

West's Annotated California Codes
Government Code (Refs & Annos)
Title 4. Government of Cities (Refs & Annos)
Division 3. Officers (Refs & Annos)
Part 2. Legislative Body (Refs & Annos)
Chapter 10. Health and Safety (Refs & Annos)
Article 6. Nuisances (Refs & Annos)

West's Ann.Cal.Gov.Code § 38773.5

§ 38773.5. Abatement ordinance; costs; special assessments against
parcel; attorney fees; tax sales; recordation of notices or instruments

Currentness

(a) As an alternative to the procedure authorized by [Section 38773.1](#), the legislative body may by ordinance establish a procedure for the abatement of a nuisance and make the cost of abatement of a nuisance upon a parcel of land a special assessment against that parcel.

(b) A city may, by ordinance, provide for the recovery of attorneys' fees in any action, administrative proceeding, or special proceeding to abate a nuisance. If the ordinance provides for the recovery of attorneys' fees, it shall provide for recovery of attorneys' fees by the prevailing party, rather than limiting recovery of attorneys' fees to the city if it prevails. The ordinance may limit recovery of attorneys' fees by the prevailing party to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

(c) Any procedure established pursuant to this section shall include notice, by certified mail, to the property owner, if the property owner's identity can be determined from the county assessor's or county recorder's records. The notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

(d) A local agency that has imposed an assessment pursuant to this section may, subject to the requirements applicable to the sale of property pursuant to [Section 3691 of the Revenue and Taxation Code](#), conduct a sale of vacant residential developed property for which the payment of that assessment is delinquent.

(e) Notices or instruments relating to the abatement proceeding or special assessment shall be entitled to recordation.

Credits

(Added by Stats.1965, c. 1941, p. 4469, § 1. Amended by Stats.1983, c. 645, § 1; Stats.1990, c. 965 (A.B.3510), § 3; Stats.1995, c. 906 (A.B.457), § 1; Stats.1996, c. 718 (A.B.545), § 2.)

Notes of Decisions (9)

West's Ann. Cal. Gov. Code § 38773.5, CA GOVT § 38773.5

Current with urgency legislation through Ch. 770 of 2021 Reg.Sess. Some statute sections may be more current, see credits for details.

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