



## Citizen Advisory Committee (CAC) Meeting

Hemet Public Library- 1st Floor Meeting Room  
Monday, April 23, 2012 - 3:30 PM

### AGENDA RECAP

**1. Call to Order-** Chairman Dan Goodrich

The meeting was called to order at 3:30 p.m. Chair Goodrich established ground rules for the conduct of the meeting, including silencing cell phones, following the agenda, and jotting questions down to ask at the end of a presentation.

**2. Presentation of Hemet ROCS Logo** - Deputy City Manager Mark Orme

The Hemet Rocs logo was unveiled by Mark Orme, inspired by the Hemet Police Department patch, including a depiction of Diamond Valley Lake with the historical Hemet train depot logo and a sunrise in the background. The logo will be included with all future correspondence.

The logo design was commended by the CAC.

**3. Reconsideration of CAC Regular Meeting Day** - Deputy City Manager Mark Orme

Mark Orme discussed modification of the meeting dates.

Discussion ensued, and following a motion by CAC Member Mona Groff and a second by CAC Member Ramirez, it was the consensus of the CAC to hold future meetings on the fourth Thursday of each month at 3:30 p.m. with the next meeting date being May 24, 2012.

Mark Orme discussed the “**Reply to All**” feature as being a valuable one when emailing, but cautioned the CAC regarding what to include in their emails since all emails become public record when they are delivered to a City email box.

**4. Informational Presentation: "Overview of Criminal, Civil, and Administrative**

## **Enforcement and Penalties" - Hemet City Attorney Eric Vail**

City Attorney Eric Vail provided a presentation to the CAC entitled: “**Enforcement Tools for Hemet ROCS**”, which included a synopsis of the remedies available to the City for obtaining compliance with ordinances, including administrative remedies, civil remedies, and criminal remedies. A handout was provided to the CAC. Opportunities for cost recovery were also discussed.

Vice Chair Hall - Commented that while it all makes sense, there seems to be a lot of barriers to solutions.

City Attorney Vail - Concurred that there were roadblocks, and noted that the process could be costly for taxpayers. The community must have the resources to follow-through. Assured the CAC that the process was not fruitless as a lot can be accomplished with the right team and effort, but noted that it would take time.

**Vice Chair Hall - Inquired regarding how many citations are currently being issued?**

Community Development Director Deanna Elliano - Advised that a number of City departments have citation authority. From a Code Enforcement perspective, there is a process involved, but it is effective and costs are recovered, even though there is usually a delay between the issuance of the citation and eventual payment. She stated that she would try to bring back some statistical information to the CAC soon, as to the number of citations issued for different categories of violations.

Chair Goodrich - Inquired regarding whether costs could be recovered from a problematic property owner/landlord through an assignment of rents.

City Attorney Vail - Explained that with an assignment of rents you must have a judgment, and it can be very costly to get there with no guarantee of full recovery. He noted that liens only allow you go after the value of the property, which could be minimal if other entities have a claim on the title that is a higher position than the **City's**, such as a lender. He suggested that an assessment might be a better idea with a better chance of recovery.

**CAC Member Gosch - Inquired regarding how an assignment of rents was costly.**

City Attorney Vail - Explained that you have to prove there is a nuisance, and can then get remedies, but you must find the resources to follow through. There is no judgment required to establish an assessment. Assessments and/or liens are the end result of any administrative citation on nuisance property following city-initiated abatement.

CAC Member **Gorman**- Suggested that with most properties currently being under-valued, a lien might not be helpful, but with an assessment you are not limited to the property value. He inquired regarding the cost for the simplest lien.

City Attorney Vail - Advised that it is not costly just to establish the lien or assessment, but that it was time consuming and costly to prove the nuisance due to the amount of code enforcement time it could take.

CC Liaison Smith - Inquired if the City would be tied to recovering only the actual cost of enforcement, or if a fines structure were built into the process.

City Attorney Vail - Responded that if administrative citations were issued as a remedy, specific fines could be set and administrative costs added, and there would not be a limit to actual cost.

**CC Liaison Smith** - Asked if an arbitration process could be included.

City Attorney Vail - Noted that the administrative process already has a hearing process established with the ability to appeal to an Administrative Hearing Officer. The property owner can appeal to the court if they are unhappy with the decision of an administrative hearing officer, but are typically unlikely to do so if **they've** gone that far in the process and lost their appeal.

Chair Goodrich - Stated that liens can often take years to collect; sometimes not till the death of the property owner.

CAC Member John Gifford - Suggested that without enforcement of these ordinances, this would be nothing but wasted time, as enforcement is the most critical part of the process. He noted that the cost of not doing anything was much higher than the cost of doing something. How do we pay the cost of code enforcement for this? We should be able to take the funds that are generated by this program and turn them around to hire additional police and code enforcement officers so that the program can be even more strongly implemented.

CC Liaison Krupa - Stated that it is imperative that this information be conveyed to the general public. People need to be utilized to spread information. If nobody is aware of their options, they will not utilize them. She suggested CDBG as a funding possibility.

CDD Elliano - Indicated that there would need to be educational outreach to residents in order to properly implement the program, as education is important and often influences voluntary compliance.

CAC Member Connell - Suggested that it would be a good idea to form an association that would include three or four landlords and three or four tenants from problem areas within the City, and then utilize them to spread the word to other problem landlords and tenants. He referred to the “flashlight walk” that he had been involved with in Anaheim, and explained how it worked.

**5. Main Presentation & CAC Discussion Topic: "Overview of four proposed ordinances in the Hemet ROCS Program"**- Community Development Director Deanna Elliano, Police Chief Dave Brown, City Attorney Eric Vail

**a. Drug and Gang- Related Nuisances on Residential Property**

CDD Elliano addressed the CAC noting that the initial meeting had brought forth many excellent questions, and as a result, some modifications were made to the proposed ordinances.

City Attorney Vail walked through the proposed “**Drug and Gang-Related Nuisances on Residential Property**” ordinance and explained the different aspects of it.

CAC Member Mari - as a Mobile Home Park representative, we want the City to find a way to have the ordinance apply to **MHP’s** so that we have the ability to resolve issues within our parks.

CAC Member McComb - Inquired regarding what was considered “**steady traffic**” as referred to in the ordinance. Is someone required to watch and observe to determine whether there is steady traffic?

City Attorney Vail - Affirmed that there must be substantial evidence that validates the nuisance claim.

**b. Abatement of Chronic Nuisance Properties**

City Attorney Vail delved into the proposed “**Abatement of Chronic Nuisance Properties**” ordinance, explaining that it was a very unique ordinance based on calls of service to a particular property regarding the nuisance. If either code enforcement or police has to respond to a property more than four times, that property is considered a public nuisance. He provided details on how the ordinance would work, and noted that the fines were heavy in an effort to inspire the property owners to take action.

Discussion ensued regarding the business license requirement for landlords with rental property, and it was noted that while a business license is required, that license is merely a tax.

CC Liaison Smith - Inquired regarding whether the ability was currently in place to track offenders as the offenses occur, should the ordinance be approved by the City Council.

Police Chief Brown - Advised that the potential to do so was there, but that the ability was in the new system that was being put in place.

### **c. Boarding Houses & Group Homes**

City Attorney Vail discussed the proposed “**Boarding Houses & Group Homes**” ordinance. He explained that what the city could regulate were small, unlicensed group homes, such as those operated by individuals or non-profit organizations, for persons with disabilities, which includes alcoholics and drug users that are trying to recover from their addictions. This ordinance will not touch a situation where the home is state-licensed, or if it is deemed a single-family housekeeping unit and allowed by right under the state and federal Fair Housing laws. Commercial boarding homes, he explained, are not allowed in single-family zones, but for those that are permitted, the City at least wants them to come in and register with the City and comply with some requirements. He added that this was a two-part ordinance.

Vice Chair Hall - stated that she was not opposed to group homes if they were licensed and playing by the rules.

CDD Elliano - Advised that there were very stringent definitions of disabled persons, which did not include sex offenders, and noted that a continuing drug user or alcoholic was not categorized as disabled. She noted that this ordinance did not include parolee or probationer homes, which will be covered under a separate ordinance and restricted to areas outside of single-family zones.

City Attorney Vail - Explained that there are a number of legitimate facilities that are operated by people who have been conscientious in choosing where they locate and **don't** want to have parolees or probationers in their facility, and this ordinance was geared toward those types of responsible facilities.

CAC Member Drusky - Stated that she works with people that are in recovery, and noted that most of the group homes in this community are not safe for those who are truly looking to recover because they are not regulated.

City Attorney Vail - Explained that many of these homes **don't** provide care, treatment or monitoring, but are rather simply boarding homes for people who happen to have certain types of conditions. He added that the City was doing what they could with this ordinance, which ultimately **wasn't** as much as we would like to, but are bound by State and Federal Housing laws.

#### d. Parolee and Probationer Housing

City Attorney Vail discussed the “Parolee and Probationer **Housing**” ordinance, explaining that it coincides with the group home ordinance, but will be presented at a later date..

Police Chief Brown - Advised that the Hemet Police Department was the only agency in the County of Riverside that personally delivers the sex offenders registration cards to the **offender’s door**.

CDD Elliano - Explained how the current ordinance restricts sex offenders.

#### 6. CAC Roundtable - CAC Chair & Committee Members

CAC Member Gorman - Suggested that a method of community education needed to be found to let people know what is going on. One of the reasons that I would like to promote rental registration is so that property owners can be given copies of the ordinances that they are being required to comply with. They will then know from the very beginning what they can and cannot do. Most landlords want to have decent tenants, but they also have mortgages on their rental properties which is what often influences their decision to take a chance on a less than desirable tenants.

Chair Goodrich - Noted that proper tenant screening can help property owners avoid many of the problems that occur with problem tenants. He commended the Crime-Free Multi-Housing Program that is implemented by Brent Cain.

CAC Member Mari - Stated that a number of landlords are going into this business with no knowledge of how to be good landlords. They are just buying property and renting it out for income purposes. She suggested that the “**We Tip**” line be utilized, and that the community be educated, adding that many of the **MHP’s** had a great need for these ordinances.

Vice Chair Hall - Noticed that there had been an increase in police enforcement on Florida Avenue, and suggested that if Hemet becomes uncomfortable for those who **don’t** wish to abide by the rules, they would eventually leave.

CAC Member Connell - Referred to a brochure entitled, “**19** Reasons Why You May Want to Reject an **Applicant**,” and noted that he currently uses it as a cheat sheet when considering tenants. Regarding property managers in Hemet, he was told that there are seven of them who get together and meet regularly, and suggested that group meetings would be a good place to start commingling information.

CAC Member Groff - Inquired regarding when the proposed ordinances were up for approval.

CDD Elliano - Ordinances A and B are going to the City Council on May 8<sup>th</sup>; Ordinance C is being reviewed by the Planning Commission on May 1<sup>st</sup> and the City Council on May 22<sup>nd</sup>; and Ordinance D is not yet scheduled for review, but will initially be heard by the Planning Commission at a later date.

CAC Member Mari - Inquired regarding the time frame for public outreach and education regarding these ordinances.

CDD Elliano - Responded that the first step was to approve the ordinances and get them on the books. She requested that the CAC to bring forth any ideas that they may have for outreach, and asked for information on any Apartment Owners Association, or other avenues to convey information and provide education.

**Chair Goodrich - Suggested that a public meeting be held.**

CC Liaison Krupa - Noted that the Mobile Home Association meets every 4<sup>th</sup> Friday of the month at noon.

CAC Member Kyriss - Advised that the Board of Realtors Association meets twice a month.

CDD Elliano - Asked that emails be sent to Assistant City Manager Orme regarding any groups or bulletins that could be utilized for dispensing information.

CAC Member Gorman - Noted that when it came time to discuss Neighborhood Watch groups, he had some ideas.

It was agreed that a Crime-Free Multi-Housing Program presentation would be provided at the next meeting by CFMHP Coordinator Brent Cain.

## **7. Comments from the Public -CAC Chair**

**Ward Roney** - Inquired regarding whether RV Parks would be covered by this ordinance.

City Attorney Vail noted that they would.

Unidentified Member of the Public - Inquired regarding where the money that was collected as fines from the landlords would go, and whether boarding homes and/or treatment centers could also be fined.

City Attorney Vail - Responded that monies collected for fines would go into a revenue account under the general fund, and noted that if any activities described in these

ordinance were happening at boarding homes, they would indeed be cited.

**8. Adjournment to the meeting of May 24, 2012 - 5:28 P.M.**

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