

ORDINANCE NO. 9988 (N.S.)

AN ORDINANCE ADDING DIVISION SEVEN OF TITLE ONE OF THE SAN DIEGO COUNTY CODE RELATING TO RECORDATION OF FORECLOSING LENDER CONTACT INFORMATION

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Division Seven of Title One of the San Diego County Code is added, to read as follows:

DIVISION 7. REAL ESTATE MATTERS.

CHAPTER 1. RECORDATION OF FORECLOSING LENDER CONTACT INFORMATION.

SEC. 17.101. PURPOSE

The recent economic collapse of the housing market and mortgage defaults has created an unprecedented number of foreclosed homes. Many neighborhoods are seeing homes left vacant by former owners who abandon their homes in foreclosure. Frequently, foreclosing lenders and trustees fail to adequately maintain and secure the residences. These properties may be left in disrepair and with dangerous conditions creating a public nuisance and a negative environment promoting a harmful and hazardous situation for the surrounding neighborhood. When those conditions exist, there frequently is a need for a County enforcement official, law enforcement officer or fire official to contact a responsible party to remedy the situation in a timely manner. Recorded documents related to the transaction do not always contain the necessary responsible party information. The purpose of this chapter is to require a foreclosing lender to record its contact information to ensure that effective notification can be provided to remedy a public nuisance or a hazardous or dangerous condition in a timely manner.

SEC. 17.102. RECORDING AND FORM OF NOTICE.

(a) Following a foreclosure sale of residential real property, all Trustee's Deeds submitted to the County Recorder's office for recordation in the public records relating to residential property located in the unincorporated area, where the purchaser of the property is the foreclosing lender, shall have attached a separate page entitled "Foreclosing Lender Contact Information" setting forth the current contact information for the foreclosing lender and the authorized representative of the foreclosing lender charged with the obligation to manage, care for and maintain the foreclosed property. The current contact information shall include the name, address, telephone number and email address for the foreclosing lender and the authorized representative of the foreclosing lender.

(b) If the Foreclosing Lender Contact Information page is not attached to a Trustee's Deed at the time it is recorded, a document titled "Notice of Foreclosing Lender Contact Information" signed by the foreclosing lender or its authorized representative shall be recorded separately. A Notice of Foreclosing Lender Contact Information shall meet recording requirements of state statutes and contain the current contact information, the property's address, the County Assessor's parcel number for the property, and the County Recorder's document identification number for the recorded Trustee's Deed. A Notice of Foreclosing Lender Contact Information shall also be recorded when the current contact information for the foreclosing lender or its authorized representative changes.

SEC. 17.103. VIOLATIONS.

(a) In the event a Foreclosing Lender Contact Information page required by section 17.102(a) is not attached to the Trustee's Deed when it is recorded or a Notice of Foreclosing Lender Contact Information has not been recorded, if required by section 17.102(b), and a County enforcement official, as defined in section 18.202(b), law enforcement officer or fire official subsequently determines that a public nuisance or dangerous or hazardous condition exists on the property, the foreclosing lender shall not be subject to criminal prosecution, but shall be liable for a civil penalty in the amount of up to \$1000 for each violation of this chapter. The procedure for assessing a civil penalty shall be as provided in sections 18.201 et seq., but limited to a single day's penalty.

(b) Recovery of a civil penalty assessed under this chapter may be combined with recovery of any other civil penalty assessed against the same property pursuant to sections 18.201 et seq. for a public nuisance or a hazardous or dangerous condition. The County may record an order assessing a civil penalty for a violation of this chapter as a lien against the property as provided in section 18.214.

Section 2. This Ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 16th June, 2009.