

**From:** [Paul Sande, ESQ](#)  
**To:** [Public Comment](#)  
**Subject:** Public Comment for City of National City Council Meeting  
**Date:** Monday, January 29, 2024 12:29:44 PM

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This is to provide public comment on an off-agenda item for special session of the City of National, City Council Meeting for January 29, 2024.

My name is Paul Sande, I am counsel for the owner of Highland View Apartments that are located at 31-131 N. Highland Ave. in National City, California. ("Highland View Apartments" or "Building").

There seems to be confusion that Highland View Apartments is forcing people from the Building. This is not accurate.

On January 24, 2024, following unprecedented rainfall which caused substantial flooding at Highland View Apartments, the city of National City (the "City") conducted an inspection of the Building and made a finding that, due to the flooding, the Building is not habitable in its present condition. The City issued Highland View Apartments a Notice and Order to Vacate and Repair or Demolish Substandard Building (the "City's Order to Vacate"). The City's Order to Vacate states that as a result of the flooding, "the Building is substandard ... [and] [t]he violations observed in this building are so extensive and of such a nature that the immediate health and safety of the residents, occupants and the public is substantially endangered. The residential tenants must be immediately relocated and you are required to pay relocation benefits pursuant to Health and Safety Code section 17975.1"

Contrary to the City's assertion that the Building is responsible for paying relocation benefits, pursuant to Health and Safety Code section 17975.4(b) "[a]n owner or designated agent shall not be liable for relocation benefits if the local enforcement agency determines that the unit or structure became unsafe or hazardous as the result of a fire, flood..." Rather, pursuant to Health and Safety Code section 17975.4(c), the City, at its discretion, may decide to issue such relocation benefits to tenants directly. As of the time of drafting this public comment, ownership is not aware of the City making the decisions to issue payments for relocation benefits.

Instead, despite not having a legal obligation to do so, ownership has agreed to pay these relocation benefits but have been unable to obtain information needed from the City in order to make the payments. This comes at a significant disadvantage to our affected tenants as the City has both ordered tenants to leave the Building and prevented ownership from issuing relocation benefits.

Ownership aims to work with the City and our tenants to issue relocation benefits and provide any other assistance as possible. I will note that

ownership, despite having no legal obligation to do so, have provided hotel rooms for our tenants since January 22, 2024 at cost of approximately \$30,000. The relocation benefits will cost in excess of \$100,000. These are costs that will not be reimbursed by insurance and are being borne directly by ownership.

Ownership's position set forth in this comment is subject to change based on our scheduled meeting with Ben Martinez, City Manager that is on calendar for 2:00 PM on January 29, 2024.

**Paul W. Sande, Esq.**

*Attorney*

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