

SPECIAL COUNCIL MEETING  
 CARNEGIE FORUM  
 305 WEST PINE STREET  
 LODI, CALIFORNIA  
 WEDNESDAY, AUGUST 28, 1991  
 7:30 P.M.

The meeting was called to order at 7:30 p.m. by Mayor Hinchman.

Roll was recorded by the City Clerk as follows:

Present: Council Members - Pennino, Pinkerton, Sieglock,  
 Snider and Hinchman (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City  
 Manager Glenn, City Attorney McNatt, City  
 Clerk Reimche

PROPERTY MAINTENANCE/PROPERTY  
 MANAGEMENT ORDINANCE PROPOSALS

CC-24(b)  
 CC-25

The matter was introduced by City Attorney McNatt who advised the Council that it recall, the newly adopted General Plan calls for adoption of a "property maintenance" ordinance to promote the general quality of life and to help protect property values in the City. The Council has also recently inquired as to the possibility of a "property management" ordinance to deal with deteriorating housing and its associated problems of drugs and crime.

Since the topics appear related, it seems practical to handle both in one comprehensive ordinance rather than to approach the problems piecemeal.

Before starting to draft the ordinance, the assistance of the Police, Community Development, and Public Works Departments was obtained, as well as input from the business community. Numerous problems were discussed, along with possible ways of handling them. Ordinances from several other cities were examined and Mr. McNatt spoke personally with a number of staff members from other jurisdictions who had the responsibility of enforcing such ordinances.

City Attorney McNatt discovered there are many possible ways to approach the problems. Because of the number of available options, no attempt has been made to put together a draft ordinance at this time. Instead, below are described various elements or components of an ordinance

from which the Council may choose those that are deemed appropriate for Lodi's situation.

#### RESIDENT MANAGER ORDINANCE

It has been proposed for purposes of discussion that the City require a resident manager for all multi-family housing units having (for example) more than four units. The purpose would be to avoid deterioration of housing by having someone present to perform maintenance and to discourage use of certain housing for drug dealing or usage.

This proposal has generated comment by both members of the public and the real estate industry. Comments received at previous Council meetings indicate that some residents strongly believe such regulations would be desirable and effective, while the real estate industry generally feels they would have an adverse effect on rentals and may not be financially practical.

In preparing this report, a rather obscure regulation adopted by the State Department of Housing (apparently in 1989) came to light. Title 25, Section 42 of the California Code of Regulations requires a resident manager for apartment complexes with sixteen or more apartments and for hotels with twelve or more rooms if the owner does not reside on site. For apartments with more than four but less than sixteen units, a sign with the owner's or agent's name and address must be conspicuously posted. Mr. McNatt didn't know how widely this ordinance's requirements are observed or even what percentage of apartment owners know of its existence. The regulation was called to the City Attorney's attention by members of the California Association of Realtors, so he suspects that a significant number of owners are aware of it.

Mr. McNatt does not believe this State regulation preempts the field, so as to prevent cities from adopting more stringent ordinances if desired. Cities are only prohibited from adopting further regulations on a given topic if the State Legislature has acted "by a comprehensive plan" to occupy the entire field. As such, if the Council chose to impose resident manager requirements for apartment buildings having fewer units than sixteen, I believe it could legitimately do so.

#### NUISANCES ORDINANCES

This seems to be the most common type of ordinance used elsewhere to protect health, safety and property values. At present, Lodi has no actual "nuisance" ordinance in place although the weed abatement program is of that general nature, and parts of the Uniform Codes which the City has adopted by reference arguably cover some types of

nuisances. It may be in the City's best interest to consolidate and clarify these provisions.

Usually, a nuisance ordinance prohibits such things as (for example):

- Accumulations of dirt, debris or litter;
- Clothes lines or clothes hanging in front yards;
- Boxes, lumber, firewood, trash, salvageable materials, etc. allowed to accumulate in yards;
- Abandoned, broken or neglected equipment, machinery, refrigerators, stoves, or vehicle parts;
- Open excavations;
- Broken or discarded furniture or household goods;
- Accumulations of weeds, dead, decayed or diseased vegetation constituting an unsightly appearance or health and safety hazard;
- Some ordinances go so far as to define visibly deteriorated or peeling paint as a nuisance.

These ordinances provide for cleanup orders to be issued by a designated city official, and a summary hearing before (usually) the city manager or the manager's designee. Appeal is to the city council in most cases. Orders may include cleanup, abatement, or in extraordinary cases, demolition. Costs of enforcement are imposed on the property owner. This type of ordinance has been used by the City of Dublin with good results according to the City Attorney's conversation with Dublin staff.

This type of ordinance would require less staff time to administer than most of the other options discussed.

#### RENTAL INSPECTION ORDINANCES

The idea of requiring inspection of rental residential property each time the occupants change has been discussed. It is possible to do so, but this would require extensive time and effort and the probable addition of staff. Two types of inspection ordinances were located. They are discussed below.

A. Change of Occupancy Inspection.

The City of Azusa uses such a program and the conversation with them indicates there are two employees who handle the rental registration/inspection program full time. The City Attorney was informed that the program is funded with approximately \$200,000 per year in Community Development Block Grant Funds. Azusa staff acknowledged there are some problems with the program, since not all rental owners register their properties voluntarily.

This ordinance has three parts; first, a registration requirement which gathers certain information for a file administered by the City; second, an inspection provision which calls for inspection of rental property every time the home is vacated and reoccupied. The inspection is triggered by an application for municipal utility services. The third element is a nuisance abatement component similar to the Dublin ordinance discussed above.

B. Yearly Inspection/Inspection Upon Sale.

A second and less time consuming type of program might involve an "inspection on sale" requirement. This is the approach used by the City of Davis. It requires that a certificate of occupancy be issued either yearly or when property is sold or transferred with a lease/purchase agreement, whichever occurs more frequently.

This approach would not require the registration of all rental properties, since it applies only to sales or lease/purchase options. It would still require a certain amount of citizen cooperation since the City would have no way of knowing about all lease/option agreements unless the information is volunteered.

Both the "change of occupancy" and "change of ownership" inspection plans would probably have to be funded by an inspection fee charged to the party requesting the inspection.

REGISTRATION OF RENTALS

It may also be desirable to require registration of rental property, even if no inspection program is involved. The reasons for this are twofold: first, having access immediately to the address and phone number of the rental owners would help staff if there is a problem such as a sewer line break. Second, it may also be possible to treat rental units as a business, so as to be subject to the City's business license provisions.

HEALTH AND SAFETY CODE PROVISIONS

It also appears possible to use provisions of State law (Health and Safety Code Section 11570 et seq.) to abate premises where drugs are being sold. This approach has never been used in Lodi before, probably because of the time and effort required. This program is used in Stockton, and is administered by the Police Department and City Attorney's office. It could be used here as a "last resort action", but time constraints would prohibit frequent use without additional staff.

City Attorney McNatt then reviewed sample ordinances regarding this subject from Dublin and Azusa.

The City Attorney then responded to questions regarding the matter as were posed by members of the Lodi City Council.

Mayor Hinchman indicated that he feels non-residential property should be included in any ordinance of this type the City Council might adopt.

Addressing the City Council regarding the matter were:

1. Mrs. Virginia Lahr, 311 East Elm Street, Lodi;
2. Lisa Hill, 23 North Central Avenue, Lodi;
3. Roxanne May, 437 East Eden Street, Lodi;
4. John May, 437 East Eden Street, Lodi;
5. David Gibbons, 336 East Elm Street, Lodi;
6. Craig Aberman, 313 East Elm Street, Lodi;
7. Rose Helwig, 705 West Turner Road, Lodi;
8. Tony Canton, 1029 South Church Street, Lodi;
9. Jim Jacobson, 641 South Ham Lane, Lodi;

10. Dee Nietschke, 1806 West Kettleman Lane, Lodi;
11. Gerald Vanderlans, Turner Road, Lodi;
12. Jim Sturman, 641 North Ham Lane, Lodi;
13. Rose Marie Mendonca, President, Lodi Board of Realtors, Lodi;
14. Kevin Suess, 727 South Lee Avenue, Lodi;
15. Jeff Kirst, 120 North Pleasant, Lodi; and
16. Gary Brandt, 314 West Lockeford Street, Lodi.

A lengthy discussion followed with questions regarding the matter being directed to staff and to those who had given testimony.

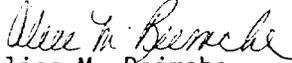
On motion of Council Member Snider, Pennino second, the City Council determined that a committee should be formed which will be composed of three or four members to be selected by the Board of Realtors, three or four concerned citizens and the City Attorney. The Committee will be chaired by Mayor Pro Tempore Pinkerton. The charge of the committee will be to review the concerns that have been expressed and to recommend to the City Council what the City can do to help property owners and property managers regarding these concerns.

It was requested that the Committee report back to the City Council at its meeting of October 16, 1991.

Citizens interested in serving on this Committee were asked to notify the City Clerk of their interest in serving.

There being no further business to come before the Council, the meeting was adjourned at 9:40 p.m.

Attest:

  
Alice M. Reimche  
City Clerk