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Court Orders Receiver in Clairemont Hoarding Case

City Attorney's Office obtains relief for neighbors and help for resident

The City Attorney's Office successfully obtained the appointment of a receiver to oversee the clean-up of a Clairemont neighborhood property that has vexed neighbors for years. The receiver will ensure necessary property renovations begin immediately, and that counseling and other treatment services are available to the resident.

Neighbors started to complain about debris piling up on the property at 4058 Epanow Avenue more than five years ago. Boats, cars, trucks, tools, and other personal property littered the front and side yards. Upon investigation, City Code Enforcement inspectors found the resident, a man in his 60s, living in dangerous and deplorable conditions.

The interior of the house had only a narrow pathway from the front door to the bedrooms, bathroom, and kitchen, with household items, trash, and debris stacked four to five feet high on all sides, severely limiting ingress and egress. The back door was blocked and unusable due to excess storage and trash. The garage was also piled high with household items, tools, and debris. San Diego County Vector Control confirmed the presence of rats.

In February 2018, the City ordered the property owner to vacate and repair the home. Multiple subsequent inspections showed no improvement to the property. On August 9, 2018, the City Attorney's Office filed a civil complaint for the appointment of a receiver and abatement of the public nuisance. On Wednesday, October 10, 2018, San Diego Superior Court Judge Katherine A. Bacal signed the attached order, placing the property under the care of a receiver who will oversee clean-up and repairs and arrange for support services for the defendant. The resident has begun cleanup of the interior which is being monitored by the receiver and will be allowed to remain living in the home for the time being. (Please see the attached Notice, Complaint and Order.)

“The appointment of the receiver will give the homeowner the immediate resources necessary to clean up the property and obtain the support he needs to prevent future hoarding behavior that endangers himself and others,” City Attorney Mara W. Elliott said. **“These situations are unsafe for property owners and frustrating for the entire neighborhood. We appreciate those who cared enough to bring this problem to the City's attention.”**

This case was prosecuted by Deputy City Attorney Marsha Kerr.

The City will recover the costs of rehabilitation, clean-up, attorney fees, and receiver fees from the property owner.

The City Attorney's [Nuisance Abatement Unit](#) was established in 1984 to address nuisance properties and blight throughout San Diego. This unit works in partnership with the Code Enforcement Division of the City Development Services Department, the San Diego Police Department, other local agencies, and the community to identify and aggressively address problem properties. Since 2015, the Nuisance Abatement Unit has filed ten other health and safety receiverships with the court. These cases also involved substandard housing violations, public nuisance and extreme hoarding conditions. In the past, the City would pay to abate the violations, costing taxpayers thousands of dollars, and then seek a lien against the property. With receivership actions, the City does not spend any money abating the nuisance. Instead, the property is rehabilitated using funds borrowed from the equity in the property. The City may also collect all costs of prosecution, including attorney's fees and investigative costs.

Community members may report code, health and safety and environmental violations to the City Attorney's [Nuisance Abatement Unit](#) at 619-533-5655.

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The attached photos taken between January and September of this year are courtesy of the City Attorney's Office and the City of San Diego's Code Enforcement Division.