

City of Chula Vista's Residential Abandoned Property Program (RAPP)

City Attorney Forum
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Abandoned Residential Properties Are A Blight and Attractive Nuisance

Abandoned properties lead to:

- Unsecured backyards and empty pools which are inviting and dangerous to children and youth;
- Open and accessible structures which can be occupied by squatters and transients;
- Open and accessible structures which can be stripped of fixtures, wiring by thieves;
- Proliferation of garbage, waste and refuse that increase likelihood of vermin in the neighborhood; and
- General decrease in neighborhood property values if left unattended.

2007- Rise in Abandoned Properties In Chula Vista

- Late 2006 – Early 2007: dramatic increase in number of foreclosures in Chula Vista led to residential properties being abandoned.
- Financially distressed properties and prospect of foreclosure by lenders resulted in people abandoning their homes.
- No accountability for condition of property as a result of the owners abandoning it.

Staff forced to devise a creative method for tackling the problem of abandoned residential property.

RAPP Ordinance Devised

- For many reasons, there was a large gap of time between property being abandoned and it being foreclosed upon (sometimes upwards of 18 months or more).
- In addition to placing the obligation on the owner the maintenance obligation is ALSO placed on the lender who intends to foreclose on the property and own it.
- RAPP ordinance theory is based on underlying rights of lender to prevent “waste” on property (language that is contained in every California deed of trust).
- Ordinance requires lenders to monitor and maintain properties they intend to own or re-sell.

How Does It work?

- If property is in fact abandoned and the lender has recorded a notice of default then the property must be registered as an abandoned property.
- A responsible party can then register the property either manually with the City or through an online property management database.
- Once registered, code enforcement conducts an inspection:
 - Notice of violation is issued; or
 - Case is monitored and then closed so long as property is maintained.

What Does It Do?

The RAPP ordinance ensures that:

- 1) Abandoned properties are registered and monitored within the City of Chula Vista;
- 2) Accountability is obtained for the security, safety and maintenance of the property; and
- 3) The conditions of the home and property are maintained following the neighborhood standard so that it can be successfully resold and new residents can move in.

What Does “Abandoned” Mean?

The City Code deems a residential property abandoned when:

- 1) A notice of default is recorded on the property; and
- 2) It is found to be vacant or show signs of vacancy which is defined as: “any condition visible from the exterior that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. . . [such as] overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation; and statements by neighbors, passersby, delivery agents, or government employees that the property is vacant.” CVMC Section 15.60.202.

RAPP Ordinance Revised in 2010

- Lenders, realtors and property managers informed the City that the ordinance was resulting in unintended consequences such as delayed property sales, inaccurate enforcement of the ordinance and not being user-friendly.
- The ordinance and Council policy was revised in 2010 in response to industry concerns.
- The ordinance revisions resulted in online registration, a policy of an automatic reduction of fines for swift compliance, clearer definitions and other industry-requested items.

Current Violation Schedule

- Level 1 – Health & Safety violations: Open and accessible structures, unmaintained and/or unsecured pools (\$250 a day).
- Level 2 – Visual Blight Violations: trash, junk, debris, overgrown lawns (\$150 a day).
- Level 3 – Administrative Violations: Lack of registration (\$50 a day).

Benefits To Community As A Result of RAPP

- Prevents properties from becoming “run down” prior to the property becoming a problem.
- Avoids proliferation of nuisance and blight issues.
- Maintains value and condition of the home so that a re-sale can be accomplished and tenants/owners can be brought back into the house and community.
- Pro-actively maintains conditions of an abandoned home at no cost to the taxpayer.

Recognition of RAPP

- May 2009 – Harvard University Kennedy School of Government recognizes Chula Vista’s RAPP program “as one of the most 16 innovative government programs in the United States.”
- Over 400 municipalities throughout the U.S. have copied Chula Vista’s ordinance.
- No lawsuits have been filed against the City on the enforcement of RAPP.

Questions?

City currently has 3 code enforcement officers and 2 support staff administering the program.

Senior City Staff Person Responsible For Administering Program:

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