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City Attorney Action Closes Notorious Independent Living Facility

Owners, manager, operator to pay \$267,000 in fines, relocation fees, restitution for victims

San Diego City Attorney Mara W. Elliott announced today that a squalid independent living facility (ILF) in the College Area was ordered closed by the Superior Court. The facility was notorious for its numerous Health and Safety Code violations and its frequent calls for police service for disturbing the peace and other concerns.

Under the court's injunction, the owners, manager, and operator are prohibited from operating or maintaining an unlicensed Community Care Facility or Residential Care Facility for the elderly anywhere in the County of San Diego.

In addition, property owners Yuk Yuen Yu and Beatrice Yu, property manager Michelle Lin, and operator Mark Rogers were ordered to pay a combined total of \$267,140 in civil penalties, relocation benefits and costs with \$36,000 of those penalties set aside for restitution to the victims. Failure to comply with the permanent injunction to cease operations will result in an additional \$1,124,000 in civil penalties.

For more than 10 years the property at 5128 Ewing Street had been operating as an ILF. In exchange for rent, ILFs are supposed to provide housing to individuals who can live independently and function without supervision or medication oversight.

“Independent living facilities are often the only affordable accommodations available to some of our most vulnerable residents, and many are afraid to speak up about deplorable conditions or abuse for fear of retaliation,” City Attorney Mara W. Elliott said. **“Our Office relies on the community to report unsafe living conditions so that we can protect elder and dependent adults and hold accountable those who exploit them for financial gain.”**

The property had been cited repeatedly for building violations over the past decade and was the subject of 297 calls for police service, most of which included suicide threats, disturbing the peace, and calls for psychiatric evaluations.

More than 10 clients lived in the 2,400-square-foot house, and many were elderly or dependent adults with developmental disabilities. When City investigators inspected the property, they found multiple Health and Safety Code violations including infestations of vermin, bedbugs, and cockroaches, an illegal water heater emitting noxious fumes into living spaces, and bedrooms lacking required safe exits among other violations.

In December 2018, the family of one of the clients removed him due to filthy conditions existing at the property which contributed to the amputation of his remaining foot. Twice City inspectors found a resident lying naked

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and unresponsive in a dirty trash-strewn bedroom. This resident was removed from the property and hospitalized.

Living conditions at the property deteriorated so dangerously that City officials ordered the home evacuated in April 2019 and ordered the property owners to pay residents' relocation costs. The residents were also provided relocation assistance by a City Attorney's Office Victim Services Coordinator, a new position created by City Attorney Mara Elliott to ensure victims residing in substandard conditions find safe housing and are connected to critical social services.

The judgment is the result of a November 2019 civil enforcement action filed by the City Attorney's Office against the property owners, manager, and operator alleging violations of the California Unfair Competition Law (Business and Professions Code section 17200), maintenance of a public nuisance, and violations of the San Diego Municipal Code. California's Unfair Competition law authorizes the City Attorney to bring a civil enforcement action against any person who has engaged in unfair competition. The lawsuit sought a permanent injunction and payment of civil penalties.

The case against the Ewing Street facility is part of the City Attorney's larger crackdown on substandard housing and ILFs that violate health and safety laws and endanger vulnerable residents.

The lawsuit was filed on behalf of the People of the State of California and The City of San Diego by Deputy City Attorney Paul F. Prather of the City Attorney's Office Nuisance Abatement Unit (NAU). NAU works with the Code Enforcement Division of the City's Development Services Department, the San Diego Police Department, other local agencies and the community to identify and address problem properties.

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