

## Wednesday was a full day for Fresno code issues



# THE CITY BEAT

GEORGE  
HOSTETTER

Posted by George Hostetter on April 8, 2015

I'm working on a Fresno City Hall story for the weekend. The story is a bit "inside baseballish," as we say in the newsroom. Translation: It's full of players and details of such quantity and complexity that they're usually of interest only to true fans.

Yet, this story hits all Fresnans where they live. The topic: Code enforcement.

Wednesday was an especially rich day for City Hall code enforcement issues.

I'll begin with my afternoon.

The Mayor-Council Code Enforcement Task Force held its final meeting on City Hall's fourth floor. The task force was formed last fall and has been meeting regularly.

Mayor Ashley Swearengin, Council President Oliver Baines and Council Members Paul Caprioglio and Clint Olivier are on the 25-member task force. Nonprofits and real estate interests also are represented.

Matt Jendian, a Fresno State sociology professor (among his specialities -- community organizing), and Steve Hrdlicka, a local attorney representing the Fresno Apartment Association, are the co-chairmen.

The task force on Wednesday fulfilled its duty. The members delivered a report, a list of recommendations and the draft of a new Blighted Vacant Building Ordinance.

The context here should be familiar even to my Medicare card-carrying buddies from the Fresno Rugby Club.

\* Swearengin was elected in November 2008 on a promise to rejuvenate older neighborhoods.

\* It's a big job that will take decades to finish.

\* Swearengin is termed out in 21 months.

\* The much-ballyhooed 2035 general plan, the first major overhaul to the development code in more than 50 years, the fate of Fulton Corridor and Fresno's starring role in the birth of a bullet-train project that (for better or worse) has assumed national significance have combined to put considerable pressure on the mayor to do something dramatic about neighborhood blight.

\* That means code enforcement, the government's use of its police powers to encourage (or, if necessary, coerce) obedience of the city's rules for proper behavior when it comes to land-use issues.

\* Code enforcement is a tough job in the land of liberty.

The Mayor-Council Code Enforcement Task Force decided it would begin things by tackling a single (but very important) niche -- blighted vacant buildings.

Some highlights of the proposed ordinance (everything is directed at the property owner):

- \* Blighted building exteriors are a public nuisance.
- \* Yards of vacant buildings must be kept neat, including interior yards visible to the neighbors.
- \* Painted exteriors, to be deemed in compliance, but be at least 95% painted.
- \* All trash in the yard must be removed within 72 hours of getting a complaint.
- \* Graffiti must be removed within 48 hours of the tagging.
- \* Everything possible must be done to ensure the vacant building isn't used by criminals or the homeless.
- \* All potential openings to a vacant building must be secured so trespassers can't get in.
- \* The building owner can't use plywood to cover windows if those windows are visible from the street or sidewalk or alley. The owner can only use transparent covering.
- \* A property owner who doesn't follow the rules can expect the city to fix things, then send the bill to the property owner.
- \* A property owner who doesn't follow the rules can expect fines.
- \* A property owner who doesn't follow the rules day after day after day can expect City Hall to go to court. The property owner could lose his property.

Here are some highlights from the Task Force's list of recommendations:

- \* City Hall should do a city-wide survey of all residential properties. Owners of properties that don't meet the new standards will be warned to get with the program.
- \* City Hall should create a new type of inspector -- the Housing/Commercial Compliance Specialist. The specialist would hunt for blighted, vacant buildings and make sure their owners obey the rules. The city should have four of these specialists, all working as a team.
- \* The city should start a list with a confidential contact phone number (for the owner or manager) for each vacant residential building. This would allow the property owner to take action when a violation is identified rather than responding to a citation.
- \* The city should come up with a system of statistics to show whether there's any progress in removing blighted buildings.
- \* The city attorney by this summer should have a proposed ordinance that would create a "Receivership Program." In other words, City Hall must have a plan in place to separate an uncooperative property owner from his property.

So ... what's going on here?

For starters, there's the conviction by the Task Force that vacant, boarded-up houses with trashy yards hurt the stability of a neighborhood. If there are too many such houses, the neighborhood all but dies. A type of civic apathy afflicts the good people of the neighborhood. A critical mass of bad people is attracted to the neighborhood.

The reverse is also true. It takes considerable money and effort for a property owner to maintain a vacant house to the standards of the new ordinance. The only logical step for this owner is to get the house fixed up, then rent it. The house becomes a money-maker, not a money-burner. Neighborhoods fill with quality housing and tenants with an emotional attachment to their surroundings. Get enough of these neighborhoods in older parts of town and suddenly Fresno looks much different.

None of this thinking is new at City Hall. The key is action.

Should City Hall kick a bunch of property-owner fanny and take names later? Or, Fresno being a democracy full of opposing but legitimate interests, should City Hall try to walk that fine line between tenacity and compromise?

Are you on the side of slumlords? Or, are you on the side of communists?

OK, I exaggerate a bit, but only to make a point. The Task Force clearly is full of philosophical tension.

This was made clear by 90 minutes of chatter at Wednesday's Task Force meeting.

The first beef involved the interiors of vacant buildings, especially houses.

Here's what the Task Force's first recommendation says in part: "1. Repeal and Replace the Vacant Building Ordinance -- The current Vacant Building Ordinance governs external and internal code violations of vacant buildings ...."

The problem, as some Task Force members saw it, is that the proposed ordinance tackles only outside things -- building exteriors and yards. These members worried that property owners would fix the exteriors and yards to the new code, then rent a house full of interior code violations. In essence, Fresno's older neighborhoods would turn into a bunch of Potemkin villages with great exteriors and crumbling interiors.

Swearingin and City Attorney Doug Sloan tried to calm things. They said there are plenty of state laws, and plenty of city laws remaining on the books, to ensure that no house gets rented with tons of interior code violations. They said the Task Force can tackle interior code another day. They said: Let's do one important thing now rather than try to fix the world all at once.

In the end, everyone agreed to add a sentence to the proposed ordinance that gives the city the authority to require an interior code inspection any time the city wants it.

Far more interesting was the effort of Janine Nkosi, a Task Force member and a Fresno State sociology lecturer.

Nkosi knows her code-enforcement stuff. She gave everyone a one-page proposal. Nkosi asked that four items be added to the proposed ordinance or the ordinance's implementation plan. In a nutshell, they are:

The city should start an inspection program "before any newly unblighted properties are rented." This program would make sure the houses are A-OK to be rented to families. Under the proposed ordinance as it now reads, the property owner/manager does a self-certification on whether the house meets all code before its rented.

There should be a private attorney clause. This would enable a community group to take a property owner to court on code issues and collect attorney fees should the group win.

There should be a monthly public report on things like the number of properties found in violation of code and the amount of fines collected.

The city should start a vacant property registry. This would affect all buildings vacant for more than 60 days. The property owner on day 61 would begin paying this fee to City Hall. The city would use the money to do an initial inspection of the building and monitor the building until someone moves in. This registry is modeled after programs in Alameda and Vallejo.

Three thoughts on Nkosi's proposal.

First, I couldn't hear Swearingin's comments about all four of Nkosi's points. But I did hear Swearingin say she doesn't like the vacant property registry idea.

Second, there's got to be a reason a Task Force member like Nkosi pitches four amendments to the Task Force's proposals on the last day the Task Force meets. I'm guessing it's because the four amendments had already been pitched (probably more than once) and didn't get sufficient support to make it into the final product.

Third, the City Council is expected to get the Task Force's proposals on April 30. The council would vote on introduction of the new ordinance that day. It would vote on adoption of the ordinance on May 14. The new ordinance would go live on June 15. City Hall on July 1 would start knocking slumlord heads. The council isn't shy about making changes to Administration proposals. Nkosi isn't acting alone. She has powerful and persistent allies. She's got three weeks to lay the groundwork for an amended Blighted Vacant Building Ordinance that garners immense public support. This support would then convince the City Council to approve her amendments. I suspect I saw part of that effort on Wednesday.

Brad Hardie then got the floor. He represents the property-owner/landlord sector, and did so capably on this day. He said some owners of vacant buildings are already taking steps outlined in the proposed ordinance. He said owners of vacant buildings in the area bounded by Fresno Street, Belmont Avenue, Clark Street and McKenzie Avenue (north of Community Regional Medical Center -- about six blocks total in the area) have voluntarily removed all plywood coverings. He had photos. Most everyone was impressed. I finish my report of Wednesday afternoon at City Hall with an observation about two people at the meeting.

Rosalyn Clark, Fresno's long-time chief of the Neighborhood Watch program and a Task Force member, said her research shows three major code complaints by Fresnoans: Blighted buildings, barking dogs, abandoned vehicles.

Deputy Chief Pat Farmer represented the Fresno Police Department but was not asked to speak.

I mention Farmer because he was host Wednesday morning of 75-minute meeting that would have been of value to Code Enforcement Task Force members.

I'm talking about the Police Department's once-a-month Crime View session at headquarters.

Chief Jerry Dyer usually is in charge. Farmer said he was filling in because Dyer had a meeting at City Hall.

Crime View isn't open to the public, but non-police do attend. Wednesday's session included a handful of reporters (including me) and two members of the Fresno County Grand Jury.

Crime View is all business. Leaders of the city's four policing districts and several PD divisions (gangs, for example) go to a podium and explain public safety trends. Their timeframe is the past two weeks, the past four weeks and year-to-date. They compare crime statistics in 2015 to those for the same time periods in 2014.

My point here isn't to go into all the statistics. Car thefts remain a problem, but are down 15% from last year. Rape numbers are up, but Farmer said this may be due to a recent redefinition of the crime by the feds. Lt. Mark Salazar got my attention with photos and stories of Fresno gang members. Salazar said 45 guns have been removed from Fresno's streets so far this year.

The stats go on and on.

But, in light of the Code Enforcement Task Force's final meeting, two things from Wednesday's Crime View session stick out for me.

First, city code can make a cop's job easier or harder. For example, lots of young (and not-so-young) people like to gather at night in the huge parking lots of shopping centers and big-box retailers throughout the city. All sorts of trouble can (and does) follow. This trouble inevitably spills into nearby neighborhoods. PD would love to see property owners secure their parking lots at night so these gatherings can't occur. But code and cooperation aren't there yet.

Second, so much of the crime toll in Fresno neighborhoods is due to personal irresponsibility. Obviously, the bad guys

don't care. But they often have enablers in their circle of friends or family. And often the victims of property crimes are downright stupid. Hint to Fresnans: If you park your car at night in your driveway, don't leave the garage door remote in the car.

Bottom line: Slumlords are a serious problem -- but they're only a part of what ails Fresno neighborhoods.