

Substandard Housing Case Summaries

Code Enforcement Unit (CEU) - San Diego City Attorney's Office

In re: Jones – 2 unpermitted additions to extremely deteriorated single family dwelling. Occupied by a single mother with 3 children. Unsafe substandard dangerous conditions. Tenant suffered head injury due to deteriorated patio roof cover which did not have adequate support. Constant water leakage due to faulty plumbing. The rooms actually lacked windows and proper egress. Tenants were exposed to the elements and extreme dampness. Owner ordered to pay \$3,766 in relocation costs and \$2,737 in administrative costs.

In re: Bahena – single family dwelling illegally partitioned into multiple units and rooms. Dwelling did not meet minimum habitability requirements and there was no gas, water, or electrical service. The property was also the site of nuisance and drug activity. Due to improper plumbing, sewage pooled underneath the house and was discharged into open dirt trenches in the yard. The surrounding yard was filled with unpermitted trailers and vehicles which were occupied. Tenants required to immediately vacate. Owner ordered to pay \$6,428 in relocation costs and \$1596 in administrative costs.

In re: Payan – 17 legal units and 3 illegal units. Three of the occupied units were substandard. Violations included unpermitted structural modifications, rodent and cockroach infestation, unpermitted electrical violations, water damage, lack of heating and cooking facilities, uneven surfaces and lack of smoke detectors. Notice and Order to Vacate and Repair served. Owner ordered to pay \$5,944 in relocation benefits to the tenants in the substandard units. Owner appealed relocation costs. City prevailed at hearing. \$1,358 in administrative costs also ordered. Owner is now voluntary complying.

In re Pittleloud – Notice and Order to Vacate and Repair served, requiring owner (who was also a real estate broker) to pay for the relocation of 6 families living in illegally converted units which were extremely substandard. The conditions included: non-permitted electrical work; faulty weather protection; broken windows; leaky roof; lack of permanent heating facilities; exposed and non-permitted electrical wiring; missing smoke detectors; holes in the walls and ceilings; deteriorated and buckled floors, mold, mildew and dampness in habitable rooms; vector and roaches. Owner was ordered to pay \$12,564 in relocation costs to the tenants and \$1,232.87 in administrative costs. Cost of confirmation hearing held and City filed lien. Bank foreclosed; property for sale.

People v. Renteria – Property owner pleaded guilty in criminal court after being charged with twenty-seven counts of maintaining substandard housing and public nuisance conditions in violation of the San Diego Municipal Code and California Health and Safety Code. Violations included non-permitted electrical and structural work, deteriorated and buckled floors, mold, mildew and dampness in rooms, holes in walls and ceilings, vectors and roaches. The owner maintained three structures on the property, two of which were vacant and fire damaged. One was rented to a single mother with 3 children. He allowed the homeless to frequent the property resulting in excessive rubbish, litter, debris and defecation throughout the property, creating a severe health hazard for the tenants. As part of probationary requirements, the owner must reimburse the City \$4,275 for relocation costs paid to the tenants, and \$2,679 in investigative costs. In addition he was ordered not to lease or occupy any of the structures until all corrections have been completed and final inspections and approvals have been obtained. The property must be properly boarded and secured and a fence must be installed around the perimeter.

People v. Jacobs, et al. – Tenants complained to the City because there was no running water or heat at the house they were renting. NCCD observed multiple zoning, building, and electrical violations along with substandard housing conditions. Four families lived on the premises in unpermitted structures, including a converted garage, a stable for horses, and a storage room which functioned as a cabin. The violations included lack of running water, lack of bathroom facilities, and dangerous electrical wiring. The owner lived out of the City and had allowed his tenant to sublease the property without supervising the tenant's actions. The owner agreed to a civil settlement, paying \$9,200 in relocation costs to the tenants and \$3,408 in investigative costs to the City. In addition he was ordered to pay \$1,500 to the San Diego Housing Commission as a form of restitution and restorative justice. \$10,000 in civil penalties were suspended on the condition the owner correct all violations. He is also permanently enjoined from maintaining future code violations at any property in San Diego.

People v. Corral – The property owner pleaded no contest to criminal charges of maintaining unpermitted, dilapidated, and substandard residential rental units on her 10 acre rural parcel adjacent to the border. Several families including children lived in dilapidated trailers which had unpermitted septic and water systems. As part of the plea agreement, the owner may not rent or allow the residential occupancy of any unpermitted structures in which she has a financial interest. The property was also used to rent stables for horses. The unsanitary accumulation of animal waste was a breeding ground for thousands of flies and mosquitoes. One pile of horse manure stood more than 6 feet high. The property also contained structures and fences made entirely out of garage doors. The owner was sentenced to 3 years probation, and must reimburse the City investigative costs totaling \$2,815. The property must be brought up to code including the correction of any environmental damage to her property. \$3,900 in fines, along with 30 days of jail time were stayed, pending successful completion of all terms of her probation.

In RE Erez – CEU represented NCCD at an administrative hearing held as a result of the landlord appealing tenant relocation costs ordered by the City. The owner rented two substandard units with extensive code violations: roach and mice infestation; deteriorated foundations; electrical hazards; nonfunctioning plumbing and frequent sewage back-up. Tests revealed elevated lead levels, posing a hazard to the children. As part of the administrative action, the owner was required to pay tenant relocation costs in the amount of \$4,400; investigative costs of \$3,626.17 and civil penalties of \$50,000 with \$40,000 suspended on the condition the owner make the required repairs.

People v. Panado – CEU civilly prosecuted the owner of this substandard 14 unit complex, located in south San Diego who was unresponsive to police reports of continual crime at the property and tenant requests for repairs. Many units were vacant and occupied by transients and drug addicts who left drug paraphernalia, trash, and graffiti throughout the property. Sewage overflowed periodically, posing a health hazard. As part of the settlement, the property owner was ordered to pay \$20,000 in civil penalties with \$15,000 stayed pending compliance, investigative costs of \$1,515; and a \$5,000 donation to a non-profit agency whose mission was to help the homeless. The owner was also required to pay tenant relocation costs in the amount of \$1,908.

People v. Ahuaga – This case involved a property with a single family residence with significant substandard housing violations including: broken and boarded up windows, deteriorated foundation; extension cords used instead of permanent wiring, etc. The owner had been unresponsive to the tenants' request for repairs of the property. The owner admitted he did not take the Notices of Violations issued to him seriously. CEU prosecuted the owner civilly and as part of the settlement agreement, the property owner paid \$5,000 in civil

penalties with \$25,000 suspending pending successful rehabilitation of the property. The owner paid for the family's relocation and he was also required to donate \$5,000 as restorative justice, to a non-profit charitable organization assisting the local homeless population.

People v. Ing-Wen Hwang dba Valli-Hi Motor Motel – CEU civilly prosecuted the owner of a 100 room substandard motel in San Ysidro which was a problem property to the police due to the constant nuisance activity. There were constant calls for service and arrests for drug activity, loitering, fights, and alcohol related offenses. Inoperable vehicles and trash were visible throughout the parking lot. A comprehensive inspection of the dilapidated motel revealed a severe rat infestation, multiple fire code and electrical violations, and substandard conditions in the rooms. Another significant problem was poor property management, therefore tenants were not properly screened. The San Diego Municipal Code requires that residents at motels may only stay 30 days or less. Some of the residents, mainly elderly, had been residing at the motel for over 10 years! The case was prosecuted civilly and the settlement included the following terms: a payment of \$225,000 in civil penalties (\$75,000 payable forthwith and the remainder suspended pending compliance with all code violations); a deposit of \$55,000 in a trust account to relocate approximately 35 long term residents at the Valli-Hi Motel; hiring a state licensed, uniformed security officer to patrol the property from 10:00 p.m. to 6:00 a.m. daily; payment of \$13,368 in investigative costs to the City; work with the Police Department to properly screen all residents and improve property management; a \$5,000 donation to a non-profit agency in the San Ysidro area whose mission includes, but is not limited to assisting the elderly, homeless, or poor; substantially improve the aesthetic appearance of the property by complying with all landscaping requirements

People v Stratton, et al. – The property owner had incredibly converted storage units into illegal and inhabitable living spaces. What was once a fire station was now subdivided into illegal housing units which were rented out to tenants for \$250-650 a month. The “cubbies” did not even have the required minimum amount of light and ventilation. Extension cords were used in lieu of permanent wiring and the result was a maze of blocked emergency exits and pervasive unpermitted plumbing, mechanical, electrical and structural work that overwhelmed even the experienced building and code inspectors. The Code Enforcement Unit filed a civil complaint alleging violations of the San Diego Municipal Code and unfair business practices under the California Business and Professions Code. The case was settled and the owners paid \$10,000 in civil penalties; \$5,346 in investigative costs; and \$7,000 in donations to a non-profit charitable organization serving the local homeless population. The owners were enjoined from violating all applicable health and safety ordinances and building codes at all their properties and failure to comply would result in an additional \$43,000 in civil penalties may be imposed. The tenants were relocated and the Police Department's Homeless Outreach Team was instrumental in relocating a tenant with special needs.

People v. Lacy – this unresponsive property owner divided her property into eleven units, including three illegally converted garages. All tenants were living in squalor and the structure badly needed repairs. Violations included broken windows, defective plumbing, lack of insulation, and inoperable smoke detectors. The landlord was civilly prosecuted and required to pay \$22, 896 in tenant relocation costs and \$1200 in investigative costs.

In re Sweeney – the owner of an extremely substandard rental property challenged CEU's demand to pay relocation benefits to the tenants. The property was deplorable and three children living there had elevated levels of lead in their blood. The Administrative Hearing Officer found in the City's favor and the owner was ordered to pay relocation costs in the amount of \$5,632.