



Legislation Details (With Text)

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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).

Sponsors: Office of Mayor & City Manager

Indexes:

Code sections:

Attachments: 1. Clean 72697nd TNP Ord Amd FMC 1-308(g) and 11-307 10-14-16 (FINAL).pdf, 2. Supplement to 16-1236.pdf

Date	Ver.	Action By	Action	Result
10/20/2016	1	City Council	adopted as amended	Pass

REPORT TO THE CITY COUNCIL

October 20, 2016

FROM: BRUCE RUDD, City Manager

SUBJECT

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).

RECOMMENDATION

It is recommended the Council approve an emergency ordinance amending Fresno Municipal Code (FMC) Sections 1-308(g) and 11-307 relating to egregious property owners and increased fines for health and safety and building code violations.

EXECUTIVE SUMMARY

On December 8, 2015, the City Manager established the Strike Team on Problem Properties (STOPP), which consists of representatives from the Department of Development and Resource Management, City Attorney’s Office, Fresno Police Department, and Fresno Fire Department, as well as the Fresno County and City Housing Authority. The original purpose of the STOPP Team has been two-fold; focus on negligent property owners of multi-family properties and to develop new

policies and practices needed to revamp the manner in which the City of Fresno (City) addresses problem property owners. One of the first changes in policy was adopted in May 2016, when the Council amended FMC Section 10-708, which allowed the City to hold a Homeowner's Association of Property Management firm responsible for activities that generated excessive calls for Police and Fire Services.

Another issue identified by the STOPP Team was the level of citations for violations of health and safety requirements as prescribed by the FMC and State Building Codes compared to other general code infractions, such as overgrown vegetation, old tires, and trash. The recommended amendments to the FMC in addition to proposed changes in the Master Fee Schedule will rectify this by increasing the cost of health and safety violations from \$200 to \$800 for the first citation, \$500 to \$1,200 for the second citation and \$800 to \$1,600 for a third violation.

This amendment also defines an "egregious property owner" as any person, firm, corporation, or other entity committing health and safety or building code violations in three or more occupied residential rental properties in a rolling twelve-month period. If approved, the amended ordinance would allow the City to double fines for health and safety and building code violations for property owners who meet the egregious property owner definition.

BACKGROUND

The City Manager has created a STOPP team whose focus has been to reduce the number of substandard rental housing units operating in the City. The STOPP Team found the Municipal Code does not differentiate between the various types of code violations and associated fines. For example, the lack of heat or hot water, similar to the situation, which occurred at the Summerset Apartments in November 2015, carries the same level of citation as an overgrown lawn. While an overgrown lawn can contribute to blight and negatively impact surrounding properties, it does not rise to the same level of health and safety that a lack of heat or hot water creates for our residents.

Since being convened the STOPP Team inspections and related code actions have clearly demonstrated a need for adopting the recommended amendments as an emergency ordinance. For example, the very first property inspected by the STOPP Team identified water penetration and related interior damage from a failed roof, exposed electrical wiring, and no heat in one of the apartments other than what could be created from running a kitchen oven with the door open. Subsequent inspections of other properties have found apartments infested with vermin and or insects, failing hand rails and or stairs, and in one case, a faulty community washer and dryer that would electrocute tenants whenever they attempted to use the facilities. This is in addition to other types of health and safety code violations such as dry rot, failing exterior siding, faulty appliances, etc.

Additionally, there are a number of negligent property owners who have a history of ignoring minimum health and safety and building code requirements as well as other general nuisance issues. These property owners' practice of deferring maintenance and or failing to make repairs comes at the expense of those who reside in a number of these rental units. In order to mitigate the negative impact these property owners are creating for many of our residents, it is also recommended the FMC be amended to define an "egregious property owner" and provide the City with the ability to double the fines for health and safety and building code violations for those property owners who continue to disregard minimum housing standards.

Based on the findings of the STOPP Team, and previous code enforcement actions, it is clear the current level of citations have failed to create the financial deterrent needed to ensure these types of property owners allocate the necessary resources needed to provide safe and clean rental housing opportunities. Therefore, it is vital the following recommended amendments related to specific health and safety violations and the ability to double the applicable fines for egregious property owners be adopted by the Council.

ENVIRONMENTAL FINDINGS

This is not a project for the purposes of CEQA pursuant to CEQA Guidelines, Section 15378(b)(5), as it is an administrative activity that will not result in direct or indirect physical changes to the environment.

LOCAL PREFERENCE

Local preference was not considered because this Emergency Ordinance does not include a bid or award of a construction or services contract.

FISCAL IMPACT

There is no direct fiscal impact from the passing of this Emergency Ordinance. However, there are fines and penalties assigned in the Emergency Ordinance, which may impact revenues depending upon the number and severity of cases

identified. However, it is the intent of these amendments to improve the level of compliance by some property owners rather than generating additional revenues.

Attachment:
Ordinance