnel; removing debris, rubbish, excess vegetation, weeds, and other similar nuisance conditions; and posting the property with a sign containing contact information for the property owner or their agent.²³ If a property previously abated by DBS or a responsible person pursuant to an abatement order subsequently becomes unsecured, open to unauthorized entry, or a source of nuisance conditions, DBS may again abate the nuisance upon issuing a 3-day notice to the responsible person.²⁴

Enforcement and Remedies:

In addition to the City being permitted to perform the abatement itself, the failure of a responsible person to properly maintain a vacant structure is subject to prosecution. A failure to maintain includes failing to: remove waste, debris, and hazardous materials from vacant structures and surrounding yards; lock, barricade, and secure vacant structures; fence the lot; and post the property as closed to the public.²⁵

A vacant building or structure is also potentially subject to demolition. If a vacant building or structure has been secured pursuant to an abatement order issued pursuant to these sections, and subsequently becomes open to unauthorized entry, unsecured, and subject to fire damage or illegal activity, it may be declared a public nuisance that may be demolished by DBS and its contractors.²⁶ Such a property may be declared a public nuisance upon findings that: (1) the vacant building has been secured pursuant to LAMC Section 91.8904.1; (2) the vacant building has subsequently open to unauthorized entry; and (3) it has become fire damaged or repeatedly used without the owner's consent by vagrants, criminals, or gangs, or for other illegal purposes.²⁷ To obtain a determination that a vacant building or structure is a public nuisance, the City would: (1) issue an order to the property owner to abate the public nuisance within 30 days; (2) set a hearing before the Board of Building and Safety Commissioners (Board) no sooner than 15 days from the date of the order to abate; and (3) conduct a hearing before the Board at which the property owner may testify and present evidence and

²² LAMC §§ 91.8904.1.1, 98.0707.

²³ LAMC §§ 91.8904.1.2, 98.0707(c).

²⁴ LAMC §§ 91.8904.1.2, 98.0710.

²⁵ LAMC §§ 98.0704, 98.0706.

²⁶ LAMC §§ 91.8904.2.1, 91.8904.2.2, 98.0712.

²⁷ LAMC §§ 91.8904.2.1, 91.8904.2.2, 98.0712.

after which the Board would determine whether the vacant building or structure is a public nuisance and how much additional time, if any, the property owner should be given to comply with the public nuisance abatement order.²⁸ If the Board declares a vacant building or structure to be a nuisance under these procedures, DBS may take any steps necessary to abate the vacant building or structure, including demolition.²⁹

A vacant structure may also be subject to administrative penalties or fees. Any structure that meets the definition of a vacant structure for more than 30 consecutive calendar days may be liable for an administrative penalty of \$1000 per structure, per day, not to exceed \$100,000 in a calendar year.³⁰ DBS may also impose an annual inspection fee on a property owner for periodic inspections to abate a public nuisance and encourage compliance with applicable codes if the Board determines that such action is necessary after conducting a noticed hearing.³¹

An owner of a vacant structure is subject to cost recovery. The cost of performing any abatement activity pursuant to LAMC Sections 91.8904, et seq., and 98.0701, et seq. is recoverable by the City against the property owner or responsible person.³² These costs, in turn, are recoverable by way of a lien as provided in LAAC Sections 7.35.1, et seq.³³

Governance and Oversight:

DBS has the authority to initiate and conduct an administrative abatement of a vacant building or structure. DBS responds to code enforcement violations on a complaint basis, and responds to complaints from the public or government agencies through its Report Code Violations link at the DBS website (dbs.lacity.org). This is a discretionary enforcement proceeding that falls within the authority of the Superintendent of Building and Safety. Council exercises ultimate oversight of Board actions through Charter Section 245.

3. Abatement of Buildings and Premises that Are Substandard, Hazardous, or Constitute a Nuisance Pursuant to LAMC §§ 91.8901-91.8903

Pursuant to LAMC Sections 91.8901-91.8903, DBS may administratively abate any building, structure, premises, or portions thereof, that is substandard, hazardous or

²⁸ LAMC §§ 91.8907.2, 91.8907.3.

²⁹ LAMC §§ 91.8907.4, 98.0712.

³⁰ LAMC § 98.0716.

³¹ LAMC § 91.8904.3.

³² LAMC §§ 91.8904.1.2, 91.8904.2.2, 91.8906, 98.0707(c)(3), 98.0710, 98.0711.

³³ LAMC § 91.8906.2, LAAC §§ 7.35.1-7.35.8.

constitutes a nuisance.³⁴ If the owner fails to timely abate the conditions upon issuance of an order identifying the deficiencies at a property, the City may correct the deficiencies itself by any means it determines to be appropriate.³⁵ These sections are applicable to any building, structure, or premises in the City upon which such deficiencies exist.³⁶

Requirements:

To abate a property under the authority at LAMC Sections 91.8901-91.8903, there would be evidence that the property is substandard, hazardous or constitutes a nuisance as defined in Section 91.8902. Hazardous properties include but are not limited to buildings and structures: (1) that have insufficient egress; (2) where structural strength and stability is appreciably less after being damaged by earthquake, wind, flood, or other event; (3) where a portion of an appurtenance is likely to fall; (4) that are likely to partially or completely collapse, or the foundation is likely to give way; (5) that are manifestly unsafe for the purpose for which they are used; (6) where there is 50% damage or deterioration; (7) where deterioration or dilapidation, or damage due to fire, wind, earthquake, or flood has made the building or structure an attractive nuisance; (8) that have less than 50% of the fire-resisting or weather-resisting qualities or characteristics required by law; (9) that are unsanitary or unfit for human habitation or in a condition likely to cause sickness or disease as determined by a health officer; (10) that have light, air, or sanitation facilities that are inadequate to protect the health, safety, and welfare of the occupants; and (11) that have fire-protection construction or safety devices that do not rise to the level required by the LAMC.³⁷

Nuisances are defined as any building, premises, or portion thereof that contain numerous Code violations, or one or more imminent hazards.³⁸

Substandard buildings include those with characteristics such as inadequate sanitation, structural hazards, hazardous or unsanitary premises, inadequate maintenance and/or exits, and illegal occupancy.³⁹

Administration and Implementation:

DBS may issue an order to the owner of property that is substandard, hazardous

³⁴ LAMC § 91.8901.2.

³⁵ LAMC § 91.8903.3.1.

³⁶ Pursuant to LAMC § 161.401, the Los Angeles Housing Department also has the authority “to abate existing residential properties, buildings, units, and structures that have been determined to be a nuisance, hazardous, or substandard” pursuant to the procedures outlined in this section.

³⁷ LAMC § 91.8902.

³⁸ LAMC § 91.8902.

³⁹ LAMC §§ 91.8902.1-91.8902.14.

or constitutes a nuisance to abate the deficiencies identified in the order, upon which the owner would ordinarily be expected to pull permits within 30 days and complete the work within 90 days.⁴⁰ DBS may order a building to remain vacant until it is repaired or demolished, and may order that an occupied building be vacated if the owner does not comply with the timeframes for correcting the deficiencies.⁴¹ No person may reoccupy a vacant building or a building that has been vacated pursuant to this section until the building has been abated. To effectuate the vacation DBS posts the building with a sign to indicate that no person may enter the vacated building.⁴² In addition, City departments sever connections to utilities and do not reconnect utilities until DBS issues a clearance.⁴³

If the property owner does not commence work within 45 days, or fails to complete the work within 90 days, DBS may correct the cited deficiencies itself by “whatever means the Department determines appropriate,” or may vacate and demolish the building.⁴⁴ These timelines are sometimes adjusted based on the circumstances of each property. Prior to direct abatement, DBS would issue a Notice of Intention (NOI) to the property owner indicating that the City will correct the deficiencies, and the City may not solicit bids or execute any work orders until 10 days have elapsed from the date of mailing the NOI.⁴⁵

Enforcement and Remedies:

In addition to the City being permitted to forcibly enter a hazardous, substandard, or nuisance property and correct the deficiencies or demolish the building itself, the property owner may be subject to misdemeanor criminal penalties, the cost of abatement, as well as other penalties and fees. If a property owner or person in control of a property fails to comply with an order issued pursuant to these sections, they may be subject to misdemeanor prosecution; and any occupant or lessee who fails to comply with an order to vacate, or any person enter or occupies a property that has been vacated pursuant to this section, is also subject to misdemeanor prosecution.⁴⁶

Further, once DBS has undertaken to correct the deficiencies, a property owner forfeits his or her right to perform the work without permission from DBS; and the property owner is subject to a charge for any work performed by the property owner after bids have been solicited, or a work order has been executed, or after a contract

⁴⁰ LAMC §§ 91.8903.1.1, 91.8903.1.2.

⁴¹ LAMC §§ 91.8903.1.2, 91.8903.1.13.

⁴² LAMC §§ 91.8903.1.4, 91.8903.1.5.

⁴³ LAMC § 91.8903.1.6.

⁴⁴ LAMC §§ 91.8903.1.3, 91.8903.3.1.

⁴⁵ LAMC §§ 91.8903.1.3, 91.8903.3.

⁴⁶ LAMC §§ 91.8903.2.1, 91.8903.2.2, 91.8903.2.4.

has been awarded to a contractor.⁴⁷ The City's cost of performing any abatement activity pursuant to LAMC Sections 91.8901-91.8903, including demolition, is recoverable by the City against the property owner in addition to a 40% administrative fee, and these costs, in turn, are recoverable by way of a lien.⁴⁸

Governance and Oversight:

DBS has the discretionary authority to initiate and conduct an administrative abatement of a substandard, hazardous, or nuisance building or structure. This is a discretionary enforcement proceeding that falls within the authority of the Superintendent of Building and Safety. However, investigation may be initiated by complaints from the public or government agencies through the Report Code Violations link at the DBS website (<https://dbs.lacity.gov/>).

4. Summary Abatement of Imminent, Extreme, and Immediate Hazards Without Prior Notice Pursuant to LAMC § 91.8905

Pursuant to LAMC Section 91.8905, DBS may administratively abate any building, structure, or premises that is so dangerous or hazardous that immediate abatement is required. DBS may, without notice or a hearing, immediately abate these conditions, including by way of demolition.

Requirements:

To abate a property under this authority, DBS must have evidence that the building, structure or premises is an "imminent, extreme and immediate hazard or danger to life or limb, health or safety."⁴⁹

Administration and Implementation:

If DBS determines that a building, structure, premises, or portion thereof falls under this section, DBS may abate it forthwith without having to provide notice, an order, or even a hearing.⁵⁰ A property that is abated pursuant to this section may be vacated, barricaded, removed, or demolished by any means that DBS deems advisable; and DBS may secure the property by way of outside security personnel.⁵¹ This work may be performed by DBS, any other City department upon request, or any forces under contract to the City.⁵² A building that is vacated pursuant to LAMC § 91.8905 is

⁴⁷ LAMC §§ 91.8903.4.1, 91.8903.4.2, 91.8903.4.3.

⁴⁸ LAMC § 91.8903.3.3.

⁴⁹ LAMC § 91.8905.1.

⁵⁰ LAMC § 91.8905.1.

⁵¹ LAMC §§ 91.8905.1, 91.8905.3.

⁵² LAMC §§ 91.8905.1, 91.8905.3.

locked, secured, and posted with a sign near the entrance that the building is unsafe.⁵³

Enforcement and Remedies:

In addition to the City being permitted to summarily abate and even demolish a hazardous property under this section, the cost of performing any abatement activity pursuant to LAMC Section 91.8905.1, including demolition, is recoverable by the City against the property owner in addition to a 40% administrative fee, the total of which is recoverable by way of a Council confirmed property lien.⁵⁴

Governance and Oversight:

DBS has the discretionary authority to initiate and conduct an administrative abatement for an imminent hazard. This is a discretionary enforcement proceeding that falls within the authority of the Superintendent of Building and Safety. However, an investigation may be initiated by complaints from the public or government agencies through the Report Code Violations link at <https://dbs.lacity.gov/>.

5. Summary Abatement of Any Condition That Constitutes an Immediate Hazard Due to Fire or Hazardous Materials Pursuant to LAMC §§ 57.104.14, 57.104.16

Pursuant to LAMC Section 57.104.16, the Los Angeles Fire Department (LAFD) may administratively abate any condition that constitutes an immediate hazard due to flammable or hazardous materials.⁵⁵

Requirements:

Action under this authority requires evidence that a property constitutes an immediate hazard due to life due to “fire, explosion or panic, or potential fire, explosion or panic, or otherwise by reason of the presence of hazardous materials.”⁵⁶ This section broadly pertains to any “condition” and does not appear to be limited to buildings or structures.

Administration and Implementation:

If LAFD is notified that such a condition exists, it may inspect such condition and summarily abate it.⁵⁷ The procedures for abatements pursuant to LAMC Section

⁵³ LAMC § 91.8905.2.

⁵⁴ LAMC § 91.8905.3.

⁵⁵ This authority is in Article 7, Chapter V, LAMC, otherwise known as the Fire Code.

⁵⁶ LAMC § 57.104.16.

⁵⁷ LAMC § 57.104.16.

57.104.14 are set forth in LAAC Section 7.35.2, which identifies a process for emergency abatements and abatements following a declaration by Council.⁵⁸ If the nuisance constitutes an imminent danger that requires immediate abatement, the Board of Public Works (BPW) or its designee may abate the nuisance forthwith and submit a report to Council for the recovery of costs from the property owner, or the persons causing or maintaining the nuisance.⁵⁹ If the nuisance is not an imminent danger and Council declares a nuisance by way of resolution, then BPW or its designee may abate the nuisance after: (1) obtaining a preliminary title report; (2) serving a notice of intention to abate the nuisance on those identified in the report as well as any person in control of the property; and (3) having a hearing before Council to determine if the City should abate the nuisance itself, if the owner or person in control has not already done so themselves.⁶⁰

Enforcement and Remedies:

If LAFD abates a public nuisance due to the “presence of flammable or hazardous materials,” such as those described in LAMC Section 57.104.16, it may recover the costs of the abatement from the person or persons “creating, causing, committing, or maintaining the nuisance and the owner of the property....”⁶¹ The costs that may be recovered include a 40% administrative fee, and these costs, in turn, are recoverable by way of a property lien.⁶²

Governance and Oversight:

LAFD has the discretionary authority to initiate and conduct a summary abatement of a hazardous condition caused by fire or hazardous materials. This is a discretionary enforcement proceeding that falls within the authority of the Fire Chief. Since the procedures for abatement are set forth in LAAC § 7.35.2, BPW has the discretion to designate LAFD to abate a nuisance caused by flammable or hazardous materials that is also an imminent danger. Council has the authority to designate BPW, LAFD, or any other City department to abate a nuisance caused by flammable or hazardous materials that is not an imminent danger.

6. Abatement of Vehicles That Constitute a Public Nuisance Pursuant to LAAC §§ 19.90, et seq.

Pursuant to LAAC Sections 19.90, et seq., the Los Angeles Department of Transportation (DOT) may abate any abandoned, wrecked, dismantled, or inoperative

⁵⁸ LAAC § 7.35.2 applies to the abatement of public nuisances pursuant to LAMC § 57.104.14

⁵⁹ LAAC § 7.35.2(b).

⁶⁰ LAAC § 7.35.2(c).

⁶¹ LAMC § 57.104.14.

⁶² LAMC § 57.104.14.

vehicle that constitutes a public nuisance.

Requirements:

An abandoned, wrecked, dismantled, or inoperative vehicle constitutes a public nuisance if it “contributes to neighborhood blight and deterioration, ... creates a fire hazard or a hazard to the health and safety of minors, ... creates a harborage for rodents, insects and other pests, or ... is otherwise injurious to the public health, safety and welfare...”⁶³ The term vehicle refers to any device “by which any person or property may be propelled, moved, or drawn upon a highway,” including the identifiable parts thereof.⁶⁴

Administration and Implementation:

If DOT determines that a vehicle at a particular site constitutes a public nuisance, it will do the following: (1) send written notice to the property owner and registered owner of the vehicle that it is a public nuisance and must be removed within 10 days; (2) inform the property and vehicle owners that they may request an administrative hearing; (3) conduct a hearing, if the request is made within 10 days of mailing of the notice, at which evidence and testimony is received; and (4) make a determination as to whether the vehicle constitutes a public nuisance, and either set a time for removal of the vehicle or impose conditions.⁶⁵

Upon request the Los Angeles Police Department shall assist DOT with the investigation of public nuisance vehicles by: (1) obtaining the names of registered and legal owners of identifiable vehicles; (2) determining whether the vehicle has been involved in or related to any crime, and process the vehicle accordingly; (3) providing DOT with all information pertaining to the vehicle; and (5) removing a nuisance vehicle with an appropriate official police garage within 48 hours of notification from DOT’s Vehicle Nuisance Section.⁶⁶

The DBS and the Los Angeles Housing Department (LAHD) may also send written notice to the property owner and registered owner of the vehicle that it is a public nuisance, must be removed within 10 days, and that the vehicle and property owner may request an administrative hearing.⁶⁷ If such notice is given by DBS or LAHD, the matter is transmitted to DOT as the responsible department for the rest of the abatement process.⁶⁸

⁶³ LAAC § 19.91.

⁶⁴ LAAC § 19.91.

⁶⁵ LAAC §§ 19.91(a), (b).

⁶⁶ LAAC § 19.94.

⁶⁷ LAAC § 19.94.1.

⁶⁸ LAAC § 19.94.1.

Enforcement and Remedies:

DOT may remove a nuisance vehicle to a licensed scrap yard or automobile dismantler's yard by an official police garage towing service, after 48 hours of notice by DOT, if one of the following circumstances is met: (1) the vehicle is still at the site within 10 days after a notice to remove has been mailed and no request for hearing has been received; (2) the owner of the property and the vehicle have signed releases authorizing the release of the vehicle; or (3) the vehicle still remains at the site after an extension of time was granted as a result of a hearing.⁶⁹

If DOT determines that the vehicle is reclaimable, it will cause the official police towing agency to impound the vehicle for not more than 5 days, and allow the owner to reclaim the vehicle if: (1) the vehicle is not stripped, burned out, or wrecked beyond reasonable repair; (2) it is complete, and readily and easily repairable; and (3) the vehicle is not the subject of a hearing requested by the owner in response to an order to remove the vehicle.⁷⁰ To reclaim the vehicle the owner must show proof ownership, pay a reclaiming fee to DOT and the towing service, and pay all towing and storage charges imposed by the towing service.⁷¹

Governance and Oversight:

The removal of a nuisance vehicle may be initiated by DOT, DBS, or LAHD, but DOT is responsible for conducting any administrative hearing that is requested, and for the removal of the nuisance vehicle in the event that the property or vehicle owner do not do so themselves. We understand from speaking with counsel to DOT that abatement action concerning nuisance vehicles is rarely (if ever) taken.

7. Administrative Citation Enforcement Program Pursuant to LAMC §§ 11.00(m) and 11.2.01, et seq.

Violations of the LAMC that are declared to be a public nuisance pursuant to LAMC Section 11.00(l), and that may be abated by the City Attorney, may also be subject to an administrative citation and fines pursuant to LAMC Sections 11.2.01 et seq., otherwise known as the Administrative Citation Enforcement (ACE) Program.

Requirements:

An administrative citation and fine may be imposed for a violation of the LAMC based on evidence of the violation.⁷²

⁶⁹ LAAC § 19.93(c).

⁷⁰ LAAC §§ 19.93(c)-(e).

⁷¹ LAAC §§ 19.93(c)-(e).

⁷² LAMC § 11.2.02.

Administration and Implementation:

A duly authorized enforcement officer may issue an administrative citation for violations of the LAMC as an alternative to criminal prosecution, thereby allowing the responsible person to either pay an administrative fine, remedy the violation, or appeal the administrative citation. For ACE citations issued by City departments outside of the City Attorney's Office, this Office conducts the initial review if requested by the cited party. The process for imposing a fine is that an administrative citation is issued and served on the cited party, the cited party receives written notice from the City's vendor and receives instructions on how to appeal or pay the fine.⁷³ A party may contest an administrative citation by requesting an initial review, and if the party contests the decision of the initial review, the cited party may request an administrative hearing with an independent neutral Hearing Officer, and any further appeals occur by filing a writ petition with the Superior Court.⁷⁴ The City Attorney's Office is in the process of reorganizing its ACE unit to increase the efficiency and effectiveness of the ACE Program as further described herein.

Enforcement and Remedies:

Presently, the fine for an administrative citation is \$250 for a first violation, \$500 for a second violation, and \$1000 for a third violation.⁷⁵ City Council also has discretion to amend any ordinances to specify a different fine structure. Fines for violations involving buildings, structures, or land for which permits or entitlements were required but not obtained, can range from \$1000-\$16,000 for a first violation depending on square footage, \$2000-\$32,000 for a second violation, and \$4000-\$64,000 for a third violation.⁷⁶ If the violation involved improvements to or the use of, buildings, structures, or land and no permits could have been obtained, the fines that can be imposed can be four times as much as the prior range of fines.⁷⁷ The City may assess a \$50 late fee if a party fails to pay the fine within 15 days of the last day to remedy the violation.⁷⁸

Governance and Oversight:

The discretion to issue an administrative citation lies with any enforcement agency authorized under the ACE statute, which includes certain City departments and the City Attorney's Office, but oversight of the review procedures for contested citations is the sole responsibility of the City Attorney.

⁷³ LAMC §§ 11.2.05-11.2.07.

⁷⁴ LAMC §§ 11.2.08-11.2.09.

⁷⁵ LAMC § 11.2.04.

⁷⁶ LAMC § 11.2.04.

⁷⁷ LAMC § 11.2.04.

⁷⁸ LAMC § 11.2.11.

B. Legislatively Initiated Nuisance Abatements

State and local law authorize the City to abate public nuisances at the discretion and initiation of a legislative body, or as it applies here, the City Council.

1. Abatements of Buildings and Premises That Constitute a Public Nuisance Pursuant to LAAC §§ 7.35.1, et seq.

The LAAC provides a procedure by which the Council, through the Board of Public Works or its designee, may legislatively abate any public nuisance as defined in Civil Code Sections 3479 and 3480, the LAAC, or the LAMC. If the nuisance is determined to be an imminent danger, it may be abated summarily by BPW. Outside of that situation, a public nuisance may be abated after legislative action is taken by the Council.

Requirements:

Pursuant to LAAC Section 7.35.1, the City has broad authority to abate any public nuisance as defined by California Civil Code Sections 3479 and 3480, the LAAC, or the LAMC.⁷⁹

Administration and Implementation:

LAAC Section 7.35.2 lays out a process for emergency and non-emergency abatements. An emergency abatement may be undertaken forthwith by BPW, or its designee, when there is a public nuisance that presents an “imminent danger to the public health or safety and requires an immediate abatement as an emergency measure...” after which BPW submits a report to Council identifying the costs of the abatement and those responsible for “creating, causing, committing or maintaining the public nuisance...”⁸⁰

If the public nuisance is not an imminent danger, abatement is authorized after the Council declares the existence of a public nuisance by way of resolution and then instructs BPW or its designee to perform the abatement.⁸¹ Once a public nuisance has been declared, BPW: (1) obtains a title report and identifies all interested parties; (2) serves a notice of intent to abate on the owner and person in control; and (3) sets a hearing before the Council to determine whether the City should abate the nuisance

⁷⁹ Civil Code Section 3479 broadly defines a nuisance as anything injurious to health or offensive to the senses or an obstruction to the free use of property. Civil Code Section 3480 defines a public nuisance as “one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.”

⁸⁰ LAAC § 7.35.2(b).

⁸¹ LAAC § 7.35.2(c).

through its own contract forces.⁸²

Enforcement and Remedies:

Upon completion of an abatement, the City department responsible for conducting the work may submit an itemized report to Council to recover the cost of the abatement plus an administrative fee equal to 40% of the abatement cost, for the cost of administering the contract and supervising the work.⁸³ Following a public hearing, the Council may confirm, disallow, or modify a proposed cost recovery lien.⁸⁴ After Council confirmation a lien may be: (1) recorded against an owner-occupied residential unit as a nuisance abatement lien, which has the same force and effect as a judgment lien and may be foreclosed on by a lawsuit for a money judgment; and (2) for any property other than an owner-occupied residential unit, collected in the same manner and time as property taxes, and/or recorded with the county recorder which shall also have the same force and effect as a judgment lien that may also be recovered by a lawsuit for a money judgment.⁸⁵

Governance and Oversight:

BPW has the discretion to perform an emergency abatement of an imminent danger. Otherwise, Council has the legislative discretion to determine that a public nuisance exists, that a notice of intent to abate should issue, and that BPW or its designee should proceed with the abatement using City resources.

2. Abatement of Weeds and Refuse That Constitute a Public Nuisance Pursuant to Government Code §§ 39560 - 39588

State law provides a procedure by which the Council may legislatively declare weeds and refuse in the public right of way or on private property to be a public nuisance that may be abated by the Public Works, Bureau of Street Services.

Requirements:

Government Code Section 39561 provides that a legislative body may declare by resolution, that all “weeds” and “rubbish, refuse, and dirt” that exist on any “streets, sidewalks, or private property in the city,” are a public nuisance. Weeds are defined to include plant material that is “noxious or dangerous,” or that constitute flammable material that creates a fire hazard.⁸⁶

⁸² LAAC § 7.35.2(c).

⁸³ LAAC §§ 7.35.3(a),(c).

⁸⁴ LAAC §§ 7.35.3(e)-(g).

⁸⁵ LAAC §§ 7.35.5.1, 7.35.5.2, Cal. Gov’t Code § 54988.

⁸⁶ Cal. Gov’t Code § 39561.5.

Administration and Implementation:

The Council initiates the weed abatement process by passing an ordinance of intention that declares the weeds or refuse on specific parcels to be a public nuisance and sets a date for a public hearing before the Council to hear any objections.⁸⁷ The City posts the properties listed in the ordinance, and mails a hearing notice to the property owners with an advisement that the conditions at the properties constitute a public nuisance that needs to be abated.⁸⁸ Following the public hearing, Council may pass another ordinance that declares the conditions at the properties listed in the ordinance to be a public nuisance, and orders BSS to abate the same.⁸⁹

Enforcement and Remedies:

Following the legislative authorization, BSS may enter any of the properties listed in the ordinance to abate the public nuisance although the listed property owners always reserve the right to abate the nuisance themselves.⁹⁰ The cost of performing the abatements may be recovered by way of a special assessment added to the tax roll, and become a line on the parcel provided that: (1) BSS submits a written report to Council; (2) Council conducts a public hearing at which the property owner may object; and (3) the Council order is recorded with the County Recorder and a copy of the report is given to the County Auditor.⁹¹

Governance and Oversight:

The abatement of weeds and refuse falls within the discretion of BSS who first identifies which parcels constitute a public nuisance as specified by the statute, and then ultimately within the discretion of Council as the body vested with the authority to make the final determination of whether a public nuisance exists.

C. Judicial Abatements

Finally, certain state and local laws explicitly authorize local municipalities to abate nuisances by way of civil lawsuits or criminal prosecutions which may be filed by the Office of the City Attorney. In this Office, these civil actions are typically filed by attorneys in the Public Rights Branch; and criminal prosecutions are handled by prosecutors of the Criminal Branch's Regulatory Prosecution Division.

⁸⁷ Cal. Gov't Code §§ 39562, 35962.5.

⁸⁸ Cal. Gov't Code §§ 39564-35967.1.

⁸⁹ Cal. Gov't Code §§ 39569-359571.

⁹⁰ Cal. Gov't Code §§ 39572-359573.

⁹¹ Cal. Gov't Code §§ 39577-359580.

1. Narcotics Abatements Pursuant to Health and Safety Code §11570

Health and Safety Code Sections 11570, et seq. authorize the City Attorney to abate property that is the source of narcotics related nuisances as a civil lawsuit brought in the name of the People of the State of California.

Requirements:

A property is subject to abatement if it is a building or place that is “used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog specified in this division, and every building or place wherein or upon which those acts take place...”⁹² Cases are subject to a preponderance of evidence standard of proof, or a demonstration that a violation is more likely than not.⁹³ This is a lesser standard of proof than the beyond a reasonable doubt standard used in criminal prosecutions.

Administration and Implementation:

This Office is authorized to bring a lawsuit to abate and prevent the nuisance, and to permanently enjoin the owner, lessee, agent, or person(s) conducting the nuisance from maintaining or permitting the same.⁹⁴

Enforcement and Remedies:

The City Attorney on behalf of the People may obtain a temporary restraining order and injunction compelling the owner, lessee, and subsequent owners and lessees, to abate and prevent the nuisance, such as by installing security gates and lighting, or by closing the property for one year with relocation expenses paid by the defendant to any tenants forced to vacate the property.⁹⁵ A court may award the People litigation costs, which could be placed as lien on the property; may assess a \$25,000 civil penalty; and may also enter an order of abatement that (1) directs the sale of all fixtures and movable property used in connection with the nuisance, and (2) provides for the closure of the property for one year, or the payment of one year's worth of fair market value if the closure would cause a nuisance or harm to the community.⁹⁶ If the proceeds of the sale of fixtures and moveable property do not satisfy all fees, costs, and allowances to the People in connection with the action, the real estate property at issue may be sold by order of the court to satisfy the same amount.⁹⁷ Any

⁹² Cal. Health and Saf. Code § 11570.

⁹³ Cal. Evid. Code §115.

⁹⁴ Cal. Health and Saf. Code §§ 11571, 11571.5.

⁹⁵ Cal. Health and Saf. Code §§ 11573, 11573.5.

⁹⁶ Cal. Health and Saf. Code §§ 11579, 11581.

⁹⁷ Cal. Health and Saf. Code § 11585.

violation of an injunction or order of abatement is punishable as a contempt of court punishable by a fine of \$500 to \$10,000, or by imprisonment in county jail for one to six months.⁹⁸

Governance and Oversight:

The discretion to file a civil lawsuit under this section lies with the City Attorney.

2. Red Light and Alcohol Abatements Pursuant to Penal Code §§ 11225 and 11200-11207

Penal Code Sections 11225, et seq. provide a cause of action for the abatement of gambling and prostitution related nuisances by the City Attorney in the name of the People of the State of California. An alcohol serving location is similarly subject to abatement but under Penal Code §§ 11200-11207.⁹⁹ Because an alcohol abatement functions almost identically to a red light abatement, only a red light abatement will be discussed in detail here.

Requirements:

A property is subject to this abatement authority if it is a building or place that is “used for the purpose of illegal gambling as defined by state law or local ordinance, lewdness, assignation, or prostitution, and every building or place in or upon which acts of illegal gambling as defined by state law or local ordinance, lewdness, assignation, or prostitution, are held or occur...”¹⁰⁰ These abatements include buildings and places used for human trafficking or bathhouses that encourage sexual activity.¹⁰¹ Cases are subject to a preponderance of evidence standard of proof, or a demonstration that a violation is more likely than not.¹⁰² This is a lesser standard of proof than the beyond a reasonable doubt standard used in criminal prosecutions.

Administration and Implementation:

This Office is authorized to bring a civil lawsuit to abate and prevent the nuisance, and to permanently enjoin the owner, lessee, agent, or person(s) conducting the nuisance from maintaining or permitting the same.¹⁰³

⁹⁸ Cal. Health and Saf. Code § 11580.

⁹⁹ The City Attorney may bring an action for an alcohol abatement pursuant to Cal. Penal Code §§ 11200-11207 for “any building or place used for the purpose of unlawfully selling, serving or giving away any spirituous, vinous, malt or other alcoholic liquor, and every building or place in or upon which such liquors are unlawfully sold, served or given away...”

¹⁰⁰ Cal. Penal Code § 11225.

¹⁰¹ Cal. Penal Code § 11225.

¹⁰² Cal. Evid. Code §115.

¹⁰³ Cal. Penal Code § 11226.

Enforcement and Remedies:

The City Attorney on behalf of the People may obtain a temporary restraining order and injunction compelling the owner, lessee, and subsequent owners and lessees to abate and prevent the nuisance.¹⁰⁴ A court may assess a \$25,000 civil penalty and enter an order of abatement that 1) directs the sale of all fixtures and movable property used in connection with the nuisance, and 2) provides for the closure of the property for one year, or the payment of one year's worth of fair market value if the closure would cause a nuisance or harm to the community.¹⁰⁵ If the proceeds of the sale of fixtures and moveable property do not satisfy all fees, costs, and allowances in connection with the lawsuit, the property at issue may be sold by order of the court to satisfy the same¹⁰⁶. Any violation of an injunction or order of abatement is punishable as a contempt of court punishable by a fine of \$200 to \$1,000, or by imprisonment in county jail for one to six months¹⁰⁷.

Governance and Oversight:

The discretion to file a civil action under this section lies with the City Attorney.

3. Appointment of a Receiver to Abate a Substandard Building Pursuant to Health and Safety Code § 17980.7

The City may seek the appointment of a receiver, or a court supervised manager, to abate and correct conditions at any building that is in violation of state or local building codes and substantially endangers the public.

Requirements:

A receiver may be appointed by the court for buildings that are in violation of a state or local building code and "the violations are so extensive and of such a nature that the health and safety of residents or the public is substantially endangered..."¹⁰⁸

Administration and Implementation:

Pursuant to Health and Safety Code Section 17980.6, the "enforcement agency"¹⁰⁹ of the City, here DBS, may issue an order by posting and mail, to repair or

¹⁰⁴ Cal. Penal Code § 11227.

¹⁰⁵ Cal. Penal Code § 11230.

¹⁰⁶ Cal. Penal Code § 11231.

¹⁰⁷ Cal. Penal Code § 11229.

¹⁰⁸ Cal. Health and Saf. Code § 17980.6.

¹⁰⁹ Pursuant to Cal. Health and Saf. Code § 17960, the enforcement agency is the local building

abate violations of state and/or local building codes that are so extensive that they endanger the health and safety of the public. If the property owner fails to comply with the order within a “reasonable time,” the enforcement agency may file a civil petition¹¹⁰ to have a court appoint a receiver to correct the conditions cited in the order of abatement.¹¹¹

Enforcement and Remedies:

If a receiver is appointed, the property owner and their agents are enjoined from collecting rents, interfering with the receiver, and “encumbering or transferring the substandard building or real property upon which the building is situated.”¹¹² The receiver would normally have the authority to: (1) take full control of the property; (2) manage the expenses and operation of the property; (3) to enter into contracts to correct the conditions cited in the abatement order; (4) collect all rents and income from the building, and use that money to pay for the cost of rehabilitation and repair; and (5) borrow funds to conduct repairs at the property which may be secured by a lien on the real property.¹¹³ The receiver may be discharged after the conditions cited in the abatement order have been corrected as specified by the court, and an accounting of all abatement costs has been made to the court, after which time the court may retain jurisdiction of the substandard building for a period of 18 months.¹¹⁴

If the City obtains an order or judgment that the property is in a condition “which substantially endangers the health and safety of residents pursuant to this section then a court, as applicable, will: (1) order that the property owner pay costs to the enforcement agency; (2) order that the enforcement agency provide any tenant with notice of the judgment; (3) order that the property owner pay relocation fees if the repair and rehabilitation of a substandard building pursuant to this section significantly affects “the safe and sanitary use of the premises by any lawful tenant...”; (4) determine a date when a tenant is to relocate; and (5) order that the owner offer the “first right to occupancy” to tenants displaces pursuant to this section.¹¹⁵ Failure to comply with an abatement order issued pursuant to this section is punishable by civil contempt and as a misdemeanor.¹¹⁶

department of a city or county, which in this case is the Los Angeles Department of Building and Safety.

¹¹⁰ Pursuant to City Charter §§ 271 and 272, the City Attorney has the authority to “initiate appropriate legal proceedings on behalf of the City” and to “initiate civil litigation on behalf of the City.” For this reason, a petition or civil action to appoint a receiver would be filed by the City Attorney.

¹¹¹ Cal. Health and Saf. Code § 17980.7(c).

¹¹² Cal. Health and Saf. Code § 17980.7(c)(3).

¹¹³ Cal. Health and Saf. Code § 17980.7(c)(4).

¹¹⁴ Cal. Health and Saf. Code §§ 17980.7(c)(9)-(10).

¹¹⁵ Cal. Health and Saf. Code §§ 17980.7(d).

¹¹⁶ Cal. Health and Saf. Code §§ 17980.7(d)(6), 17995.

Governance and Oversight:

While DBS has the discretion to initiate administrative abatement proceedings pursuant to Health and Safety Code Section 17980.6, the City Attorney has the discretionary authority to file an action to have a receiver appointed pursuant to Health and Safety Code Section 17980.7.

4. Abatement of Code Violations Pursuant to LAMC § 11.00(l)

LAMC Section 11.00(l) authorizes the City Attorney to file a civil abatement action to abate any violation of the LAMC.

Requirements:

This section declares that “any violation of any provision of this Code is declared to be a public nuisance” that may be abated by the City Attorney and thus applies to a wide variety of situations.

Administration and Implementation:

Such an action may be brought by the City or the City Attorney in the name of the People of the State of California.

Enforcement and Remedies:

The City may seek a restraining order, an injunction, and any other order or judgment that may be “issued by a court of competent jurisdiction.” It may also seek: (1) an injunction “to enjoin violations of, or to compel compliance with, the provisions of this Code or seek any other relief or remedy available at law or equity,” and (2) a civil penalty of \$2500 per day per offense.

Governance and Oversight:

The discretion to file a civil action under this section lies with the City Attorney.

5. Prosecution Abatement of Code Violations Pursuant to LAMC § 11.00(m)

LAMC Section 11.00(m) authorizes this Office to prosecute any violation of the LAMC as a misdemeanor, unless the violation is declared to be an infraction.

Requirements:

This section declares that failing to comply with the mandatory requirements of the LAMC is a misdemeanor, unless a violation is declared by the LAMC to be an

infraction. Misdemeanors are subject to proof beyond a reasonable doubt.

Administration and Implementation:

Such an action may be brought by this Office in the name of the People of the State of California either as a misdemeanor or infraction as specified in the LAMC. Many abatement matters are also set for pre-filing compliance diversion, and resolved, through the City Attorney Hearings program.

Enforcement and Remedies:

Violations are punishable as a misdemeanor by a fine of not more than \$1000 and/or six months in the County Jail, unless charged as an infraction. If a violation is established in the LAMC as an infraction or charged as an infraction the violation is punishable by a fine as set forth in the LAMC, not to exceed \$250 for each violation. A separate violation may be charged for each day there is evidence of a violation.

Governance and Oversight:

The discretion to file or proceed with a prosecution under this authority lies with the City Attorney and its Criminal Branch's Regulatory Prosecution Division.

II. Personnel and Resources Required for Nuisance Abatement

The executive officers of each department, office, or board are best situated to provide a comprehensive response to Council's request for information about the personnel and resources required for the above referenced nuisance abatements under their oversight. This Office contacted departments involved in abatements for this information. This portion of the report summarizes the general responses in this Office's possession from DBS and DCP, and also includes information from our Office.

A. Department of Building and Safety

As stated above, DBS has abatement authority under LAMC Sections 91.8904, et seq., 98.0701, et seq. (VBA), 91.8901-91.8903 (Substandard, Hazardous, Nuisance), and 91.8905 (Imminent Hazards). These abatements are initiated and processed by DBS inspectors in the Code Enforcement Bureau which includes the Vacant Building Abatement (VBA) Unit. The VBA Unit operates citywide. It consists of one senior inspector and five inspectors, is responsible for monitoring vacant and abandoned buildings and ensuring that abatement work is completed, on vacant buildings as well as nuisance and substandard buildings.

After consulting with DBS, this Office is informed of the following: The VBA unit manages approximately 600 open cases annually, with over 100 cases being assigned

to each inspector. One inspector is assigned to write reports and prepare presentations to the Board of Building and Safety Commissioners. These inspectors also respond to approximately 25 Customer Service Requests (CSR) per month. DBS responds to most CSRs in 72-hours and places properties on a 30-day monitoring schedule. The current DBS caseload is above the workload limit of 80 cases and 20 CSRs.

The money for the City to perform abatement work on its own, prior to recovering the upfront expenditure by way of a lien, is payable out of the “Repair and Demolition Fund” identified in LAMC Section 91.8906. The Repair and Demolition Fund is administered by DBS (Fund No. 346, LAAC SEC. 91.8906. PAYMENT AND RECOVERY OF REPAIR AND DEMOLITION FUNDS). The fund is intended to “defray the costs and expenses that may be incurred by said Department in causing the necessary work of repair, securing, cleaning or demolition of buildings, structures and portions thereof or premises which fall within the scope of this division and Division 90, Article 1 of Chapter IX of [the LAAC].”

The Repair and Demolition Fund is funded by revenue collected from invoicing property owners for the cost of work as well as collections from liens for delinquent properties as the property gets sold. Because this does not occur often, the monies in the Repair and Demolition Fund are limited. The average yearly demand for abatement work is approximately \$1,600,000.00. As of 8/28/25, there was \$3,287.00 available in Fund No. 346 for encumbrance. In the last three Fiscal Years (FY 2022-23 through FY 2024-25), abatement expenditures have exceeded revenue by an average of over \$370,000.00 per year. As a result, Fund 346 has received loans totaling \$1,262,000.00, which have yet to be repaid. All monies in excess of \$250,000.00 at the end of each fiscal year are transferred out of the Repair and Demolition Fund to a DBS salary account.

B. Department of City Planning

DCP has the authority to initiate abatement proceedings pursuant to LAMC Section 13B.6.2 to modify, rescind, discontinue, or revoke any discretionary zoning approval or land use if the approval or land use is determined to have become a public nuisance. Such abatements are conducted by DCP’s Nuisance Abatement Revocations (NAR) Unit.

After consulting with DCP, this Office is informed of the following: NAR currently has only one full time dedicated staff responsible for compiling and analyzing extensive data from LAPD and DBS; working with the GIS Unit to prepare map and lists; drafting staff reports and presentations; conducting and presenting site visits at hearings; supporting the Zoning Administrator; representing DCP on appeals before the Planning and Land Use Committee and City Council; recording final actions with the County Recorder’s Office; issuing invoices and overseeing collections; and assisting with property closures.

Due to staffing levels and the nature of the work, DCP produces approximately six to eight abatement cases per year and would require additional personnel and training in order to process additional cases.

C. Office of the City Attorney

This Office's Criminal Branch, Civil Litigation Branch, Public Rights Branch, and City Attorney Hearings program affirmatively deploy the City's authority for criminal and civil judicial abatements, which includes prosecutions, affirmative litigation, filing review, and pre-filing compliance diversion. As previously mentioned, the ACE unit within this Office provides oversight and review for contested citations arising from administrative citations generated by other City departments. This Office's Real Estate Branch, Municipal Law Branch, and Civil Litigation Branch provide daily operational advice and defense to the departments exercising their abatement authority referenced above. This includes advice and representation related to obtaining abatement or inspection warrants, the conduct of department administrative abatement hearings, the conduct of inspections, issuing orders to comply, and defending the administrative or abatement actions when challenged in court.

This Office is in the process of reorganizing the ACE criminal and civil divisions into a unified ACE division that will issue and process ACE citations as administrative matters and retain the ability to refer certain violations as appropriate for criminal prosecution to maximize the City's ability to convince nuisance property owners to take appropriate action to resolve all nuisance conditions. We anticipate that future ACE citations issued by the unified ACE division within this Office will not be subject to an initial review, therefore the timeline and overall process required to abate nuisance properties by issuing administrative citations will be shortened.

A supplemental Report with this Office's recommendations regarding streamlined nuisance property abatement measures, monitoring and enforcement procedures including cost capture measures for services provided by City departments to inspect and abate nuisance properties, as well as potential fee revenue derived from the registration of vacant properties, including all relevant departments charged with nuisance abatement and enforcement will be transmitted to the City Council subsequent to the delivery of this Report.

We are also engaged in the process of consolidating nuisance abatement intake, assignment and referral procedures in order to more efficiently assess and respond to the wide range of simple to complex nuisance situations. One opportunity to further consolidate and improve the City's ability to more efficiently and effectively abate nuisance properties is the anticipated positioning of Community Law Corps (CLC) within the Municipal Branch to function as a central point for nuisance abatement intake, a function that will be formalized to eliminate confusion over which part of this Office

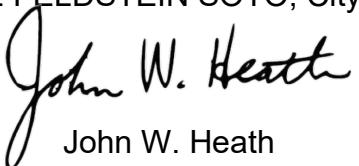
should be contacted by LAPD, the City Council and other City departments to respond to problem locations. This Office anticipates opportunities to enhance coordination, cooperation, and communication between all City departments and agencies regarding nuisance locations in the City, and CLC is an excellent focal point to concentrate the City's efforts in this regard. CLC performs many of the same functions as the Neighborhood Prosecutor Program previously operated by this Office, with the most salient difference being that CLC does not prosecute criminal cases. This Office recommends that the City establish a means to catalogue existing, known nuisance locations, determine what enforcement activity has already been undertaken and by whom, and if no such action has been taken, immediately initiate the most efficient City response to resolve the particular problem.

If you have any questions regarding this matter, please contact the undersigned at (213) 978-8209. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By:



John W. Heath
Chief Assistant City Attorney