

Date of Hearing: June 18, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

SB 757 (Richardson) – As Amended May 8, 2025

**SENATE VOTE:** 39-0

**SUBJECT:** Local government: nuisance abatement

**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. Specifically, **this bill**:

- 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 support local enforcement of state and local building and fire codes and municipal codes related to nuisances, and to facilitate compliance with state and local building and fire code standards, including through establishment of 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) Prohibits a county from using a special assessment to collect fines or penalties related to the nuisance abatement for a violation that creates a danger to health or safety against a parcel pursuant to this bill unless the 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.
- 6) Prohibits a city from using a special assessment or a lien to collect fines or penalties related to the nuisance abatement for a violation that creates a danger to health or safety against a parcel pursuant to this bill unless the 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.
- 7) Contains a sunset date of January 1, 2035.

**EXISTING LAW:**

- 1) Defines a nuisance as anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or anything which 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 which unlawfully obstructs the free passage or use of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway. (Civ. Code § 3479.)
- 2) Specifies that a city may declare by ordinance what constitutes a nuisance. (Gov. Code § 38771.)
- 3) Permits a legislative body to provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing, or maintaining the nuisance, and permits the legislative body to make the expense of abatement of nuisances a lien against the property on which it is maintained and a personal obligation against the property owner, as specified. (Gov. Code § 38773.)
- 4) Permits a county board of supervisors to establish a procedure for the abatement of a nuisance through an ordinance. Specifies that this ordinance, at a minimum, must require that the owner or person known to be in possession of the property be provided notice of the abatement proceeding and an opportunity to appear and be heard before the board of supervisors before the county abates the nuisance. Specifies that it does not prohibit the summary abatement of a nuisance upon an order of the board, or upon an order of a county officer, if the board or officer determines that the nuisance constitutes an immediate threat to public health or safety. (Gov. Code § 25845(a).)
- 5) Requires that, in any action to abate a nuisance, whether by an administrative proceeding, judicial proceeding, or a summary abatement, the owner of the property be liable for all costs of abatement incurred by the county, including administrative costs and any and all costs incurred in the physical abatement of the nuisance. (Gov. Code § 25845(b).)
- 6) Permits a county to, by ordinance, provide for the recovery of reasonable attorney's fees in any action by the prevailing party. Permits the ordinance to limit recovery of attorney's fees to those individual actions or proceedings in which the county elects at the initiation of the action to seek recovery of its own attorney's fees. (Gov. Code § 25845(c).)
- 7) Permits a board of supervisors to specially assess the cost of the abatement against the property if the owner fails to pay the costs of the abatement upon the county's demand, and permits this assessment to be collected at the same time and in the same manner as ordinary county taxes. Specifies that all laws applicable to the levy, collection, and enforcement of county taxes are applicable to such a special assessment. (Gov. Code § 25845(d).)
- 8) Specifies that, if the board of supervisors specially assesses the cost of abatement against the property, the board may also record a notice of abatement lien. Requires that the notice of abatement lien, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the owner or possessor, set forth the date when the abatement was ordered by the board and the date that the abatement was complete, a description of the property subject to the lien, and the amount of the abatement cost. (Gov. Code § 25845(e).)

- 9) If the board of supervisors do not record a notice of the abatement lien, and the property to which the abatement costs relates has been sold or transferred, or a lien has been created and attached to the property, prior to when county taxes would become delinquent, the nuisance abatement costs may not be recoverable as a lien, but instead through the unsecured tax roll. (Gov. Code § 25845(f).)
- 10) Specifies that a nuisance abatement lien has the same priority as a judgment lien on real property, and continues until it is released. Permits the board of supervisors or any authorized county officer to release the lien or subordinate it in the same manner as a judgment lien. (Gov. Code § 25845(g).)
- 11) Permits the board of supervisors to provide that, upon entry of a second or subsequent civil or criminal judgment within a two-year period that finds that an owner is responsible for a condition that may be abated, except for substandard building conditions when the owner is diligently abating them, as specified, the court may order the owner to pay treble the costs of abatement. (Gov. Code § 25845.5.)
- 12) When the nuisance is in a building or on its lot, specifies that the local building codes enforcement agency must initiate a process to abate the nuisance after 30 days' notice to the owner to abate the nuisance, unless the agency determines a shorter period of time is necessary to prevent an immediate threat to the health or safety of occupants of the building, nearby residents, or the public. (Health & Saf. Code § 17980.)
- 13) Permits the legislative body of a city to establish a procedure to collect nuisance abatement and related administrative costs by a nuisance abatement lien, and requires that such an ordinance provide a property owner notice prior to the recording of a nuisance abatement lien. (Health & Saf. Code § 38773.1.)
- 14) Permits the legislative body of a city to establish a procedure for the abatement of a nuisance and to make the cost of abatement a special assessment against the parcel subject to the nuisance, if notice is provided, as specified. Permits a city to provide for the recovery of attorneys' fees by the prevailing party in any action to abate a nuisance, as specified. (Health & Saf. Code § 38773.5.)

**FISCAL EFFECT:** None

**COMMENTS:**

- 1) **Bill Summary.** This bill allows a city or county to collect fines related to nuisance abatement by using a nuisance abatement lien or a special assessment. This bill limits this authority only where a violation applies to electrical, plumbing, or other similar zoning or structural issues that create a danger to health and safety.

This bill requires fines and penalties that are recovered via a lien or special assessment to be used only to support local enforcement of state and local building and fire codes and municipal codes related to nuisances, and to facilitate compliance with state and local building and fire code standards. It also requires a county or city collecting a fine to establish a process for granting a hardship waiver to a responsible party that has made a bona fide effort to comply and can demonstrate that payment would pose an undue financial burden.

The bill specifies that a county shall not specially assess fines or penalties pursuant to the bill unless the county provides 30 days for the responsible person to correct or otherwise remedy the violation, except where the violation creates an immediate danger to health or safety. The bill requires the same for cities, except also applies this 30-day opportunity to cure to a city's lien authority under the bill.

These provisions sunset on January 1, 2035. This bill is sponsored by the author.

- 2) **Author's Statement.** 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.”
- 3) **Background.** The United States and California Constitutions prohibit governments from impairing property rights without due process. The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public – including land use authority. Local agencies also use this police power to abate nuisances.
- 4) **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.
- 5) **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.

- 6) **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.

- 7) **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:

Number of violations within specified time periods	Amount of fine for ordinance violations that are infractions	Amount of fine for building and safety code violations that are infractions
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.

- 8) **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.

- 9) **Policy Considerations.** The Committee may wish to consider the following:
- a) **Opportunity to Correct Violations.** This bill requires a property owner to be granted 30 days to correct a violation regarding a nuisance before the local agency may proceed with a special assessment or lien for the fines that are associated with that nuisance. This amount of time might not be sufficient for a property owner to raise the funds needed and complete the work required to address a nuisance, depending on the nature and extent of the nuisance. The Committee may wish to consider if additional time should be granted to a property owner to remedy a nuisance before special assessments and liens are placed on their property.
  - b) **Liens by Counties?** This bill specifies that the 30-day opportunity to correct a violation applies to liens *and* special assessments that cities may apply pursuant to the bill. However, in the code section that applies to counties, only special assessments are identified in this requirement – liens are not. The Committee may wish to consider amending this bill to correct this apparent oversight with this language.
- 10) **Committee Amendments.** In order to address the policy considerations raised above, the Committee may wish to consider adopting the following amendments:

- a) Extend the 30-day time period to remedy a violation to 60 days.
- b) Clarify that the time period to remedy a violation applies to liens that counties may attach to a property.

11) **Related Legislation.** AB 632 (Hart) allows local agencies to file certain documents related to specified administrative fines or penalties with a superior court and requires the court clerk to enter judgment immediately, and clarifies that local agencies may collect administrative fines or penalties for violations of any ordinance by recording a judgment lien on property that is in violation. AB 632 is pending in the Senate Local Government Committee.

12) **Previous Legislation.** AB 491 (Wallis) of 2024 would have allowed local agencies to impose an ordinary lien for fines and penalties, and would have streamlined the process for obtaining a judgment for unpaid fines and penalties. AB 491 was held in the Senate Judiciary Committee.

SB 1416 (McGuire) of 2018 would have allowed, until January 1, 2024, cities and counties to recover fines related to nuisance abatement through liens and special assessments. AB 514 was vetoed with the following message:

“I vetoed a similar bill in 2011 because I was concerned that allowing local governments to collect fines by assessing them against an owner’s property reduced important due process protections. My thoughts on the matter have not changed.”

AB 345 (Ridley-Thomas) of 2017, would have allowed cities and counties to recover nuisance abatement fines through nuisance abatement liens and special assessments, and would have increased the maximum allowable fines for violations of city building and safety codes. AB 345 was subsequently amended to address a different subject.

AB 556 (Limón), Chapter 405, Statutes of 2017, allowed counties to assess increased fines for a violation of an event permit requirement that is an infraction as follows: a fine not exceeding \$150 for the first violation; a fine not exceeding \$700 for a second occurrence of the same violation by the same owner or operator within three years of the first violation; and, a fine not exceeding \$2,500 for each additional occurrence of the same violation by the same owner or operator within three years of the first violation.

AB 514 (Williams) of 2015 would have allowed counties to assess larger administrative fines for specified violations of county ordinances determined to be infractions that govern building and safety, brush removal, grading, film permitting, and zoning. AB 514 was vetoed with the following message:

“The public's health and safety is compromised when people willfully violate county ordinances. Deterring such behavior is a worthwhile goal. This bill, however, lacks the balance needed to prevent unintended consequences, especially on those with modest means and those who are unfamiliar with their local ordinances.”

AB 129 (Beall, 2011) would have allowed local governments to use special assessments for unpaid fines or penalties, if they followed specific procedures. AB 129 was vetoed by

Governor Brown, who stated that the bill “would weaken the due process requirements for local building departments to obtain property liens. Local governments already have a fair process in place, and I see no reason to change it.”

AB 2317 (Saldana) of 2010 would have expanded nuisance abatement liens and special assessments to include administrative penalties, with a sunset date of January 1, 2014. AB 2317 was vetoed with the following message:

“I am returning Assembly Bill 2317 without my signature. It is important that the due process rights of homeowners are balanced against a local government's right to collect a nuisance abatement fine. The current system that requires a local government to seek judicial approval to impose a lien properly balances these opposing interests. For this reason I am unable to sign this bill.”

- 13) **Arguments in Support.** The City of Oakland writes, “This important legislation provides cities and counties with enhanced tools to address urgent and recurring property maintenance and code enforcement issues that pose significant health and safety risks in our communities.

“As a city that frequently contends with persistent code violations, illegal dumping, substandard housing, and abandoned properties, we rely on the ability to recover the costs of nuisance abatement efforts to protect residents and maintain safe neighborhoods. \*\*SB 757 builds on existing law by authorizing cities and counties to recover not only abatement costs but also related fines and penalties through nuisance abatement liens or special assessments—\*\*a critical advancement for local enforcement.

“The bill also includes vital safeguards to ensure fairness, including:

- A requirement to provide reasonable time for property owners to remedy violations prior to the imposition of penalties, unless there is an immediate danger to public health or safety;
- A process for hardship waivers, ensuring that low-income and responsible property owners are not unduly burdened if they have made bona fide efforts to comply; and
- A mandate that all recovered fines be reinvested into local code enforcement and housing rehabilitation efforts, including revolving loan funds to support the remediation of substandard housing.

“These provisions will significantly strengthen our ability to address chronic nuisance properties while also supporting equitable outcomes and community reinvestment.

“In Oakland and similarly situated cities across the state, unresolved code violations often erode quality of life, impact surrounding property values, and strain limited municipal resources. SB 757 gives us a flexible and fiscally responsible mechanism to improve housing and public safety standards, particularly in historically underserved communities.”

- 14) **Arguments in Opposition.** The American Civil Liberties Union writes, “Removing the protection of judicial process would place homeowners at the whim of local code enforcement, who could fine and lien properties with the goal of moving towards



foreclosure...Homeowners would be saddled with the severe effects of a judgment against them, without the independent arbitrator, court hearings, and weighing of reasonableness that is afforded by judicial due process. Likewise, localities could levy special assessments against property owners...In effect, this would create the equivalent of a property tax on parcels that localities deem to be in violation of almost any local ordinance...

“While SB 757 purports to limit its effects to only certain kinds of code violations – those relating to ‘electrical, plumbing, or other similar zoning or structural issues that create a danger to health and safety’ – this encapsulates the bulk of what local code enforcement enforce. For instance, run-of-the-mill code violations like the unpermitted construction of an ADU, living in a trailer, or disabled vehicle storage are generally deemed to be zoning violations that can create a danger to health and safety. Homeowners could face property liens and special assessments for having old junk cars on their property or for letting a family member live in a travel trailer, and could go on to lose their property over it.

“Such cases can – and do – lead to crippling fines. While State Law generally caps violations of local ordinances at \$100 for a first violation, \$200 for a second violation, and \$500 for a third violation within a year, many localities get around these strictures by fining homeowners separately for each day of violation. By doing so, a hundred dollar fine can become much more. Many fines for run-of-the-mill code violations can instead become five or six figures...if allowed to administer hardship waiver programs themselves, local code enforcement would have a heavy incentive to keep fines as high as possible, because the bill allows them to keep any money recovered through their levied fines...This provision could easily create a kickback system, whereby local code enforcement come to fund their operations on the back of local homeowners. It is overripe for abuse.”

15) **Double-Referral.** This bill is double-referred to the Judiciary Committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

City of Compton  
City of Oakland

### **Opposition**

American Civil Liberties Union

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