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REPORT TO THE CITY COUNCIL

FROM: DOUGLAS T. SLOAN, City Attorney
City Attorney's Office, Code Enforcement

SUBJECT

Progress of Code Enforcement, including ASET Quarterly report.

RECOMMENDATION

Per Council Resolution, the City Attorney's Office is to provide an ASET quarterly report to include a Code Enforcement update.

EXECUTIVE SUMMARY

Code Enforcement is extremely busy with demolitions of burned buildings, illegal dumping abatement, homeless encampments, and firing up inspections of mobilehome parks. With all the fires in vacant buildings, typically the burned building is unstable and dangerous, and needs to be taken down immediately to avoid being a serious health and safety threat. This responsibility has fallen to Code to remedy. SAT continues to provide excellent focused services in areas surrounding schools.

Mobilehome park inspectors have concentrated on canvassing all of the facilities in Fresno, and at first dealing with reactive complaints and inspections to address existing problems, followed by the routine ongoing inspections. The first priority has been to ensure there isn't another problem facility as we encountered in 2021.

The Eviction Protection Program has been successful in helping to keep tenants in their homes, or at least negotiate not having an eviction on their record that could hinder their ability to obtain housing in the future.

BACKGROUND

Despite the COVID-19 emergency presenting significant challenges for Code Enforcement employees, all teams continue to embrace new projects such as taking over enforcement in mobilehome parks, enforcing commercial vacant buildings, developing and launching the Eviction Protection Program (EPP), conducting motel inspections, assisting with homeless clean-ups, and working with the administration on developing a cannabis dispensary enforcement team. Inspectors continue to conduct interior inspections, both in person and virtual, and progress cases towards completion.

Rental Housing

ASET/Reactive

ASET's goal is to increase the stock of affordable and habitable rental housing by pursuing and improving slum properties with substantial health and safety violations through enforcement, education, fines, receiverships, and compliance agreements.

ASET currently has twelve open cases with properties containing 217 rental units. The attached ASET Weekly Status Report is updated and posted on the City's website every Friday, and it has additional information regarding each open ASET case. Since October 1, 2021, the Reactive Unit has opened 352 cases, closed 302 cases, and has 312 active cases.

Please see below for highlights related to three of the active cases.

1. 4730 E Lamona (68 Violations) - [Property owners: Brian Sweet, Eric Nasalroad, District 7]

This is an eight-unit complex. ASET issued a Notice and Order for 68 violations on April 13, 2021. The violations included exterior damage and dilapidation; cockroach and rodent infestation; damaged shower surrounds; ceiling damage from previous water exposure; missing and/or inoperable smoke alarms; missing windows; egress issues; wrecked and inoperable vehicles; and trash and debris stored throughout the property. Property owners promptly entered into a Compliance Agreement on May 7, 2021. A re-inspection was conducted on August 16, 2021, which resulted in 50% compliance. All health and safety issues had been addressed. A second addendum was granted and executed. New windows have been installed, and the exterior is almost complete. An inspection was conducted on February 22, 2022. Property Owner Brian and Property Manager Wendy were present. We walked through the property and found 2 exterior violations that remain and 3 interior violations that remain. These should be corrected in the next couple weeks, and the case will close.

2. 1914-1926 E. Shields Ave. [Jacqueline Duckworth (owner)/Jones & Mayer (receiver), District 1]

This is an abandoned four-unit apartment complex located at the intersection of South Shields Avenue and North Hughes Avenue. The property suffered several fires between October 2020 and February 2021. The City filed for receivership on an emergency basis on December 17, 2020, and a receiver was appointed on February 18, 2021. The Receiver has completed substantial work at the property, and they are currently in escrow to sell the property to a new, responsible owner. The next court status hearing is June 15, 2022.

3. Calwa Hotel, 3978 E Calwa (181 violations) [Property owner: Space Place LLC, District 5]

This case was initially opened as a Motel; however, once inspected, its status changed to an ASET case. The conditions of both occupied and vacant/abandoned rooms include, but are not limited to: lack of emergency egress; damaged or missing walls; exposed framing; exposed plumbing and electrical; unpermitted plumbing and electrical installations; damaged or missing doors; missing

smoke alarms; large amounts of trash and debris that are an attraction for vermin and vector and constitute a fire hazard; damaged floors; and damaged glass windows that remain open and accessible to trespassers. In addition to the damaged and severely dilapidated conditions of these vacant/abandoned units, there has been a significant increase in police calls for service in the last two to three years. In 2019, there were 45 calls for service. In 2020, there were 54 calls for service. As of July 2021, there have been 85 calls for service. The rear of the property contains two wrecked and abandoned vehicles presenting an attractive nuisance. Additionally, there are large piles of trash and debris located throughout the rear parking lot that is an attraction for vermin and vector and a public nuisance to neighboring properties.

A first N&O was issued on August 13, 2021 to address dangerous building conditions and a reinspection reflected the immediate health and safety concerns had been addressed. A second Notice and Order addressing the remaining 181 violations was issued on September 13, 2021. A Compliance Agreement was signed on January 27, 2022.

RHIA

Currently, there are 86,350 individual rental units registered in the Rental Housing Registry, which are located at 30,732 registered rental properties. Since the inception of the program, over 13,500 Baseline Health & Safety and Compliance Re-inspections have been performed. The virtual inspection program continues to be a viable alternative during the ongoing Covid Pandemic and are performed on an as needed basis.

Rental Housing staff is currently working to update and verify ownership information of 721 potential unregistered rental properties that have been identified by the Proactive Rental Housing Unit's inspectors. Those owners will be issued Notices of Violation for failing to register their rental properties as required under the Rental Housing Improvement Act in the coming weeks. Owners who fail to comply by the registration deadline listed on their Notice of Violation will be issued Administrative Citations until compliance is obtained by way of property registration through the City of Fresno's Rental Housing Registry.

The Rental Housing Team is also tasked with enforcing and educating owners and tenants of the City's new Smoking Prohibition Ordinance, which went into effect on January 1, 2022.

Mobilehome Parks

On July 1, 2021, the City assumed control over all mobilehome parks in the jurisdiction. There are 27 parks with a total of 3,754 spaces. Code developed a Mobilehome Parks Team comprised of four inspectors. The mobilehome park inspectors are responsible for responding to complaints regarding mobilehome parks and units and conducting proactive maintenance inspections of mobilehome parks. The City is required to enforce only California mobilehome park law within mobilehome parks, and enforcement of the Fresno Municipal Code is prohibited. The City must also follow the enforcement tools contained within state law, which include notices of violation and suspension of the park's Permit to Operate, but no citations. The Mobilehome Parks Team has 25 open reactive cases, and 35 closed cases.

The Mobilehome Park Team has been working with multiple departments including Building and Safety, Planning, Finance, and the California Department of Housing and Community Development (HCD) to create policy and procedures to enforce the applicable law. The team has participated in multiple classroom and field trainings with the State. A representative from HCD will be in Fresno on March 22 and 23, 2022 to conduct an evaluation of all parts of the City's program, affecting multiple departments, including Finance, Planning, and Code Enforcement. Pursuant to the Mobilehome Park Inspection Program, the City will be inspecting Modern Mobilehome Park in District 5 on April 13,

2022.

Community Compliance - Council District Teams

As of February 25, 2022, there are 2,409 open and active cases in the City; and each Council district has the approximate caseload below:

District 1 - 480 cases

District 2 - 186 cases

District 3 - 566 cases

District 4 - 288 cases

District 5 - 258 cases

District 6 - 89 cases

District 7 - 480 cases

Code Enforcement has received a significant increase in complaints associated with homeless individuals and encampments on private property. Code is working with the Homeless Assistance Response Team (HART) to establish a protocol for how the respective units will respond to these complaints, depending on whether the violations are on private or public property.

In addition, due to the severity of substandard housing or building code violations, there are occasions Code Enforcement is faced with having to post a residence or business against occupancy, resulting in the immediate eviction of tenants and lock-out, conducted by Code, PD, and the abatement team, by boarding the structure. In the case of a residence, the City is constructively displacing individuals whose home is at risk of imminent danger, such that evicting them is safer than allowing them to remain inside the structure. The City may consider a relocation plan to fund the cost of immediate placement of these individuals, while Code works on getting property owners to accept responsibility for this accommodation.

Commercial Vacant Building Ordinance

On July 19, 2021, amendments to the Vacant Building Ordinance became effective increasing the requirements for vacant commercial buildings. An inspector was assigned to commercial vacant buildings, and he has made great progress in inspections and compliance.

To date, 46 cases have been opened on vacant commercial buildings, and exterior inspections have been conducted on all of them. Our inspector has been instrumental in educating the property owners about the new requirements by providing an educational courtesy notice. Notice and Orders have been issued to property owners who have failed to respond to their Courtesy Notices, and to those property owners who have suspended their cooperation. Re-inspections of the Noticed properties will be taking place during the first week of March and citations will be issued, if warranted. In addition, during March our efforts will be focused on issuing Notice and Orders on the remaining properties on our list.

Special Teams

School Area Team (SAT)

The SAT provides pro-active code enforcement around schools. This team is focused on improving neighborhoods, providing pro-active code enforcement support to reduce blight, enhance safety, equip residents to become civically engaged, and connect low-income residents to housing resources to improve their quality of life. Since its inception in February of 2020, the SAT has

provided its services in 25 school areas.

Since the last quarterly report, the SAT has completed inspections and outreach in the following eight school areas: Pinedale (D2), West Fresno (D3), Teague (D1), Harvest (D1), Sunset (D3), Thomas (D4), Muir (D3), and Balderas (D5). A small number of cases in these areas will continue as they require additional time and effort to reach compliance.

SAT enforcement and outreach is now underway in the following four school areas: Fremont (D1), Burroughs (D7), Centennial (D4), and Aynesworth (D5).

SAT's community outreach remains modified to comply with social distancing requirements. Engagements currently include 4-week virtual neighborhood improvement discussions, virtual landlord forums, and FresGO trailer events in each school area. The trailer events involve socially distanced interaction with the community, providing useful information and resources to residents, and giveaways of masks, candy, and SAT swag! In the last quarter, SAT also conducted pumpkin giveaways and took part in various community events, including D5's Beat the Heat, D1's Fall Festival, a D4 Beautify Fresno project, and the Southwest Santa's Village. SAT also continues to reach the community via social media in several languages.

Abatement Team

The abatement team has completed 119 abatements since the last Code Enforcement report. This includes multiple board-ups, tall grass/weed abatements, and junk/rubbish clean-ups. The team also assists with opening vacant properties to provide access for inspection warrants as well as abatements pursuant to warrant. When available to do so, the abatement team also cleans alleys in SAT school areas. The existing abatement team consists of three Light Equipment Operators and four Laborers. Six additional laborers have been hired, and training has begun.

Other Special Teams Highlights

- The Demolition Team has facilitated ten demolitions since the last Code Enforcement report; eight completed directly by the City, and two completed by property owners with Code Enforcement oversight and motivation. Additionally, two properties have been fully rehabilitated by property owners after Code Enforcement motivation. Further, four demolitions are in progress, two demolition applications are in progress, five rehabilitations by owner in lieu of demolition are in progress, and one application for rehabilitation by owner in lieu of demolition is in progress. Summary demolitions have proven to be a significant cost to the City Attorney/Code Enforcement budget.
- The Vacant Lots Team has achieved compliance on 163 cases since the last Code Enforcement report. Property owner compliance pursuant to enforcement and abatement by Code combined to account for these successes. The team also continues to work with Fire to prioritize and maintain a list of 124 high risk properties through fire season.
- The Tire Team collected 6,327 waste tires from various locations throughout the City since the last Code Enforcement report. Another 1,134 waste tires were collected at the Waste Tire Amnesty Day event held in District 7 on Saturday, January 22, 2022. The next amnesty event will occur in April of this year. Additionally, 171 waste tire facility inspections were conducted since the last Code Enforcement report.
- The Illegal Dumping Team has issued fifty-one administrative citations since the last Code Enforcement report and over 660 illegal dumping citations since 2015. Sixteen covert camera units are now used to combat illegal dumping and address complaints received from residents and businesses. Additionally, the team is working with vendors in hopes of obtaining solar-

powered units to be used at locations where power is not available.

Legal Team

ABCUP Inspections

In February 2021, the City Attorney's Office legal investigators began an education and inspection program for businesses with Type 20 and 21 Alcohol Beverage Control (ABC) licenses. These businesses include convenience stores, liquor stores, and other stores selling alcohol for offsite consumption. Each business must have an ABCUP to operate, and each has conditions.

The investigator will provide an educational binder to the business, which includes a notice of an inspection scheduled two weeks later. Then, during the inspection, the investigator goes over a checklist with the business representative. If violations are found, a Notice of Violation is sent, giving the business 30 days to correct the violation before a re-inspection occurs. As of February 24, 2022 275 businesses have been inspected, 46 Notices of Violation have been sent, and 40 re-inspections have occurred.

Eviction Protection Program

On July 26, 2021, the City launched the Eviction Protection Program (EPP) to help prevent illegal evictions. Legal staff receives inquiries from tenants facing eviction, and they are screened. Eligible tenants are contacted by outside counsel for representation in the eviction proceedings. Tenants are also provided additional resources, including referrals to the Emergency Rental Assistance Program or housing resources, if necessary. In cases where tenants allege substandard housing conditions, an inspection is conducted to confirm and add merit to this defense.

As of February 24, 2022, legal staff has screened 466 tenants and 204 have been referred to outside counsel. Of those referred, many have had successful results, including five cases dismissed at trial, seventeen cases resulting in increased move out time, four cases resulting in reduction of amount owed, and more than seventy-five cases resulting in no eviction proceeding on the tenant's record.

Accounting Team

The Accounting Team, with assistance from the Legal Team and Administrative Support, held Special Assessment Hearings on February 22, 23, and 24, 2022. Typically, these hearings occur quarterly, and there are only approximately 200 properties on the list to be assessed. Because of the pandemic, these hearings had not been held in more than two years, and there were about 750 properties to assess. Each property takes significant work from our Accounting staff to ensure the figures are accurate, properly notice each property owner, and prepare for protest hearings. The total amount assessed and placed on the County Tax Roll is \$1,972,232.40.

The hearings will once again be held on a regular basis, and the next hearings are scheduled for May 24 and May 25, 2022.

Attorneys will be filing collection cases for some abatement costs to accelerate payment, versus waiting for assessments on tax rolls.

Attachment: Attachment A - ASET Weekly Status Report

Attachment B - PowerPoint Presentation