



**CITY OF FORT BRAGG**

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**PLANNING COMMISSION ITEM SUMMARY REPORT**

**MEETING DATE: WEDNESDAY, JUNE 8, 2022**  
**TO: FORT BRAGG PLANNING COMMISSION**  
**FROM: VALERIE STUMP, CODE ENFORCEMENT OFFICER**  
**TITLE: REPORT ON CODE ENFORCEMENT ACTIVITY AND GOALS  
FOR THE CODE ENFORCEMENT PROGRAM**

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**BACKGROUND AND OVERVIEW:**

The City of Fort Bragg was awarded a 2019-20 Community Development Block Grant (CDBG) to implement a new Code Enforcement Program. On March 22, 2021, the Fort Bragg City Council adopted Program Guidelines that meet the CDBG State and Federal requirements [See Attachment 1]. After the adoption of the Program Guidelines, an Assistant Planner in the Community Development Department shifted responsibilities to take on the code enforcement activity for the City of Fort Bragg. In September of 2021, the Assistant Planner's title was changed to Code Enforcement Officer. The Code Enforcement Officer continues to develop a CDBG Code Enforcement Program that utilizes the adopted Program Guidelines.

Over the past year, the Code Enforcement Officer increased the number of cases the City addressed by 162%. In addition to the case work, the Code Enforcement Officer assisted with the Central Business District Code Enforcement Strategy, reviewed current code enforcement code sections, policies, and practices to identify areas that should be adjusted to be more in alignment with State and Federal laws, completed trainings in a variety of Code Enforcement topics, and researched pathways toward meeting the goals of the CDBG award.

**SUMMARY OF CODE ENFORCEMENT ACTIVITY FOR THE 2021 CALENDAR YEAR**

There were 131 cases logged in the calendar year of 2021. Of those cases, 77 cases reached resolution, 34 remained at active status, and 20 were in pending status. To clarify, pending status indicates violations have been logged, but the formal investigation and correspondence with the Responsible Party has not been initiated. Of the cases logged, 72 cases were residential, 52 were commercial, and 7 were industrial. As typical in previous years, the majority of the cases for the year were related to nuisance

conditions such as visual blight, overgrown vegetation, and lack of property maintenance. The large case-load provided the Code Enforcement Officer an opportunity to become more familiar with the various department processes and informational resources. Through the investigation of a diverse list of cases, the Code Enforcement Officer determined what internal processes require streamlining and improvement.

Prior to 2021, code enforcement activity has been primarily complaint driven. However, projects like the Central Business District Code Enforcement Strategy initiated proactive exterior inspections of all the properties in the Central Business District. During the process, City Staff mailed 323 letters to the various property and business owners in the Central Business District. Each letter contained a Property Compliance Form that highlighted the compliance issues of concern for each property. This project initiated conversations with property owners and business owners, and uncovered areas in our property information databases that can be augmented.

### **SUMMARY OF ADMINISTRATIVE PROCEDURES AND INTERNAL POLICIES**

With a full-time staff member dedicated to code enforcement activity, it was imperative to review the current procedures and determine areas of improvement. Through casework, the Code Enforcement Officer worked through several key issues such as:

- Processing violations for unlicensed business activity;
- Determining who is the Responsible Party to send notices and citations;
- Reviewing the administrative penalty process and fee amounts;
- Understanding what resources are available and which resource will be the most appropriate;
- Gathering substantial case evidence to provide proper due process.

Previous code enforcement efforts were based on need and staff capacity. As the City integrated code enforcement activity into daily process, formalizing administrative procedures and policies ensures that City activity is equitable and supports the ultimate goal of compliance.

The adopted Program Guidelines utilized the existing violation type system to prioritize the goals of code enforcement activity. Violations are broken into four types with a Type 4 Violation as the highest priority level for code enforcement activity. This type system was used to establish a schedule of administrative penalties.

Through a variety of drafts, a review of the administrative penalties schedule from other jurisdictions, and consideration of the limits applied to administrative penalties through State law, the attached schedule of administrative penalties was established [See Attachment 2]. The penalties are separated by two factors: first the violation type, and then whether the violation is a first, second, or third offense.

For example, a first offense of a Type 1 Violation would amount to a \$30 citation. This amount may seem insignificant, however, after the initial citation, if the violation is not abated, then that penalty amount of \$30 can be cited every day until compliance is reached. If the violation is abated, but occurs again within one year's time, then it would be considered the second offense of a Type 1 Violation, which would result in a \$130 citation that could potentially be cited on a daily basis. Staff plans to remove the Code

Enforcement Fees from the fee schedule at the next modification and instead amend Chapter 1 of the Fort Bragg Municipal Code (FBMC) to set the schedule of Administrative Penalties.

The Code Enforcement Officer discovered the need for having a database for case tracking and documentation. A portion of CDBG funds were used to purchase a tracking system through Springbrook. At this point in time, the software has been purchased. Current efforts to establish this system include creating the templates for Advisory Notices, Notices of Violation, Citation Invoices, and Case Fact Sheets.

The Code Enforcement Officer has been working with the Police Department when specific cases require documentation generated by the Police Department. Due to the direction of code enforcement activity, the Code Enforcement Officer is currently working on establishing a schedule where 1 day of the week, the Code Enforcement Officer will work at the Police Department. This will allow the Code Enforcement Officer to utilize the knowledge and resources of the Officers to reach case resolution for long-standing code violations.

### **AWARDED GRANTS ASSOCIATED WITH CODE ENFORCEMENT**

There are two active awards associated with code enforcement. The focus of the CDBG award is to address code enforcement issues in deteriorating areas where such enforcement, along with public or private improvements, will prevent the decline of residential properties in our residential and mixed-use zones. The grant is active for three years. In the City's application for this award, some of the goals enumerated are the following:

1. Define clear guidelines for enforcement of City codes including the California Building Code, Fort Bragg City Zoning Code, Health & Safety and other applicable codes from receipt of initial complaint through resolution of a case.
2. Preserve and improve the quality, health and safety of Fort Bragg's rental housing stock by gaining compliance with applicable housing codes and optimizing positive relationships with owners, tenants and neighbors.
3. Eliminate confusion about the City code compliance policies and ensure due process rights and the appeals process are clearly defined and well respected.
4. Pursue proper compliance with City codes while protecting constitutional rights.
5. Provide resolution of most cases at the lowest possible administrative level to minimize conflict among residents, property and business owners, owners and tenants of rental properties, and the City.

These goals are important for the development of an equitable code enforcement program, and will bolster the City's efforts to improve the housing stock for low and moderate income populations. In the last year, the Code Enforcement Officer's efforts towards these goals focused on the administrative process and internal policies of code enforcement activity. These policies will be adapted as proactive code enforcement programs continue to be developed. Establishing formal processes and building relationships with other agencies will allow the City organization to support compliance for all of our property owners and tenants.

In addition to the CDBG award, the City was also awarded funds through the Regional Early Action Planning (REAP) Grant. The awarded funds are allocated to develop approaches to monitoring, maintaining, and replacing affordable housing, and creating reference material for program implementation. Many of the deadlines for this grant are in 2023, making it critical for the City to work towards program implementation.

City Staff is using some of the CDBG and REAP awards to hire consultants to work with the Code Enforcement Officer to establish proactive code enforcement programs. The consultant will assist with formalizing operating procedures for inspections, and establishing ongoing programs to improve neighborhood safety. A consultant would alleviate some of the time consuming programmatic responsibilities to allow the Code Enforcement Officer to continue investigating cases.

### **ALIGNMENT WITH THE HOUSING ELEMENT**

There are two Housing Element programs that the Code Enforcement Officer is focusing on in order to maintain alignment with the grants. The two programs are:

1. **Program H-1.8.2 Substandard Housing Program**. Participate in the Franchise Tax Board (FTB) Substandard Housing Program, which assists the state and local agencies responsible for addressing unsafe living conditions that violate health and safety codes. Property owners in violation of health and safety code standards are not allowed to make certain deductions on their personal tax returns pursuant to California Revenue & Taxation Code (CR&TC) Sections 17274 and 24436.5. That additional revenue collected by FTB is transferred to the Local Code Enforcement Rehabilitation fund. These funds are then disbursed to the cities and counties that generated the notification of substandard housing to the FTB. The City will use funds collected from Franchise Tax Board (FTB) Substandard Housing Program for code enforcement for residential properties and to address health and safety issues in residential properties that would otherwise be red-tagged.
  - The Substandard Housing Program will be included in the scope of work for a consultant. Once established, it is one of the only opportunities for the Code Enforcement Officer to access funds specific to remedying code violations. A consultant would assist in creating a formal process for reporting serious violations to the Franchise Tax Board and establishing what documentation will be required to be a participant in the program.
2. **Program H-2.4.6 Support Effective Use of Housing Vouchers**: Work with non-profit partners to develop a program that may include one or more of the following: assist landlords to bring units up to minimum requirements for voucher program; complete a new study on the cost of living to increase the voucher payment rate; develop an education program for

landlords about the benefits of the voucher program; and/or provide case work services for voucher tenants.

- The Housing Voucher program is already being handled by the Community Development Commission of Mendocino County (CDCMC). The Code Enforcement Officer plans on connecting with the CDCMC to assist with implementing the Housing Voucher program in our community.

### **ADDITIONAL GOALS FOR THE CODE ENFORCEMENT PROGRAM**

The grants are focused on utilizing code enforcement to improve our residential properties. However, as evidenced by the Central Business District Code Enforcement Strategy, compliance issues in our commercial zones can also influence the overall quality of life in our rural coastal town. In previous years, City staff has worked diligently on enforcing compliance issues within our commercial zones when identified through the complaint process. Now, the City can be more involved in proactive code enforcement efforts that result in outreach and educational opportunities. The overarching goal of all code enforcement activity is to reach compliance, and the Code Enforcement Officer is dedicated to working with Fort Bragg citizens to identify problems and the solutions to those problems.

The Code Enforcement Officer will continue updating the City's code enforcement policies and practices by working with other departments and agencies to formalize various code enforcement processes. With assistance from the City Attorney, the Code Enforcement Officer will ensure that the City is operating in alignment with local, State, and Federal law in order to protect the Constitutional rights of the citizens of Fort Bragg. The Code Enforcement Officer will continue to complete Code Enforcement trainings including the California Association of Code Enforcement Officers' (CACEO) Academy trainings with the goal of becoming a certified Code Enforcement Officer.

### **RECOMMENDATION:**

The Code Enforcement Officer is seeking feedback on the ongoing code enforcement activity and the goals for the upcoming year.

### **ATTACHMENTS:**

1. Adopted Code Enforcement Program Guidelines
2. Schedule of Administrative Penalties