



NOTICE AND ORDER

Concerning a Substandard and Dangerous Building and

**Order to Vacate no Later
Than October 18, 2021**

Date of Issue: SEPTEMBER 30, 2021

To: <INSERT MAIL MERGE>

Notice from City of Diamond Bar (“City”) to Vacate and Repair or Demolish

THIS PROPERTY MUST BE REPAIRED AS SET FORTH BELOW:

Within thirty (30) days from the date of this document, all conditions described below must be corrected. In the event you believe you will not be able to make all repairs within this time period, you may submit a written request to the Building Official setting forth: (a) which conditions you have already corrected, (b) which conditions you need more time to correct, and (c) a statement explaining why you need additional time to make the corrections. You must obtain any and all required permits before repairing.

If you determine that it is not economically feasible to repair the structure(s) you may, at your option, complete the demolition of all violating structures on the Property, including the foundation within thirty (30) days. You must obtain any and all required permits before beginning demolition.

Property Address: 23601 through 23665 Golden Springs Drive (inclusive of all individually designated units), Diamond Bar, CA 91765
APN: 8281-028-032 through 8281-028-182.

VACATE ORDER: PURSUANT TO THIS NOTICE & ORDER / ORDER TO VACATE, ALL PERSONS MUST VACATE THE STRUCTURES ON THE PROPERTY BY OCTOBER 18, 2021. NO EXTENSIONS SHALL BE GIVEN. IF YOU ENTER, REMAIN AT, OR OCCUPY THIS BUILDING AFTER OCTOBER 18, 2021, YOU MAY BE SUBJECT TO PENALTIES INCLUDING BEING ARRESTED.

RIGHT TO APPEAL: This building is immediately dangerous to life, limb, property, or safety of the public. Any person having record title or legal interest in the building may appeal from this Notice and Order or an action of the Building Official or their designee to the Diamond Bar City Council, provided the appeal is made in writing and in the form required Section 1201.1 of the 1997 Uniform Housing Code, and filed with the City Clerk within ten (10) days from the date of issuance of this Notice and Order. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter, and a waiver of any and all other rights of appeal. Where appropriate, as determined by the City, the City may conduct further proceedings in accordance with the Diamond Bar Municipal Code.

Processing of the appeal shall be in accordance with the provisions set forth in the 2019 California Building Code, as adopted and amended by Diamond Bar Municipal Code Chapter 15.00.120 *et seq.*, and/or the 1997 Uniform Housing Code, as adopted and amended by Diamond Bar Municipal Code Chapter 15.00.1110 *et seq.* A complete text of all codes is available at the City Clerk’s Office.

BUILDING OFFICIAL'S FINDINGS

After inspections by a structural and civil engineer licensed by the State of California, and retained by the Diamond Bar Village Homeowners Association, inspection by City personnel, and review by the Building Official, the Property, including all residential units thereon, and the clubhouse building, have been determined to be substandard within the meaning of the Diamond Bar Municipal Code, State Housing Laws (California Health & Safety Code (hereinafter "H&S Code") Section 17920.3), California Civil Code, California Civil Code of Regulations Title 24, and/or all Uniform Codes adopted therein, including the 1997 Uniform Housing Code ("UHC") and the California Building Code ("CBC"). This determination has been made based on the serious and dangerous conditions at the Property, including, but not limited to, the following:

1. Those conditions described in the June 15, 2017, and September 22, 2021 reports and recommendations of structural and civil engineering firm Khatri International, Inc. which is available upon request;
2. Structural Hazards in all buildings on the Property, including deteriorated or inadequate foundations, defective or deteriorated flooring and/or floor supports, members of vertical supports that split, lean, list or buckle due to defective materials or deterioration, and members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective materials or deterioration. (See, H&S Code §17920.3(b); UHC §1001.3)
3. Faulty weather protection in all buildings on the Property including deteriorated, crumbling or loose plaster, deteriorated or ineffective waterproofing of exterior walls, roof, foundation, and/or floors, and broken, rotted, split, or buckled exterior wall or roof coverings. (See, H&S Code §17920.3(g); UHC §1001.8)
4. Faulty Materials in all buildings on the Property caused by failure to maintain construction materials in good and safe condition. (See, UHC §1001.10)
5. Inadequate sanitation in all buildings on the Property including infestation of insects (termites), visible mold growth, and general dilapidation or improper maintenance. (See, H&S Code §17920.3(a))
6. Structures that are unsafe, insanitary, or deficient because of inadequate maintenance or dangerous to human life. (See CBC §116).

If you choose to repair the structures, prior to any repairs of the structures, you must submit to the Building Official a detailed rehabilitation plan, which shall include all details of actions to be taken to repair the Property. You shall submit plans and make repairs as indicated below, and obtain all necessary permits before commencing work.

To bring the Property into compliance, the following corrective actions must be taken within the time specified in this Notice and Order:

ALL UNITS MUST BE VACATED BY OCTOBER 18, 2021. SECOND FLOOR UNITS HAVE BEEN RED TAGGED AND MAY NOT BE OCCUPIED AND NO PERSON SHALL ENTER SUCH UNITS EXCEPT TO PERFORM CORRECTIVE WORK PURSUANT TO A DULY AUTHORIZED PERMIT ISSUED BY THE CITY. FIRST FLOOR UNITS HAVE BEEN YELLOW TAGGED AND MAY NOT BE OCCUPIED AND NO PERSON SHALL ENTER EXCEPT TO RETRIEVE PERSONAL BELONGINGS OR TO PERFORM CORRECTIVE WORK PURSUANT TO A DULY AUTHORIZED PERMIT ISSUED BY THE CITY.

SUBSEQUENT TO ALL UNITS AND STRUCTURES ON THE PROPERTY BEING VACATED, YOU MUST TAKE THE FOLLOWING ACTION:

A COMPLETE REPORT TO REPAIR THE BUILDINGS TO A SAFE CONDITION FOR OCCUPANCY MUST BE SUBMITTED TO THE CITY BUILDING OFFICIAL. BASED ON THE REPORT, A PLAN TO BE PERMITTED THROUGH THE BUILDING DIVISION MUST BE APPROVED AND PERMITTED PRIOR TO ANY WORK.

FAILURE TO TIMELY VACATE AND REPAIR OR DEMOLISH. If the required repair work and/or demolition is not commenced or completed within the time specified, the Building Official will proceed with further legal action, up to and including demolition of the structures and charging the costs thereof against the Property and/or its owner(s).

As the Homeowners Association, owner(s), or property management of the Property at issue, or as the individual or entity responsible for vacating the property and the repair work and/or demolition, you are individually responsible for correcting the violations described herein. Should the Property not be vacated, and/or the repair work and/or demolition not be commenced and completed within the time period specified in this notice, local law enforcement may be used to force the vacation of the Property, and the repair work may be abated by the City through further administrative proceedings, including, but not limited to, added inspections and directions to remediate the violations, by judicial process, or by entry upon the Property by City employees or contractors for purposes of effecting those actions necessary. Alternatively, the City may file a civil action and seek appointment of a health and safety receiver pursuant to H&S Code §17980.7. You will be charged a fee equal to the actual costs incurred by the City in obtaining compliance with this notice, including, but not limited to, subsequent inspection costs, staff time, overhead and legal expenses, including attorney's fees.

Notice To Landlord Regarding Your Responsibility To Provide Relocation Benefits:

Pursuant to California Health and Safety Code Section 17975-17975.10, you are responsible for paying relocation benefits for your tenants because they are required to move out of your building as a result of an order to vacate issued by the City.

It is your responsibility to make the relocation payments directly to your tenants. If you fail to provide the appropriate relocation benefits to your tenants, you may be subject to significant penalties or legal action brought by your tenants. If you have any questions regarding your rights

and responsibilities, you should contact an attorney as soon as possible. If you wish to contest the finding that you are responsible for paying relocation benefits, you must file a request for appeal with the City's Building Official setting forth your grounds for such appeal within 10 days of the date on this Notice and Order.

See Attachment 1 to this Notice and Order for general information regarding your rights and responsibilities.

Notice To Tenant Regarding Your Right To Relocation Benefits:

Under California Health and Safety Code Sections 17975-17975.10, you are eligible for relocation benefits because you are required to move out of your building as a result of an order to vacate issued by the City.

It is your responsibility to collect your relocation payment directly from your landlord or his or her designated agent. The City has not adopted a policy to advance relocation payments to tenants and the City is not responsible for paying you any relocation benefits. If your landlord does not provide you with relocation benefits, you are still required to vacate the premises on the date indicated on this notice to vacate. Nothing in this letter shall be construed as giving you more time to vacate. If you have any questions regarding your legal rights, you should contact an attorney as soon as possible.

See Attachment 1 to this Notice and Order for general information regarding your rights and responsibilities.

Notice To Landlord Regarding Retaliation:

Pursuant to California Civil Code Section 1942.5, a landlord may not retaliate against a tenant who is not in default on his/her rent payments, by increasing rent, decreasing services, causing a tenant to quit involuntarily, or bringing an action to recover possession or threatening to do any of these acts for exercising his/her rights under the law.

Notice To Property Owner Regarding Revenue And Taxation Code Deductions:

In accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, the owner of the Property may not be allowed a tax deduction for interests, taxes, depreciation, or amortization paid or incurred during this taxable year.

City staff is available to meet with you or your representatives to discuss any issues or questions that may arise regarding this Notice and Order. You may contact Raymond Tao at (909) 839-7021 or RTao@DiamondBarCA.Gov if you have any questions.

DATED this 30th day of September, 2021.

Raymond Tao
Building Official

ATTACHMENT 1

Rights and Responsibilities of Property Owners and Tenants Pursuant to H&S Code §17925 (Relocation Benefits)

Pursuant to H&S Code §17975 *et seq.* “Any tenant who is displaced or subject to displacement from a residential unit as a result of an order to vacate or an order requiring the vacation of a residential unit by a local enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the resident is endangered, shall be entitled to relocation benefits from the owner”

- Payment for relocation benefits **by Owner** shall include a sum equal to two months of the established fair market rent for the area, and an amount sufficient to cover utility service deposits.
- Payment of relocation benefits is **in addition to** return of any security deposit to the tenant as required by law.
- Payment of relocation benefits to tenants must be made within 10 days of the date that the notice to vacate was posted on the premises and mailed to the property owner.
- An owner who does not provide relocation benefits as required by law may be liable to the tenant for an amount equal to 1 ½ times the relocation benefits allowable under H&S Code §17975.2.
- Owners have a right to appeal the order to pay for tenant relocation benefits. All such appeals must be made, in writing, to the City’s Building Official within ten (10) days of the date of posting of the notice and order to vacate. Appeals shall be based on the criteria set forth in H&S Code §17975.4 and include all evidence the appealing party claims supports the appeal. If necessary, the Building Official may request additional evidence or documentation from the appealing party or any effected tenant and may hold a hearing regarding the appeal. Notice of any hearing on an appeal will be provided to the appealing party and any affected tenant. The Building Official will make a ruling on the appeal within 10 days of receipt of the appeal or conclusion of a hearing on the appeal, if any. Decisions of the Building Official on any appeal are final subject only to the right to seek writ relief pursuant to California Code of Civil Procedure §1094.5 or 1094.6.