



Legislation Details (With Text)

File #: ID16-455 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 4/14/2016 **In control:** City Council

On agenda: 4/21/2016 **Final action:** 4/21/2016

Title: BILL - (For introduction and adoption) - An emergency ordinance of the City of Fresno, California, amending Subsection (f) of Section 1-409 of the Fresno Municipal Code relating to Hearing Officer authority (Requires 5 affirmative votes)

Sponsors: Office of Mayor & City Manager, City Attorney's Office

Indexes:

Code sections:

Attachments: 1. FMC Ordinance 1-409 Amendment, 2. Supplement - Amended Ordinance.pdf

Date	Ver.	Action By	Action	Result
4/21/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

April 21, 2016

FROM: JENNIFER CLARK, Director
Development and Resource Management Department

BY: DEL ESTABROOKE, Housing and Neighborhood Revitalization Manager
Development and Resource Management Department

SUBJECT

BILL - (For introduction and adoption) - An emergency ordinance of the City of Fresno, California, amending Subsection (f) of Section 1-409 of the Fresno Municipal Code relating to Hearing Officer authority (Requires 5 affirmative votes)

RECOMMENDATION

Staff recommends approval of an emergency ordinance amending Subsection (f) of Section 1-409 of the Fresno Municipal Code relating to Hearing Officer authority.

EXECUTIVE SUMMARY

Fresno Municipal Code (FMC) section 1-409 relating to the hearing officer's authority does not currently compel property owners or tenants to repair nuisances or otherwise remedy illegal

conditions on their properties in a timely manner. There has been significant effort on the part of the Administration, City Council, Mayor-Council Task Force, and concerned citizens to effectively and efficiently mitigate these conditions. Too often in the past, problem properties remained in a dangerous state of disrepair for an undetermined amount of time, causing further incidents and potentially dangerous situations to everyone living in close proximity. By amending FMC section 1-409, the hearing officer will have clear authority, and the responsibility, to require property owners to fix their properties within a 30-day time frame or risk larger fines and possible misdemeanor prosecution.

BACKGROUND

Recently, the City Council approved the Blighted Vacant Building Ordinance and a Receivership program to deal with problem blighted and vacant properties. The hearing officer hears appeals from those who own these type properties and either contest the actions or fees associated with Code Enforcement actions. The current ordinance does not require the hearing officer to compel property owners or their tenants to repair nuisances or remedy illegal conditions on the property. After all Code Enforcement and hearing officer actions have been taken, the property could still remain in its current condition for an undetermined amount of time. By allowing these homes to remain in a dangerous state of disrepair, these properties have become magnets for public health, safety and welfare issues because these nuisances often lead to more serious events involving criminal activities, deadly structure fires, property damage, and further blight.

On a daily basis, Code Enforcement, Police, and Fire Departments respond to properties where the above listed conditions are ongoing. Sometimes these agencies respond to the same properties multiple times. Often illegal entry is gained and illicit activities such as drug or alcohol related activities, prostitution, theft, neighborhood harassment and damage to the property occur. These properties become a detriment to the neighborhood, reducing property values, and reducing the quality of life of the neighborhoods. It is not unusual for some properties to be subject to repeated arsons requiring multiple Fire responses or having continuous illegal activity requiring a constant Police presence.

By amending this ordinance the hearing officer can order the property owner to remedy all conditions within a maximum of thirty days. After the initial 30-day period, the hearing officer will set another hearing to occur within thirty to sixty days of the order and confirm whether the owner or occupants have made all the required repairs or remedied the illegal conditions. If the work has not been completed the hearing officer must order payments of additional fines which may be doubled. Additionally, if the owner or occupants willfully fail to comply with the hearing officer's orders, they may be subject to misdemeanor prosecution in superior court.

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 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 ordinance. However, there are fines and penalties assigned in the ordinance which will impact revenues depending upon the number and severity of cases identified.

Attachment:

FMC Ordinance 1-409 Amendment