



Board of Supervisors Land Use Committee Hearing: Multiple Municipal Code Violations - 2861-2899 San Bruno Avenue City Attorney Report

OFFICE OF CITY ATTORNEY DENNIS J. HERRERA

PETER J. KEITH, CHIEF ATTORNEY, CODE ENFORCEMENT

SEPTEMBER 13, 2021 / FILE 210728

San Francisco City Attorney's Office

Public law office led by independently elected City Attorney Dennis J. Herrera

- ▶ Advises the City and County of San Francisco and its boards, commissions, departments, and officials
- ▶ Represents the City as civil plaintiff and defendant
- ▶ Represents the People of the State of California civilly in Unfair Competition Law and public nuisance cases
- ▶ City contracts - drafts and approves as to form
- ▶ Legislation – drafts and approves as to form

City Attorney teams involved in 2861-2899 San Bruno matter

- ▶ Public Integrity Team
 - ▶ Investigates potential City employee misconduct and pursues remedies, including against private parties
 - ▶ Works with Controller on joint corruption investigation
- ▶ Labor Team
 - ▶ Works with Public Integrity Team and City departments on formal discipline for employee misconduct
- ▶ Land Use Team
 - ▶ Advises Planning and DBI on legalization issues

City Attorney teams involved in 2861-2899 San Bruno matter

▶ Code Enforcement Team

- ▶ Investigates properties referred by City departments, officials, employees, and the public
- ▶ Assists City code enforcement staff (e.g., DBI, City Planning, Fire)
- ▶ Uses civil law enforcement powers to...
 - ▶ Immediately abate health and safety hazards
 - ▶ Permanently abate code violations by legalization
 - ▶ Secure monetary penalties to punish violators

City Attorney response to 2861-2899 San Bruno violations

- ▶ Coordinating immediate City response
 - ▶ Ensuring relevant City departments are involved
 - ▶ Working with City departments to identify and remediate immediate health and safety hazards.
 - ▶ Fire Department orders regarding inadequate egress
 - ▶ DBI assessment re: occupancy pending legalization
 - ▶ Communicating safety demands to property owners, threatening litigation if there is noncompliance

City Attorney response to 2861-2899 San Bruno violations

- ▶ Ensuring long-term abatement of code violations
 - ▶ Monitoring owners' progress toward legalization
 - ▶ City departments determine substantive policy matters
 - ▶ Whether owners' legalization plans comply with codes
 - ▶ Discretionary review to approve specific legalization plan
 - ▶ Setting deadlines for administrative steps
 - ▶ As needed, City Attorney advising on legal issues
 - ▶ Settlement agreement requires abatement

City Attorney response to 2861-2899 San Bruno violations

- ▶ Punishment via monetary penalties
 - ▶ City Attorney has authority to obtain civil penalties as punishment for past violations, plus attorney's fees
 - ▶ Per settlement, owners must pay \$1.2MM
 - ▶ Settlement does not preclude further penalties if owners fail to comply with City department orders regarding legalization
 - ▶ City Attorney does not have criminal prosecution authority, and City Attorney settlements cannot preclude criminal prosecution

City Attorney response to 2861-2899 San Bruno violations

- ▶ Investigating unethical or illegal conduct
 - ▶ Investigation of San Bruno events is part of the City Attorney's ongoing Public Integrity investigation with the Controller, into unethical and illegal conduct
 - ▶ Working with Controller and with new DBI leadership to prevent similar failures in the future
 - ▶ Identifying and investigating other properties and/or personnel for review, investigation, and response

QUESTIONS

