

ORDINANCE NO. 1882

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, ADDING CHAPTER 9.72 (VACANT REGISTRY PROGRAM) TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE GARDENA MUNICIPAL CODE RELATING TO PROPERTIES THAT ARE VACANT, ABANDONED OR IN FORECLOSURE PROCEEDINGS

WHEREAS the presence of vacant, abandoned, foreclosing or foreclosed-upon residential real property can lead to neighborhood decline by creating a public nuisance which could contribute to lower property values and could discourage potential buyers from purchasing a home adjacent to or in neighborhoods with properties that are vacant, abandoned or in foreclosed upon residences; and

WHEREAS many vacant, abandoned, foreclosing or foreclosed-upon residential real properties are the responsibility of out of area or out of state lenders and trustees, and in many instances the lender and/or trustees fail to adequately maintain and secure these vacant, abandoned, foreclosing or foreclosed-upon residences; and

WHEREAS the City has an obligation to preserve the health, safety, and welfare of residents and the community, and to the extent possible, protect neighborhoods from declining property values, aesthetic decay, and/or loss of character; and

WHEREAS City has observed and anticipates additional or worsening of code violations including and not limited to multiple violations on the same property, unoccupied buildings susceptible to vandalism and break-ins and/or open structures rendering them unsafe and dangerous, yards containing litter and trash attracting vermin infestation, overgrown grass and bushes resulting in accumulation of combustible vegetation, debris, and other flammable materials, and unsecured swimming pools that are not only a threat to children but become breeding grounds for infectious insects such as mosquitoes; and

WHEREAS through the amendment of Chapter 9, the City can implement a program designed to prevent and address the adverse impacts which large numbers of vacant properties have the potential to create,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are incorporated herein by this reference as though fully set forth.

SECTION 2. Chapter 9.72 is hereby added to Title 9 of the Gardena Municipal Code to read as follows:

CHAPTER 9.72
VACANT PROPERTY REGISTRY PROGRAM

9.72.010 Purpose.

It is the purpose and intent of the Gardena City Council, through the adoption of this Chapter, to maintain a registry of properties that are vacant, abandoned, or in the foreclosure process as a mechanism to protect neighborhoods from becoming blighted and to establish vacant building security and maintenance standards.

9.72.020 Definitions.

The following definitions shall apply to this chapter.

“Abandoned” shall mean real property that is vacant and meets any of the following conditions: (1) is under a current notice of default; (2) is under a current notice of trustee's sale; (3) is pending a tax assessor's lien sale; (4) has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; or (5) has been transferred under a deed in lieu of foreclosure.

“Accessible Property” shall mean residential real property that is accessible to the public, either in general, or through an open and unsecured door, window, gate, fence, wall, or other point of access.

"Accessible structure" shall mean a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

"Agreement" shall mean any agreement or written instrument which provides that title to residential property shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.

"Assignment of rents" shall mean an instrument that assigns rents from and income generated by the tenant of a property to the mortgage lender in the case of a default on the mortgage.

“Beneficiary” shall mean a lender under a promissory note to which a borrower pays money secured by a deed of trust on property. The word "beneficiary" as used in this Chapter 9.72 means and includes any assignee or successor to such beneficiary, whether such assignee or successor acquires its interest in the

beneficiary's promissory note either before a notice of default is recorded on the property securing the obligation payable to the beneficiary or after a notice of default is recorded. If a property is collateral or security for the loan or obligation of more than one beneficiary, the beneficiary who causes its notice of default to be recorded shall be responsible for registering the property as set forth in this Chapter.

"Boarded building" shall mean a vacant building or portion of a vacant building whose doors and windows have been covered with plywood or other material for the purpose of preventing entry into the vacant building by persons or animals.

"City" shall mean the City of Gardena.

"Dangerous building" shall mean any building/structure that is violation of any condition referenced in Chapter 8.04 of the Gardena Municipal Code.

"Days" shall mean consecutive calendar days.

"Deed of trust" shall mean an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. This definition applies to any and all subsequent deeds of trust, i.e., second trust deed, third trust deed, etc.

"Deed in lieu of foreclosure/sale" shall mean an instrument that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

"Default" shall mean the failure to fulfill a contractual obligation.

"Default Inspection" shall mean a physical inspection of the exterior areas of the property conducted by the beneficiary or its designee following the occurrence of a default by the trustor under a deed of trust. When practicable, each default inspection shall be conducted upon prior reasonable notice and consent of the trustor and/or the occupant of the property. In instances when the trustor and/or the occupant consent cannot reasonably be obtained despite due and diligent inquiry by the beneficiary, or where the trustor or the occupant may expressly refuse to give the beneficiary consent to a default inspection, the beneficiary or its agent shall conduct the default inspection of the exterior areas of the property which may be viewed from the adjacent public right-of-way or from adjacent property on which the owner or occupant of such adjacent property has consented to entry onto such adjacent property by the beneficiary for the purpose of conducting a default inspection of the adjoining property. The beneficiary, or its agent, shall maintain a written record of the time and date of each default inspection and shall identify the individual who conducted the default inspection. The written record of each default inspection shall at a minimum indicate whether, at the time of the default inspection, the property was: (i) occupied or vacant, and if vacant, set forth facts to support the evidence of vacancy; (ii) in compliance with

the general maintenance and monitoring standard set forth in Section 8.53.040; and (iii) if security appliances have been installed on the property by either the trustor, the beneficiary or its agent, or by another entity, the Default Inspection report shall indicate whether the installed security appliances are intact and in good and serviceable condition. A Default Inspection report shall contain such other property-specific information as the Director of Community Development may direct in writing to the beneficiary.

"Distressed" shall mean a property that is under a current notice of default and/or notice of trustee's sale or has been foreclosed upon by the trustee or has been conveyed to the beneficiary/trustee via a deed in lieu of foreclosure/sale.

"Enforcement Official" shall mean the City Manager and/or any employee or agent of the City of Gardena designated by the City Manager and/or charged with enforcing this Code, including but not limited to applicable codes adopted by reference therein.

"Evidence of vacancy" shall mean any set of facts or conditions that on its own or combined with other facts and conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

"Foreclosure" shall mean the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) defaults.

"Local" shall mean within forty (40) driving miles of the subject building, structure or real property.

"Notice of default" shall mean a recorded notice that states that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale. This is part of the foreclosure process.

"Owner" shall mean any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.

"Owner of record" shall mean the person having recorded title to the property at any given point in time the record is provided by the County of Los Angeles County Recorder's Office.

"Out of area" shall mean more than forty (40) road or driving miles of the subject building, structure, or real property.

"Property" shall mean residential real property or portion thereof, whether fully or partially occupied, regardless of condition, that is situated within the city's jurisdiction and includes the buildings and structures located thereon.

"Residential building" shall mean any improved real property, or portion thereof, situated in the City, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as "residential" whether or not it is legally permitted and/or zoned for such use.

"Securing" shall mean such measures as may be directed by the Director of Community Development or his or her designee that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the installation or repair of fences and walls, chaining/padlocking of gates, the repair or boarding of door, window and/or other openings. In the case of residential buildings, the boarding of doors, windows and/or other openings shall be installed in accordance with those standards established by separate resolution of the City Council

"Trustee" shall mean the person, firm, or corporation holding a deed of trust on a property.

"Trustor" shall mean a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

"Vacant" shall mean real property and any building/structure thereon that is unoccupied or not legally occupied.

"Vacant building" shall mean and refer to any building that is unoccupied or occupied by a person without a legal right of occupancy.

9.72.030 Registration.

- A. Each beneficiary and trustee, who holds a deed of trust on a property located within the City of Gardena, shall perform an inspection of the property that is security for the deed of trust upon default by the trustor prior to recording a Notice of Default or similar instrument with the Los Angeles County Recorder's Office.
- B. Not later than ten (10) business days after recording a notice of default on any residential property located in the City of Gardena which is subject to a deed of trust, the beneficiary, or its trustee, shall register the property with the Code Enforcement Division of the City of Gardena on forms provided by the City.

- C. The City of Gardena Code Enforcement Division shall conduct an initial inspection of all residential properties that are registered pursuant to this article. For the purposes of this subsection and only as applicable to the City of Gardena, "inspection" means a physical investigation to verify that the property is free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, and is being maintained in a clean and sanitary condition.
- D. The registration pursuant to this Section shall be renewed annually until such time as:
1. The foreclosure process is complete, or the notice of default has been rescinded or withdrawn;
 2. The Trustor has surrendered the property to the beneficiary as evidenced by either a letter from the trustor addressed to the beneficiary confirming such surrender, or by the trustor's delivery of the keys to the property to the beneficiary or its agent.
 3. The beneficiary has obtained possession of the property under the Code of Civil Procedure Sections 1161, 1161a, or 1161b, as applicable, following completion of the foreclosure proceeding.
- E. The registration pursuant to this Section shall contain the identity of the beneficiary and trustee, the direct mailing address of the beneficiary and trustee and, in the case of a corporate or out of area beneficiary or trustee, the local property management company, if any, responsible for the security, maintenance and marketing of the property in question.
- F. An annual registration fee as set by the City Council by resolution, referenced in Section 9.72.070 of this Chapter, shall accompany the submission of each registration form. The fee and registration shall be valid for one (1) year from the date of registration. Registration fees will not be prorated.
- G. Any person, partnership, association, corporation, fiduciary or other legal entity that has registered a property under this Chapter must make a written report to the City of Gardena's Community Development Department of any change of information contained in the registration form within ten (10) business days of the change.
- H. If the mortgage on a registrable property is sold or transferred, the new mortgagee is subject to all the terms of this article, and within ten (10) business days of the transfer must register the property and pay a registration fee in accordance with Section 9.72.070. Any previously unpaid annual registration fees are the responsibility of the new mortgagee or trustee and are due and payable with their initial registration.
- I. If the mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm's length related person or entity, the transferee is subject to all the

terms of this article and within ten (10) business days of the transfer must register the property and pay a registration fee in accordance with Section 9.72.070. Any previous unpaid annual registration fees are the responsibility of the new registrable property owner and are due and payable with their initial registration.

- J. Each vacant or abandoned property or property in foreclosure proceedings shall be inspected by the mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) business days of that inspection, update the occupancy status of the property registration.
- K. Mortgagees who have existing registrable property on the effective date of the ordinance from which this section is derived have thirty (30) calendar days from the effective date to register the property with the City, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied.
- L. The duties/obligations specified in this Chapter shall be joint and several among and between all trustees and beneficiaries and their respective agents.

9.72.040 Maintenance Requirements.

It is declared a public nuisance for any person, partnership, association, corporation, fiduciary or other legal entity, that owns, leases, occupies, controls or manages any vacant or abandoned property to cause, permit, or maintain any property condition contrary to any provision of this chapter. The following maintenance standards shall apply to any registrable property, including vacant or abandoned properties subject to registration under this Division:

- A. Any registrable property shall be maintained in compliance with the requirements of this chapter and Code Chapter 8.64, Abatement of Real Property Nuisances and California Health and Safety Code section 17920.3.
- B. Registrable property shall be kept free of weeds, dry brush, dead vegetation, excessive foliage growth, trash, junk, debris, building materials, any accumulation of newspaper, circular flyers, notices (except those required by federal, state or local law), discarded personal items including but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- C. Registrable property shall be maintained free of graffiti, tagging or similar marking in accordance with Chapter 8.56 of this code. Any removal or painting over of graffiti shall be with an exterior grade paint that matches the color of the exterior of the structure.
- D. Visible yards shall be landscaped and continuously maintained by proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants and

decorative materials when necessary, and the regular watering of plants. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation and standards listed in Section 18.42.075 "Landscape Regulation," and abide by the planning and public works division landscape standards. Landscaping does not include weeds, gravel, broken concrete, asphalt, plastic sheeting, mulch, indoor-outdoor carpet or any similar material.

- E. Pools and spas shall be kept in working order so that water remains clear and free of pollutants, mosquito larvae, and debris, or alternatively shall be drained and kept dry. In either case, properties with pools and/or spas must comply with the requirements set forth in Section 8.64.025.C. and with state standards including minimum fence height.
- F. Adherence to this section does not relieve the beneficiary/trustee or property owner of obligations set forth in any covenants, conditions, and restrictions, and/or homeowners' association rules and regulations which may apply to the property.
- G. An enforcement official may allow exceptions to the maintenance standards set forth in this section for registrable property that has submitted a development application with the City and is undergoing the approval process or is under construction and/or repair, that is diligently pursued for at least three (3) business days per week, and is undertaken in compliance with all applicable laws including but not limited to city permitting requirements.
- H. No person, firm, partnership, corporation, or other entity shall allow a residential, commercial, historical, or industrial building designed for human use or occupancy to stand vacant for more than ninety (90) days, unless the owner establishes by substantial evidence to the reasonable satisfaction of the Building Official that one of the following applies:
 - 1. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation;
 - 2. The building meets all applicable codes, is actively maintained in accordance with all city ordinances, is ready for occupancy, and is actively being offered for sale, lease, or rent.
 - 3. Extenuating circumstances exist regarding ownership of the title of the property.
- I. The owner of any boarded building, whether boarded by voluntary action of the owner or as a result of enforcement activity by the city, shall cause the boarded

building to be rehabilitated for occupancy within ninety (90) days after the building is boarded and shall comply with the provisions of subsections A through H of this section, as well as all other provisions of the City Code.

- J. It is declared a public nuisance for any person, partnership, association, corporation, fiduciary, or other legal entity that owns, leases, occupies, controls, or manages any building or property subject to this chapter to cause, permit, or maintain such building or property in violation of subsections A through I of this section.
- K. Within thirty (30) days after a property becomes a vacant building as defined herein, the owner of a vacant building and structure shall cause said building to be registered as a vacant building pursuant to the provisions Section 9.72.030 of this chapter and shall pay the registration fee required per Section 9.72.070. Further, the owner of said vacant building shall comply with all applicable provisions of this Code with respect to property maintenance, nuisance abatement, local property management requirements and monitoring.

9.72.050 Security Requirements.

- A. Abandoned and vacant properties shall be secured against access by unauthorized persons.
- B. Securing of vacant or abandoned property includes but is not limited to closing and locking of windows, doors (walk-through, sliding, and garage), gates, and any other opening that may allow access to the interior of the property and or structure(s). In the case of broken windows, securing means re-glazing or boarding the window. If deemed necessary by the Enforcement Official, securing of vacant or abandoned property may require the provision of on-site security guard services. Such services shall be of sufficient duration and frequency to ensure that the property remains secure and no unauthorized persons may gain entry.
- C. If the vacant or abandoned property is owned by a corporation and/or out of area beneficiary/trustee/owner, a local property management company shall be contracted to perform weekly inspections to verify that the abandoned property is maintained in accordance with the requirements of this section, and any other applicable laws.
- D. The local property management company shall inspect the property on a weekly basis, or more frequently, to ensure the property complies with the requirements of this division. If it is determined that the property is not in compliance, it is the company's responsibility to bring the property into compliance.
- E. The duties and obligations specified in this section shall be joint and several among and between all trustees and beneficiaries and their respective agents.

F. Bonding Requirements for Vacant Buildings.

1. Whenever a building remains vacant for a period of ninety (90) days or more, in addition to the other requirements of this chapter the owner, beneficiary or trustee, shall post with the city a bond or similar security in an amount equal to three (3) months estimated costs of blight prevention and security activities, as estimated by the Building Official or Code Enforcement Supervisor.

9.72.060 Additional Authority; Monitoring Program.

- A. In addition to the enforcement remedies established in this division, the city shall have the authority to require the beneficiary, trustee, owner or owner of record of any property affected by this section, to implement additional maintenance and/or security measures including but not limited to, securing any and all doors, windows or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to secure and reduce the visual decline of the property.

9.72.070 Fees.

An annual non-refundable foreclosed vacant and/or abandoned property registration fee shall be paid to city at the time of registration. The fee and registration shall be valid for one (1) year from the date of registration. Registration fees will not be prorated. If the foreclosed, vacant and/or abandoned property is sold or transferred within a calendar year to a new bank/owner it will need to register the foreclosed, vacant and/or abandoned property; the annual fee is not transferable. The fee for registering, renewing, and re-registering a foreclosed, vacant, and/or abandoned property shall be set, from time to time, by resolution of the city council. The amount of the fee shall not exceed the cost of administering the provisions of this chapter.

Additional hourly inspection fees as set forth in the city's miscellaneous fee resolution may be levied on a property for staff time to inspect and enforce the provision of this Code when a complaint has been filed on a property subject to this article.

9.72.080 Enforcement.

- A. Any violation of this division shall be treated as a strict liability offense; a violation shall be deemed to have occurred regardless of a violator's intent.
- B. Any person, partnership, association, corporation, fiduciary or other legal entity, that owns, leases, occupies, controls or manages any abandoned property and causes, permits, or maintains a violation of the chapter as to that property, shall be guilty of a misdemeanor, and upon conviction thereof, may be punished as provided in Section 1.16.010.

- C. This section is intended to be cumulative to, and not in place of, other rights and remedies available to the city pursuant to this Code. As an alternative to the violation and penalty specified in this section, the city attorney or enforcement official may pursue any other right or remedy permitted by this Code, including, but not limited to, commencement of any civil action, or administrative action to abate the condition of a property as a public nuisance pursuant to Section 8.64.
- D. If an Hearing Officer determines that the owner of abandoned property has failed to maintain that property as obligated under California Civil Code Section 2929.3 and in accordance with this chapter, the city may impose a civil fine against the owner of up to one thousand dollars (\$1,000.00) per day, or an amount set by the city's miscellaneous fee schedule as amended from time to time, for each day that the owner fails to maintain the property commencing on the day following the expiration of the period to remedy the violation as set forth in the notice provided pursuant to subsection E.
- E. If the city chooses to impose a fine pursuant to subsection D., it shall give notice of the alleged violation to the owner. The notice shall include a description of the conditions that gave rise to the violation, and notice of the city's intent to assess a civil fine if action to correct the violation is not commenced within a period of not less than fourteen (14) days and completed within a period of not less than thirty (30) days. The notice shall be mailed to the name and address provided in the deed or other instrument for mailing future tax statements, or, if none, to the return address provided on the deed or other instrument.
- F. The city shall provide a period of not less than thirty (30) days for the legal owner to remedy the violation prior to imposing a civil fine. Notwithstanding the foregoing, the city may provide less than thirty (30) days' notice to remedy a condition before imposing a civil fine if the entity determines that a specific condition of the property threatens public health or safety and provided that notice of that determination and time for compliance is given.
- G. The city shall provide an owner who wishes to contest any fines imposed pursuant to subsection D, a hearing and opportunity to be heard in accordance with the procedures for administrative citations contained in Section 1.20.090 of the Gardena Municipal Code.
- H. Payment of the administrative and civil penalties shall not excuse the failure to correct the violation nor shall it bar further enforcement action.

9.72.090 Appeals.

Any person aggrieved by any of the requirements of this division may appeal a determination made hereunder in the manner specified with respect to appeals under

Section 1.12 of the Gardena Municipal Code.

SECTION 3. CEQA. Pursuant to the provisions of the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.* and the CEQA Guidelines, staff has determined that the Ordinance does not qualify as a project as defined in CEQA Guidelines section 15378, and there is no potential for the adoption of the Ordinance to result in a physical change in the environment and therefore is not subject to CEQA. Even if the Ordinance were subject to CEQA, it would be exempt under the commonsense exemption of Guidelines section 15061(b)(3) as there is no possibility that the activity may have a significant effect on the environment. Adoption of the Ordinance is also exempt under Guidelines section 15308 as an action to creating a regulatory process to protect the environment. Staff is directed to file a Notice of Exemption.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect on the thirty-first date after adoption. However, no enforcement action shall be taken until six months from the date of adoption.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this 10th day of June 2025.

ATTEST:

Tasha Cerda, Mayor

Tasha Cerda, Mayor

Mina Semenza

Mina Semenza, City Clerk

APPROVED AS TO FORM:



Carmen Vasquez, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being **Ordinance No. 1882** duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of said City Council held on the **10th day of June 2025**, and that the same was so passed and adopted by the following roll call vote:

AYES: MAYOR CERDA, COUNCIL MEMBER HENDERSON, AND MAYOR PRO TEM TANAKA

NOES: COUNCIL MEMBERS FRANCIS AND LOVE

ABSENT: NONE

for Becky Romero
City Clerk of the City of Gardena, California

(SEAL)