

Code enforcement: New battleground for Fresno's future

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Fresno has its own migrant crisis, and its name is code enforcement.

Much of what follows was originally written as a news story. I've decided to rewrite the introduction, tweak a few areas and turn the piece into a City Beat blog.

City works to crack down on blighted houses

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Fresno's long battle against blight is ramping up. Nearly 1,000 properties are deemed blighted. John Walker
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The theme is two words I've written so many times I suspect they've become background noise: Code enforcement.

What is code enforcement? Where did it come from? Why is it so important to City Hall politicians? How did it come to define City Hall's complex struggle to get a handle on the unregulated movement of people?

I use the word "migrant" after considerable thought. It applies here.

Fresno's challenge has long been people migrating from old Fresno to new Fresno. The new challenge is getting people to migrate from new Fresno back to old Fresno. The challenge also is doing right for people who have migrated here from all parts of the globe. And the big challenge is whether to use the omnipotent hand of government to keep people from migrating to the home of their choice in the name of a higher social good.

There's breaking news to this blog.

City workers last week fanned through neighborhoods, looking for vacant



houses that have become a pox on the community.

There are more than 1,000 such blighted houses (and apartment complexes if more than half empty) in Fresno. City officials in late August sent warning notices to their owners.

The message: Clean things up or face the power of code enforcement.

The grace period was up Thursday.

“Our goal is not to write a ticket,” Mayor Ashley Swearingin said. “Our goal is to see a property well-maintained.”

Added code enforcement division manager Del Estabrooke: “We’re going to do everything we can to help the owners get that house ready to go.”



But that’s just the tip of the iceberg when it comes to code enforcement.



We weren’t talking about blight eight years ago when I ran.

Mayor Ashley Swearingin



Allow me to recall a phone conversation I had with a reader several years ago.

The woman called after I’d written several stories about a City Hall proposal to make it easier to take your neighbor to an official hearing over a public nuisance. I’ll dig deeper into the proposal later in the blog.



It’s sufficient here to note that the woman liked the idea, although the idea was already dead by the time she called me.



The woman said she lived alone. She didn’t have much money. She had a neighbor who played loud music at night. She was at wit’s end from lack of sleep. She couldn’t afford to move. The man wouldn’t listen to her complaints. The police told her to call City Hall. City Hall had other priorities.

Her life in Fresno was thoroughly blighted by a man seemingly outside the control of anything other than his own desires.

“Somebody should be able to help me,” she said.

I started to explain all the policy reasons why repeatedly knocking her head against against City Hall was a dead end. But I didn’t have a spare 12 hours, nor did she.

So, I gave her the truth.

“You’re doomed.”

I could tell by that point in our conversation that the woman had considerable strength of character. I wasn’t surprised when she laughed. But we both knew I was right.

The woman’s story is a partner, a complement, to the news about city workers now tracking down landlords with blighted vacant houses.

Code enforcement is about the injustice of decaying buildings. Code enforcement is about the injustice of uncivil behavior among neighbors. Code enforcement is about the injustice of everything between those two polar opposites.

Combine that with the twin pillars of the American ethos — individual liberty, across-the-board equality — and you get

a hint of the passion that's fueling Fresno's migrant crisis.

This blog is a bit long, but I take things slow and easy. It's a primer, ten brief stories told in a conversational tone on how we got to this spot in code enforcement, what City Hall has done recently with code enforcement, the effect of politics on code enforcement and what's next for code enforcement.

We'll barely scratch the surface. More blogs will come someday.

But before we get started, I suggest you keep in mind two things.

First, Fresno for most of its existence had the most effective code enforcement system known to humanity: Move.

Let's say you live happily in a neighborhood. The neighborhood is largely self-regulated when it comes to accepted standards of behavior. That's because just about everyone in the neighborhood thinks and acts like you.

Because the neighborhood works, as do a lot of other neighborhoods blessed with self-generating unity, the city works.

Then, in your eyes, things begin to go haywire in your neighborhood's social order. Maybe other houses become blighted. Maybe the neighbors' manners become blighted. The disorder spreads, perhaps to the schools. You don't like the old neighborhood anymore. So, you move.

You migrate from one neighborhood to another, seeking a better and more independent life. You find that new neighborhood with a common code of worthy values. These values are voluntarily embraced. You've found another home that suits you.

That's the formula that brought just about all of us to Fresno.

Of course, you wish good luck to those you left behind. Otherwise, you give them little or no thought. After all, you've got your hands full with your own life. You figure people can take care of themselves.

This scenario doesn't explain everything connected to Fresno's explosive growth after World War II, a city now 112 square miles and 515,000 people in size. But it's a good start.

The second thing to keep in mind as you read this code-enforcement primer is Swearingin.

Now, the mayor isn't the be-all and end-all when it comes to crafting quality-of-life policy in Fresno. The City Council is a player, too. And no one has more power in this regard than the federal government.

But I'm betting Swearingin, for good or ill, will be remembered in Fresno history as Mayor Code Enforcement.

Swearingin beat then-Council Member Henry T. Perea in the 2008 mayor's race on a promise to restore vitality to Fresno's older neighborhoods. (They are now identified as just about everything south of Herndon Avenue.)

She believes that Fresno's future depends on civic health in every corner of the city. She spent the last six-plus years creating plans to make this happen.

One of those plans is the new Vacant Blighted Building Ordinance that gave Estabrooke and his troops authority to begin cracking down on landlords last week.

Swearingin promises an end to sprawl. She says Fresnans must live closer together to save natural resources and protect the city's treasury. She says Fresnans must stop moving to suburban silos further and further from the inner-city. In the name of justice, she says, Fresnans must live with more diversity in their neighborhoods. High concentrations of poverty and racial/ethnic segregation must end.

Who defines "diversity" in a city that is more than 70% minority? The plans.

In the pluralist society that is Fresno, code enforcement makes or breaks this mayor and her plans.

We all remember from our 8th grade civics class the idea behind code enforcement. It's the idea behind self-rule.

Government is granted coercive powers to maintain order among the governed. But, these coercive powers come only from consent of the governed.

Can code enforcement acquire and apply enough power to create the mayor's new city while retaining consent of the governed?

The question is Fresno's future.

One other thing.

Oh, to have control of code enforcement.

Colorful history

Most people know better than to foul their own nest. Still, rules help.

Fresno's first ordinance came in October 1885, soon after the city was incorporated. The law dealt with the bonding of city officials. City leaders repealed it a month later.

That seemed to set a tone.

Fresno's commissioners (similar to council members) in 1927 banned the sale of toy balloons filled with combustible gas. A string of explosions in the hands of little tykes provided the legislative spark.

Commissioners in 1931 passed a public health law prohibiting dance marathons. They amended it the following year to also forbid marathon flagpole sitting. That put an end to the dream of 21-year-old Betty Fox to sit for more than 105 hours (the world record at the time) on an 87-foot flag pole atop the Hotel Fresno.

In another omen for Fresno-style lawmaking, a Superior Court judge in 1935 declared the entire law invalid. The judge said Fresno was taking its code enforcement duties too far.

"Pity the law abiding citizen in Fresno!" The Bee wrote in 1938. "The poor fellow has 2,363 city ordinances to remember not to disobey."

You could ride a bicycle on most sidewalks, but had to get off when a pedestrian approached. It still was against the law to frighten the horses.

Things got serious after America entered World War II. The commissioners on Dec. 18, 1941 passed a blackout ordinance. When the alarm sounded, you had one minute to extinguish all lights except those within a "blackout" structure. Violators faced up to three months in jail.

Peace came in 1945, but there was no returning to a simpler time. Fresno grew by more than 50% to almost 92,000 people between 1940 and 1950. The population would nearly double between 1950 and 1970. People were moving here from throughout the nation. People were moving here from throughout the world.

Two trends came to dominate much of American life. The first, growing out of the Great Depression (in other words, the New Deal) and the need to win the war, was a strengthened faith in the scientific management of public life. The second was a reappraisal of the meaning of equality, especially equality of opportunity.

Fresno's law books felt both trends.

The commission in May 1952 began codifying — bringing a sense of order — to some 4,000 laws stored in sundry files.

“I, and I imagine each of you, have had considerable difficulty in finding out what the law is,” Public Works Commissioner James Snedeker said. “I pulled out one ordinance a while ago and found 19 amendments to it. This is a condition, with 4,000 or so ordinances, which we ought to correct.”

Thus was born Fresno’s municipal code.

The commission in January 1953 warned that the city’s form of government couldn’t keep up with modern times.

“Fresno has experienced in the past few years a tremendous growth both in size and population undreamed of 30 years ago,” the commissioners said in a formal statement.

Thus sounded the alarm that led to City Hall’s commitment in 1955 to a master-planned city, a first in Fresno history.

(The Bee ran an 18-part series at the end of 1955 about the value of land-use planning. It was such a hit with Fresnoans from every walk of life that The Bee reprinted the series in a handout. Don’t let anyone in 2015 tell you that the men and women of mid-20th century Fresno were ignorant of good government.)

And the City Council (which replaced the commission the previous year) in December 1959 gave code enforcement officers for the first time the power to write citations. City officials until then had few options other than to arrest someone or file a criminal complaint.

City Attorney John Lauten said this new citation-writing power would, if properly used, help Fresno.

“Improperly used,” Lauten said, “it will cause nothing but trouble.”

Unexpected crisis

Then came Ashley Swearengin.

To be sure, much happened on the urban renewal front in the half-century between the first code citations and the arrival of the city’s 23rd mayor.

President Lyndon Johnson’s Great Society, with its emphasis on quality housing and community organizing, was probably the most ambitious effort to heal inner cities. But none of it reversed the steady deterioration first noticed by Fresno City Hall in the 1950s.

Swearengin in 2008 found herself in a field of 11 candidates trying to succeed termed-out Mayor Alan Autry. The rebirth of inner-city Fresno was her campaign theme.

“Fresno has the highest number of neighborhoods in concentrated poverty of any other large city in the United States,” she said. “We cannot be a top-tier city in California if we do not address the conditions in these neighborhoods.”

Swearengin took office in January 2009 and within months was touting progress in the Lowell neighborhood north of downtown.

Lowell, she said, is the “demonstration ground” for her plans.

Swearengin at a news conference said 97 code cases in Lowell had been resolved and another 175 citations were ready to be filed.

We have a receivership program. A lot of developers have said, ‘We’d like to be a receiver.’

Code enforcement boss Del Estabrooke

Then the Great Recession hit. Swearingin's work took two paths.

She moved ahead with the same kind of dramatic policy-making reforms that marked City Hall in the 1950s.

For example, Swearingin in January 2010 convinced the City Council to hire a Pasadena urbanist to design plans for the Fulton Corridor area and the 11 square miles that had been pre-World War II Fresno.

And the City Council in April 2012 agreed on an anti-sprawl theme to guide experts writing the 2035 general plan, the growth blueprint that got council approval in December 2014.

At the same time, Swearingin cut services to keep the city afloat. For instance, the administration in March 2011 sought council approval to cut 19 positions from code enforcement.

Then-City Manager Mark Scott said the administration also would take a different approach to code enforcement: Fewer citations, more persuasion.

"We're trying to help people help themselves," Scott said.

Some council members grumbled, saying they preferred tough love. But the financial crisis meant code enforcement challenges would quietly fester.

Sudden retreat

By 2013, the money picture brightened, and Swearingin returned with enthusiasm to the revitalization fight.

In September 2013, for example, she welcomed U.S. Transportation Secretary Anthony Foxx to town. It didn't hurt that Foxx brought a nearly \$16 million grant to restore car traffic to Fulton Street, another piece of Swearingin's vision.

The administration also went to work fixing recession-battered code enforcement. But where to start?

An answer came on July 31, 2014 when City Attorney Doug Sloan pitched an unusual bill to the City Council.

Every Fresnan potentially would be a code-enforcement cop.

The proposed law was aimed at public nuisances. They included piles of junk, tall weeds and the old Buick parked on the front lawn.

Blighted residential buildings made the list, too.

The idea was to fix a customer-service failure caused by the sheer volume of code conflicts in a city of Fresno's size.

The typical scenario has a neighbor calling code enforcement. The next-door neighbor, for example, keeps chickens.

The code enforcement division gets lots of work. The complaining neighbor seeking might wait a long time for satisfaction.

In Sloan's proposal, the upset neighbor would bypass code enforcement. The first step would be a letter from complaining neighbor to chicken neighbor, explaining the beef. Ultimately, the two sides could end up in front of an administrative hearing officer with the power to say who is right and who is wrong.

Things wouldn't be risk-free for the complaining neighbor, who would pick up the city's costs if the chickens won. But the basic idea — give everyone a swift day in court — would prevail.

And it was that day in court that was the proposed law's prize. For the first time, such a prize would be within the easy

reach of each and every Fresno. No more would code-enforcement justice belong solely to the discretion of city workers.

A divided council approved the bill's introduction.

The bill was a hit in many quarters. People called The Bee, asking how to take the devotee of loud all-night music to court. Social-justice groups, thinking of indifferent landlords, wanted to make sure they could file complaints on behalf of tenants.

In the end, the council didn't adopt the bill (the necessary second step). Some council members worried about fights among neighbors. Others worried that long-established neighborhoods, whose residents were comfortable with a live-and-let-live attitude toward their neighbors' minor code infractions, would be torn apart by complaints filed by nit-picking outsiders.

The Sloan bill was tabled. "It's going to come back," Council Member Lee Brand said at the time.

It hasn't.

Confused judgment

City Hall early this year tackled code-enforcement reform from a different angle.

Hearing officer Ed Johnson was the target.

Somebody getting a code enforcement citation has an easy solution: Fix the problem and pay any fine.

The latter is \$250 (up from \$200 earlier this year). The fine can be per violation per day. The bill can skyrocket very quickly.

The city also can seek reimbursement for fixing the problem itself (called "abatement" costs).

Or, the person can appeal.

Council Member Lee Brand wants code-enforcement appeals cases to be deemed public records viewable at the City Clerk's Office.

Johnson is a lawyer living in Mariposa. He worked for 22 years in government, holding land planning and development jobs in several California cities. He has considerable experience with dispute-resolution processes.

The City Council approved Johnson's three-year contract in fall 2013. He makes \$100,000 a year.

According to city records, code enforcement generated 9,888 cases (each case does not lead to a citation) in fiscal year 2014 and issued citations totaling \$2.3 million in fines. In fiscal year 2015, there were 9,201 cases and \$1.74 million in fines.

Several hundred people have appealed their citations since Johnson began.

City Manager Bruce Rudd sent two bills to the council in March.

Rudd wanted the appellant to pay the full amount of the fine/abatement costs when filing the appeal. The appellant in victory would get her money back.

And, should the appeal be denied, Rudd wanted a guarantee that the city would recover the full fine and abatement costs.

According to the staff report, "the hearing officer may reduce these costs if they determine they are unnecessary or

unreasonable.”

Bottom line: The administration looked at Johnson’s record and decided he was a soft touch for appellants. However, the administration didn’t say exactly how much Johnson’s alleged sensitivity had cost city coffers or whether certain appellants got most of the breaks.

The council approved the bills’ introduction, then “laid over” both until staff returned with clarifications. They remain laid over.

Code enforcement is pretty goofed up.

Council Member Steve Brandau

What happened?

Council Member Steve Brandau said the plan was to isolate Johnson by hiring another hearing officer. Johnson would be shunted to one side until his contract expired. The other hearing officer would handle big money appeals.

One confusing thing led to another, Brandau said, until the city admitted it had no legitimate gripe with Johnson.

Rudd confirmed the second half of this scenario.

Code enforcement, Brandau said, “is pretty goofed up.”

Differing opinions

At the same time, community values took center stage.

Swearingin and the council in October 2014 started the Code Enforcement Task Force. The mayor and Council Members Oliver Baines, Paul Caprioglio and Clint Olivier were among the 25 members. The others included business and nonprofit leaders.

The mission: Find the best use of scarce code enforcement resources.

The task force in its first phase focused on vacant blighted housing.

Fresno City Hall has a history of such concern. Mayor Floyd Hyde (1965-69) was active nationally at that tumultuous time in the Urban Coalition, a group dedicated to solving problems tied to race and poverty. Hyde later became a top official under President Richard Nixon at the Department of Housing and Urban Development.

The activists wanted to tackle both the inside and outside of blighted housing. Others, including Swearingin, wanted to start with the outside. The mayor’s side won.

“We’ve developed a much more aggressive strategy to make immediate improvements in our neighborhoods,” Swearingin said in April as the task force finished its work.

The fruit of that work was the Vacant Blighted Building Ordinance that went to the council in the spring.

Perhaps the most eye-catching part of the new law was the ban of plywood as a security cover for windows visible from a public right-of-way.

Task force members said plywood on the windows of a single house sends a bad message about a neighborhood. Multiply by a dozen vacant houses and the result is devastating, they said.

City officials said science has created covers of clear material just as strong as plywood. Not even the failure of one such clear material at a city-sponsored demonstration could quash the sentiment.

Swearingin on May 13 went to the Yokomi neighborhood near downtown to announce her “Restore Fresno” initiative.

“More than two-thirds of our neighborhoods south of Herndon are either in poverty or extreme poverty,” Swearingin said. “That happened over a long period of time.

“Changing those conditions will take deliberate action and a strong partnership between the community, property owners, businesses and local government.”

The council on May 14 passed the new blighted building law.

But there was discord. Five members of the task force wrote a minority report. They said code enforcement must do more. They said City Hall must waste no time in starting the second phase of the Code Enforcement Task Force.

In particular, the minority report stated, “we need unprecedented leadership.”

Staying busy

There are two ways to look at that demand.

The first is from the mayor’s perspective.

Swearingin said she is moving fast on other parts of the new blight law. Among the next steps is creating a city-maintained registry for houses expected to be vacant for more than 30 days.

Swearingin said the registry gives the city a heads-up on properties that might decline into blight. The registry also provides a phone number to call when there’s trouble, such as someone breaking into the house.

The 1,000-plus vacant blighted houses (plus apartment complexes more than half empty) were identified through a “windshield” survey done by city workers driving around town in cars. The definition of “blight” covers more than plywood window coverings. Tall weeds and piles of trash are among the other no-nos.

Code enforcement’s Estabrooke said 40 to 50 houses can be handled per day.

Code enforcement was beefed up from 20 to 28 people in the new budget. Last year there was one four-person neighborhood revitalization team headed by Elaine Robles-McGraw. The team worked with colleagues in code to improve specific neighborhoods such as Lowell, Yokomi, Kirk and El Dorado Park.

Robles-McGraw has retired. Her successor will direct two four-person teams.

“Elaine blazed the trail,” Swearingin said.

Estabrooke also is creating a four-person blight team that will target other issues. Look for illegal dumping to be an Estabrooke priority. Technology will be his best friend.

Throughout Fresno, and especially in south Fresno neighborhoods which are predominately low-income residents of color, there are hundreds of blighted properties.

Leadership Counsel for Justice & Accountability lawyer Ashley Werner

Looking ahead, the mayor said she will focus on the work of five new task forces: Restore Fresno, Downtown, Economic/Industrial Development, Trails, Blackstone Avenue.

“There’s so much to do,” Swearingin said of her last 16 months in office.

Which raises the second way of looking at the minority report’s leadership plea.

Will the 2016 mayor's race revolve around who can best deliver Ashley Swearengin's third term and keep all those plans in motion?

Or will a candidate promise a fresh start?

The race has yet to get its legs. Fresno County Supervisor Henry R. Perea, often rumored as a candidate, said he's focused on his current job. Brand, the only announced candidate and a supporter of much of the mayor's vision, said he might tweak a thing or two but will largely stay the course.

Some within the administration say Swearengin has created a juggernaut of transforming policy. There's the 2035 general plan; a specific plan for Fulton Corridor (so long, Fulton Mall); a community plan for the area around downtown; a recycled water plan; a surface water plan; a Bus Rapid Transit plan; a Downtown Fresno Partnership plan; a master plan for parks; a development code (the last two yet to arrive on the council dais).

Swearengin said she is laying a foundation that mayors for the next 20 years would do well to build on.

"I'm doing all I can to get everything in place before I leave," Swearengin said. "Then I can hand it off to the next person, whoever he or she is, and say, 'All right, the vision was set. We've changed policies. We've changed regulations. We've changed programs. We've recruited investment capital. Here you go.'"

"It's all about execution."

Rising power

Nonprofits are changing Fresno's view of code enforcement.

They are well organized and aggressive. There was nothing like them when Floyd Hyde was mayor 50 years ago.

These nonprofits aren't rich. Faith in Community, for example, had expenses of about \$322,000 in 2013. The money came from donations and foundations.

Nor is it clear how many nonprofits have their eyes on City Hall. Leaders of key nonprofits describe themselves as flexible "partners." Coalitions arise and dissolve based on issues.

But certain nonprofits — among them Faith in Community, Fresno Building Healthy Communities and Leadership Counsel for Justice & Accountability — have become strong voices at City Hall.

A priority is pressuring City Hall to use its policing power to fight blight, regulate landlords and ensure quality housing for all.

Blight is a "plague" on Fresno, said Sandra Celedon-Castro, a top official with Fresno Building Healthy Communities.

"It comes down to this — the city needs to do its job," Celedon-Castro said. The city "should take the necessary steps against slumlords and enforce the ordinance. That includes making sure folks are taking care of their properties, enforcing fines when they are not and taking necessary steps to strengthen code enforcement."

City officials said Fresno has about 190,000 housing units (houses and apartments). By one estimate, about half of all Californians are renters.

Faith in Community Executive Director Andy Levine said many low-income renters shrink from demanding blight-free neighborhoods.

"They are folks who don't have a lot of other options," Levine said. "In many cases, they feel they don't have the power to expect the law to be applied."

“Tenants aren’t asking for anything luxurious. They expect conditions to be up to state health and safety standards.”

Leadership Counsel attorney Ashley Werner said ending blight by itself won’t fix what ails troubled areas.

“The city also has to show it is investing in existing neighborhoods and giving residents opportunities to live throughout the city,” Werner said.

The second of Werner’s points refers to the federal Department of Housing and Urban Development’s recent Affirmatively Furthering Fair Housing Rule, which requires cities to have low- and moderate-income housing in all neighborhoods.

Two specifics gnaw at the nonprofits.

The first is transparency. They said city officials say City Hall has been slow to comply with their requests for public records.

The second is JD Home Rentals.

Faith in Community sponsored a full-page ad in the Aug. 26 edition of The Bee titled “The City of Fresno has the power to topple slumlords. Will they use it?”

There were photos of six run-down buildings. JD Home wasn’t mentioned by name. But at least one building belonged to the company.

Levine said the nonprofits are focused on a systemic problem, not a certain landlord.

At the same time, Levine said, he talks to many renters about blight.

“The name of JD Home comes up frequently,” he said.

King customer

JD Home Rentals has a simple mission, said operations manager Bryce Hovannisian: “We’re here to serve.”

Hovannisian said his great-grandfather Kasper settled in Chicago after fleeing the Armenian genocide that killed Kasper’s family. Kasper and his son John (Bryce’s grandfather) made their way to Tulare to ply their trade as barbers.

The modernization of Highway 99 in the mid-20th century meant houses in the right-of-way were demolished or moved. Hovannisian said his Kasper and John pooled their money, bought a house and sold it for a modest profit.

The Hovannisian men were done cutting hair.

“The intent is to provide affordable housing,” Hovannisian said. “We buy with the intention of holding and renting nearly indefinitely.”

The buying and renting began in Fresno in the 1970s. Some 20 years later, Hovannisian’s father, David, started JD Home Rentals to manage the family’s holdings.

There has been trouble along the way. City Council Member Bob Lung in 1993 demanded that City Hall force the Hovannisians to sell some 250 properties that, he said, had fallen in disrepair. A tenants group in 2014 sued JD Home in 2014, alleging the company fails to comply with state standards for rental housing.

Company officials denied the lawsuit’s allegations.

We have plans for getting our message out there.

JD Home Rental operations manager Bryce Hovannisian

Bryce Hovannisian declined to say how many Fresno housing units the family owns. Estimates among community activists range from 3,000 to 4,000.

“We have a sizeable inventory,” Hovannisian said.

People need a place to live, he said. Many of the company’s customers are of modest income. Many tend to move often.

“That’s our niche,” Hovannisian said.

The company’s inventory shot up during the Great Recession. Homeowners, underwater on their mortgages, walked away. Banks were desperate to unload foreclosed houses. The Hovannisians bought many.

“There are a lot of homes in Fresno,” Hovannisian said. “Just because we’re a large stakeholder doesn’t mean we’re the only option. If we weren’t treating our customers fairly, they wouldn’t be our customers anymore.

“Everybody is on a month-to-month lease. Nobody is stuck with us. We work very hard to make sure people are taken care of promptly.”

Hovannisian said JD Home employs one of city’s largest private trash services just to haul away all the illegal dumping on its properties. He said vandals recently stripped a JD Home property of its electrical wiring just hours before renters were to move in.

I asked Hovannisian if his family’s empire, because of its size and the importance of its services to legally-protected classes such as the poor, minorities and immigrants, was rapidly turning into public utility. After all, the Hovannisian niche is heavily regulated. Even more regulations are inevitable.

For all the chatter about the alleged evil of JD Home Rentals, the empire seems destined to become a quasi-government entity.

Hovannisian said the company remains a private enterprise.

Hovannisian said JD Home’s operations are always evolving. Tenants can use an app or the Internet to ask for repairs. Company employees record and photograph everything when they fix a code issue, then make sure City Hall gets the message.

Hovannisian said JD Home’s properties will comply with the new blight ordinance.

“We don’t have any pressure on our back,” Hovannisian said. “We know the rules and we follow them.”

Hovannisian pointed to a photo of a blighted vacant house in the Bee ad. It’s an old photo, he said. He then showed a photo of the house after a rehab.

“It takes time,” Hovannisian said.

Taking action

City Hall is moving swiftly on several code-enforcement fronts.

City workers began reviewing vacant blighted houses and apartment complexes on Thursday morning.

The first stop for Estabrooke and code enforcement supervisor Howard Lacy was a house on P Street, one block north of City Hall. It was among more than 2,100 vacant residential buildings identified by the city during a recent

survey. About half were found to be in compliance with code. This house on P was in the non-compliance group.

The property owner apparently got the message. Remodeling work was underway. Estrabrooke said the city will make sure the work continues.

The next stop was a two-story house on Divisadero Street, north of Dickey Playground. It had been boarded up. The front yard had been a mess.

The house and grounds were immaculate on this day.

Lawrence Wright walked by before Estabrooke could speak.

“What happened?” said Wright, who said he is homeless and has been living in the area for years. “It’s beautiful.”

Then came a two-story apartment complex on Yosemite Avenue, near the Cultural Arts District. Many units had front windows covered with plywood. A portion of the roof visible from the street was coming apart. A cardboard box under an outdoor stairwell suggested a homeless person had been staying there.

“Who’s this one belong to?” Estabrooke asked Lacy.

“JD,” Lacy said, as in JD Home Rentals.

“We’ll open a case file,” Estabrooke said.

Hovannisian in an email on Friday said the homeless person had been escorted away that day. He said the complex would soon be brought up to code.

Back at City Hall, hearing officer Johnson this week will hold what he calls “assessment hearings.” These come several times a year and involve hundreds of properties whose code-enforcement assessments (fines and abatement costs) have gone unpaid.

The city’s aim is to put liens on the properties. A lien affects an owner’s ability to sell the property until the debt is paid. Such a step means an automatic appeal.

Johnson said most appeals aren’t contested. However, enough property owners show up to require two days of testimony.

The upcoming hearings total more than \$1 million in assessments. Johnson said the hearings routinely involve more than \$1 million. Some of the properties have more than \$10,000 in unpaid fines and abatement costs.

Brand described Johnson’s hearings as “the people’s courtroom.” Brand said he expects City Hall’s crackdown on landlords and the public’s growing focus on public nuisances will lead to an “onslaught” of appeals.

Brand said he will bring to the council on Sept. 24 a handful of reforms to the appeals process. They include better public noticing of hearings and stronger oversight of the hearing officer by the City Attorney’s Office.

Brand also said the city should take stronger action to get its money. He recommends going to small claims court for unpaid bills of more than \$1,000. He says the city should consider lien foreclosures when the unpaid bills exceed \$10,000.

In some instances, Brand said, things could end with the city owning the house, then selling to get its money.

Lien foreclosure, Brand said, “is our final hammer.”

Points of view

Finally, two pieces of Fresno's 112 square miles highlight the range of code enforcement's reach.

The first is room 2165 at City Hall, where Johnson hears code enforcement appeals.

Each hearing is given 30 minutes, although some go longer. Testimony is recorded and given under oath. It's City Hall on one side, the appellant on the other. Landlord tempers flare occasionally.

On Aug. 12, Johnson heard the tale of 2223 S. Lotus Ave., a fire-damaged house in southwest Fresno.

The city wanted the owner to rebuild or tear it down. City revitalization specialist Jesse Morrison said the site was a magnet for the homeless. Bad things happen in the unsecured basement.

The city sought Johnson's approval to raze the structure at city expense, then recover its costs from the owner. The city can't raze a house without Johnson's OK.

Jon Azimov, the owner's agent, asked for more time to rebuild. He said it makes no sense to plague the neighborhood with an empty lot.

Johnson gave the owner more time to show good faith.

Johnson on Aug. 25 heard the case of Jerry Thompson, owner of a small apartment complex at 329 N. Diana St. in the Yokomi neighborhood.

City revitalization specialist Esko Siipola in his report said the complex was blighted by dog feces, weeds and piles of junk. Siipola said efforts to get Thompson to fix things met with initial success, then backsliding.

Thompson appealed the fine. City documents quote Thompson as saying his attempts to beautify the complex were overwhelmed by crime. His tenants parked their cars in the front yard rather than the carport because of crime. The dogs were necessary because of crime.

Thompson said landlords were scapegoats for the ills of society. He said it's not his fault that City Hall can't stop the violent crime that drives law-abiding tenants to desperate measures and the illegal dumping of epic proportions that causes so much blight. The landlord is simply the easiest person for City Hall to catch, Thompson said.

"I've done everything I can to accommodate the city," Thompson said. "It seems I can't win."

Johnson sympathized, but said the city was right.

"There's always somebody who's not happy," Johnson said after the hearing. "Usually it's both sides."

Then there's Lotus Avenue.

Brenda Graves lives in a rental house across from the burned house.

"I'm really glad," Graves said of the city law against plywood window coverings. "It's ugly."

Graves said there's a human element to blight, as well.

"People come in and do things they shouldn't," she said, pointing to 2223 S. Lotus.

"My grandkids come here. It's not safe."

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