



## Legislation Details (With Text)

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5/25/2023	1	City Council	PRESENTED	

### REPORT TO THE CITY COUNCIL

**May 25, 2023**

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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, as well as inspectors dedicated to commercial vacant buildings and the Blackstone corridor. 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.

## **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 eleven open cases with properties containing 241 rental units. Since the last quarterly report in December 2022, ASET has opened three new cases in properties containing 88 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 January 1, 2023, the Reactive Unit has opened 375 cases, closed 287 cases, and currently has 286 active cases.

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

1. 3025/3049 E. Gettysburg Ave (approx. 700 violations) [Property Owner: Casa Blanca Apt, LLC, District 4]

This is a single-story apartment complex with 60 units. This case was initially opened after a member of the Code Enforcement Team noticed the dilapidated exterior conditions of the property. ASET began the research and vetting process, which lead to the identification of several units without heat. This is a single-story apartment complex with 24 buildings, 4 laundry rooms, and a pool house. A Notice of Violation was sent out April 6, 2023, to address missing smoke alarms and inoperable heat. A Notice and Order is currently in the review process to address the approximately 700 violations found at the location. Violations found consisted of, but are not limited to, roach infestation, missing windows, missing window screens, broken windows, damaged walls, unpermitted work, mold on walls, inoperable appliances, graffiti, and junk/rubbish. There are also damaged roof materials and lifted walkways due to overgrown trees. Since the ASET team inspected the property, there have been some improvements to the exterior of the property, including a new fence, new entrance light fixtures, and removal of some junk/rubbish. During a re-inspection on April 28, 2023, significant progress was made on the violations within the Notice of Violation. This case remains open, and a progress inspection is expected at the beginning of June.

2. 3051-3091 E McKinley Ave (707 violations) [Property Owner: Saleh Alkobadi, District 3]

This is a two-story apartment complex with 76 units. This case was brought to the attention of ASET due to the lack of cooperation of the property owner and the severe exterior dilapidation of the apartment complex. The first inspection was conducted on February 13, 2023, and violations included: roach infestation, evidence of water leaks, mold/mildew, broken window glass, and an accumulation of rubbish. A Notice of Violation and Notice and Order were sent to the owner. A follow up inspection was conducted on May 10, and most of the violations remained.

3. 526-534 N Echo Ave (56 Violations) [Property Owner: JHS Family Limited Partnership and DBH Family Limited Partnership, District 3]

This is a two-story building consisting of 5 units. This property was originally referred to Code Enforcement by the Fresno Police Department in 2019. ASET took over the case in 2021 and

conducted the first inspection. The Notice and Order was mailed out on September 24, 2021, with a total of 56 violations. Some of the violations found at the time of inspection consisted of unpermitted work, inoperable heater, damaged carpet, egress issues, and dilapidated exterior. One unit was completely renovated, and the exterior was repaired and painted using lead-safe practices. All violations have been cleared at this property.

### RHIA

Currently, there are 86,484 individual rental units registered in the Rental Housing Registry, which are located at 30,555 registered rental properties. Since the inception of the program, over 18,027 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 April 23, 2023, the Proactive Rental Housing Unit has billed \$1,069,500 and collected \$916,000 which is an 85.6% collection rate since the program's inception. The team has also focused on finding properties that should be registered.

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. There are currently two open and 179 closed smoking cases.

### Mobilehome Parks

Since January 1, 2023, to present, 33 complaint-based inspections have been completed, 13 cases have been closed, and 21 cases are currently active. Additionally, the team has maintenance inspections scheduled with approximately 571 spaces to be inspected by the end of the year.

There are 27 mobilehome parks with a total of 3,754 spaces in the City of Fresno. The Mobilehome Park Team recently welcomed a new member to the team and is focusing on training and prepping for the maintenance inspections scheduled for this year. To date, the Mobilehome Parks Team has conducted approximately 807 initial inspections. The team has mailed approximately 253 initial Notice of Violations. Outreach events and question and answer forums have been held at mobilehome parks to provide residents with as much information as possible about the maintenance inspection process. The team completed the hand delivery of 3,754 brochures to individual lots. They continue to work closely with the Finance Department to streamline the Permit to Operate process, as well as working on administrative tasks related to the Rental Stabilization Ordinance.

### Community Compliance - Council District Teams

As of December 20, 2022, there are 1,555 open and active cases in the City, and each Council district has the approximate caseload below:

District 1 - 247 cases

District 2 - 159 cases

District 3 - 411 cases

District 4 - 167 cases

District 5 - 173 cases

District 6 - 97 cases

District 7 - 271 cases

Community Compliance also has two Special Projects: Commercial Vacant Building Ordinance and

the Blackstone Corridor.

### Commercial Vacant Building Ordinance

Currently, there are 42 active Commercial Vacant Building (CVBO) cases and four additional Notices have been issued since January 1, 2023. There are an additional nine cases that have been inspected, and the notices are being prepared. Seventeen cases have been closed because the property is no longer vacant or the owner maintained compliance for at least six months with no additional violations or complaints. Eight properties are being actively rehabilitated by the property owners, and an additional property is scheduled for demolition. All commercial vacant properties are inspected at least once a month. The more problematic properties are inspected as often as necessary to preserve public health and safety and prevent blight.

### Blackstone Corridor

We have a dedicated inspector who focuses on code enforcement issues throughout the Blackstone Corridor. The area continues to improve with increased oversight and security. The inspector regularly walks the project area and encourages property owners to apply for façade improvement grants and PG&E grants. Loitering issues in the area of Pep Boys and Advanced Auto Parts have improved after Pep Boys removed trees that were used as shelter, and Advanced Auto Parts management reports an increase in business. At the Fresno City Inn, new management is working on public nuisance issues at the property.

The closed IHOP suffered a fire that was intentionally set, and our inspector will be working with the property owner to motivate demolition of the building. Other businesses, like Grocery Outlet, Walmart, and Travelodge, are using 24-hour security and remain clean.

## **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 55 school areas.

Since the last quarterly report, the SAT has completed inspections and outreach in the following four school areas: Leavenworth (D7), Jefferson (D3), Winchell (D5), and Ayer/Sunnyside (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: Turner (D7), Bullard Talent (D2; D1), Viking (D4), and Slater (D1).

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 presented at the Parent Engagement Hour at Jefferson Elementary, Leavenworth Elementary, Turner Elementary, the Parent Resource Center Opening at Ayer Elementary, and took part in various community events, including D1's Townhall Meeting at Teague Community Center and Picnic In The Park at Inspiration Park. SAT also continues to reach

the community via social media in several languages.

### Abatement Team

The abatement team has completed 113 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. Since the last Code Enforcement report, the team has picked up 66,000 pounds of trash.

### Other Special Teams Highlights

- The Demolition Team has facilitated ten demolitions since the last Code Enforcement report; three completed directly by the City, and seven completed by property owners with Code Enforcement oversight and motivation. Additionally, two properties have been fully rehabilitated by the property owner after Code Enforcement motivation. Further, six demolitions are in progress, five demolition applications are in progress, five rehabilitations by owner in lieu of demolition are in progress, and eight applications for rehabilitation by owner in lieu of demolition are in progress.
- The Vacant Lots Team has achieved compliance on 98 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 120 high risk properties through fire season.
- The Tire Team collected 5,005 waste tires from various locations throughout the City since the last Code Enforcement report. An additional 603 waste tires were collected during the Waste Tire Amnesty Day event held in District 3 on Saturday, February 20, 2023. Another Waste Tire Amnesty Day event occurred on May 6, 2023, in District 5, and 1,106 tires were collected. Additionally, 132 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 72 administrative citations since the last Code Enforcement report. Seventeen covert camera units are now used to combat illegal dumping and address complaints received from residents and businesses.

### Administrative Team

The Administrative Team is managed by the Business Manager who oversees the accounting and clerical staff assigned to code enforcement.

### Assessment Hearings

Our Accounting Team, with help from Legal Staff, participates in quarterly assessment hearings. Most recently, these were held on February 7 and 8, 2023, and a total of \$155,854.40 was assessed. These assessments are for past due fines, administrative costs, and abatement costs, and they are assessed on the property owner's property taxes.

### Legal Team

The legal team continues to see success in obtaining inspection/abatement warrants and petitioning the court for receivership. The legal team also represents Code, Fire, and the Police Department at administrative hearings, and oversees the Eviction Protection Program.

### Receivership Highlights

Since 2016, the legal team has pursued petitions for receivership at 34 properties. Of these, the receiver was appointed, and the property was rehabilitated in 19 cases, and the property owner was

motivated to sell or rehabilitate in seven cases. There are an additional seven receiverships currently pending. Some examples of recent properties where the team has pursued receivership are as follows:

6991 N Van Buren (District 2): The current code enforcement case was opened in 2019. The owner is deceased, and the property is a vacant single-family home. An inspection and abatement warrant was executed on November 1, 2022, and the exterior of the property was cleaned. A second warrant was executed on December 6, 2022, to remove illegally parked and occupied RVs from the backyard. The petition for receivership was filed on April 5, 2023, and an initial hearing has been scheduled for September 6, 2023.

3079 E Weldon (District 7): This case was initially opened in January 2019, and was transferred to ASET in February 2022. Upon inspection by ASET, this four-unit complex was found to have violations including pest infestations, hazardous fire-burned structure, inoperable heating systems, plumbing leaks, lack of hot water, damaged windows, defective electrical components, and missing smoke and carbon monoxide alarms. A Notice of Violation was issued on March 3, 2022, and a Notice and Order was issued on May 6, 2022, to address the approximately 121 violations found at the location. Due to owners' continued failure to remediate, the City posted a Health and Safety section 17980.6 Notice to Abate for 90 violations on February 10, 2023, which is the first step to filing a petition for receivership. The owners sold the Property on April 6, 2023, and the new owner immediately entered into a compliance agreement with the City.

3893 E Braly (District 5): This property is a single-family home, and it has had an active code enforcement case since August 6, 2019. The property owner is deceased, and the property is vacant. Interior inspection was conducted pursuant to an Inspection Warrant, and a Notice to Abate was issued on February 24, 2023, for 39 violations. The petition for receivership has been filed.

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

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