

MINUTES
10x10 Blue Ribbon Affordable Housing Meeting
Thursday January 25, 2007, 4:00 p.m.
Fresno City Hall, 4th Floor, Meeting Room 4017

Committee Members Present: Gregory Barfield for Cynthia Sterling, Fresno City Council
District 3 (Co-Chair)
Keith Bergthold, City of Fresno (Chair)
Michael Sigala, City of Fresno
Dan Fitzpatrick, Lantana Investment, LLC
Rev. Sharon Stanley, FIRM
Paul Werfelmann
Sara Hedgpeth-Harris, League of Woman Voters
Jess Negrete, Central California Legal Services
Lee Brand, Westco
Dennis Woods, United Security Bank

Others Present: Ruben Diaz, City of Fresno
John Robertson, City of Fresno
Bill Ross, City of Fresno
Deborah Ruiz, City of Fresno
Ken Phillips, Labor Rel. Manager (for Bond, Personal
Services Director)
Greg Wiles, City of Fresno
George Smith, City of Fresno
Kim Thompson, Fresno Medical Society
Carol Casey
Kevin Hamilton
Dan Fitzpatrick, Jr.

Absent: Veda Ramsay, The Ramsay Group
Ned Stacy
Robert Wood, Generation Homes

A. Call to Order

Meeting called to order at 4:10 by Keith Bergthold. Keith Bergthold stated that item four on the agenda has been removed.

B. Introductions

Attendees introduced themselves

C. Approval of Minutes

Sara Hedgpeth-Harris stated that the minutes did not state that there was a consensus by the committee regarding her subcommittee's recommendations. Keith Bergthold stated that a lead agency needs to be designated before consensus by the committee. Sara Hedgpeth-Harris made a motion to approve the minutes. Michael Sigala, seconded the motion, minutes approved.

D. Innovative Code Enforcement Subcommittee Report

Sharon Stanley presented the Innovative Code Enforcement's subcommittee report. In the City of Fresno, more than half of the residents live in rental properties. There are five essential partners necessary to have successful, proactive code enforcement. These partners include: Code Enforcement Department, City Attorney, Anti-Slum Task Force, Community and Health Partners, and Tenants. The goal of proactive code enforcement is to bring 3,600 substandard units into compliance. The first objective is to link necessary departments and entities to enact a vision of Proactive and Community Engaged Code Enforcement. This objective would be accomplished by increasing the number of City Attorney's dedicated to Code Enforcement cases, and engaging community partners. The second objective is to strengthen deterrents against code violators. The Housing Standards Team was created to address sub-standard housing conditions in rental complexes. The Housing Standards Team has begun to use the Real Property Ordinance to fine property owners if they do not maintain their properties after being notified by the Housing Standards Team. In the Receivership Model, the City fronts the cost for correcting the code violation. If the owner does not reimburse the City, the City takes the property. Another tool to accomplish objective #2 is to engage agencies such as Fire, Police, and others with Code Enforcement for Multi-agency sweeps of property owners who are frequent code violators. To accomplish the goals of objective #2, Code Enforcement needs more code inspectors to inspect, educate and train community members to report sub-standard housing conditions. The City Attorney must also implement the Real Property Ordinance and Receivership models to create a Proactive Code Enforcement.

The third objective would be to develop and publicize a clear checklist of code violations. Many code violations can seriously affect a tenant's physical health. 10% of the states of California's lead cases are in Fresno. In 2006, approximately 37%-47% of Fresno residents reported asthma and respiratory illness. Community leaders need to be educated regarding substandard housing and its link to health problems. The fourth objective is to provide systematic inspection of code-offending rental units. At this time, there are approximately 17,000 dwelling units that are considered substandard. These systematic inspections would target properties that have frequent code violations. The fifth objective is to develop assertive and proactive City support against code violators. Currently there is only one City Attorney devoted to work on code related cases. No proactive Code Enforcement policy can be implemented without adequate legal staff to support the code enforcement department. Every additional attorney would work approximately 130 cases per year. Cities such as Sacramento have five city attorneys dedicated to code enforcement. The sixth objective is to create a pilot program of proactive and community engaged code enforcement. Community involvement is essential to effective code enforcement. These community based programs should be funded through state matching funds and other health/community based organizations.

Objectives seven, eight, and nine, provide support for tenants reporting substandard properties. If the tenant is not legally protected from reprisals from landlord, then the relationship between Code Enforcement and the tenants will not exist. The seventh objective is to develop and implement a "just cause eviction control ordinance." Just cause eviction controls are laws that protect renters by ensuring landlords cannot evict tenant without proper cause. Once tenants have complained about the conditions of the premises, the landlord is subject to a 180 day waiting period.

The eighth objective is to enact a local amendment/ordinance to require working cooling systems in Fresno rental properties. Current applicable codes do not require cooling systems. Poor air quality costs the central valley more than 3.2 billion dollars in health costs. The ninth objective is to develop a city relocation program. The relocation program would help tenants who are displaced due to rehabilitation projects. The tenth objective is streamlining planning and permitting for blighted property rehabilitations. Profit and non-profit entities working with the City of Fresno on blighted properties have encountered confusing processes and inconsistent understandings between departments. Streamlining the development process would increase the number blighted properties that have rehabilitated.

Lee Brand asked Sharon Stanley where she found the statistics that state that the City of Fresno has 17,600 rental units that are considered substandard. Lee Brand said that he works with the Apartment Association and that some of these objectives do not consider the landlord's issues with tenants. Keith Bergthold stated that these recommendations should have enough protections for landlords and tenants. Lee Brand recommended that the Apartment Association be included as a partner in proactive code enforcement. Lee Brand said that he was concerned that if the City had a mandatory relocation program, it may discourage owners to rehabilitate their property.

Sara Hedgpeth-Harris asked if the Code Enforcement Subcommittee is identifying who is responsible in each of these implementation steps. For example, in the first objective, who would be responsible for reporting the number of substandard units that are compliant? Who would be responsible for creating community partners and what is the time frame for accomplishing these goals?

Sara Hedgpeth-Harris asked if a specific apartment complex could be targeted as part of the implementation steps. A member of the public asked what are the landlord's remedies are if their property was damaged by a tenant? Jess Negrete stated that problems arise between tenants and landlords when there is inadequate management or the landlord is absent. The landlords also need to be educated.

Keith Bergthold stated at this time the committee needs to look at every objective and either reach a consensus or consider some revisions for each objective. For objective one, Sara Hedgpeth-Harris asked how you can measure the effectiveness of departmental cooperation for proactive code enforcement. Ruben Diaz stated that city departments and groups are meeting regularly and that we should see results fairly soon.

Objective 2: Greg Barfield asked if it is the intent of the Code Enforcement to submit a request for additional code inspectors to budget. A member from Code Enforcement said the request for additional code enforcers was submitted last year and was rejected. Greg Barfield asked what is the City Attorney's Office position regarding increasing the number of City Attorneys working on Code Enforcement cases. Ruben Diaz replied that City attorney's office is not getting a seconded attorney to work exclusively on code cases. Greg Barfield said that Attorney's and Code Enforcement work should go hand in hand. He asked what would be the point of having more inspectors if there are not enough attorneys to follow through with the code cases. Sara Hedgpeth-Harris asked if the code inspectors can shift priorities. Ruben Diaz stated that shifting priorities may be difficult because you have different levels of inspectors. They may not be able shift their duties. Sara Hedgpeth-Harris asked how we are going to count the 3,600 units that have

become code complaint. Ruben Diaz stated that we are already keeping documents on known properties that are considered to be substandard. Sara Hedgpeth-Harris asked how to get access to the list of substandard properties. Ruben Diaz said that Code Enforcement has a reporting system and can make any reports available when requested.

Objective three: Lee Brand said that Education and the Apartment Association should be included in the objective. Dan Fitzpatrick said that education is an ongoing thing, not necessarily a “measurement” per se. A member of the public asked if the subcommittee has explored a relationship with county health. Both Sharon Stanley and Ruben Diaz said that county health has been involved in the meetings. Ruben stated that the first Monday of every month, he meets with City Council staff.

Objective four: A person recommended that systematic inspections should target landlords who are frequent code violators.

Objective five: A person suggested that the objective should state, “Develop Assertive, Proactive City Legal Support *Against* Code Violators.”

Objective six: Keith Bergthold asked where the money was coming from to fund a pilot program. Sharon Stanley said that under “implementation steps” we need to pursue grant funds through state matching funds and other health/community based partner sources.

Objective seven: Lee Brand said that he is afraid that this policy has a potential to be abused by tenants. Kevin Hamilton stated that a qualification for this policy is that a tenant must be current on rent. Jess Negrete said if a tenant is living in substandard housing conditions, they are not required to pay rent. Keith Berthgold said that there needs to be modifications to objective seven.

Objective eight: Lee Brand stated that this objective may difficult for landlords because it is a difficult at times to repair a broken cooling system in a timely matter. Jess Negrete stated that the ordinance just requires an adequate cooling system. Sara Hedgpeth-Harris asked how do you define an adequate cooling system.

Objective nine: Dan Fitzpatrick said change the language “revitalization” to “renovation.” Lee Brand is afraid that Objective nine would take away a property owners incentive to rehab their property. Mike Sigala suggested that objective seven and nine should be taken out until the appropriate parties are taken into consideration. Keith Berthgold said that we are not going to get consensus on this issue and therefore the discussion should be tabled. Discussion was tabled.

Meeting adjourned at 6:20 p.m.