



## Legislation Details (With Text)

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## REPORT TO THE CITY COUNCIL

**October 13, 2022**

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City Attorney's Office

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## 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, which includes a Code Enforcement update.

## EXECUTIVE SUMMARY

Code Enforcement includes five divisions: Rental Housing, Community Compliance, Special Teams, Administrative Support, and Legal. Rental Housing includes the Anti-Slum Enforcement Team (ASET), Reactive Rental Housing, the Rental Housing Improvement Act (RHIA) Inspection Unit, Motel Inspections, and the Mobilehome Parks Team. Community Compliance teams are dedicated to each Council District. Special Teams oversees the School Area Team (SAT), and other teams dedicated to abatements, illegal dumping citations, tires, demolitions, and vacant lots. The Administrative Support Team includes the public facing counter, FresGO, Public Records Act (PRA) response, and accounting. Code Enforcement partners with the Legal Team on compliance agreements, inspection warrants, and court actions, such as petitions for receivership and injunctions. The Legal Team includes investigators who perform a variety of legal and personnel

investigations, and who also conduct inspections of businesses issued an Alcohol Beverage Conditional Use Permit (ABCUP).

## **BACKGROUND**

### **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 137 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 June 1, 2022, the Reactive Unit has opened 389 cases, closed 599 cases, and has 330 active cases.

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

1. Peacock, 937-945 F ST (approx. 229 violations) [Property owner: Wong Wilson, Wong Yolanda, District 3]

This case was initially opened after several complaints were received by our office through the Eviction Protection Program. Once inspected, the case was referred to ASET due to the severely dilapidated condition of the property. This is a two-story building where the bottom floor is commercial and was found to be illegally used for habitation. The top floor consists of 18 rooms that are occupied and used as living spaces. A Notice of Violation was sent out September 2, 2022, to address the missing smoke alarms throughout the residential portion of the building. A Notice and Order is currently in the review process to address the 229 violations found at the location. The building is infested with cockroaches, has missing window screens, broken windows, damaged doors, missing bathroom fixtures, unpermitted work, mold on walls, unfinished and inoperable appliances in the community kitchen, graffiti, junk/rubbish, missing carbon monoxide detectors, and unapproved extension cords running throughout the building and units due to electrical issues. Since the ASET team inspected the property, the commercial portion of the building has been vacated.

2. 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. A first Notice and Order 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. The entire complex is now vacant and is in the process of being registered as a vacant building. New plans were submitted and approved, and a permit was issued to allow construction of new staircases. The owner is currently seeking bids from contractors to complete the work. The owner has started cleaning out the long vacant bottom floor commercial units. On March 8, 2022, the owner submitted an application for a permit to the Planning Department to convert this existing 5,400 sq. ft. second floor hotel to 12 multi-family units with an office and lobby area. The 5,400 sq. ft. first floor would remain as is with a laundry mat, grocery store and storage with 12 parking stalls. The proposal is more than halfway through the review process. The building is being kept clean and secure. The interior of the property is inspected monthly to check progress. The last interior inspection was on August 31, 2022 and found the second floor is close to being completely cleaned out with a few units left with junk/rubbish inside of them. The exterior of the property is inspected once a week to ensure compliance with the

agreement signed by the owner with the City Attorney's Office.

3. 4726 E. Floradora [Property owner: Darrell Fenn, District 7]

This is a four-unit property ASET will be inspecting soon. Potential violations include rubbish/junk, farm animals, overgrown landscaping, peeling paint, dilapidated fence, damaged fascia, damaged soffit, damaged siding, and a damaged roof.

### RHIA

Currently, there are 86,565 individual rental units registered in the Rental Housing Registry, which are located at 30,686 registered rental properties. Since the inception of the program, over 15,873 Baseline Health & Safety and Compliance Re-inspections have been performed. The virtual inspection program continues to be a viable alternative and are performed on an as needed basis. As of October 3, 2022, the Proactive Rental Housing Unit has billed \$974,300 and collected \$833,300 which is an 85.5% collection rate since its inception.

Rental Housing staff recently identified 609 unregistered rental properties. Owners of those properties are being issued Notices of Violation for failing to register their rental properties as required under the Rental Housing Improvement Act. 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 Multiunit Housing Smoking Prohibition Ordinance, which went into effect on January 1, 2022. On May 13, 2022, our office participated in a training for apartment managers and apartment owners regarding the ordinance requirements, penalties, and resources. There are currently 6 open and 100 closed smoking cases.

### Mobilehome Parks

There are 27 mobilehome parks with a total of 3,754 spaces in the City of Fresno. Additional mobilehome park team members were authorized effective July 1, 2022, and the team has been focused on hiring and training new inspectors. Additionally, the Mobilehome Parks Team has conducted approximately 342 initial inspections and has approximately 733 more scheduled to be done by the end of the year. The team has hand delivered 1,641 brochures to individual lots so far and the remaining lots will have their brochures delivered by the end of the year. The team has mailed approximately 200 NOV's. One Park is in the process of being successfully rehabbed through the receivership program and has a new court approved owner. We have also coordinated with the Finance Department to streamline the Permit to Operate process, and we have taken over the administrative tasks related to the Rental Stabilization Ordinance.

### Community Compliance - Council District Teams

As of September 22, 2022, there are 2,169 open and active cases in the City; and each Council district has the approximate caseload below:

District 1 - 356 cases

District 2 - 231 cases

District 3 - 607 cases

District 4 - 249 cases

District 5 - 214 cases

District 6 - 82 cases

District 7 - 385 cases

Code Enforcement has continued to work with the Homeless Assistance Response Team (HART) to smoothly transition encampment enforcement.

### Commercial Vacant Building Ordinance

During the period of July 2021 to July 2022, there were 40 properties identified as commercial vacant buildings in the City of Fresno. To date, five of those properties are registered. There have been no citations issued, as our focus has been on educating and working with property owners considering the new ordinance requirements. All vacant commercial properties are inspected at least once per month and the assigned inspector reports there has been much cooperation thus far, despite property owner's frustration with break-ins and costs of maintaining vacant buildings. The assigned inspector is also working on fine-tuning our information packets to simplify and streamline the vacant building plan submittal process.

## **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 41 school areas.

Since the last quarterly report, the SAT has completed inspections and outreach in the following eight school areas: Wolters (D4), Holland (D4), Yokomi (D3), Figarden (D2), Tilley (D3), Steinbeck/Central (D1), McKinley/El Capitan (D3), and Saroyan (D2). 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: Columbia (D3), Heaton (D1), Vang Pao/Sequoia (D5), and Wishon/McLane (D4).

SAT's community outreach currently includes virtual neighborhood improvement discussions, virtual landlord forums, and FresGO trailer events in each school area. The trailer events involve interaction with the community, providing useful information and resources to residents, and giveaways of SAT swag! In the last quarter, SAT also took part in the Back-to-School Block Party at the Teague Community Center, as well as D4's Under the Sea and Tropical Island Party events. SAT also continues to reach the community via social media in several languages.

### Abatement Team

The abatement team has completed 168 abatements since the last Code Enforcement report. This includes multiple board-ups, tall grass/weed abatements, and junk/rubbish clean-ups. The team also conducts abatements pursuant to warrants and cleans alleys throughout the City.

### Other Special Teams Highlights

- The Demolition Team has facilitated five demolitions since the last Code Enforcement report; two completed directly by the City, and three 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, three demolitions are in progress, two demolition applications are in progress, two rehabilitations by owner in lieu of demolition are in progress, and five applications for rehabilitation by owner in lieu of demolition are in progress.

- The Vacant Lots Team has achieved compliance on 347 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 123 high risk properties through fire season.
- The Tire Team collected 4,900 waste tires from various locations throughout the City since the last Code Enforcement report. The next Waste Tire Amnesty Day event was held in District 7 on Saturday, October 8, 2022. Additionally, 120 waste tire facility inspections were conducted since the last Code Enforcement report to ensure compliance with state and local regulations.
- The Illegal Dumping Team has issued 37 administrative citations since the last Code Enforcement report, and 63 year-to-date. Seventeen covert camera units are now used to combat illegal dumping and address complaints received from residents and businesses. This includes one new solar-powered camera unit for use at locations where power is not available.

### **Legal Team**

The legal team continues to see success in obtaining inspection/abatement warrants, administrative hearings, and petitioning the court for receivership. Additionally, the legal team oversees ABCUP inspections and the Eviction Protection Program.

### **ABCUP Inspections**

Our legal investigator has completed inspections of all retail establishments with a Type 20 and 21 license, excluding large retail chains and grocery stores. In total, he inspected 329 stores. He issued 55 Notices of Violation, 3 citations, and conducted 65 re-inspections.

### **Eviction Protection Program**

As of September 23, 2022, legal staff has screened 1,104 tenants and 672 have been referred to outside counsel. Of those referred, many have had successful results, including fifty-five cases where the unlawful detainer was prevented from moving forward, thirty-five cases where the tenant was able to remain in their home, fourteen cases resulting in reduction of amount owed, and four stopped lockouts.

Attachments: Attachment A - ASET Weekly Status Report  
Attachment B - PowerPoint Presentation

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