



**LEAGUE OF CALIFORNIA CITIES PRESENTS**

**NEIGHBORHOOD LAW PROGRAMS: HOW TO FIGHT CRIME  
WITH CIVIL LITIGATION**



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League of Cities**

# AGENDA

## **THE PROBLEMS FACED BY CITIES WITH NEIGHBORHOOD LAW PROGRAMS**

- Abating nuisance properties
- Public safety communication and prioritization
- Learning to use the legal remedies available to cities
- Implementing a new program that increases litigation for the city, but as a plaintiff
- Costs for cities to implement Neighborhood Law Program

## **HOW DO NEIGHBORHOOD LAW PROGRAMS WORK**

Neighborhood Law Programs become the communication center for public safety officials to discuss neighborhood nuisances with the City Attorney's Office

## **WHAT CAN NLP ATTORNEYS DO AND WHAT ARE THE PROS/CONS OF NLP?**

Receiverships; Drug/Red Light Abatement Lawsuits; Nuisance Litigation; Demolition and Increased Collaboration, Communication and Accountability within the city.



# MAJOR PROBLEM PROPERTIES





## TOOLS AVAILABLE TO NLP ATTORNEYS

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- **Fines and Citations** – Usually effective, but when it is not, what can you do?
- **Receivership** - Allows a neutral court agent to take control and address the issues with court supervision at no cost to the city. The city is authorized to recover its attorneys' fees and enforcement costs pursuant to California Health and Safety Code 17980.7(c)(11) and (d)(1); *City and County of San Francisco v. Jen* (2005) 135 Cal. App.4th 305, 311-312.
- **Drug Abatement/Red Light Abatement** – Health and Safety Code § 11570/Penal Code § 11225; *People ex rel. Gwinn v. Kothari*, (2000) 83 Cal. App. 4th 759.
- **Illegal Dumping Prosecution** – Penal Code § 374.3.
- **Eminent Domain**- Complicated but once property is controlled it can be difficult for city to manage (see *Kelo v. City of New London* (2005) 545 U.S. 469, 473) – However, it is a tool to use.
- **City Funded Demolition** – Expensive and often leaves city with a vacant lot, but ultimately abates nuisance. A receiver can demolish nuisance properties. (*City of Santa Monica v. Gonzalez* (2008) 43 Cal. 4<sup>th</sup> 905, 930.)



## WHY NEIGHBORHOOD LAW PROGRAMS ARE NECESSARY

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- The legal tools discussed on the prior slide are commonly known to police, fire and code enforcement. However, finding an attorney to file the litigation and follow through with these legal remedies is difficult.
  - This is because city attorneys are often extremely busy with union negotiations, defending lawsuits, implementing policies, Public Record Act requests and a variety of other issues. This regularly causes nuisance property issues to end up at the bottom of a city attorney's priority list, which leads to frustration with rank & file public safety officials that must regularly interact with the public who become frustrated with ongoing nuisance properties.
  - Neighborhood Law Programs can fix this communication gap, because Neighborhood Law Attorneys focus solely on fighting blight, communicating with frustrated neighbors, and building trust among the rank & file public safety officials.
  - Neighborhood Law Attorneys also become experts on the various types of anti-nuisance litigation and can file lawsuits and follow through with them.
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## WHO ARE NEIGHBORHOOD LAW ATTORNEYS?

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- **Recent Law School Graduates** - This ensures that the Neighborhood Law Attorneys will be young, scrappy, and hungry to take on new challenges. They also demand less compensation than more seasoned attorneys.
- **Two Year Terms** - Typically Neighborhood Law Attorneys agree to two-year contracts with the city, which provides NLP Attorneys with motivation to hit the ground running to accomplish as much as possible in a short time.
- **NLP Attorneys in the Community** - NLP Attorneys need to be good public speakers as they will often engage the community and speak to neighborhood groups in the community, such as the County Realtor Association, Soroptimist, Bar Associations, and other community groups. NLP Attorneys become great liaisons to the community and help build trust within the community by listening to community concerns and implementing legal solutions.
- **What is in it for NLP Attorneys?** - Finding a first job out of law school is often difficult, but NLP programs provide a unique experience that allows young lawyers to get hands on leadership and litigation experience, which is invaluable.



## WHO DO NLP ATTORNEYS WORK WITH?

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### **NUISANCE PROPERTIES IMPACT EVERY CITY AND NLP ATTORNEYS BECOME THE POINT TO HELP VARIOUS DEPARTMENTS ADDRESS NUISANCE PROPERTIES**

- **CODE ENFORCEMENT** - NLP Attorneys work with code enforcement to abate properties where typical enforcement procedures are ineffective (i.e., *deceased owner/abandoned property/hoarder*).
- **POLICE** - NLP Attorneys work with police to resolve properties with numerous calls for police service (i.e., *drug houses/nuisance hotels/illegal businesses*).
- **FIRE AND FIRE PREVENTION** - NLP Attorneys work with fire departments to abate fire dangers (i.e., *fire damaged buildings/hoarders/combustible debris*).
- **BUILDING/PLANNING** - NLP Attorneys work with building and planning departments to abate properties with illegal construction.
- **COMMUNITY** - It is not uncommon for these problem properties to involve several departments and a community can become frustrated with who to contact. NLP Attorneys can be the department to contact regarding resolving major nuisance properties and engaging the community on how solutions are being implemented.



# NLP PROGRAMS INCREASE COLLABORATION

**VARIOUS DEPARTMENTS WANT COLLABORATION, AND ABATING NUISANCE PROPERTIES BRINGS PEOPLE AND DEPARTMENTS TOGETHER**



# EXAMPLES OF COLLABORATION

- **Nuisance Property (14 Code Enforcement Citations/Two Inspection Warrants)**
- **24 Calls for Police Service/Numerous Arrests**
- **Two Fires/Numerous Fire Hazards**
- **Community Upset and Frustrated with Nuisance Conditions**
- **NLP Attorneys File Receivership Lawsuit: Solano County Case No. FCS042567**



# EXAMPLE OF COLLABORATION

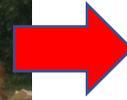
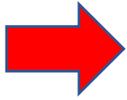
Neighborhood  
Problem Start Date

Start of Case  
Sept 11, 2013

End of Case  
Jan 12, 2015

Unknown

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						



**97 PAGES**

**FILED**  
DEC 4 2014  
By: [Signature]

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Attorneys for Petitioner and Real Party in Interest, CITY OF VALLEJO

ASSIGNED TO  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SOLANO FOR ALL PURPOSES

Case No. FCS0445945

PETITION FOR ORDER TO ABATE  
SUBSTANDARD BUILDING;  
APPOINTMENT OF RECEIVER;  
REQUIRING REIMBURSEMENT; AND  
[PROPOSED] ORDER

DATE: January 12, 2015  
TIME: 8:30 AM  
DEPT: 11

Exempt from Filing Fees (Gov. Code § 6103)  
Deemed Verified (Code. Civ. Proc. § 446)

**NATURE OF THE ACTION**

1. This is an action brought by Petitioner City of Vallejo, a Municipal Corporation (the "City"), against "Deutsche Bank National Trust Company, as Trustee for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2007-NC4

PETITION FOR ORDER TO ABATE SUBSTANDARD BUILDING; APPOINTMENT OF RECEIVER; REQUIRING REIMBURSEMENT; AND [PROPOSED] ORDER

-1-



**CITY  
ATTORNEY/COURT  
FINAL  
DOCUMENTATION  
97 PAGES**

# COLLABORATION CONTINUED

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- 97-page lawsuit required records from fire, code, and police, which are necessary to obtain judicial approval for a receivership.
- Once you obtain a receivership order, all departments need to work together.
  - You need police to clear the property of illegal occupants, fire to abate dangers, and code/building to document building code violations.
- Once a property is cleared and violations are documented, attorneys report to court and receiver can repair property.
- Property at issue was valued at **\$67,000** when lawsuit was initiated.
- After repairs it sold for **\$210,000**.
- City was awarded **\$10,000** for attorneys' fees and enforcement costs.



# NLP TOOL RECEIVERSHIP

Receivership allows cities to petition a court to appoint a receiver to take control of nuisance properties and use equity from dangerous properties to repair them. Most cases result in equity being taken from mortgage holder banks. (See Health and Safety Code § 17980.6 & 17980.7; *City of Santa Monica v. Gonzalez* (2008) 43 Cal. 4th 905.)



# HOW NLP PROGRAMS BENEFIT THE CITY

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- Abate Major Nuisance Properties
- Improve Collaboration and Communication Within City
- Improve Communication Between City and Community
- Nuisance Abatement Actions Usually Include Cost Recovery Provisions, Which Increase City Revenue

## COMMON PROBLEM PROPERTIES SITUATIONS

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- A) Deceased Owner Issues
- B) Zombie Foreclosure Issues
- C) Owners in Bankruptcy
- D) Hoarder Issues/Owner Mental Health Issues
- E) Abandoned Properties
- F) Slumlords/Crime Issues
- G) Illegal Dumping

## NLP PROGRAMS CAN INCREASE REVENUE

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NLP Attorneys can and pay for themselves, because they fight crime/blight using civil litigation. In these cases, the city is the plaintiff **not** the defendant. The law wants nuisances abated, which means the legislature has created numerous cost recovery provisions in nuisance abatement cases that can and have increase city revenue. It is not uncommon for NLP Programs to pay for themselves. Legal authority for monetary recovery for city nuisance enforcement.

A) Health and Safety Code § 17980.7(c)(11) & (d)(1) Receivership attorney's fees and costs recovery; *City and County of San Francisco v. Jen* (2005) 135 Cal. App 4th 305, 311.

B) Civil Code § 3496; *People v. Bhakta* (162 Cal. App. 4th 973).

C) As a result of the numerous attorney fee recovery laws NLP Programs usually end up paying for themselves, but that cannot be guaranteed.

# IMPLEMENTING NLP PROGRAM INTO CITY

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## NEW CITY PROGRAMS OFTEN SOUND GREAT! WHAT ARE SOME ISSUES NLP PROGRAMS HAVE AND HOW CAN THEY BE DEALT WITH?

- Implementing an NLP Program takes time and time is limited in cities. (i.e., for the police, code, and fire to pull reports and records for NLP litigation takes time. In Vallejo, Annuitants were used to pull records.)
- Communities and even cities themselves, believe too many departments exist. Therefore, adding another division can be controversial. It is important to have the NLP Program engage in outreach and create a fluid intake process. (Vallejo created an intake form to resolve nuisance properties.)
- Setting realistic expectations. Young attorneys can be ambitious and may overpromise and under deliver. This is especially true because attorneys have no control over what a judge/jury may do. Young attorneys should also not commit other departments to engage in work that they have not agreed to. (i.e., obtaining a Nuisance Judgment might be big deal for new NLP Attorney, but NLP Attorney needs to develop relationships with police before telling them to enforce the Judgment.)



# SUCCESSFUL ABATEMENTS





# SUCCESSFUL ABATEMENTS

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# CONTACT INFORMATION

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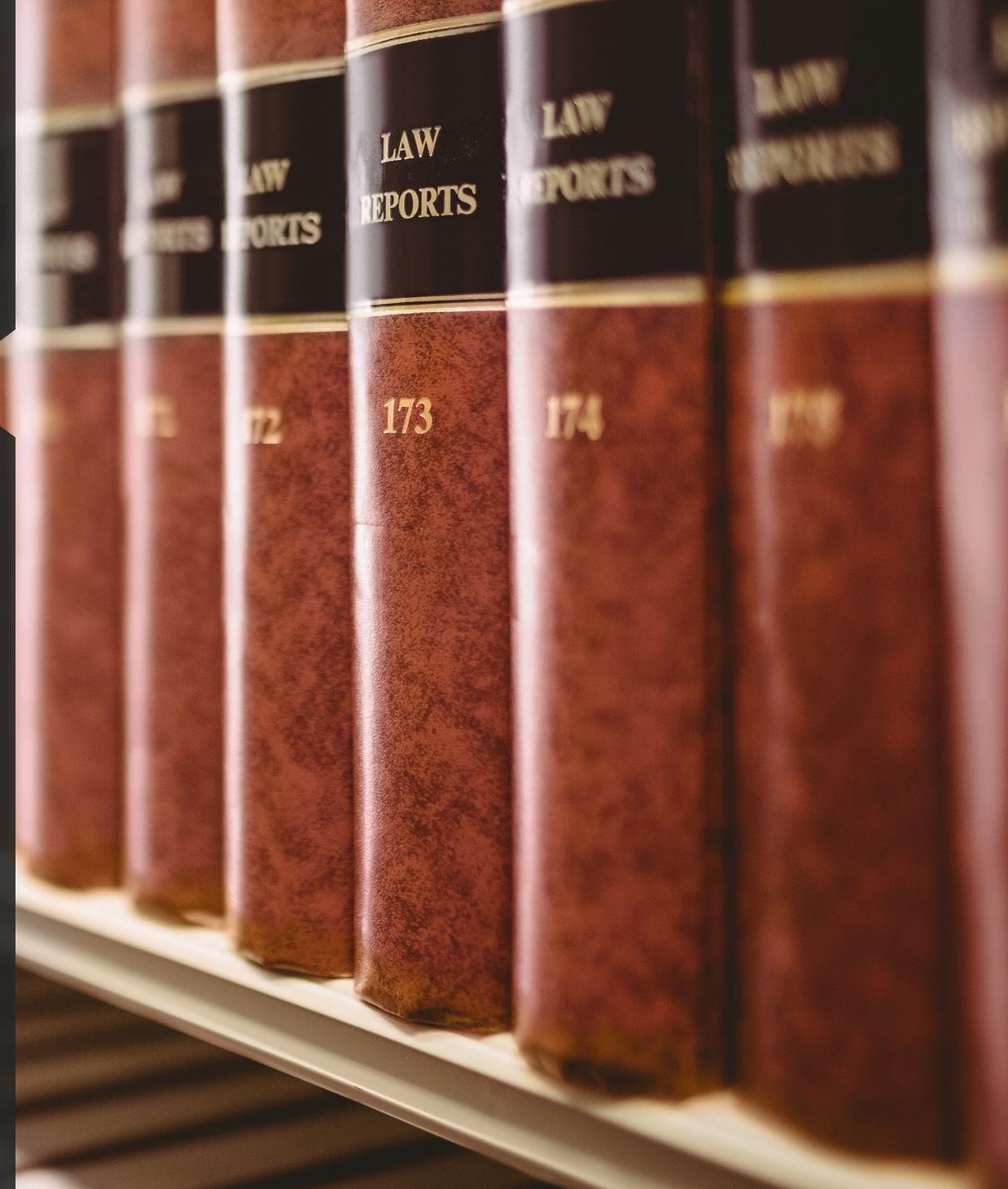
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League of California Cities  
City Leaders Summit  
Sacramento, California  
18 April 2024

BASIC ADMINISTRATIVE  
QUESTIONS TO CONSIDER  
WHEN CREATING A CITY  
“NEIGHBORHOOD LAW  
CORPS” PROGRAM

Presented by:  
John Russo, SYNCHRONICITY ASSOCIATES



# In Which Department Will The Program Be Housed?

- 1). City Attorney
- 2). City Manger
- 3). Police/Public Safety Department
- 4). Community Development
- 5). Building/Planning/Zoning Department
- 6). Mayor's Office

Neighborhood Law Corps Presentation, 18 April 2024, Sacramento.

Question # 1

# Will The Program Be Publicly or Privately Funded?

- Who decides the allocation of funds?
- Private: Donation to City or Create a Foundation/Non-Profit?
- Conflicts: Donations from Contractors?
- Conflicts: Public Financing from City Council/Mayor/Other Agency
- Tax Considerations.

Neighborhood Law Corps Presentation, 18 April 2024, Sacramento.

Question # 2

# Who are the Law Corps Attorneys?

- Are attorneys recruited from inside or outside the City Attorney's Office?
- If recruited from outside, will the new attorney be given a path to permanent employment?
- Are there implications for existing bargaining units?
- Are Law Corps Attorneys working on a time-limited assignment?
- If the term is limited, how long is the term?

Neighborhood Law Corps Presentation, 18 April 2024, Sacramento

# Law Corps Administrative Leadership

- Does the Law Corps have its own Executive Director?
- If so, is the Director an attorney? What are the pros and cons of this choice?

Neighborhood Law Corps Presentation, 18 April 2024, Sacramento

Question # 4

# Case Assignments: Subject Matter or Geographic?

- How do you set up your team of attorneys?
- Depends upon:
  - Are you using experienced attorneys or new attorneys?
  - Are you creating a program that works very closely with district councilmembers:
  - How strongly is your program's approach linked to neighborhood "building" as opposed to eradication of specific legal or social ills.
  - If using new attorneys, are you contemplating using the program as a training method for permanent employees or as a limited term member of staff.

Neighborhood Law Corps Presentation, 18 April 2024, Sacramento.

# Interdepartmental Coordination

- How do all City Departments that have authority over various aspects of problems addressed by a Law Corps interact to make better cases and achieve results *without getting stuck in bureaucratic power struggles?*

Neighborhood Law Corps Presentation, 18 April 2024, Sacramento

Question # 5

Synchronicity Associates