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Agenda Item: ID16-1353 (4-B)

Date: 11/17/16

CITY CLERK, FRESNO, CA

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID16-1353 (4-B)

Contents of Supplement: Staff Report

Item(s)

Attached please find a Supplement to File ID16-1353. The title of the item is as follows:

RESOLUTION – Regarding the Anti-Slum Enforcement Team and Landlord-Tenant Ombudsman Program

Supplemental Information:

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AGENDA ITEM NO.

COUNCIL MEETING: _____ / /16

APPROVED BY _____

DEPARTMENT DIRECTOR _____

CITY MANAGER _____

Date: *November 17, 2016*

FROM: *STEVE BRANDAU*
Councilmember, District Two

CLINT OLIVIER
Councilmember, District Seven

SUBJECT: ***RESOLUTION – Regarding the Anti-Slum Enforcement Team and Landlord-Tenant Ombudsman Program

RECOMMENDATION

It is recommended the Council adopt the attached resolution establishing the Anti-Slum Enforcement Team and Landlord-Tenant Ombudsman Program.

EXECUTIVE SUMMARY

Over the last several years, the Council has made eliminating blight a priority of Code Enforcement. Several actions have been taken, including passing the Blighted Vacant Building Ordinance last year. However, focus has shifted with community concerns about slum rentals, and to date it has been determined the City lacks the resources to properly address the situation.

This resolution would establish the Anti-Slum Enforcement Team (ASET), allocate new code enforcement and support staff, lay the framework for a uniform enforcement standard, and create a proactive ombudsman to address renter issues.

BACKGROUND

In 2014 the Council made one of its top priorities the elimination of blight within the City. This led to the creation of the Mayor-Council Code Enforcement Task Force, whose purpose was to enhance the City's ability to identify and mitigate blighted properties. Under the Task Force's report and recommendations, the Council adopted the "Blighted Vacant Building Ordinance" and amended the "Management of Real Property Ordinance".

The Council's blight focus then began to shift from vacant buildings to occupied substandard (or slum) rental properties, based upon community concerns. Following the Summerset Village Apartments incident, the Council and Mayor began directing the Task Force to develop policy options to tackle slum rental housing.

REPORT TO THE CITY COUNCIL

Resolution Establishing the Anti-Slum Enforcement Team

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The Strike Team on Problem Properties (STOPP), an ad-hoc committee overseen by the City Manager, was formed in the interim to begin identifying and correcting known "egregious violators," or rental properties in gross violation of City and State health and safety codes. The Council added additional personnel to assist with enforcement in the FYI 16/17 budget.

The Task Force continued to meet on a regular basis until this Fall. Several consultants were brought in to provide options for the City. The Task Force fell into impasse as it focused on a mandatory property registration scheme.

In the meantime, STOPP has continued to regularly meet to prioritize and pursue egregious violators. That said, it was quickly determined the process would be slow and resource intensive.

We determine three major findings:

- 1) The City does not allocate enough focused resources to investigate and prosecute slum housing owners and renters.
- 2) City resources will never be adequate to address and enforce every code violation within the rental community, and therefore resources must be focused and targeted on maximum prosecution of the worst cases to serve as a deterrent.
- 3) Increased enforcement is completely independent of mandatory inspections and/or registrations.

Through STOPP and even prior it was identified that the City has not had adequate resources to fully operate its Code Enforcement divisions. The Code Enforcement Department has a very large swath of duties, and is asked to perform its activities with minimal staff. This is an across the board problem stemming from the Great Recession.

As well, a lack of unified enforcement and documentation practices result in massive delays and other legal challenges to promptly address violations as they occur.

One avenue explored was mandatory registrations and inspections for every rental property in the City. However, it was determined that not only would this be a cost prohibitive activity and very difficult to implement, in reality the egregious violators would still fall through the cracks, a fact admitted by consultants from Nan McKay.

Efforts to address egregious violators will require dedicated resources apart from inspections. Even then, each case has proven to be and will remain a massive commitment of code and legal resources.

It was further identified that the City's existing reporting system that utilizes police, fire, and code enforcement calls already identifies our problem properties, and is one of the tool used by STOPP.

In short, the City has an enforcement problem, and that successful enforcement will be reliant on long-term deterrence.

Council is being asked today to approve a resolution establishing the Anti-Slum Enforcement Team (ASET). There are two major components to ASET: Enforcement and Community Engagement, the later will be presented in a separate report.

ASET Enforcement:

Code Enforcement still runs on a skeleton crew following the Great Recession. In the FY 16/17 budget, Council authorized two new code enforcement officers and two new city attorneys to assist in STOPP operations, however these personnel remain inadequate.

This resolution creates an entire new division of Code Enforcement:

- Creation of the ASET Manager. Normal Code Enforcement operations are varied and range from parking violations to noise complaints, to issues like slum property abatement. This new position would create a single point person focused on slum property abatement at the intensity the Council requires.
- Allocation of six ASET Code Enforcement Officers, including four new positions, dedicated and specially trained to deal with this major problem. The two positions allocated in the FY16/17 budget would be transferred to ASET. Each officer must be specially trained in California Association of Code Enforcement Officers and Police Officer Standards and Training (POST) investigation standards to ensure proper and uniform enforcement.
- Allocation of three ASET City Attorneys, two already added in the FY16/17 budget and one new position, to this new division for the sole purpose of prosecution of these cases. Also assigned specifically to the new unit would be one legal assistant and legal secretary from the existing City Attorney's Office.
- ASET would be integrated and located within City Hall in their own office space, with access to the resources necessary to investigate, cite, mitigate, and prosecute as necessary slum properties.
- ASET would follow a specified protocol to collect data regarding possible problem properties, assess those properties, make determinations on whether ASET action is necessary, and act in accordance to mitigate the slum conditions, with input and direction from the City Attorney and City Manager.

ENVIRONMENTAL FINDINGS

This is not a project for the purpose of CEQA.

LOCAL PREFERENCE

Not applicable.

FISCAL IMPACT

The total cost of the program is estimated to be \$718,294, broken down as follows: \$483,226 for additional inspectors, managers and supervisors in Code Enforcement; \$110,986 to fund the Ombudsman's office; and \$124,082 for the ASET legal team.

Attachment: Resolution