



DATE: June 3, 2019

TO: Council Economic Development Committee

FROM: Development Services Director

SUBJECT: Proposed Vacant and Abandoned Buildings Ordinance

RECOMMENDATION

That the Council Economic Development Committee reviews and provides feedback to staff on the proposed vacant and abandoned buildings ordinance (Attachment II).

SUMMARY

The City recognizes that attention and response to maintaining minimum maintenance and security standards for vacant or abandoned properties can contribute to a reduction of neighborhood blight, criminal activity and hazards in vacant or abandoned buildings. The proposed vacant building ordinance establishes minimum standards for vacant or abandoned residential and non-residential buildings, structures and properties thereon.

DISCUSSION

Vacant and abandoned buildings that are not maintained may contribute to the deterioration of neighborhoods, increase crime, diminish property values, and pose health and safety risks to residents and businesses in the City. For the benefit of the community, the City of Hayward Development Services Department, Police Department, and Fire Department have deemed it necessary and appropriate to maintain, preserve, and improve vacant buildings by providing an orderly and effective way to monitor and maintain these structures through the establishment of minimum standards.

There are three key elements affecting staff's ability to conduct enforcement on abandoned residential properties: (1) knowing when a property has been vacated; (2) knowing who the current owner or authorized representative might be and how to effectively and timely communicate with him or her; and (3) determining the minimum standards for maintenance, security, boarding, and site conditions that apply. The primary purpose of this draft Ordinance is to establish a vacant and abandoned property registration and monitoring program, which will allow the City to identify, track, and maintain vacant and abandoned buildings prior to the development of significant health and safety concerns, which pose a risk to our business community and residents.

Monitoring and Initial Steps: Not all vacant buildings will be part of the monitoring program. The ordinance is specifically designed to address those vacant properties that are not maintained in accordance with minimum maintenance standards set forth by the city.

The process to identify properties subject to enrollment into the monitoring program will consist initially of field identification, owner notification, and program enrollment by Code Enforcement Staff. Staff will develop a vacant building database and tracking system for ongoing monitoring and enrollment utilizing GIS Technologies and Code Enforcement case management software.

Registration & Inspection: The ordinance requires that each property owner, beneficiary, and trustee who holds a deed of trust on a property located within the City shall perform an inspection of the property in question prior to recording a notice of default or similar instrument with the Alameda County clerk-recorder's office. If the property is found to be vacant or shows evidence of vacancy, as defined by the proposed ordinance, it will be deemed to be vacant or unoccupied and must be registered with the Code Enforcement Division's monitoring program.

The owner or responsible agent of the vacant, unoccupied building, structure or any part thereof which is required to be registered in the vacant building monitoring program will be required to inspect such vacant, unoccupied building, structure or part thereof no less than once every thirty (30) days, to identify and respond to any emerging concerns.

Maintenance: The proposed draft ordinance requires maintenance of the property according to minimum standards established in the ordinance as well as compliance with adopted codes, such as the Community Preservation Ordinance or California Building Code. It provides clear minimum standards for such things as: exterior site and landscaping, interior and exterior building maintenance, fire and safety standards for first responders, requiring vacant buildings to be "move-in-ready".

Security and Boarding: The proposed ordinance establishes security standards, including, but not limited to: "continuous physical monitoring" and standardized "No Trespassing" signage to prevent unauthorized building access and vandalism. Additionally, in the event of vandalism or destruction, the ordinance establishes boarding standards utilizing vandalism resistant materials such as clear polycarbonate panels to reduce the visual impact of wood boarding. Newer materials, such as polycarbonate panels, provide more resistant structural security for vacant buildings experiencing repetitive vandalism and break-ins.

Exemptions: The proposed ordinance exempts vacant buildings which are maintained in compliance with the maintenance standards established in the ordinance in addition to allowing the City flexibility in providing exemptions to those properties that have entered into a development-related agreement with the City.

Fees, Fines, and Penalties: Staff intends to include fees for registration as well as fines and penalties for non-compliance. The specific levels of these have not yet been determined

although the suggested fine for violation reflected in the draft ordinance identifies the City's "Egregious Case" fee structure, placing penalty fees for non-compliance in the range of \$1,500 to \$5,000, annually. If the ordinance moves forward, staff will propose fees that cover all associated costs and that fines and penalties are appropriate and consistent with the market area.

Staffing: Staff estimates that this ordinance will require one additional full-time staff person at the Inspector II level (estimated full burden rate per year \$130,000) to perform the responsibilities of program registration, monitoring, and regulatory compliance. Additional staff duties outside of general code enforcement will include the following: 1. Field observations to establish initial and ongoing program enrollment; 2. Property owner notification of program enrollment; 3. Code Enforcement case management; and 4. Public outreach and education for program needs.

Public Outreach: Upon review of considerations and comments by CEDC, staff will host a series of public workshops with local community groups and organizations for additional public input. While the listing of groups has not been fully determined, staff anticipates that participants will include the Hayward Rotary, the Alameda County Rental Housing Association, the Downtown Hayward Improvement Association, Chamber of Commerce, and other groups representing local business and property owners.

NEXT STEPS

Following this meeting, staff will take into consideration any comments and feedback from the CEDC pertaining to the components of the proposed vacant and abandoned buildings ordinance. If the proposed ordinance is supported by the CEDC, staff will commence with necessary public workshops with community stakeholders for community input. Staff anticipates bringing the draft ordinance to the City Council in a work session in September 2019.

Prepared by: Phillip Nichols, Senior Code Enforcement Inspector

Recommended by: Laura Simpson, Development Services Director

Approved by:



Kelly McAadoo, City Manager