

Make Hawthorne Safe!!

*For more information contact the
Hawthorne Police Department
(310) 349-2822*

Introduction

Welcome to Make Hawthorne Safe. This program is a resource that was developed to give the citizens of Hawthorne a safe, fast, effective and economical direct-action tool to rid their neighborhoods of nuisance problems. Make Hawthorne Safe empowers individuals and neighborhood groups to use a civil court process to make their neighborhoods peaceful and secure. This program was developed to teach you how to abate illegal drug and gang activity in your neighborhood, or how to resolve nuisance problems such as noisy neighbors, party houses or barking dogs.

The process for ridding a neighborhood of nuisance problems is based in California state law, which requires that property owners use, or ensure the use of, their property in ways "conducive to the peace and harmony of the neighborhood" and do not interfere "with the comfortable enjoyment of life or property". Given these conditions, a drug house or other nuisance problem becomes a property management problem in violation of state property laws. Once property owners are properly notified of a nuisance problem they are obligated by law to take corrective action. If they do not, you and your neighbors can file a civil action against them in Small Claims Court alleging that they are negligent.

Make Hawthorne Safe employs a four-step process-which we refer to as the "abatement process". It involves four components: (1) Documentation (2) Notification (3) Negotiation and (4) Litigation. This process requires time and effort on your part, but when used correctly it has proven highly successful. Here is a summary of the four steps.

Step One -Documentation:

It is important to establish a written record of the disruptive activities. You should keep a detailed written record of the disruptive activity by recording information such as who is going to the property, what is going on at the property or surrounding area, when is this activity happening and where is all this activity going on at. When appropriate you should call the police to report the activity and ask for an incident number for your records. When done properly, this written record will indicate the chronic nature of the problem. This documentation provides the essential foundation you should have before you move to the next step.

Step Two -Notification:

The law requires proper notification of the owners of the property on which the disruptive activity is occurring. You can make arrangements with your legal advisor who can assist you in providing the owners with written notification and documentation of the disruptive activity. Using a neighborhood organization, a legal advisor can keep your identity and that of other involved neighbors confidential.

The notification letter can list a neighborhood organization or your legal advisor as the contact person, through which the owners can communicate with you and other neighbors.

Step Three -Negotiation:

Negotiations have been able to successfully resolve more than ninety five percent of the cases through candid, good faith negotiation efforts with both parties. Hawthorne Mediation Center, (310) 675-4333, acts as an intermediary through whom both parties will attempt to resolve the problem. The fourth step, litigation, is a last resort that is undertaken if negotiations fail.

Step Four -Litigation:

If litigation becomes necessary, the Make Hawthorne Safe process involves filing cases in Small Claims Court. In order to gain maximum leverage, neighbors file consolidated cases where groups of complainants have been awarded tens of thousands of dollars by the courts. The threat of such large judgments provides your group with increased bargaining power with the property owners during the negotiation process.

Conclusion

This innovative, systematic step-by-step approach to neighborhood problem solving has proven to be very successful. Over the past years, countless residents have used this process to resolve hundreds of nuisance problems. If you and your neighbors are experiencing a nuisance problem in your community, this program offers you a resource that you can utilize to create a secure, clean and healthy environment for individuals and families.

Make Hawthorne Safe!

How to take legal action on nuisance property

Organizing: Choose your group of plaintiffs carefully and discuss common concerns about the nuisance property. Also assess your potential damages, including emotional distress and economic loss (decline in property value). Find a place to meet.

Training: This handout will assist you to set up a training session. The training session lasts about 45 minutes. You will need to supply participants with materials including log sheets for documentation.

Evidence: Plaintiffs should keep detailed logs of alleged criminal activity at the problem property for a minimum of 3-4 weeks. When the police are summoned to the site, the logs should include the **incident number** (available from the phone dispatcher). Photos can also be entered as evidence.

Notification Letter: A written notification letter is to be sent to the owner stating the problems with the property. The names of the participants are kept confidential at this point. The letter lists the problems and puts the property owner on notice that neighborhood residents intend to take legal action unless those problems are corrected.

Negotiation: Hawthorne Mediation Center acts as an intermediary through whom both parties will attempt to resolve the problem.

Filing: If the property owner does not take action or acts too slowly, plaintiffs may file their claims at the Small Claims Division of Hawthorne Superior Court. There is a minimum fee per claim filed. The maximum damage award is \$7,000 per claim. Similar claims may be grouped together for trial.

Trial: A date will be set within 30 days of filing. Attorneys are not allowed to represent either plaintiffs or defendants. Plaintiffs and defendants state their cases and submit their evidence to a small claims court judge. If police testimony is central to a case, plaintiffs can pay a subpoena fee to summon an officer familiar with their case.

Ruling: The judge will issue his or her ruling within 30 days of the trial. Defendants and plaintiffs are notified by mail of the ruling and the damages, if any, that are awarded.

Appeals: Defendants who are ordered to pay damages may appeal in Superior Court. Losing plaintiffs may not appeal, but they may file new claims after a (100) day waiting period.

Make Hawthorne Safe!

California Civil Code:

Section 3484

The abatement of a nuisance does not prejudice the right of any person to recover damages for its past existence.

Section 3479 [Nuisance Defined]

“Anything which is injurious to health . . . or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any . . . street . . . is a nuisance.”

California State Law dictates the "Property owner's responsibility is to use their property in an ordinary and reasonable manner that is conducive to the peace and harmony of the neighborhood and does not interfere with the comfortable enjoyment of life or property".

March 16, 2004

Sample Only

Susan XXXXXXXX
142nd Street
Hawthorne, CA. 90250

CALIFORNIA STATE LAW

LECTATES THAT:

"A PROPERTY OWNER'S RESPONSIBILITY IS TO USE THEIR PROPERTY IN AN ORDINARY AND REASONABLE MANNER THAT IS CONDUCIVE TO THE PEACE AND HARMONY OF THE NEIGHBORHOOD AND DOES NOT INTERFERE WITH THE COMFORTABLE ENJOYMENT OF LIFE OR PROPERTY." (SEC: 3479)

Dear Mr. & Mrs. OWNERS NAME

We are writing to you as residents of the (Your groups/organization name) who are very concerned about the incessant ear splitting crowing of ROOSTERS (not to mention the barking dog) from your property at (problem property address), in the (neighborhood name) section of Hawthorne. This constant crowing is a public nuisance that is endangering our health and is causing emotional and mental distress. Sleep deprivation is a serious problem.

The constant, day and night, crowing of these roosters disturb the peace and harmony of our neighborhood.

We are aware that in the past, neighbors have contacted you in an attempt to abate this nuisance. Even after you were made aware of the problem you have done nothing to rectify the problem.

We would like to avoid pursuing any legal action against you in Small Claims Court. However, we are documenting the nuisance for a possible Make Hawthorne Safe action. You may be aware that the courts have upheld numerous claims such as this. Individual complainants have been awarded damages in amounts up to \$7000 for each claimant.

If you have any questions or comments please call our contact person, *(persons name, contact phone number, mailing address, e-mail address -- you may want to use an organization or a middle person as your contact person)*.

We hope to work with you to obtain a fast and expedient ending to this intolerable situation.

Sincerely,

(Your Groups name)
(Neighborhood name)

Susan XXXXXXXX
142nd Street
Hawthorne, CA 90250

Date

Sample Only

Commissioner, Small Claims Court
Municipal Court of Hawthorne
Hawthorne Judicial District
12501 S. Hawthorne Blvd,
Hawthorne Calif. 90250

Re: Case#XXXXXXXXXX

Your Honor,

I filed a civil court action against Mr. John Smith, owner of the property located at xxxxxx 142nd Street in Hawthorne, because he refuses to take appropriate action to rid our neighborhood of his diabolical tenant, Jane Doe. I believe he is negligent as a property owner because of this lack of action. I can no longer tolerate Ms. Doe's hateful, irrational, destructive behavior.

Mr. Smith's tenant, Ms. Doe, has made my life a living nightmare for the past couple of years. She has spit on me and thrown bleach in my face. She regularly harasses and intimidates me with the threat of physical violence. Mr. Smith's tenant, Ms. Doe, taunts and stalks me. She has put oil and sand in my washing machine and ruined much of my clothes by pouring bleach on my laundry. Mr. Smith's tenant, Ms. Doe, has harassed and beaten my dogs and made them gravely ill by feeding them tainted food. She does all of this and more with a rye smirk on her face and says, "try to prove it's me".

Living with this type of destructive behavior directed at me on a daily basis has had a detrimental effect on my already poor health. I suffer from a weak heart, diabetes, asthma and epilepsy. Prior to having to live with the stress caused by Ms. Doe's behavior I suffered only petit mal seizures. Now I suffer grand mal seizures that frequently last up to thirty minutes.

I have taken several reasonable steps in an attempt to rid my life of this intolerable problem. I called and complained to the property owners hoping that they would act responsibly. I spoke with Laurie XXXXXXXXX who stated that numerous people had complained about Ms. Doe over the years. She also indicated she was afraid of what Ms. Doe would do if they tried to evict her. Consequently, nothing was done.

Members of the Hawthorne Police Department recommended that I look into the Make Hawthorne Safe program and pursue a solution to the problem by pressuring the property owner to take some corrective action. We wrote and sent a letter to the property owners demanding action or face a civil court action. Again, nothing was done.

Sample Only

I then sought and received a restraining order against Ms. Doe. On December 11, 1997, Judge Howatt signed a three-year restraining order against her. This did little to change her behavior; she continued to direct her venom in my direction. The police were called on numerous occasions. On two or three occasions Ms. Doe was handcuffed and taken off to jail.

Finally, Ms. Doe was prosecuted for several violations of the restraining order. She plead guilty to two of the charges and was placed on probation (Case No. M755275). Even this did little to slow her down. Her insidious intrusion into my life continues to this day. A recent stalking incident was reported to the police.

I don't know why Mr. Smith's tenant, Ms. Doe, continues to invade my life. She harasses my dogs, making them bark, and then calls the city to complain about the noise. A worker at the Social Security office told me that a "neighbor" had called them to report that I was using all of my money to buy, use and deal in drugs. After she plead guilty to restraining order violations, she wrote slanderous lies about me on a petition in order to obtain a restraining order against me. That request was subsequently denied. After reading the aforementioned letter that was sent to the property owners, the presiding judge in that case noted that some of the concerned residents of Hawthorne might seek redress in court for the egregious problems caused by Ms. Doe's activity.

Her behavior is irrational and unpredictable and I am afraid of her. She even fights the police when they attempt to arrest her by yelling and screaming at them and biting them. Many other people in my neighborhood are negatively impacted by some of her activity, but they are afraid to be part of this action because they fear her reaction.

But I have no choice. I have run out of options. I can no longer tolerate the emotional and mental distress caused by Ms. Doe's behavior. She is destroying me. I have come to this court as a last resort.

I have endured a tremendous amount of emotional and mental distress because of Mr. Smith's negligence. The value of my health and sanity is much more than this court can award. However, I request the Court award me the maximum amount possible, \$7000.00, plus court costs, for the suffering that Mr. Smith's tenant, Ms. Doe, has caused me.

Respectfully Submitted,

Susan xxxxxxxxxxxx

STATEMENTS OF DAMAGES

Date

Sample Only

Commissioner
Small Claims Court
Municipal Court of California
Hawthorne Judicial District
12501 S. Hawthorne Blvd.
Hawthorne, CA 90250

Re: Case #

Your Honor:

Nature of problem: trash, litter, transients, rats, etc.

How long has problem existed?

How does the problem impact your life? (Emotional and Mental distress)

Disgust, anger, frustration, embarrassment, anxiety, shame, humiliation, etc.

Formula to justify asking for \$7,000.00, plus court costs, for the suffering that this nuisance property has caused me.

Respectfully Submitted,

Your Name

NOTES: