



Memorandum

TO: MAKING GOVERNMENT
WORK BETTER COMMITTEE

FROM: Stephen M. Haase

**SUBJECT: CONCENTRATED CODE
ENFORCEMENT PROGRAM
STATUS REPORT**

DATE: September 9, 2004

Approved:

Date:

BACKGROUND

On April 14, 2004, the City Auditor provided an overview to the Making Government Work Better Committee on the Concentrated Code Enforcement Program. (CCEP) The Committee requested follow-up information on the following items:

- Prepare and provide maps to the respective Council Offices which define Community Development Block Grant (CDBG) eligible areas per Council District; and
- Provide an overview of the “seamless efforts” in coordinating services between Code Enforcement and other City Departments with a focus on efforts to address gang issues in neighborhoods.

ANALYSIS

In response to the Auditor’s Report a number of changes have been implemented within the CCEP Program. These changes have been reported to the City Auditor as part of the semi-annual review. These changes, which have been coordinated with the Grants Unit of the Department of Parks, Recreation and Neighborhood Services, were developed to facilitate compliance with Housing and Urban Development (HUD) requirements for recipients of CDBG funding.

In consulting with staff in the Grants Unit of the Department of Parks Recreation and Neighborhood Services and based on HUD guidelines, the Code Enforcement CDBG funded projects for 2004-2005 have been re-organized into one major project that serves the eligible low and moderate-income neighborhoods of San Jose. CCEP has now been renamed *Code Enforcement Low-Moderate Areas* and is separated into the following components:

1. **Housing** relates to all code enforcement services for residential units, which would include enforcement of the Housing Code for single-family dwellings, apartments, hotels;

2. **Business** includes services provided to commercial parcels, this would include violations of the Zoning, and Sign Ordinances; and
3. **Vehicles/Vacant lots:** includes enforcement of abandoned vehicles on private property and enforcement activities on all parcels without permanent structures.

These services are grouped into three categories to facilitate data collection for reporting purposes to HUD.

This re-organization of CCEP, Project Crackdown and the other various CDBG funded Code Enforcement programs represents only a change in name and reporting of budget expenditures and project activities for HUD purposes. The configuration also satisfies the CDBG funding requirements stipulating that 70% of the total grant funds given to the City must go to low- to moderate-income areas. All CDBG funds for Code Enforcement staff will be used to provide services to low and moderate-income areas. The eligible low- and moderate-income areas for this program consist of all census tracts within the City limits that have 51% or more moderate- and low-income residents based on the 2000 Census. Maps that identify the low-moderate income neighborhoods in each of the Council districts have been prepared and will be distributed to the respective Council Offices. These maps include the geographically contiguous SNI area that is also eligible due to the fact that this area has 57% low- and moderate-income residents.

- Provide an overview of the “seamless efforts” to address neighborhood problems in coordinating services between Code Enforcement and other City Departments

Code Enforcement services in CDBG eligible neighborhoods continue to provide complaint driven response to these neighborhoods. As noted by the City Auditor, this change in service occurred in 2003. Code Enforcement has historically partnered with other city, county and non-profit organizations in an effort to enhance the livability and vitality of the neighborhood. These efforts would include working with the following partners who provide services to neighborhoods:

- Driveway Team and the Neighborhood Cleanup Program provide for blight identification and removal from neighborhoods.
- Housing Rehabilitation Loans and Grants Residents receive information and direct referrals to these programs to eliminate substandard housing conditions.
- Project Blossom Property Owner Training programs provide education on proper management techniques and tenant’s rights.
- Neighborhood Development Center provides services to organize and support neighborhood associations.
- Anti-Graffiti and Anti-Litter programs identify and remove litter and graffiti and organize neighborhood volunteers to help the City remove and prevent graffiti and litter.
- The City Attorney’s Office provides litigation services for nuisances, unfair business practices and “slum landlords.”

- The Rental Rights and Referrals program provides tenant education, referrals and resolution of rental disputes.
- Crime Prevention provides Neighborhood Watch and the Neighborhood Action program to address neighborhood crime problems.
- Special Police units, NET, Metro, Vice, Gangs and Permits provide targeted enforcement and public information to combat crime in targeted neighborhoods.
- The Legal Aid Society of Santa Clara County provides tenant education and legal services.
- The Santa Clara County Human Relations Commission provides dispute mediation services.
- The County Vector Control District provides expertise and education on vector issues such as mosquitoes, cockroaches and rats to educate residents on the potential health issues caused by these vectors and how best to prevent and eliminate infestations.
- The Redevelopment Agency provides Façade Improvement Grants and funding for SNI projects.
- The Office of Economic Development provides training and assistance to neighborhood businesses.
- Santa Clara County Multi-Disciplinary Task Force coordinates service provision for dependent children and adults and vulnerable elders.
- Santa Clara County Bar Association Law Foundation provides free legal assistance to tenants and reasonable accommodation and accessibility services.
- DOT provides streetlight repair, tree trimming, traffic calming, sidewalk and street repair.
- The Fire Department Bureau of Fire Prevention provides advice on hazardous materials storage and fire safety issues.

These partnerships have historically enabled the CCEP Program to provide enhanced services beyond the traditional enforcement tools.

Nuisance Abatement Ordinance

The Committee also asked for information on how Code Enforcement programs coordinate with other City resources involving neighborhood gang activity and the Nuisance Abatement Ordinance. The majority of CDBG eligible neighborhoods are currently within the SNI project area. These neighborhoods, through the Neighborhood Advisory Committee (NAC) process, have defined neighborhood priorities, and in some cases gang activity and nuisance related issues have been identified as community priorities. Code Enforcement continues to actively participate in the implementation of the SNI plans. Issues involving gang activity are typically referred to the Community Coordinator assigned to the respective NAC. The Community Coordinator brings together the necessary resources, such as Police, Code Enforcement and the City Attorney's Office, as necessary, in investigating and alleviating the nuisance activity.

If Code Enforcement receives information or complaints of serious crime in a neighborhood that is not within the SNI network, this information is directed to the nearest Community Policing Center. If the reports are coming from an area where there is no nearby Community Policing

Center, Code Enforcement staff will directly inform the Police Gang Unit or Police Captain responsible for the area.

An example of how this process works is demonstrated by a recent incident in the Winchester neighborhood. Community members were complaining about criminal activity in and around two apartment buildings. The PRNS Community Coordinator convened a meeting of representatives from the City Attorney's Office, Police Department, and Code Enforcement Division to assess the situation and seek solutions. The neighborhood concerns were discussed and action items were assigned to each staff member. Police Department staff collected crime statistics and reported information on known gang activity in the area, while Code Enforcement Division staff conducted inspections of the apartment units for code violations. The result of the Police and Code Enforcement investigations were given to the City Attorney's Office for review for a possible nuisance abatement action. In this particular case, the investigation revealed that the buildings were up to code and that there were no indications of criminal activity at the two properties. The group decided that this situation did not warrant an abatement action and could be appropriately handled by the Crime Prevention Neighborhood Action program. The Community Coordinator is working with the neighborhood group to address their concerns through the Neighborhood Action program.

The decision to initiate a Nuisance Abatement action generally stem from the City Attorney or the Police Department when other enforcement techniques have been unsuccessful. Code Enforcement will play an active role in gathering evidence of the nuisance activity. This may include housing/business inspections, surveillance, and gathering of photographic or written statements from impacted residents or business owners, and possibly testimony in support of the proposed abatement action.

PUBLIC OUTREACH

Not applicable.

COORDINATION

This memorandum has been coordinated with the Department of Parks, Recreation and Neighborhood Services and the City Attorney.



COST IMPLICATIONS

This Ordinance has been implemented with existing resources.

CEQA

Not a project.

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