



**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Staff Report**  
**November 2, 2021**

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**TOPIC:** Receivership Petitions and Nuisance Abatement Action Against Owners of Real Properties

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**AGENDA TITLE:**

Authorize to File and Prosecute Receivership Petitions and a Nuisance Abatement Action Against Owners of Real Properties Located in the City of Santa Ana

**RECOMMENDED ACTION**

Authorize the filing and prosecution of receivership petitions and a nuisance abatement action against the owners of the following real properties:

1. 2901 Lingan Lane – Receivership Petition
2. 930 N. Dianne Street – Receivership Petition
3. 2639 W. 1st Street – JC Tires – Public Nuisance

**DISCUSSION**

The City of Santa Ana (“City”) has successfully resolved numerous difficult code enforcement matters through the use of civil litigation. Specifically, the City has brought receivership actions pursuant to the *California Health and Safety Code* and nuisance abatement actions pursuant to the *California Code of Civil Procedure* and the *California Civil Code*.

**Health and Safety Code Receiverships**

*California Health and Safety Code* section 17980.7 allows a city to seek the appointment of a receiver over substandard housing that has been previously cited for violations which pose health and safety risks. The powers granted to a receiver are broad. The receiver may: (1) take full and complete control of the property; (2) manage the property and pay the operational expenses of the property; (3) secure a cost estimate and construction plan from a licensed contractor for the repairs necessary to correct the substandard conditions; (4) enter into contracts and employ a licensed contractor as necessary to correct substandard conditions; (5) borrow funds to pay for repairs necessary to correct substandard conditions; and (6) with Court approval, secure debt with a recorded first lien on the property, first in priority to all other liens. (Ibid., *Code Civ. Proc.* section 568.)

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The use of the receivership option is a comprehensive process that can rehabilitate properties and correct longstanding violations. If the City prevails, it may recover all attorney's fees and staff costs incurred in the abatement of substandard conditions.

## Civil Nuisance Abatement Lawsuit

In order to protect its residents, the City may abate a public nuisance by filing a civil nuisance action for violations of the Santa Ana Municipal Code and/ or conditions which are offensive or annoying to the senses, detrimental to property values and community appearance, or injurious to the health, safety or welfare of the general public in such ways as to be a nuisance. (*California Code of Civil Procedure* section 731; *California Civil Code* sections 3479 and 3480.) *Civil Code* section 3480 further explains, "A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal." Through the civil nuisance abatement procedure, the City may seek temporary and permanent injunctions to prevent the property from continuing to operate or exist as a public nuisance. If the City prevails, it may seek recovery of attorney's fees and costs.

Attached are fact sheets concerning the real properties at 2901 Lingan Lane, 930 N. Dianne Street, and 2639 W. 1<sup>st</sup> Street (Exhibit 1). The Code Enforcement Division has identified these properties as candidates for receivership petitions and a nuisance abatement action.

## **FISCAL IMPACT**

There is no fiscal impact associated with this action.

## **EXHIBIT(S)**

1. Fact Sheets Regarding Listed Properties

Submitted By: Sonia Carvalho, City Attorney

Approved By: Kristine Ridge, City Manager