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Agenda Item: ID16-1236 (2-G)

Date: 10/20/16

CITY CLERK, FRESNO

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID16-1236

Contents of Supplement: Letter from Patience Milrod

Agenda Item Title

BILL - (For introduction and adoption) - An emergency ordinance of the City of Fresno, California, amending Section 1-308(g) of the Fresno Municipal Code, relating to Administrative Citations and Penalties and amending and adding Subsections to Section 11-307 of the Fresno Municipal Code, relating to Code Violations (Requires five affirmative votes).

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

PATIENCE
MILROD

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October 17 2016
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Council President Paul Caprioglio
Members of the Fresno City Council

CITY CLERK, FRESNO CA

By email to Cindy.Bruer@fresno.gov

RE: Council Agenda Item 2-G
Emergency ordinance relating to Administrative Citations and
Penalties, and Code Violations

Dear Council President Caprioglio and Councilmembers:

I write generally in support of the proposed amendment to sections of the Municipal Code pertinent to fines for those repeat-offender property owners who continue to collect rents unlawfully from tenants while providing premises that do not meet California's legal standards of habitability. We applaud the idea, and the spirit that presumably animates it. But we recognize the measure falls far short of offering relief to tenant families the City is required to protect.

More immediately, the emergency measure as written differs significantly from its description in the staff report:

- 1) In amended section 1-308(g), the measure deletes from existing law the prescribed dollar amounts for fines. It neither substitutes new fine amounts in the measure, nor amends the Master Fee Schedule to identify new fines or increase existing fines. The figures cited in the second paragraph of the staff report's Executive Summary do not appear anywhere in the proposed legislation. If you actually intend to increase the fines, you would include such language in the measure.
- 2) Not only are new fines not set forth, but by using the language "shall establish," the ordinance is likely to create doubt whether the existing fines in the Master Fee Schedule will continue in effect, or whether the Council's legislative intent is to enact some new and different set of fines in future. In order to have the deterrent effect the measure claims to intend, there would have to be fines in place at the time you enact the proposal; the alternative would be to remove the "shall establish" language while explicitly referencing *existing* fine amounts.
- 3) Although the Whereas clauses are full of get-tough language about egregious property owners, the measure actually weakens the enforcement capacity of 11-307 by allowing somebody or other in the City enforcement foodchain to exercise discretion about whether each day in violation constitutes a separate offense. The measure does not specify *who* is empowered to exercise such discretion, nor (more importantly) what standards would govern such discretionary determination. Up to now,

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landlords have not had much reason to fear City enforcement – replacing “shall” with “may” can only reassure them they still need not worry.

Two more general concerns:

First, without a systematic inspection system that methodically lifts up for exposure *all* the slumlords in our community, this “enforcement” measure is just more talk with few likely results. Until this Council is prepared to go after *all* such property owners, how can we in the public believe you’re sincere about this measure’s tough-talk “deterrent effect”?

Second, we have long suggested that many fewer tenant families would be suffering right now if the City actually, seriously, enforced ordinances that already exist. Even if your Council passes this new ordinance, it does nothing to fix the City’s seriously deficient execution of the existing enforcement system.

Thanking you for your attention to these comments, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read "Patience Milrod". The signature is fluid and cursive, with a large initial "P" and "M".

PATIENCE MILROD

cc: Bruce Rudd, at Bruce.Rudd@fresno.gov
Douglas Sloan, at douglas.sloan@fresno.gov