



# Faith In Community

546 N. Fulton, Fresno, CA 93728

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May 10, 2016

Council President Paul Caprioglio  
Members of the Fresno City Council  
2600 Fresno Street  
Fresno, CA 93721

RE: BILL – Amending Article 7 of Chapter 10 of the Fresno Municipal Code  
relating to management of real property

Dear Council President Caprioglio and Members of the Fresno City Council:

We, members of Faith in Community's Clergy Caucus, write to direct your attention to the proposed amendments to Fresno's nuisance ordinance, now calendared for your May 12 meeting. As faith leaders representing a range of traditions, we believe the condition of justice is to not harm "the widow or the fatherless, the foreigner or the poor" (Deuteronomy 7:10), and we believe the proposed amendments unintentionally risk putting our city in a position where the most vulnerable in our community will be forced to pay the price of unsafe and unhealthy housing conditions caused by irresponsible property owners.

In the past year, we have been greatly heartened by the City's advances towards enforcing state and local laws protecting tenant families in substandard housing. Your reforms to the hearing officer process, and the ongoing work to develop a proactive interior code inspection program, in particular, will begin to alleviate some of the unbearable pressures on poor families living in slum housing in our City. We applaud your commitment to steady movement forward on this issue.

However, especially in the context of this progress toward safe and healthy housing, we have deep concerns about the proposed amendments to the City's nuisance ordinance. These concerns include:

- The ordinance seems to propose making tenants responsible for housing habitability, even where state law clearly assigns responsibility to landlords. We strongly object to shifting those obligations away from the rental business onto the renters (who usually cannot afford to pay the costs of correction).
- We believe the ordinance's behavior-policing will dilute and could even derail the interior code inspection process. Citing behaviors means time-consuming disputes about where responsibility really lies. And if tenants face citations, it will be too risky for them to cooperate with inspectors. As a result, we fear a significant drain on code inspectors' time, and at worst, even a paralysis of the code enforcement function.
- The \$1,000 per violation fine is unjustified for the kinds of citable behaviors now included in the ordinance. For poor tenants unable to pay them, such fines will result in enforcement actions including warrants, arrests, and loss of the drivers' licenses that enable parents to work, and to take their children for medical attention.
- Other cities using nuisance ordinances to police behaviors have seen patterns of indiscriminate evictions of innocent parties (for example, victims of domestic

violence, whose abuse may have been “plainly audible at distances of 50 feet or more”).

We believe you would not intend these kinds of deeply inequitable impacts on some of your most vulnerable residents. We therefore strongly urge you to reconsider the wisdom of this action and, at the very least, allow for a comprehensive Code Enforcement Task Force and community-based discussion and vetting before you make a final decision on this ordinance.

We thank you for your work on behalf of all of our community, and for your consideration of our views. We remain at your disposal if we can be of assistance in any way.

In Community

Rev. Fr. Art Gramaje, C.M.F., St. Anthony Mary Claret Catholic Church

Rev. Sophia DeWitt

Rev. Zach Darrah, Fresno Interdenominational Refugee Ministries (FIRM)

Rev. Tim Kutzmark, Unitarian Universalist Church of Fresno

Deacon William Lucido, Saint Paul Catholic Newman Center

Rabbi Rick Winer, Temple Beth Israel

Sukaina Hussain, Islamic Cultural Center

Rev. Dr. Chris Breedlove, Community United Church of Christ

Rev. Steve Ratzlaff

Rev. Henry I. Oputa, The Way Christian Fellowship

Rev. Bill Knezovich, Our Saviours Lutheran

Jim Grant, Social Justice Ministry, Diocese of Fresno

cc: Mayor Ashley Swearengin  
City Manager Bruce Rudd  
City Attorney Doug Sloan