



**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Staff Report**  
**December 20, 2022**

---

**TOPIC:** Authorization to file and prosecute receivership petitions and nuisance abatement actions against owners of real properties located in the City of Santa Ana.

---

**AGENDA TITLE:**

The Planning and Building Agency/Code Enforcement and City Attorney's Office are Seeking Authorization to File Receivership Petitions and Prosecute Nuisance Abatement Actions against Owners of Real Properties Located in the City of Santa Ana

**RECOMMENDED ACTION**

Authorize the filing and prosecution of receivership petitions against owners of the following properties based on nuisance conditions resulting from health and safety violations of the Santa Ana Municipal Code (SAMC):

- 2405 S Maple Street, Santa Ana, CA 92707
- 1615 N Broadway, Santa Ana, CA 92706
- 1001 Freeman Street, Santa Ana, CA 92703
- 1502 N Flower Street, Santa Ana, CA 92706
- 1516 N Flower Street, Santa Ana, CA 92706
- 1522 N Flower Street, Santa Ana, CA 92706
- 1114 W Berkeley Street, Santa Ana, CA 92707
- 1027 N Logan Street, Santa Ana, CA 92701
- 1655-1659 E First Street, Santa Ana, CA 92701

**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 a substandard property that has been previously cited for violations that go unabated that pose health and safety risks.

Use of the Receivership process is one of the last code enforcement options used to mitigate substandard conditions of a property. Properties evaluated for the receivership process have nuisance conditions that are extensive and of such a nature, that the health and safety of the residents and the public are substantially endangered; and are maintained in violation of the SAMC and state Health and Safety codes. More importantly, the property owner/s have not complied and have ignored the City's order to abate the substandard and dangerous conditions.

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 expenses of the operation 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) secure debt, with Court approval, with a recorded first lien on the property, first in priority to all other liens.

The use of the receivership option is a dramatic, immediate and comprehensive process that eliminates slum conditions or habitually substandard properties at no expense to the referring agency when it is the prevailing party. This process also communicates to the public that the City is actively protecting resident and tenants from dangerous conditions created by absentee and recalcitrant property owners.

### 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 sections 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.

The Code Enforcement Division has identified the listed properties as candidates for receivership actions based on the severity of violations or length of non-compliance.

Photos of the listed properties and enforcement history are attached in Exhibit 1.

**ENVIRONMENTAL IMPACT**

There is no environmental impact associated with this action.

**FISCAL IMPACT**

There is no fiscal impact associated with this action

**EXHIBIT(S)**

1. Photos of listed properties and enforcement history

Submitted By: Minh Thai, Executive Director – Planning and Building Agency

Approved By: Kristine Ridge, City Manager