



# Memorandum

**TO: Rules Committee**

**FROM: Joseph Horwedel**

**SUBJECT: SEE BELOW**

**DATE: October 5, 2006**

Approved

*Deanna Austin*

Date

*10/6/06*

**SUBJECT: REQUEST THE CITY MANAGER TO ASSESS CODE ENFORCEMENT-GENERAL CODE COMPLAINT HANDLING PROCESS AND FEE BASED MULTI-FAMILY DWELLING PROGRAM**

## RECOMMENDATION

Acceptance of staff's report on improvements to the General Code Complaint Handling Process and fee-based Multiple Housing Program.

## BACKGROUND

On September 27, 2006, Councilmember David Cortese submitted a recommendation to the Rules Committee requesting that the City Manager perform an assessment to address the following:

1. Determine whether or not satisfactory results are being achieved in a timely manner;
2. Acquire information as to the effectiveness of the complaint handling process currently used and whether Code Enforcement has established appropriate goals and objectives;
3. Review the adequacy of management's system for measuring success;
4. Identify factors that inhibit satisfactory performance;
5. Coordination issues with other City departments, divisions, and personnel.

The City of San Jose Auditor's Office conducted a comprehensive review of the General Code Program in 1999, entitled *An Audit of Code Enforcement's General Code Complaint Handling Process*. This audit was completed to assess the adequacy of the Code Enforcement Division's internal controls over their General Code Program complaint intake, response, and resolution process. In addition, the audit sought to review the General Code Program complaint handling efficiency and effectiveness. The department accepted and has implemented the Auditor's recommendations.

## ANALYSIS

The General Code Program responds to resident complaints on a citywide basis and is supported by General Fund or Solid Waste Enforcement Fees. These complaints typically involve violations of the Community Preservation Ordinance (formerly the Blight Ordinance), the Zoning Ordinance, and Housing and Building Codes. The General Code Program is distinguished from the Multiple Housing Program, which receives funding through the

Residential Occupancy Permit Program, in that the Multiple Housing Program is a cost-recoverable program with an emphasis on multiple-family dwellings. The Multiple Housing Program is limited to routine inspections/complaints in apartments, hotels, motels, and other similar multiple-family dwellings.

Although the department believes that the majority of recommendations have been implemented and that additional policy/procedures have been established since the audit to improve service delivery and responsiveness to the community, additional proposals to further improve the complaint handling process in the General Code and Multiple Housing Programs are being reviewed.

**1. Determine whether or not satisfactory results are being achieved in a timely manner**

Code Enforcement procedures require that site inspections and/or contact with the Responsible Party (RP) occur within 24-72 hours of receipt of the case file for complaints that are designated as either Emergency or Priority Response. A recent internal audit of Emergency Response complaints revealed that Code Enforcement Inspectors are conducting field inspections within 24 hours of receiving the case file at a 93% rate. In addition, Code Enforcement has created an enhanced service delivery model, which was highlighted in the 2006-2007 Operating Budget for the Neighborhood Services CSA, as an opportunity to improve efficiencies and responsiveness for routine complaints. In essence, warning letters are mailed to responsible parties for routine complaints within one business day, an improvement of 75% over the previous procedures. Further, this enhanced service delivery model requires the Code Enforcement Inspector to perform an inspection 11 days after the date on the warning letter. This procedure has improved responsiveness by 62%.

Further, Code Enforcement recognizes the importance of timely follow-up and has, therefore, recently created a C/U (Come Up) Date Field in the Code Enforcement System (CES). The C/U Date Field was developed to assist Code Enforcement Inspectors with case management and will identify the date that further case action is required, for example, the re-inspection of the subject property. Finally, the C/U date will provide Code Enforcement Supervisors a readily identifiable field for monitoring case activity to determine whether staff is responding to and resolving complaints in a timely manner.

**2. Acquire information as to the effectiveness of the complaint handling process currently used and whether Code Enforcement has established appropriate goals and objectives**

Code Enforcement has established three types of complaint designations: Emergency Response, Priority Response and Routine Response. Code Enforcement staff track caseload statistics through reports generated by the Code Enforcement System on a monthly basis. Due to staffing reductions, previously determined response dates have become unattainable, resulting in service reductions to some of the General Code Program complaints involving violations that do not pose an immediate threat to life and safety. This has resulted in the use of the Courtesy RP letter and various other form letters for these routine complaints which include early set out of yard waste, illegal dumping, inoperable vehicles on private property, and lawn parking. No inspection services are performed for these complaints. Our target for resolution of complaint cases, per our Core Service Field measurement, reflects that in FY 2000-01, Code Enforcement

was resolving 82% of all cases within targeted processing times. In FY 2005-06, Code Enforcement only resolved 65% of all cases within targeted processing times.

Code Enforcement has provided training to Code Enforcement Inspectors on the proper use of enforcement tools. In addition, Code Enforcement Supervisors review each case submitted for closure to ensure that the Code Enforcement Inspector has utilized the appropriate enforcement tool to resolve the complaint. Code Enforcement Supervisors have been directed to review all active cases that are older than one year and provide a strategy for resolving these cases. Finally, with the assistance of the Appeals Hearing Board and the City Attorney's Office, staff has conducted two mock Appeals Hearing Board training sessions.

### **3. Review the adequacy of management's system for measuring success**

General Code Program supervisors meet with their respective Code Enforcement Inspectors on a monthly basis to review active cases as a means of ensuring equitable distribution and to ensure that Code Enforcement Inspectors are following proscribed policies and procedures to resolve code complaints in a timely manner. Code Enforcement Supervisors are not only expected to provide "quality control" but must also ensure equitable distribution of cases to ensure response times are met. As mentioned in our response to the Auditor, equal distribution of cases does not necessarily equate to equitable workload assignments. For example, an unpermitted building code violation may take a longer period to correct, due to the requirement for a permit to legalize or revert, compared to a violation of the Community Preservation Ordinance which may be corrected upon issuance of a warning letter. In addition, the low-income areas of the City have enhanced staffing provided by CDBG funding. These CDBG-General Code Program staff resources represent 17 Code Enforcement Inspector positions out of a total of 32 positions dedicated to the program. The CDBG eligible project areas of the City represent only 28% of the total City service area, and inspection services cannot be provided to non-eligible areas of the City, which comprise 72% of the City. This area is staffed by 15 Code Enforcement Inspector positions, which are funded by the General Fund and Solid Waste Enforcement Fees. Code Enforcement cases within these two distinct areas of the City are evenly distributed among the respective groups; however, Code Enforcement is ultimately limited in workload distribution due to funding restrictions.

### **4. Identify factors that inhibit satisfactory performance**

Staff appreciates that Councilmember Cortese recognizes that diminishing staff resources may be contributing to complaint-handling response in the General Code Program.

Due to recent General Fund reductions, the staffing in the General Code Program has been reduced from 29 Code Enforcement Inspector positions in FY 2000-01 to 15 positions in FY 2006-07 (1.0 FTE position has been vacant since January 2004 as a cost saving option to the ongoing General Fund deficit; a recent request to fill this position was denied). Of the 15 positions, the General Fund pays for only 4.75 positions, reduced from 18.75 in FY 2000-01. The costs for the remaining 10 Code Enforcement Inspector positions in the General Code Program are off set by Solid Waste Enforcement Fee revenue and their services are limited to solid waste and blight violations. The vast majority of Code Enforcement Division inspection services are paid for with special funds including the Residential Occupancy Permit Fee and CDBG, wherein

inspection services are restricted either geographically or programmatically. More simply stated, a Code Enforcement Inspector position funded through the Residential Occupancy Permit Program cannot respond to a blight complaint at a single-family dwelling.

**5. Coordination issues with other City departments, divisions, and personnel**

Code Enforcement firmly believes that coordination with other City departments, divisions, and personnel is tantamount to excellence in public service.

Code Enforcement Call Center staff receives thousands of complaints and inquiries through the Code Enforcement Call Center number at 277-4528. A staff member greets all callers to Code Enforcement, no calls are sent to a phone tree of recorded messages. Many of the issues may not result in the formal filing of a complaint. When calls are received, Code Enforcement Call Center staff will route the caller to one of the following:

- Complaint Desk – If the constituent desires to file a complaint, they will be routed to staff assigned to receive complaints. These complaints are taken over the phone and immediately entered into the Code Enforcement System.
- Office Duty Inspector – If the constituent has a general question, they will be routed to staff assigned to receive these types of inquiries. The Duty Inspector answers questions such: as is the condition described a violation, can the constituent remain anonymous, what happens if a complaint is filed, does Code Enforcement handle the following situation, etc. In addition, the Division routinely receives calls that are ultimately routed to other City departments or other governmental agencies when the issue/question is more appropriately addressed there, such as: my neighbor is selling drugs (Police), people speed down my street (Police), how can we obtain permit parking (Transportation), my neighbor parks in front of my house (no violation and is referred to County mediation), etc.
- Code Enforcement Supervisor – If the constituent has policy related questions, such as, why our office does not take anonymous complaints, requests for extensions, etc., the caller is routed to a Code Enforcement Supervisor.

**Time Task Analysis**

In the alternative, the attached table represents the staff time necessary to complete a more detailed analysis of the General Code Program.

Activity	Workload Estimate
Review and evaluate adequacy of existing management reports	40 staff hours
Identify and coordinate IT programming to implement report modifications	40 staff hours
Review and analyze data collected to determine process and procedure improvements	40 staff hours
Develop and coordinate recommendations with City Managers Office, City Attorney’s Office and other internal stakeholders as indicated	80 staff hours
<b>Estimated time task completion</b>	<b>200 staff hours</b>

The Code Enforcement Division currently has 17 active workload projects in the City's Administrative Projects System Database. These projects are beyond the department's day-to-day baseline work, and include several innovative initiatives to improve Code Enforcement's service delivery model:

- Blight Busters Program Training. Conduct a blight buster training session to expand the number of resident volunteers in the *Blight Busters Program*, a City/Citizen partnership to reduce blight conditions in SNI neighborhoods;
- Citizen limited Internet access to the Code Enforcement System (CES). Allowing the public access to information such as code complaints in their neighborhood, types of complaints and Inspector assigned to the case;
- Code Enforcement Annual Survey. Code Enforcement conducts an annual survey of San Jose residents in an effort to determine the effectiveness of our programs and to allow residents the opportunity to provide comment on the condition of their neighborhood.

Should the Committee determine that an additional assessment is desired, staff in the departments of Planning, Building Code Enforcement as well as Information Technology will need to re-evaluate their current workload priorities and may result in the deferral of current work plan items such as public internet access to the Code Enforcement System or the delay in transferring the Multiple Housing Program from the VAX System to AMANDA.

### **COORDINATION**

This memo has been coordinated with the City Manager's Office.

### **CONCLUSION**

Code Enforcement appreciates the opportunity to provide the Committee with an update of the General Code Program. Code Enforcement's measurement of success is ensuring timely response to resident complaints by utilizing the most effective enforcement tools to encourage compliance, which at the end of the day, is our goal.



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Planning, Building and Code Enforcement