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County of Sacramento

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May 28, 2024

The Honorable Maria Elena Durazo, Chair
Senate Local Government Committee
State Capitol, Room 7530
Sacramento, CA 95814

Re: AB 491 (Wallis). Local Government: Fines and Penalties.
Support (As amended September 13, 2023)
Hearing: May 28, 2024

Dear Senator Durazo:

On behalf of the Sacramento County Board of Supervisors, I write to support AB 491 (Wallis), which helps local governments address several types of chronic and unresolved code enforcement matters.

Like other local governments in California, Sacramento County established code enforcement programs to promote and maintain safe and desirable living and working conditions. We believe a fair, unbiased, and streamlined enforcement program protects public health, safety, and welfare, contributing to the overall quality of life, and preserving property values. A successful code enforcement program ensures that property owners correct code violations in a timely and responsible manner and disincentivizes future noncompliance and places the costs of enforcement on the offenders, not taxpayers. Yet, some property owners are unresponsive to local governments' efforts to abate property conditions that constitute public nuisances and, consequently, endanger the community. For code enforcement matters related to use of illegal fireworks and accompanying administrative penalties, the nuisance conditions continue at properties, and the lengthy existing process does not quickly remedy existing violations and deter future violations.

Under existing law, local governments may assess administrative fines, penalties, fees, and costs to address code enforcement violations. However, existing law only allows counties to recover nuisance abatement *fees and costs* through special assessments collected with the property owner's property tax bill, but they must bring an action in civil court to collect administrative *fines and penalties*, a process that is time-consuming and costly. The process to obtain a civil court judgment, record a judgment lien, and then attempt to collect on the lien can take years to effectuate, and therefore fails to quickly disincentivize detrimental and dangerous conduct such as illegal firework use, risks local government and taxpayers shouldering the financial burden of that conduct, and fails to promote swift abatement of those violations.

May 28, 2024

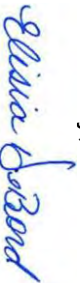
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AB 491 changes the current landscape by providing a critical tool to local governments to ensure timely and complete compliance in matters that threaten public health, safety, and welfare because it will enable local governments to recover nuisance abatement fines and penalties by way of a special assessment and avoids the protracted procedure that currently applies. With this tool, the County can address unresolved code violations because it will provide a more efficient penalty recovery process by authorizing recordation of a lien with the same priority as a judgment lien without first bringing an action in civil court.

AB 491 would assist the County in quickly, efficiently, and effectively addressing unresolved code enforcement matters for the benefit of our community. Importantly, however, it would continue to protect the due process rights of property owners and responsible parties by providing them with notice and an opportunity to object to the imposition of fines and penalties consistent with the process followed for the imposition of fees and costs. By creating a uniform scheme for the assessment and collection of code enforcement fines, penalties, fees, and costs, AB 491 provides local government agencies with a more efficient collection mechanism to administer code enforcement programs and maintain the quality of their communities.

For these reasons, Sacramento County supports AB 491. Please feel free to contact me at (916) 874-4627 or deborde@saccounty.gov.

Sincerely,



Elisia De Bord
Governmental Relations and Legislative Officer

cc: Honorable Greg Wallis
Members, Senate Local Government Committee
Sacramento County Delegation
Sacramento County Board of Supervisors
Audrey Ratajczak, Cruz Strategies