



Legislation Details (With Text)

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On agenda: 4/30/2015 **Final action:**
Title: BILL - (For introduction) - Repealing Section 10-617 and adding Section 10-617; amending Section 10-603; and repealing Sections 10-620, 11-335 and 11-422 of the Fresno Municipal Code relating to standards for vacant buildings
Sponsors: Planning and Development Department
Indexes:
Code sections:
Attachments: 1. Vacant Blighted Building Ordinance 04.23.15.pdf, 2. Letter from CA Apartment Association.pdf

Date	Ver.	Action By	Action	Result
4/30/2015	1	City Council	introduced and laid over	Pass

REPORT TO THE CITY COUNCIL

April 30, 2015

FROM: JENNIFER CLARK, Director
Development and Resource Management Department

SUBJECT

BILL - (For introduction) - Repealing Section 10-617 and adding Section 10-617; amending Section 10-603; and repealing Sections 10-620, 11-335 and 11-422 of the Fresno Municipal Code relating to standards for vacant buildings

RECOMMENDATION

Staff recommends that the City Council accept the introduction of the attached ordinance repealing Section 10-617 and adding Section 10-617; amending Section 10-603; and repealing Sections 10-620, 11-335 and 11-422 of the Fresno Municipal Code relating to standards for vacant buildings.

EXECUTIVE SUMMARY

In response to community concerns regarding blighted vacant properties, the Mayor-Council Code Enforcement Task Force prepared a report and recommendations proposing changes to the Vacant Building Ordinance. The proposed amendments will enhance the City's ability to remove blight and set achievable standards for maintenance of vacant residential properties. The revisions to the

Ordinance clearly define property standards and the penalties for noncompliance and reflect the unanimous consensus of the stakeholders representing the Task Force.

BACKGROUND

The Fresno General Plan was created to protect investments in private and public property; to preserve neighborhood character and community values; and to promote investment and reinvestment in Fresno's established neighborhoods.

Recognizing that the strategic, efficient and effective use of the City's code enforcement authority is a key to successful implementation of the 2035 General Plan, Mayor Ashley Swearengin, along with select members of the Fresno City Council, launched a multidisciplinary Code Enforcement Task Force in September 2014. The purpose of the Task Force was to review existing codes in relation to the Fresno General Plan; evaluate current Code Enforcement processes and procedures; and make specific recommendations for improvements, including division structure, case prioritization, technological and legal tools, and fee structures that the City can implement now, as well as over time.

To ensure quality feedback from City employees who are involved in Code Enforcement, the Mayor commissioned an internal *Action Team* that was charged with working alongside the *Task Force* to vet recommendations and to provide input on the Task Force's work.

Mayor Swearengin estimated that the Task Force would conclude its work by March 2015, and asked that recommendations for early action be submitted as soon as they were available.

After extensive discussion, the Task Force identified **Vacant Blighted Residential Properties** as the highest priority for immediate action and the greatest impediment to protecting established neighborhoods throughout the city.

Vacant, blighted buildings are an attractive nuisance (a dangerous or negligent condition likely to attract individuals). These nuisances disturb the peaceful enjoyment of surrounding properties by reducing market values and by creating a dangerous environment due to physical hazards and unauthorized activities occurring on the property. Additionally, there is a higher cost to provide law enforcement, fire-fighting and prevention, and code enforcement activities in neighborhoods heavily impacted by vacant and blighted homes.

The City of Fresno has approximately 191,000 housing units. In most large cities the vacancy rate is stated as between 5% to 10%. From this vacancy rate there is an expectation that 2.5% to 5% are in nonconformance with the code. Therefore, using this formula, at any particular time there could be between 250 to 1,000 vacant blighted homes in the City of Fresno's housing inventory. In a worst case scenario, up to 10% of vacant units could be blighted resulting in up to 2,000 blighted vacant residential units.

Currently, the City of Fresno has a number of Municipal Code sections and Ordinances that address vacant properties, management of real property and blight. However, implementation of these sections of the code can be unclear or subjective. The work of the Task Force has focused on making recommendations to the City that provide clear expectations to property owners and neighbors for both the expected outcomes, as well as the process, to enforce the Codes and Ordinances.

The Mayor-Council Code Enforcement Task Force - Report and Recommendations are proposed to be implemented immediately (i.e. July 1, 2015 start date). Ongoing monitoring of the program will be required to determine the effectiveness of each recommendation.

The first recommendation of the Task Force is to repeal and replace the Vacant Building Ordinance. The current Vacant Building Ordinance governs external and internal code violations of vacant buildings with the goal to obtain occupancy within certain time parameters. It punishes participating property owners with onerous fines and monitoring fees, which reduces voluntary participation and completion rates.

The Task Force recommends a new vacant, blighted residential property ordinance which requires maintenance of clean and safe external conditions and levies fees and fines for properties that do not comply. The purpose is to clearly define external property standards, reward property owners who comply, and levy fines on those who don't.

The Task Force had extensive debate about what the City should require in the proposed new Blighted Vacant Building Ordinance. While the Task Force was not in unanimous agreement, the majority agreed to the following standards for vacant residential properties:

- Maintain all yards
- Maintain the exterior of the building in good condition
- Remove all trash and debris from exterior of the property
- Take all reasonable steps necessary to prevent criminal activity
- Secure and maintain the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locking mechanisms, replacing all broken doors or windows, and securing any other openings into the structure that are readily accessible to trespassers (Securing windows that are visible from any public right of way shall be done only with rigid transparent material such as clear lexan type material with a minimum of 3/8 inch thickness to 1/2 inch thickness. No opaque (typically plywood) boarding materials shall be used where visible from a public right of way, following sixty (60) days of the effective date of this ordinance)
- Remove all graffiti on the property

- Maintain the property free of all fire hazards
- Maintain the property free of any Attractive Nuisance

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

Not applicable

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: Ordinance