



# San Diego City Attorney Jan I. Goldsmith

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## NEWS RELEASE

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### **CITY ATTORNEY RIDS COMMUNITY OF LONGSTANDING DRUG HAVEN AND NUISANCE PROPERTY**

#### ***Judge denies last ditch effort to stall abatement***

**San Diego, CA:** The City Attorney's Office announced that City personnel and contractors began a major multi-day abatement on properties located in Southeastern San Diego at 12 South 35<sup>th</sup> Street, 21 South Francis Street and adjoining vacant parcels with longstanding drug and public nuisance issues. On February 15th, San Diego Superior Court Judge Timothy Taylor denied a motion by property owners' attorney for a temporary restraining order to prevent the City from carrying out its abatement. These properties have a long history with the City Attorney's Code Enforcement Unit (CEU) as well as San Diego Police Department (SDPD). Over the years, they have become a haven and residence for transients, drug users and parolees. The properties have been "ground zero" for chronic narcotics-related activity in the area, and numerous felony drug arrests have been made by SDPD on and around the properties. In addition, the existing structures on these properties have become structurally unsafe, and there has been a tremendous accumulation of storage and junk as well as storage of a large number of inoperable vehicles on the properties.

In 1997, CEU obtained a permanent injunction against the owners, Jimmy and Ernestine Johnson, to clean up their properties. The defendants then unsuccessfully filed a writ to overturn the permanent injunction. The defendants continually delayed any compliance with the permanent injunction and the violations continued unabated, requiring significant time and resources by the City to work with defendants' to gain compliance.

In 2009, Neighborhood Code Compliance Division (NCCD) re-inspected the properties and concluded that the structures on the properties were in such an unsafe condition that they should be demolished. Consequently, NCCD issued an Order to Vacate, Abate and Demolish Substandard and Unsafe Buildings which outlined the violations on the defendants' properties and the required action to correct these violations. The defendants continued to refuse access to NCCD and City personnel on multiple occasions to monitor compliance with NCCD's order, despite the fact that the permanent injunction required the defendants to make their property available for inspection.

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In October 2010, CEU filed with the Superior Court a motion to modify the final judgment of the permanent injunction, requesting increased authority to abate existing violations in order to gain compliance. On November 4, 2010, Superior Court Judge Timothy Taylor granted CEU's motion, finding, "[T]here is substantial evidence in the record before the court that in the years since the 1997 judgment, defendants [Jimmy & Ernestine Johnson] have permitted numerous code violations to persist on the property in question ... [T]he photographic evidence submitted with the moving papers is compelling; it establishes that defendants have suffered a public nuisance to exist on their premises." Moreover, the court found that the defendants had been given many opportunities to bring their properties into compliance but have failed to do so, and that the City "... has established that sterner measures are now needed to gain compliance with the law."

On February 15, 2011, pursuant to the court's order, representatives from CEU, NCCD, and SDPD began an extensive 4 day abatement at the properties. The abatement will include the demolition of vacant structures on the properties that have been identified as structurally dangerous and unsafe by NCCD, as well as the removal of a large number of inoperable vehicles by SDPD's Vehicle Abatement Team. In addition, the significant accumulation of waste, storage, junk, and other debris will be removed.

This case was brought by the City Attorney's Code Enforcement Unit which was established in 1984 to address problem properties and code violations throughout San Diego. The Unit works in partnership with the City's Neighborhood Code Compliance Division, the Police, and the community to identify and aggressively address problem properties. Community members can report property violations to the Neighborhood Code Compliance Division at 619-236-5500.

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