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Agenda Item: ID16-1353 (4-B)

Date: 11/17/16



Supplemental Information Packet

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

Contents of Supplement: Letter from Patience Milrod 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:

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.

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PATIENCE
MILROD

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November 15, 2016

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 4-B
Resolution - Regarding the Anti-Slum Enforcement
Team and Landlord-Tenant Ombudsman Program

Dear Council President Caprioglio and Councilmembers:

The ASET/LTO resolution you will be considering on Thursday is full of surprising problems. Unfortunately, this proposal does not offer any significant progress toward solutions.

We note the timing of this proposal with interest. It comes after almost a year's intense debate over a rental housing inspection ordinance that would include a baseline inventory of all rental housing older than 5 or 10 years. Hundreds of cities, all over the country, have successfully implemented such ordinances – but Councilmembers Brandau and Olivier, authors of this measure, have been vehemently opposed.

Without a systematic inspection system that methodically lifts up for exposure *all* the slumlords in our community, the “enforcement” proposal before you this week is just more talk with few likely results. It's difficult to avoid concluding that the very purpose of this proposal at this time is to occupy the legislative space with a resolution that the casual reader might mistake for substantive, in order to preclude action on the more effective rental inspection policy.

Following are a few of the reasons this resolution holds very little promise for tenant families living in substandard housing:

It ignores reality:

The reality is that tenants in the private housing market do not dare complain about their housing conditions because they risk eviction. Getting evicted (even illegally, for complaining) makes finding decent alternative housing almost impossible – assuming there's a place to move to. But affordable housing is brutally hard to find: our local housing stock is more than 35,000 units short.

Making the enforcement scheme depend on tenants, and a landlord's “track record,” is no different from the complaint/calls for service inspection system that's failed so abysmally for decades. What's the point?

It creates a new and unnecessary level of bureaucracy:

The LTO concept duplicates existing staffing and adds significant

844

North Van Ness

Fresno, California

93728

559/442-3111

pm@patiencecilrod.com



expenditures to the code enforcement budget, for little or no gain. The proposed Ombudsman would function in two ways: as a conduit for complaints, and a facilitator for landlord compliance.

But both of these functions are already part of the City's code enforcement mechanism. Why a new office with new employees to do what code officers are already doing?

Related problems:

We think it's unlikely the LTO will have much to do, since the proposal requires tenants themselves make the contact. But if we're wrong, the LTO intake function would quickly be overwhelmed – the proposal creates a bottleneck that would result in significant enforcement delays.

Also, the resolution fails to explain how the LTO's work will align with ongoing work of the existing STOPP team, and code enforcement generally. This may just be sloppy drafting, but it's sure to create confusion. If you do adopt this measure, you will need to fix this problem first.

It complicates enforcement:

This is at least the fourth legislative effort in two years to "do something" about code enforcement. As noted above, in most important respects it doesn't offer any new solution to the problems that created Summerset.

Worse, it layers still another set of criteria*, timelines, and enforcement processes onto existing City ordinances and state statutes. What the City needs is a thorough rework of the various ordinances that relate to blight, vacant buildings, housing, nuisance, etc. This proposal adds to the confusion rather than improving clarity and effectiveness of City enforcement measures.

Worse still, it requires that the "lease signee" make complaints (§ 27.f.), but provides no protection for tenants beyond the vague and toothless promise that the ASET manager will "investigate" allegations of retaliation. If you're serious about protecting tenants from retaliation, then incorporate the provisions in state statutes punishing retaliation, and either task the City Attorney with pursuing such cases for fines and fees or add an attorney's fee clause so the tenant can pursue it.

It gifts City resources to private individuals:

What business does the City have setting up a public agency to compete with landlords' private attorneys to pursue tenants who violate their obligations? This is effectively a gift of public funds. As a taxpayer, I object.

* For example, it proposes an overlapping but different collection of criteria for enforcement priority (section 3). The resolution doesn't say *who* will decide how much weight to give which criteria. It also, confusingly, uses the term "*public health and safety*," which may redirect focus away from the health and safety of the individual tenant family.

And this – again:

We have long suggested that many fewer tenant families would be suffering right now if the City actually, seriously, enforced ordinances that already exist.

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

Very truly yours,

PATIENCE MILROD

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