

Summary of CA Programs: Enforcement

September 27, 2012

CA Summary report reviewed 12 jurisdictions. Of these

- 4 jurisdictions employed fines, liens on property, or misdemeanor charges if properties were noncompliant
- 3 jurisdictions posted notification that the building is potentially unsafe. CA passed a state law in 2004, now expired, requiring posted notification that stated:

EARTHQUAKE WARNING

This is an unreinforced masonry building. You may not be safe inside or near an unreinforced masonry building during an earthquake.

- 2 jurisdictions had the option of taking title to the property
- 2 jurisdictions required the building official to record a building's URM status on property records
- 2 jurisdictions included prison sentences to owners who did not comply

Overall lessons learned:

- Compared to volunteer programs, mandatory programs with penalties provided motivation for owners to comply
- Most pursued legal action as a last resort preferring to work with owners on a case-by-case basis
- Most were willing to extend the time for compliance if milestones were not met

Jurisdiction	Penalties
Berkeley (700 URM)s	1) Declaration of public nuisance; 2) NOV ordering abatement; 3) file a notice against property; 4) transfer of title
Beverly Hills (104 URM)s	Misdemeanor; city can seek injunctive relief to compel compliance
Eureka (55 URM)s	On un-mitigated buildings, post sign of hazard; misdemeanor - city can seek injunctive relief to compel compliance
Fremont (?# URM)s	Bldg Official notice to vacate and abate; unpaid costs result in lien on property
Livermore (57 URM)s	On un-mitigated buildings, post sign of hazard; misdemeanor - and possible arrest; injunctive relief, abatement and line on property
City of Los Angeles (6,300 URM)s	Misdemeanor; further non-compliance may lead to vacation and demolition of structure
Oakland (1,312 URM)s	\$1000 fine for missed deadline on permit/ analysis report; \$2000/month missed upgrade deadlines; additional include declaration of public nuisance, injunctive relief, withhold permits, revoke CoO, infractions.
Palo Alto (62 URM)s	Injunctive relief; misdemeanor with \$500 fine and up to 6 months in prison
St Helena (34 URM)s	up to \$10K fine per building; notification of haz building to financial interests; record hazard statement; post sign on bldg; council mandate mitigation; property lien
San Diego (1,100 URM)s	Vacation and demolition per building official.
San Francisco (2,000 URM)s	if timelines not met, barricade or abate building and recover costs; daily monetary fines and incarceration
Santa Monica (2,000 URM)s	vacate building until retrofit complete; may initiate a dangerous building demo process or complete retrofit with lien on property to cover costs.