

Vacant Properties: Maintenance Code

Policy Primer

The accumulation of vacant properties imposes significant burdens on a community. It creates blight and public safety hazards, depresses surrounding property values, threatens community stability and hinders neighborhood development and revitalization. Tackling this challenge involves a multi-faceted approach including a vacant property registry, land banking, code enforcement, agency coordination, and tax strategies. These policies may be packaged together into a comprehensive program or moved in pieces. A critical starting point lies in clarifying the vacant property owner's maintenance responsibilities.

Taxpayers pay for blight

Vacant properties include empty lots and empty buildings. They can encompass large contiguous parcels, be scattered throughout a community or concentrated in a few neighborhoods. The recent U.S. housing crisis has exacerbated the problem significantly. Between 2000 and 2010, the number of vacant housing units grew by 4.5 million (a 44% increase in just one decade).¹

Vacant properties collectively pose a substantial burden on taxpayers. Oklahoma City's 12,000 vacant and abandoned buildings cost \$6.5 million annually in fire, police and other services and impose a \$2.7 billion reduction in property values citywide.² Philadelphia (PA) has 40,000 vacant properties and spends \$20 million every year in maintenance costs.³ Communities recoup only a fraction of such expenditures. Sandusky (OH), a town of 26,000 people, billed \$282,000 in nuisance lawn remediation from 2008 to 2012.



"NO LOITRIN" Banksy mural on a vacant property on Essex Street in Central Square Cambridge, Boston (MA). Photo by Chris Devers, Flickr

Establishing clear standards

Explicitly codifying maintenance standards (and corresponding penalties) is a strong step toward owner accountability and reducing the cost burden to taxpayers. Many communities have some form of property maintenance standards, but specifying and strengthening these standards can prevent future issues associated with vacant properties and lay the groundwork for potential improvement, lease or sale of vacant properties.

The maintenance code should include specific minimum maintenance requirements, so there is no burden of interpretation by the owner, the public or government agencies. This means providing clarity on provisions for grass height and weeding, proper boarding of windows, structural safety, and even pest management.

An effective code sets clear requirements for *exterior* and *interior* conditions and delineates penalties for noncompliance, timelines for rectifying problems and specifies the actions the municipality may take if the owner fails to comply. Penalties might include fees, liens, or even court proceedings.

Customizing requirements

Many communities model their maintenance criteria after the vacant property requirements in the *International Property Maintenance Code*, which provides specific guidance on things like safe structural elements, pest elimination, garbage collection, storm drainage, secured entryways, lights, and snow clearing. Greater specificity means more clarity for the owner and the public and makes way for accountability and enforcement.

It is important to keep in mind any unique conditions present in a particular community. These conditions may include a particular type of vegetation, climate, or crime patterns for example. Snow clearing and winterization of drains are important in cold climates, but less so in communities in the south. Maintenance codes also often specify distinct responsibilities for the owner and the lender and who is held responsible in case of foreclosure. Table 1 provides sample vacant property requirements found in different codes.

Communities with maintenance codes

Communities of all sizes and populations have strengthened their maintenance codes. **Plano** (TX), with a population of 269,776, prohibits refrigerators on premises unless the doors are removed and sets daily fines for maintenance code violations at \$500-\$2,000 per day. **San Bruno** (CA), with a population of 41,616, requires a plan for actively monitoring, maintaining and securing the property while it is vacant. **Chicago** (IL) with a population of 2.7 million requires winterization of plumbing facilities and requires the owner's name and contact information to be posted on property.

Table 1. Sample Maintenance Standards	
Property Owner	Lender/Bank
Secure and maintain building exterior and entryways; maintain continuous exterior lighting dusk to dawn	Secure and maintain building exterior, entryways.
Keep grass trimmed, remove weeds, garbage, debris, dead trees, any fallen limbs	Keep grass trimmed; abate trash accumulation
Clear and remove snow from walkways	Clear and remove snow from walkways
Maintain roof, foundation, basements, crawlspaces, exterior walls, exterior windows and doors, roof, gutters, downspouts, scuppers, flashing, chimneys, flues outside stairs, steps, decks, verandas, balconies	Mitigate major health or safety dangers to the public from the building
Keep property pest-free (rats, etc)	Keep property pest-free (rats, etc)
Winterize plumbing to prevent freezing	Winterize building
Maintain exterior and interior <i>stairs, balconies, porches</i> in a safe, usable condition	Reasonably maintain fences and gates as well as stairs leading to entrance of building

¹ Mallach, A. (September 2012) *Laying the Groundwork for Change: Demolition, Urban Strategy, and Policy Reform*. The Brookings Institution, Metropolitan Policy Program. p. 6

² GSBS Richman Consulting. (June 2013). *Addressing Vacant & Abandoned Buildings in Oklahoma City*. p.1

³ Econsult Corporation. (November 2010). *Vacant Land Management in Philadelphia*. p. 2

TIPS FOR TALKING ABOUT

Vacant Properties: Maintenance Code

Debunking myths and arguments

Vacant properties are not a significant problem

Vacant properties pose significant threats to public health, public safety and neighborhood stability, often becoming the venues for criminal activity, vandalism and illegal occupation. Poorly maintained properties often become sites of infestation and illegal dumping. The resulting blight reduces local property values while increasing the burden on taxpayers, police and fire departments to secure and maintain these properties.

- Boarding up and securing vacant properties can cost between \$233 and \$1,400 per property, a burden that frequently falls on taxpayers; Detroit (MI) spent \$1.4 million to board up 6,000 structures between 2010 and 2011.¹ A study in Philadelphia (PA) estimated the city spends \$1,846,745 annually just cleaning vacant lots.² St. Louis (MO) spent \$15.5 million from 2000 to 2005, to demolish vacant buildings.³
- A study in Austin (TX) found 41% of vacant buildings in the city could be entered without the use of force. City blocks with vacant properties had over three times as many drug calls, almost twice as many theft calls and twice the number of violent calls compared with blocks without vacant properties.⁴
- Philadelphia has found that a single vacant property reduced the value of surrounding properties on the block by an average of \$6,500.⁵
- Fires in vacant buildings cost \$73 million annually in property damage across the nation.⁶

Allowing the problem linger is not an option. We must set clear standards for maintaining vacant properties so that owners and neighbors of vacant properties understand their responsibilities.

Vacant properties are just an unavoidable reality

Properly maintained vacant lots and buildings can dramatically increase safety and reduce blight in neighborhoods. A number of policies can help mitigate the problems associated with vacant properties. These include clarifying and strengthening maintenance standards, enforcing regulations, creating a mandatory vacant property registry and subjecting vacant properties to higher tax rates to offset the burdens they impose on the community. These measures have proven successful in other communities to encourage the leasing, sale, and improvement of vacant properties.

- Kansas City (MO) created an online database of 3,600 vacant properties with details, prices and photos where prospective buyers can browse and bid upon properties. Any offer must include improvement plans for the property, a timetable for the plans, and evidence of resources.

- St. Louis (MO) provides dumpsters and cleaning supplies to 75,000 volunteers participating in 100 neighborhood greening projects each spring. Over the past thirty years, volunteers have cleared more than 7 million pounds of trash from vacant properties.⁷

Establishing a clear and strong maintenance code is an ideal starting point for addressing the problems associated with vacant properties. Owners of vacant properties and the neighbors who live near vacant properties should be made aware of the minimum standards for things like grass cutting, snow removal, securing the property and managing pests infestation. This is a critical first step to turning the problem around.

Enforcement is impossible

Proactively monitoring vacant properties and enforcing maintenance standards does add costs to local government budgets. However, communities are finding that mitigating blight and unsafe buildings can provide valuable returns for neighborhoods.

- Riverside (CA) developed the “Foreclosure/Vacant Property Handbook” for code enforcement officers. Within the first year, officers investigated 2,190 vacant properties, gained code compliance on 987 properties and issued over \$342,000 in citations, \$425,500 in abatement invoices and nearly \$614,000 in administrative civil penalties.⁸
- Cleveland’s (OH) Code Enforcement Department discovered 7,000 vacant structures through a door-to-door survey in 2010. A survey completed in the same year in Detroit (MI) found 67,000 vacant parcels and 30,000 vacant single-family homes in 2010.⁹

United States Government Accountability Office. (2011). *Vacant Properties: Growing Number Increases Communities’ Costs and Challenges*. U.S. GAO. p. 37

Smart Growth America. (2005). *Vacant Properties: The True Costs to Communities*. SGA. p. 6

Smart Growth America. (2005). *Vacant Properties: The True Costs to Communities*. SGA. p. 1

Smart Growth America. (2005). *Vacant Properties: The True Costs to Communities*. SGA. p. 1

Mallach, A. (2010). *Bringing Buildings Back (2nd Ed.)*. Montclair, New Jersey: National Housing Institute. p. 8,9

Smart Growth America. (2005). *Vacant Properties: The True Costs to Communities*. SGA. p. 4

Smart Growth America. (2005). *Vacant Properties: The True Costs to Communities*. SGA. p. 6

U.S. Conference of Mayors. (2009). *Vacant and Abandoned Properties: Survey and Best Practices*. p. 19.

United States Government Accountability Office. (2011). *Vacant Properties: Growing Number Increases Communities’ Costs and Challenges*. U.S. GAO. p.19

Vacant Property: Maintenance Code

CHULA VISTA (CA)

Background

Chula Vista (CA) is the second-largest city in San Diego County with a 2011 population of 243,916. Since the early 2000s, Chula Vista has been one of the fastest growing cities in California. While the market for new single-family homes thrived, the economic downturn also produced growing numbers of financially distressed properties. By 2008, Chula Vista had 2,000 mortgage defaults and over 1,000 foreclosures - the highest in the county.¹ An estimated 2,100 properties were vacant or abandoned in 2008.²

“This program succeeded in accomplishing in a year what the city was unable to do in 10 years using traditional code enforcement methods.”

Western City Magazine
May 2010

Foreclosed homes sat empty and unmaintained for months and in some cases, years. Blighted and dilapidated structures discouraged potential buyers of nearby properties, and property values began to decline.³

The Chula Vista City Council responded by adopting the Abandoned Residential Property Program in October 2007. Concerned that financially distressed properties would have no willing caretakers until the completion of foreclosure sales, the program sought to hold lenders responsible for securing and maintaining vacant, abandoned and defaulted properties. This program has become a model for communities around the nation.

Results

Within two years of implementation, 2,200 vacant properties were registered. Nearly \$112,000 was collected in registration fees and another \$1.4 million in fines.^{4,5} More than 350 cities have contacted Chula Vista for help in designing similar legislation.⁶ The City received the 2009 *Helen Putnam Award for Excellence* by the California League of Cities, and was a finalist for the Harvard Kennedy School's *Innovations in American Government*.

Program structure

Chula Vista's Abandoned Residential Property Registration program requires lenders (mortgage holders) to inspect vacant properties and confirm they are still occupied. If they are vacant, lenders must exercise the “Abandonment and Waste” clause in the mortgage contract, which authorizes lenders to enter the property. The lender must register the vacant property with the city, pay a one time \$70 registration fee (fee set by City Council resolution) and begin securing and maintaining the property to neighborhood standards. The lender must inspect the property monthly and take care of maintenance issues.⁷ Lenders may hire a property management company to carry out the maintenance responsibilities. The contact name and number of the person or company responsible

for the property must be posted at or near the entry door at all times for neighbors or the city to report problems. Noncompliance and maintenance code violations can result in fines between \$100 and \$1,000 a day.⁸ The city may place a lien on properties with unpaid fines. These requirements lessen the burden on the Chula Vista Code Enforcement Department of acting as property managers of vacant properties.

Chula Vista also set minimum maintenance standards for vacant residential properties to help mitigate blight and neighborhood devaluation and destabilization. This code protects public health, increases neighborhood safety and decreases need for fire and police services. The code is summarized in Table 1 available online at:

<http://www.codepublishing.com/ca/ChulaVista/?ChulaVista15/ChulaVista1560.html>.

Table 1. Abandoned Residential Property Program	
Maintenance	<ul style="list-style-type: none"> • No weeds, dry brush, dead vegetation, trash, junk, debris, building materials • Neighborhood standard for visible front and side yard landscaping • No accumulation of newspapers, circulars, flyers, notices on the exterior • No discarded personal items on the exterior, such as, <i>furniture, clothing, large and small appliances, printed material</i> that give the appearance that the property is abandoned. • No visible graffiti or tagging • Working order condition of pools (water is clear, debris free or pool drained, kept dry)
Security	<ul style="list-style-type: none"> • All windows, doors, gates must be locked. • Broken windows must be re-glazed or boarded of the window. • Additional measures may be required on troublesome properties (security lighting, on-site security guard)
Fines	<ul style="list-style-type: none"> • \$70 vacant property registration fee (paid one time) • \$100 - \$1,000 daily fines for noncompliance with the code

¹U.S. Conference of Mayors. (2008). *Vacant and Abandoned Properties: Survey and Best Practices*. p.12

² U.S. Conference of Mayors. (2008). *Vacant and Abandoned Properties: Survey and Best Practices*. p.12

³City of Chula Vista. (2013). Abandoned Residential Property Program. Chulavista.ca.gov. Retrieved September 16, 2013 from http://www.chulavistaca.gov/city_services/development_services/planning_building/Building/Code_Enforcement/AbanResPropertyProg.asp

⁴ *Western City*. (May 2010). Chula Vista Turns Foreclosures Around. *Western City, League of California Cities*. Retrieved September 16, 2013 from <http://www.westerncity.com/Western-City/May-2010/Chula-Vista-Turns-Foreclosures-Around/>

⁵ *Western City*. (May 2010). Chula Vista Turns Foreclosures Around. *Western City, League of California Cities*. Retrieved September 16, 2013 from <http://www.westerncity.com/Western-City/May-2010/Chula-Vista-Turns-Foreclosures-Around/>

⁶ City of Chula Vista. (2009). C.V.'s Abandoned Property Program Places in Top 50 of Harvard Kennedy School Innovations In American Government. Retrieved September 16, 2013 from http://www.ci.chula-vista.ca.us/Whats_New/details.asp?NewsID=1354

⁷City of Chula Vista. Chapter 15.60 Abandoned Residential Property Registration. Code Publishing Inc. Retrieved September 18, 2013, from <http://www.codepublishing.com/ca/ChulaVista/?ChulaVista15/ChulaVista1560.html>

⁸ U.S. Conference of Mayors. (2008). *Vacant and Abandoned Properties: Survey and Best Practices*. p.12

Vacant Properties: Maintenance

Chula Vista, CA

By Neha Bhatt and Jenna Chilingirian

This model policy is part of the Vacant Properties: Code Clarification Policy Toolkit. Visit the “Policy Toolkits” page of the [Local Leaders Council web site](#) for more information and implementation tips.

With defaulting and foreclosed homes on the rise, Chula Vista (CA) passed the Abandoned Residential Property program in 2007 to mitigate the effects of rising numbers of vacant properties. Two years later, 2,200 vacant properties were registered, nearly \$112,000 was collected in registration fees and \$1.4 million was issued in code violations.^{1, 2}

The award-winning program successfully involves lenders in the management and basic upkeep of defaulted properties and sets minimum maintenance standards to fight neighborhood blight. More than 350 cities have contacted Chula Vista for help in designing similar legislation.³

Chula Vista’s law on abandoned property maintenance and registration:

<http://www.codepublishing.com/ca/ChulaVista/?ChulaVista15/ChulaVista1560.html>

(Chula Vista Municipal Code: Chapter 15.60)

¹ Western City. (May 2010). Chula Vista Turns Foreclosures Around. Western City, League of California Cities. Retrieved September 16, 2013 from <http://www.westerncity.com/Western-City/May-2010/Chula-Vista-Turns-Foreclosures-Around/>.

² Western City. (May 2010). Chula Vista Turns Foreclosures Around. Western City, League of California Cities. Retrieved September 16, 2013 from <http://www.westerncity.com/Western-City/May-2010/Chula-Vista-Turns-Foreclosures-Around/>.

³ City of Chula Vista. (2009). C.V.’s Abandoned Property Program Places in Top 50 of Harvard Kennedy School Innovations In American Government. Retrieved September 16, 2013 from http://www.ci.chula-vista.ca.us/Whats_New/details.asp?NewsID=1354.

Chapter 15.60

ABANDONED RESIDENTIAL PROPERTY REGISTRATION

Sections:

- 15.60.010 Purpose/scope.
- 15.60.020 Definitions.
- 15.60.030 Recordation of transfer of loan/deed...
- 15.60.040 Registration.
- 15.60.050 Maintenance requirements.
- 15.60.060 Security requirements.
- 15.60.070 Additional authority.
- 15.60.080 Fees.
- 15.60.090 Enforcement.
- 15.60.100 Appeals.
- 15.60.110 Violation/penalty.
- 15.60.120 Severability.

15.60.010 Purpose/scope.

It is the purpose and intent of the Chula Vista City Council, through the adoption of this chapter, to establish an abandoned residential property registration program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties.

Nothing in this chapter shall be interpreted to allow or encourage circumvention of the foreclosure statutes of the state of California. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.020 Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

“Abandoned” means a property that is vacant and is under a current notice of default or notice of trustee’s sale and is not currently being offered for sale, rent or lease by the owner subject to such action(s) (currently being offered for sale, rent or lease is evidenced by a sign posted on the subject property advertising the property for sale, rent or lease with contact information and current phone number and/or an active listing in an electronic database accessible to City staff), and/or property that has been the subject of a foreclosure sale where the title was retained by the beneficiary involved in the foreclosure and any property transferred under a deed in lieu of foreclosure, whether or not the property is being marketed for sale, rent or lease.

“Accessible” means a property or structure that unauthorized persons may gain access or entry to through a compromised/breached/unsecured gate, door, fence, wall, window, or other point of entry.

“Agreement” means any agreement or written instrument which provides that title to residential property shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.

Chula Vista (CA) – Abandoned Residential Property Code

<http://www.codepublishing.com/ca/ChulaVista/?ChulaVista15/ChulaVista1560.html>

“Beneficiary” means a lender or other entity under a note secured by a deed of trust.

“Buyer” means any person, co-partnership, association, corporation, or fiduciary that agrees to transfer anything of value in consideration for property described in an agreement of sale.

“Days” means consecutive calendar days.

“Deed in lieu of foreclosure” means a recorded document that transfers property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

“Deed of trust” means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. Used in California instead of a mortgage, this definition applies to any and all subsequent deeds of trust, i.e.: second trust deed, third trust deed, etc.

“Default” means the failure to fulfill a contractual obligation, monetary or conditional.

“Distressed” means a property that is under a current notice of default and/or notice of trustee’s sale or there has been a foreclosure by the trustee or has been conveyed to the beneficiary/trustee via a deed in lieu of foreclosure.

“Evidence of occupancy” means 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 legally occupied. Such conditions include but are not limited to secured/locked structures; active utility services; the absence of overgrown and/or dead vegetation; the absence of an accumulation of newspapers, circulars, flyers and/or mail; the absence of an accumulation of trash, junk and/or debris; the presence of window coverings such as curtains, blinds and/or shutters; the presence of furnishings and/or personal items consistent with residential habitation; statements by neighbors, passersby, delivery agents, or government employees that the property is legally occupied; or actual contact with occupants.

“Evidence of vacancy” means 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 conditions include, but are not limited to, 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.

“Field service provider” means an individual, entity or department that is responsible for inspecting, securing, and maintaining abandoned property.

“Foreclosure” means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) defaults.

“Inspection” means a physical investigation at a property to obtain evidence of occupancy or vacancy and/or to verify compliance with this chapter and any other applicable code or law. Although interior inspections may be allowed under a deed of trust, they are not required by this chapter.

“Neighborhood standard” means those conditions that are present on a simple majority of properties within a 300-foot radius of the subject property. A property that is the subject of a neighborhood standard comparison, or any other abandoned property within the 300-foot radius, shall not be counted toward the simple majority.

Chula Vista (CA) – Abandoned Residential Property Code

<http://www.codepublishing.com/ca/ChulaVista/?ChulaVista15/ChulaVista1560.html>

“Notice of default” means a recorded notice that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee’s sale.

“Owner” means any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.

“Property” means any unimproved or improved real property, or portion thereof, situated in the city and includes the buildings or structures located on the property regardless of condition.

“Property preservation/real estate owned (REO) section/department” means the entity, group, section, department or the designee of a beneficiary that is responsible for inspecting, securing and maintaining abandoned and REO property.

“Residential” means any property, or portion thereof, situated in the city, designed or permitted to be used for dwelling purposes, and shall include all buildings and structures located on such property. This includes any property being offered for sale, trade, transfer, or exchange as residential, whether or not it is legally permitted and/or zoned for such use.

“Responsible party” means the beneficiary that is pursuing foreclosure of a property subject to this chapter secured by a mortgage, deed of trust or similar instrument or a property that has been acquired by the beneficial interest at trustee’s sale.

“Securing” means such measures as may be directed by the Director of Development Services or his or her designee so that the property is not accessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/padlocking of gates, the repair or boarding of door, window and/or other openings. Boarding shall be completed to a minimum of the current HUD securing standards at the time the boarding is completed or required. Locking includes measures that require a key, keycard, tool or special knowledge to open or gain access.

“Substitution of beneficiary of deed of trust” means an instrument that transfers the beneficial interest under a deed of trust from one beneficiary to another.

“Trustee” is the person, firm, entity, or corporation holding a deed of trust secured by the property.

“Trustor” is a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

“Turf stain” means the application of an environmentally safe stain or dye that colors dead/dormant vegetation green.

“Vacant” means a building/structure that is not legally occupied. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.030 Recordation of transfer of loan/deed of trust/substitution of beneficiary of deed of trust.

Within 10 days of the purchase and/or transfer of a loan/deed of trust secured by residential property, the new beneficiary/trustee shall record with the San Diego County Recorder’s Office a substitution of beneficiary of deed of trust, or similar document, that lists the name of the corporation, entity and/or individual, the mailing address and contact phone number of the new beneficiary/trustee responsible for receiving payments associated with the loan/deed of trust. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.040 Registration.

Any responsible party/beneficiary or their designee shall perform an inspection of the property that is the security for the deed of trust, upon default by the trustor, within 10 days of recording a notice

Chula Vista (CA) – Abandoned Residential Property Code

<http://www.codepublishing.com/ca/ChulaVista/?ChulaVista15/ChulaVista1560.html>

of default with the San Diego County Recorder's Office. If the property is found to be vacant or shows evidence of vacancy, it is, by this chapter, deemed abandoned and the responsible party/beneficiary shall, within 10 days of the inspection, register the property.

Registration may be accomplished by either of the following methods:

A. By completing and returning to the Director of Development Services Department or his/her designee a City-provided registration form with required fee; or

B. By registering with a City-approved national database that contains the information set out below and which service the City may access at no cost.

Nothing in this section shall prohibit the use of both methods of registration.

From time to time, the City Manager may approve an acceptable national database(s) which shall be identified in writing and which shall be posted in the Development Services Department and on the City's website.

If the property is occupied but remains in default it shall be inspected by the responsible party/beneficiary, or their designee, monthly until (1) the trustor or another party remedies the default or (2) it is deemed abandoned. The responsible party/beneficiary or their designee shall, within 10 days of that inspection, register the property as described above.

The registration shall contain the name of the beneficiary/responsible party, the direct street/office mailing address of the responsible party/beneficiary (no P.O. boxes), a direct contact name and phone number for the responsible party/beneficiary and the name, address and phone number of the property management company, field service provider, property preservation or real estate owned (REO) section/department responsible for inspecting, securing, and maintaining the property.

In the case of hard copy registration under subsection (A) of this section, initial registration fee shall accompany the registration form. The registration shall be valid for as long as the registered property remains subject to this chapter. Any changes to the information required on the registration shall be reported to the Director of Development Services Department or his/her designee in writing within 10 days of the change. The City is not responsible to verify the accuracy of the information provided.

This section shall also apply to property that has been the subject of a foreclosure where the title was transferred to the beneficiary of a deed of trust involved in the foreclosure and any property transferred under a deed in lieu of foreclosure.

Property subject to this chapter shall remain under the registration requirement, security and maintenance standards of this section as long as the property remains abandoned.

It is the obligation of the responsible party/beneficiary/owner to inform the City of any pending action, such as a bankruptcy, other court or administrative action that would prohibit the responsible party/beneficiary/owner from taking any of the actions required in this chapter. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.050 Maintenance requirements.

The exterior of the property shall be, in comparison to the neighborhood standard, kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law,

Chula Vista (CA) – Abandoned Residential Property Code

<http://www.codepublishing.com/ca/ChulaVista/?ChulaVista15/ChulaVista1560.html>

discarded personal items including but not limited to furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

Insofar as there is existing or previously existing landscaping, all visible front and side yards shall be maintained to the neighborhood standard at the time registration was required. If no landscaping previously existed at the property in front and visible side yards, installation is not required under this chapter.

Landscape includes, but is not limited to, grass, turf stain, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation.

Landscape does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch (unless applied in conjunction with reseeding of turf areas), indoor-outdoor carpet or any similar material.

Maintenance includes but is not limited to regular watering, irrigation, staining, re-staining, cutting, pruning and mowing of required landscape and removal of all trimmings.

Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or drained and kept dry. In either case properties with pools and/or spas must comply with the minimum security fencing requirements of the state of California.

Adherence to this section does not relieve the beneficiary/responsible party of any obligations set forth in any covenants, conditions and restrictions and/or homeowners' association rules and regulations which may apply to the property. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.060 Security requirements.

Property subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

Secure manner includes but is not limited to the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other openings of such size that leave it accessible. In the case of broken windows, securing means the reglazing or boarding of the window. Locking includes measures that require a key, keycard, tool or special knowledge to open or gain access.

The responsible party/beneficiary or their designee shall perform monthly inspections to verify that the requirements of this chapter are being met.

If the responsible party/beneficiary does not have a property preservation or real estate owned section/department, a field service provider or property manager shall be contracted to perform the inspection to verify that the requirements of this section, and any other applicable laws, are being met.

The property shall be posted with name and 24-hour toll-free contact phone number of the beneficiary or property preservation, real estate owned section/department, field service provider or property manager. The posting shall be no less than eight and one-half inches by 11 inches and shall contain, along with the name and 24-hour toll free contact number, the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL" or similar. The posting shall be placed in a window adjacent to the entry door or attached to the exterior of the

Chula Vista (CA) – Abandoned Residential Property Code

<http://www.codepublishing.com/ca/ChulaVista/?ChulaVista15/ChulaVista1560.html>

entry door. Exterior posting must be constructed of and printed with, or contained in, weather-resistant materials.

The property preservation/real estate owned section/department, field service provider, property manager or their designee shall inspect the property on a monthly basis to determine if the property is in compliance with the requirements of this chapter. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.070 Additional authority.

In addition to the enforcement remedies established in Chapters [1.20](#), [1.30](#) and [1.41](#) CVMC, the Director of Development Services or his or her designee shall have the authority to require the responsible party/beneficiary of any property affected by this section to implement additional maintenance and/or security measures including but not limited to securing any/all doors, windows or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.080 Fees.

The fee for registering an abandoned residential property shall be set by resolution of the City Council. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.090 Enforcement.

Violations of this chapter may be enforced in any combination as allowed in Chapters [1.20](#), [1.30](#) and [1.41](#) CVMC. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.100 Appeals.

Any person aggrieved by any of the requirements of this chapter may appeal insofar as such appeal is allowed under Chapter [1.40](#) CVMC. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.110 Violation/penalty.

Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this section shall be subject to prosecution and/or administrative enforcement under Chapters [1.20](#) and [1.41](#) CVMC. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.120 Severability.

Should any provision, section, paragraph, sentence or word of this chapter be determined or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this chapter shall remain in full force and effect. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

Chapter 15.60

ABANDONED RESIDENTIAL PROPERTY REGISTRATION

Sections:

- 15.60.010 Purpose/scope.
- 15.60.020 Definitions.
- 15.60.030 Recordation of transfer of loan/deed...
- 15.60.040 Registration.
- 15.60.050 Maintenance requirements.
- 15.60.060 Security requirements.
- 15.60.070 Additional authority.
- 15.60.080 Fees.
- 15.60.090 Enforcement.
- 15.60.100 Appeals.
- 15.60.110 Violation/penalty.
- 15.60.120 Severability.

15.60.010 Purpose/scope.

It is the purpose and intent of the Chula Vista City Council, through the adoption of this chapter, to establish an abandoned residential property registration program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties.

Nothing in this chapter shall be interpreted to allow or encourage circumvention of the foreclosure statutes of the state of California. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.020 Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

“Abandoned” means a property that is vacant and is under a current notice of default or notice of trustee’s sale and is not currently being offered for sale, rent or lease by the owner subject to such action(s) (currently being offered for sale, rent or lease is evidenced by a sign posted on the subject property advertising the property for sale, rent or lease with contact information and current phone number and/or an active listing in an electronic database accessible to City staff), and/or property that has been the subject of a foreclosure sale where the title was retained by the beneficiary involved in the foreclosure and any property transferred under a deed in lieu of foreclosure, whether or not the property is being marketed for sale, rent or lease.

“Accessible” means a property or structure that unauthorized persons may gain access or entry to through a compromised/breached/unsecured gate, door, fence, wall, window, or other point of entry.

“Agreement” means any agreement or written instrument which provides that title to residential property shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.

“Beneficiary” means a lender or other entity under a note secured by a deed of trust.

“Buyer” means any person, co-partnership, association, corporation, or fiduciary that agrees to transfer anything of value in consideration for property described in an agreement of sale.

“Days” means consecutive calendar days.

“Deed in lieu of foreclosure” means a recorded document that transfers property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

“Deed of trust” means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. Used in California instead of a mortgage, this definition applies to any and all subsequent deeds of trust, i.e.: second trust deed, third trust deed, etc.

“Default” means the failure to fulfill a contractual obligation, monetary or conditional.

“Distressed” means a property that is under a current notice of default and/or notice of trustee’s sale or there has been a foreclosure by the trustee or has been conveyed to the beneficiary/trustee via a deed in lieu of foreclosure.

“Evidence of occupancy” means 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 legally occupied. Such conditions include but are not limited to secured/locked structures; active utility services; the absence of overgrown and/or dead vegetation; the absence of an accumulation of newspapers, circulars, flyers and/or mail; the absence of an accumulation of trash, junk and/or debris; the presence of window coverings such as curtains, blinds and/or shutters; the presence of furnishings and/or personal items consistent with residential habitation; statements by neighbors, passersby, delivery agents, or government employees that the property is legally occupied; or actual contact with occupants.

“Evidence of vacancy” means 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 conditions include, but are not limited to, 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.

“Field service provider” means an individual, entity or department that is responsible for inspecting, securing, and maintaining abandoned property.

“Foreclosure” means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) defaults.

“Inspection” means a physical investigation at a property to obtain evidence of occupancy or vacancy and/or to verify compliance with this chapter and any other applicable code or law. Although interior inspections may be allowed under a deed of trust, they are not required by this chapter.

“Neighborhood standard” means those conditions that are present on a simple majority of properties within a 300-foot radius of the subject property. A property that is the subject of a neighborhood standard comparison, or any other abandoned property within the 300-foot radius, shall not be counted toward the simple majority.

“Notice of default” means a recorded notice that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee’s sale.

“Owner” means any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.

“Property” means any unimproved or improved real property, or portion thereof, situated in the city and includes the buildings or structures located on the property regardless of condition.

“Property preservation/real estate owned (REO) section/department” means the entity, group, section, department or the designee of a beneficiary that is responsible for inspecting, securing and maintaining abandoned and REO property.

“Residential” means any property, or portion thereof, situated in the city, designed or permitted to be used for dwelling purposes, and shall include all buildings and structures located on such property. This includes any property being offered for sale, trade, transfer, or exchange as residential, whether or not it is legally permitted and/or zoned for such use.

“Responsible party” means the beneficiary that is pursuing foreclosure of a property subject to this chapter secured by a mortgage, deed of trust or similar instrument or a property that has been acquired by the beneficial interest at trustee’s sale.

“Securing” means such measures as may be directed by the Director of Development Services or his or her designee so that the property is not accessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/padlocking of gates, the repair or boarding of door, window and/or other openings. Boarding shall be completed to a minimum of the current HUD securing standards at the time the boarding is completed or required. Locking includes measures that require a key, keycard, tool or special knowledge to open or gain access.

“Substitution of beneficiary of deed of trust” means an instrument that transfers the beneficial interest under a deed of trust from one beneficiary to another.

“Trustee” is the person, firm, entity, or corporation holding a deed of trust secured by the property.

“Trustor” is a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

“Turf stain” means the application of an environmentally safe stain or dye that colors dead/dormant vegetation green.

“Vacant” means a building/structure that is not legally occupied. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.030 Recordation of transfer of loan/deed of trust/substitution of beneficiary of deed of trust.

Within 10 days of the purchase and/or transfer of a loan/deed of trust secured by residential property, the new beneficiary/trustee shall record with the San Diego County Recorder’s Office a substitution of beneficiary of deed of trust, or similar document, that lists the name of the corporation, entity and/or individual, the mailing address and contact phone number of the new beneficiary/trustee responsible for receiving payments associated with the loan/deed of trust. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.040 Registration.

Any responsible party/beneficiary or their designee shall perform an inspection of the property that is the security for the deed of trust, upon default by the trustor, within 10 days of recording a notice of default with the San Diego County Recorder’s Office. If the property is found to be vacant or

shows evidence of vacancy, it is, by this chapter, deemed abandoned and the responsible party/beneficiary shall, within 10 days of the inspection, register the property.

Registration may be accomplished by either of the following methods:

A. By completing and returning to the Director of Development Services Department or his/her designee a City-provided registration form with required fee; or

B. By registering with a City-approved national database that contains the information set out below and which service the City may access at no cost.

Nothing in this section shall prohibit the use of both methods of registration.

From time to time, the City Manager may approve an acceptable national database(s) which shall be identified in writing and which shall be posted in the Development Services Department and on the City's website.

If the property is occupied but remains in default it shall be inspected by the responsible party/beneficiary, or their designee, monthly until (1) the trustor or another party remedies the default or (2) it is deemed abandoned. The responsible party/beneficiary or their designee shall, within 10 days of that inspection, register the property as described above.

The registration shall contain the name of the beneficiary/responsible party, the direct street/office mailing address of the responsible party/beneficiary (no P.O. boxes), a direct contact name and phone number for the responsible party/beneficiary and the name, address and phone number of the property management company, field service provider, property preservation or real estate owned (REO) section/department responsible for inspecting, securing, and maintaining the property.

In the case of hard copy registration under subsection (A) of this section, initial registration fee shall accompany the registration form. The registration shall be valid for as long as the registered property remains subject to this chapter. Any changes to the information required on the registration shall be reported to the Director of Development Services Department or his/her designee in writing within 10 days of the change. The City is not responsible to verify the accuracy of the information provided.

This section shall also apply to property that has been the subject of a foreclosure where the title was transferred to the beneficiary of a deed of trust involved in the foreclosure and any property transferred under a deed in lieu of foreclosure.

Property subject to this chapter shall remain under the registration requirement, security and maintenance standards of this section as long as the property remains abandoned.

It is the obligation of the responsible party/beneficiary/owner to inform the City of any pending action, such as a bankruptcy, other court or administrative action that would prohibit the responsible party/beneficiary/owner from taking any of the actions required in this chapter. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.050 Maintenance requirements.

The exterior of the property shall be, in comparison to the neighborhood standard, kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law,

discarded personal items including but not limited to furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

Insofar as there is existing or previously existing landscaping, all visible front and side yards shall be maintained to the neighborhood standard at the time registration was required. If no landscaping previously existed at the property in front and visible side yards, installation is not required under this chapter.

Landscape includes, but is not limited to, grass, turf stain, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation.

Landscape does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch (unless applied in conjunction with reseeded of turf areas), indoor-outdoor carpet or any similar material.

Maintenance includes but is not limited to regular watering, irrigation, staining, re-staining, cutting, pruning and mowing of required landscape and removal of all trimmings.

Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or drained and kept dry. In either case properties with pools and/or spas must comply with the minimum security fencing requirements of the state of California.

Adherence to this section does not relieve the beneficiary/responsible party of any obligations set forth in any covenants, conditions and restrictions and/or homeowners' association rules and regulations which may apply to the property. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.060 Security requirements.

Property subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

Secure manner includes but is not limited to the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other openings of such size that leave it accessible. In the case of broken windows, securing means the reglazing or boarding of the window. Locking includes measures that require a key, keycard, tool or special knowledge to open or gain access.

The responsible party/beneficiary or their designee shall perform monthly inspections to verify that the requirements of this chapter are being met.

If the responsible party/beneficiary does not have a property preservation or real estate owned section/department, a field service provider or property manager shall be contracted to perform the inspection to verify that the requirements of this section, and any other applicable laws, are being met.

The property shall be posted with name and 24-hour toll-free contact phone number of the beneficiary or property preservation, real estate owned section/department, field service provider or property manager. The posting shall be no less than eight and one-half inches by 11 inches and shall contain, along with the name and 24-hour toll free contact number, the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL" or similar. The posting shall be placed in a window adjacent to the entry door or attached to the exterior of the

entry door. Exterior posting must be constructed of and printed with, or contained in, weather-resistant materials.

The property preservation/real estate owned section/department, field service provider, property manager or their designee shall inspect the property on a monthly basis to determine if the property is in compliance with the requirements of this chapter. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.070 Additional authority.

In addition to the enforcement remedies established in Chapters [1.20](#), [1.30](#) and [1.41](#) CVMC, the Director of Development Services or his or her designee shall have the authority to require the responsible party/beneficiary of any property affected by this section to implement additional maintenance and/or security measures including but not limited to securing any/all doors, windows or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.080 Fees.

The fee for registering an abandoned residential property shall be set by resolution of the City Council. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.090 Enforcement.

Violations of this chapter may be enforced in any combination as allowed in Chapters [1.20](#), [1.30](#) and [1.41](#) CVMC. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.100 Appeals.

Any person aggrieved by any of the requirements of this chapter may appeal insofar as such appeal is allowed under Chapter [1.40](#) CVMC. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.110 Violation/penalty.

Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this section shall be subject to prosecution and/or administrative enforcement under Chapters [1.20](#) and [1.41](#) CVMC. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).

15.60.120 Severability.

Should any provision, section, paragraph, sentence or word of this chapter be determined or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this chapter shall remain in full force and effect. (Ord. 3150 § 1, 2010; Ord. 3080 § 1, 2007).