

# SAAV Frequently Asked Questions (FAQ's)

(20101115)

## Qualified Abatements

- 1) What qualifies as abandoned vehicle abatement?

Local agencies should refer to the California Highway Patrol (CHP) Vehicle Abatement Handbook for specific information and legal requirements for abating an abandoned vehicle. This handbook is available online at <http://www.chp.ca.gov/programs/vehabate.html>.

- 2) Do you have to send a notice of abatement to the registered owner by certified mail or can you just put a notice on the vehicle indicating that they have ten days to remove the vehicle or it will be abated?

California Vehicle Code (CVC) section 22661(d), states that notification shall be mailed by registered or certified mail. Agencies should check with their legal counsel regarding any other interpretation that they may have to the CVC language.

### FROM THE VEHICLE CODE

22661 (d) The 10-day notice of intention to abate and remove a vehicle or part thereof, when required by this section, shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and of the owner of the vehicle. The statement shall include notice to the property owner that he or she may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

- 3) If a vehicle is located on the street, who does the notice get mailed to?

The notice is mailed to the registered owner of the vehicle

- 4) If an officer issues a legal ten-day notice of intent to abate on a vehicle that is parked on private property, and the vehicle is removed by the owner the next day, does it quality as an abatement under CVC 22661(d) as a voluntary abatement or must the Agency still send notice by certified mail?

California Vehicle Code (CVC) section 22661(d), states that notification shall be mailed by registered or certified mail. While not specifically required for reporting to the SAAV, agencies may want to send the required mail notification as part of maintaining a complete and consistent record. Agencies should check with their

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legal counsel regarding any other interpretation that they may have to the CVC language and any local policy or practice that is different than what is specifically stated in the CVC.

- 5) What if an owner repairs the vehicle, bringing it to a legally operating condition after an abatement notice has been issued, can this vehicle be reported as an abated vehicle?

A vehicle that meets the legal requirements for abatement under California Vehicle Code and California Highway Patrol guidelines, is issued a legal ten-day notice of intent to abate, and is repaired and moved by the owner within the ten day period, does qualify as a voluntary abatement provided that all other conditions are met (mail notification, etc.).

Agencies should check with their legal counsel regarding any local policy or practice that is different than what is specifically stated in the California Vehicle Code.

- 6) If a vehicle has been abated as a voluntary abatement (properly noticed and subsequently repaired or moved by the owner), but is discovered in a non-operational condition at a later date, may this vehicle be reported again?

A vehicle that has previously been abated, and is found at a later date in an inoperable/abandoned condition may be reported again. The agency will need to be certain that (a) this is not a condition that would be considered a parking enforcement issue that is not reportable to the SAAV and (b) that it is treated as a separate and distinct event with a separate case number, separate documentation, etc.

- 7) In order to report abatements to the SAAV program, is a City required to add/change its municipal code with all of the SAAV information or, since it's a vehicle code, is that enough?

SAAV guidelines use the California Vehicle Code (CVC) as the basis for qualifying a reportable abatement. We recommend that each agency review their local policy and practice, and run this question through their legal counsel, as each city attorney may have a different preference or opinion as to whether specific CVC requirements are adopted into local municipal code.

- 8) If a vehicle is on a public highway or right-of-way, and is missing an ignition cylinder, would it be abatable as a Type 2 abatement (lacking equipment necessary to operate safely on a highway, California Vehicle Code (CVC) 22669(d)?

While the SAAV can outline what is specifically written in statute, it cannot offer a legal opinion as to enforceability under circumstances that are not specifically

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spelled out in California Vehicle Code regulations. We recommend that each agency review their local policy and practice with their legal counsel, as each city attorney may have a different interpretation and opinion on specific CVC requirements. If determined to be abatable under CVC 22669(d) by your legal counsel, it would consider reportable to the SAAV.

- 9) If there are multiple vehicles on the same property that meet the legal definition of an abandoned vehicle, are properly noticed and abated, can I report each vehicle to the SAAV or may I only report it as one because they were all on the same property?

Each legally abated vehicle meeting the reporting requirements would be reportable to the SAAV.

- 10) If a vehicle is registered as non-operational with the DMV, can it qualify as an abandoned vehicle?

According to the CHP, it can qualify as abandoned if it is a public nuisance or causes blight.

- 11) If a vehicle is stolen from city A, is stripped, and dumped in city B, can it be counted as abandoned?

No, a recovered stolen vehicle does not count as an abandoned vehicle.

- 12) How does OCTA ensure that cities are submitting an accurate number of vehicle abatements?

OCTA, as the SAAV Administrator, may audit each city annually. Audits would include a (sampled) review of reported abatements. The auditors will select a sample of case numbers and ask city staff to produce documentation demonstrating proper notification and other information as reported in the online system. For example, auditors will ask to see copies of notices left on cars showing the case number, license plate number, VIN, date, disposition, etc.

## **Reporting Abatements**

- 13) At one time, we were told that vehicles had to be dismantled in order to qualify for SAAV funds. Has this requirement changed?

Agencies are no longer required to have vehicles dismantled in order to report an abatement.

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- 14) My City has a number of abatements from last fiscal year (before July 1) that meet the reporting requirements. Could I report these abatements in the current fiscal year if they have not previously been reported?

Only abatements that were started (received notice) in the previous fiscal year, but were completed in the current fiscal year, may be reported within the 1<sup>st</sup> quarter reporting period of the current fiscal year (because the process was completed this fiscal year). Abatements that were completed prior to July 1 may not be reported in the following fiscal year.

- 15) In certain situations, my city doesn't issue case numbers. Can I just omit the case number?

You cannot leave the case number field blank in the reporting database. You also may not use duplicate case numbers. If your agency does not issue a unique case number for each vehicle abatement, you must use some other unique identification number or naming convention that would specifically connect the reported abatement with the documentation that the agency would have on file.

- 16) In some cases, I don't have all the information requested in the system to submit a new case. For example, there are many abandoned vehicles that do not have license plates, so I can't include a license plate number. What information do I have to fill in for each case?

Please provide as much information as possible. A case number, completion date, vehicle make and vehicle model are absolutely required fields. If for some reason a vehicle does not have a license plate, you may still report the vehicle as long as you have the minimally required information listed above.

## **How Are Funds Calculated And Distributed?**

- 17) If I report abatements, how soon would I receive a check?

Checks are distributed about quarterly, after the SAAV funds are received from the State. That being said, there are often delays in the first quarter distribution because of difficulties related to the State adopting and signing its annual budget. OCTA generally processes SAAV distributions within ten business days of receiving the funds from the State.

- 18) Our city effects vehicle abatements through our Police Department, Code Enforcement and Community Preservation departments. Is there a way that we would be able to determine the number of abatements reported by each department so that we may divide SAAV funding between the departments?

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If your agency would like to distribute funds between departments based on the number of abatements reported by the department, the SAAV can help you to determine the percentage of abatements entered by each department provided that the departments each enter a pre-determined prefix in the case number field, along with the case number. The SAAV could then provide a report, outside of the regular online reporting application, that will give the city the number of abatements entered by each department. The Agency may then distribute funds between departments as they see fit.

The SAAV will distribute funds directly to the agency (one check each quarter), and will expect one annual report at the end of the fiscal year. It would be up to the city to manage the internal distribution of funds and coordinate a (single) consolidated annual report to the SAAV. Please let the SAAV Administrator know that you would like to do this and we will work with you on a plan to identify data in the reporting system so that you may accomplish this.

19) How much money will I receive for each reported abatement?

SAAV funds are based on a \$1.00 fee added to Department of Motor Vehicles (DMV) registration fees for all vehicles registered in the county during the quarter. The total amount of funds distributed each quarter will vary depending on the number of vehicles registered through the DMV each quarter.

After deducting SAAV administration fees of 5%, 50% of the funds are distributed based on population and 50% of the funds are distributed based on reported abatements. Please see the SAAV users guide at <http://www.octa.net/saav.aspx> for additional information and examples.

## Reporting System Administration

20) I'm supposed to be able to create new users in the system, but when I login, I don't see the User Maintenance link anywhere.

Your user account must be set up as an "Administrator" in the system in order for you to be able to create and maintain user accounts. Ask your agency SAAV Administrator or the OCTA SAAV Administrator to change your user account to an "Administrator" account.

21) Sometimes I can update the information of a previously submitted case and sometimes I can't. Why?

You can update or delete a previously submitted case as long as that particular quarter is not closed. A "closed" quarter means the Authority has calculated and distributed the money for that quarter. For auditing purpose, no more changes are allowed after the close of the quarter.

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22) Can I change my own login password?

On the Login page, enter your current password in the Password field (on the left hand side); enter the new password in the New Password and the Confirm New Password fields (on the right hand side); and click on the Login button. Passwords must contain at least six (6) alphabetic or numeric characters.

23) What do I do if I forgot my password?

Your City SAAV Administrator or the OCTA SAAV Administrator may reset your password for you. Please contact your City SAAV Administrator or the OCTA SAAV Administrator and ask them to reset your password.

24) One of our employees, who was working on this system, has left her job. For security reasons, how can we make sure that now she cannot login to the system?

If you are designated as an Administrator in the system, on the User Maintenance page, select her record from the list, change the Status to "Inactive"; and click on the Update button. The employee logon is now designated as "inactive" and cannot log in to the system. If you are not designated as an administrator in the system, contact the OCTA SAAV administrator for assistance.

25) What is the difference between a regular user and the administrator?

Someone designated as an administrator may access to the User Maintenance page so that they may create and update user profiles for their reporting agency. A regular user does not have these permissions.