BILL NO. 1062-C.S.
ORDINANCE NO. ___-C.S.

AN ORDINANCE OF THE CITY OF EUREKA ADDING SECTIONS 150.130 THROUGH 150.137 TO THE EUREKA MUNICIPAL CODE RELATING TO FORECLOSED AND VACANT PROPERTY REGISTRATION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1.
Sections 150.130 through 150.137 are hereby added to Title XV, Chapter 150 of the Eureka Municipal Code to read as follows:

FORECLOSED AND VACANT PROPERTY REGISTRATION

150.130 PURPOSE AND SCOPE.

(A) This subchapter establishes a registration program for foreclosed and certain vacant properties. The purpose of the subchapter is to:

(1) Maintain current ownership and contact information to ensure the city can rapidly contact responsible parties;

(2) Track trends and conditions associated with foreclosures and vacancies; and

(3) Recover the city's administrative costs associated with administering the registration program.

(B) The definitions, regulations, and enforcement procedures contained in this subchapter, §§150.130 through 150.137, are independent from and must be enforced separately from the definitions, regulations, and enforcement procedures of §§150.095 through 150.100, Vacant and/or Boarded Buildings, of this Code. In a case where a property may be regulated under either §§150.130 through 150.137 or §§150.095 through 150.100, the Building Official may elect to proceed under either set of provisions but not both.

150.131 DEFINITIONS.

Terms used in this subchapter are defined as follows:

(A) **Foreclosed Property.** A property for which a notice of default has been recorded and the foreclosure has not been discontinued or completed, or a property acquired by a beneficiary or other secured party through a trustee sale, deed in lieu of foreclosure, or other foreclosure-related transfer and not subsequently transferred to an unaffiliated third-party purchaser.

(B) **Responsible Party.** Any owner, beneficiary, trustee, mortgagee, loan servicer, property manager, receiver, agent, or other person or entity having legal authority or responsibility for the management, maintenance, security, or control of real property.

(C) **Vacant Property.** A property that is not lawfully occupied.

150.132 REGISTRATION REQUIREMENTS FOR FORECLOSED PROPERTY.

(A) **Registration Required.** Foreclosed real property within the City of Eureka must be registered with the Code Enforcement Division by a responsible party.

(B) **Timing.**

(1) For a responsible party at the time a notice of default is recorded, the registration requirement is triggered within thirty days after recordation of the notice of default.

(2) For a responsible party acquiring the property through a trustee sale or other foreclosure-related transfer, the registration requirement is triggered within thirty days after acquiring the property.

(3) For a property that meets the definition of Foreclosed Property on the operative date of this ordinance, the registration requirement is triggered within thirty days after the operative date of this ordinance.

(C) **Annual Renewal.** Each registration is valid for one year from the date it is completed. A responsible party must renew the registration annually by submitting a complete renewal form and the applicable annual registration fee no later than one year after the initial registration or most recent renewal. Annual renewal is required until the registration requirement is terminated pursuant to §150.135.

150.133 REGISTRATION REQUIREMENTS FOR VACANT PROPERTY.

(A) **Registration Required**. A vacant property determined by the Building Official or designee to meet one or more of the following conditions must be registered with the Code Enforcement Division by a responsible party:

(1) The property is not maintained in a manner reasonably sufficient to prevent unauthorized entry;

(2) The property is secured by boarding or other similar means indicating that the building is not available for lawful occupancy;

(3) The property is determined to be unsafe, substandard, or immediately dangerous pursuant to this code or applicable state law;

(4) The property is not maintained in accordance with applicable property maintenance, health, safety, sanitation, or nuisance requirements; or

(5) The property has remained vacant for a continuous period of at least six months, and there is evidence indicating the property is not being actively used and maintained.

(B) **Active Construction or Repair**. A vacant property is not subject to registration pursuant to divisions (A)(2) or (A)(5) when:

(1) There is a valid City permit for construction, repair, or rehabilitation of the property; and

(2) There is evidence that the permitted work is ongoing and reasonable progress is being made toward completion.

(C) **Notice and Timing**.

(1) The Building Official or designee shall provide written notice that the property has been determined to be subject to registration.

(2) The notice must identify the property and the conditions requiring registration; state the registration deadline and applicable fee; and describe the right and deadline to appeal.

(3) The notice must be mailed to the property owner's last known address. Service by mail is complete at the time of mailing.

(4) A responsible party must register the property within thirty days after the date of the notice.

(D) **Annual Renewal**. Each registration is valid for one year from the date it is completed. A responsible party must renew the registration annually by submitting a complete renewal form and the applicable annual registration fee no later than one year after the initial registration or most recent renewal. Annual renewal is required until the registration requirement is terminated pursuant to §150.135.

(E) **Determination of Vacancy**. In determining whether a property is vacant for purposes of this subchapter, the Building Official or designee may consider any relevant evidence, including but not limited to:

(1) Discontinuation of utility service;

(2) Accumulation of mail, newspapers, flyers, or other materials;

(3) Lack of furnishings, personal property, or other evidence of lawful occupancy;

(4) Statements from occupants, neighbors, responsible parties, property managers, or other persons with knowledge of the property's occupancy or development status;

(5) Repeated incidents involving trespassing, unauthorized occupancy, or law enforcement responses related to the security or condition of the property;

(6) The absence of a lawfully-established primary use; or

(7) Any other facts or circumstances indicating the property is vacant.

150.134 REGISTRATION PROCESS.

(A) Registration and annual renewal must be completed using the forms provided by the Code Enforcement Division.

(B) The responsible party must provide all information required by the Building Official or designee, including responsible party contact information, current ownership, and property management information.

(C) A registration fee established by resolution of the City Council must accompany registration and annual renewal.

(D) A registration or annual renewal is complete when the Code Enforcement Division has received the completed form, all required information, and the applicable fee.

(E) Registration by one responsible party satisfies the registration requirement for all responsible parties, provided the registration identifies all responsible parties and contains all required information. Each responsible party remains responsible for compliance with this subchapter.

(F) A responsible party must notify the Code Enforcement Division in writing of any change in the information provided in a registration within ten days after the change. A transfer of ownership or responsibility does not terminate the registration requirement, and any new responsible party must comply with this subchapter.

150.135 TERMINATION OF REGISTRATION REQUIREMENT.

(A) **Grounds for Termination.**

(1) A registration requirement under §150.132 may be terminated when either:

(a) The foreclosure is discontinued without a transfer of the property, as demonstrated by rescission or cancellation of the notice of default; or

(b) The foreclosure is completed and the property is transferred to an unaffiliated third-party purchaser.

(2) Termination under §150.132 does not affect any independent obligation to register the property under §150.133.

(3) A registration requirement under §150.133 may be terminated when the property no longer meets the requirement for registration specified in §150.133(A).

(B) **Termination Request.** A registration requirement does not terminate until:

(1) A responsible party submits a written request to the Code Enforcement Division, together with documentation demonstrating that the applicable grounds for termination specified in division (A) have been satisfied; and

(2) The Building Official or designee determines in writing that the applicable grounds for termination have been satisfied.

(C) **Notice of Determination**. The Building Official or designee shall provide written notice approving or denying a request to terminate a registration requirement. A denial must state the reasons for the determination and provide notice of the right to appeal under §150.137.

(D) **Subsequent Requests**. Following denial of a termination request, the Building Official or designee is not required to consider a subsequent request unless the responsible party identifies a material change in circumstances or provides material new information not considered in the prior

determination. A decision not to consider a subsequent request under this division does not constitute a new denial or extend or restart the time to appeal the prior denial.

(E) **Continuing Requirements**. Submission of a request to terminate a registration requirement does not suspend the registration, annual renewal, or fee requirements of this subchapter unless otherwise authorized in writing by the Building Official or designee.

150.136 VIOLATIONS.

(A) A violation of any requirement of this subchapter, including failure to timely register, renew a registration, pay an applicable fee, provide required information, or update registration information, constitutes a violation of this code and may result in the issuance of an administrative citation under the Administrative Citations subchapter of Chapter 10. Each day a violation continues constitutes a separate violation.

(B) Enforcement of this subchapter is at the discretion of the city. Nothing in this subchapter creates a private right of action or a right to compel enforcement.

150.137 APPEALS.

(A) A determination by the Building Official or designee requiring registration of a property or denying a request to terminate the registration requirement may be appealed within 15 days after the date of the notice of determination. The appeal shall be heard in accordance with the Administrative Hearings subchapter of Chapter 10.

(B) Administrative citations issued pursuant to this subchapter may be contested in accordance with the Administrative Citations subchapter of Chapter 10.

(C) A timely appeal of a determination requiring registration stays the registration deadline and enforcement of the registration requirement until the hearing officer issues a final decision. An appeal of a denial of a termination request does not suspend the existing registration, annual renewal, or fee requirements unless otherwise ordered by the hearing officer. Nothing in this division limits the city's authority to enforce any other provision of this code.

Section 2.

Effective and Operative Dates. This ordinance shall take effect 30 days after its adoption. The registration requirements established by Sections 150.132 through 150.137 shall become operative on January 1, 2027.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2026 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

_____
Leslie Castelanno, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2026, and hereby approved.

_____
Kim Bergel, Mayor

Approved as to Administration: *Approved as to form:*

_____ _____
Miles Slattery, City Manager Robert Black, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the____ day of _____, 2026.

_____
Pamela J. Powell, City Clerk