

Date: October 8th, 2024

To: Honorable Mayor and City Council

From: Councilmember Mary Zendejas, First District  
Councilmember Megan Kerr, Fifth District  
Councilmember Al Austin, Eighth District

Subject: Comprehensive ordinance for enhanced code enforcement, blight reduction, and revitalization of vacant lots and storefronts

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### RECOMMENDATION

Recommendation to request the Community Development Department and City Attorney prepare ordinance amending the Long Beach Municipal Code with enhancements to assure property owners comply with code enforcement citations and that vacant lots and vacant storefronts are kept secure until they are developed or rented; and,

Recommendation to request the Community Development Department to report to the Economic Development and Opportunity Committee regarding the effectiveness of programs and controls to assure vacant lots and vacant storefronts are addressed to prevent blight; and,

Recommendation to request the Intergovernmental Affairs Committee to consider adding language in the Legislative Agenda to advocate greater support for code enforcement staffing and enforcement tools within state law and regulations.

### DISCUSSION

Code enforcement assures that neighborhood quality of life is maintained through proper maintenance of private property and the timely resolution of any public nuisance or unauthorized construction that may occur. Code enforcement inspectors work collaboratively with impacted residents as well as property owners that may be in violation in order to find effective solutions that address community needs with minimal cost or impact to the property owners. Examples of code enforcement matters range from benign but meaningful overgrown weeds and trash to serious safety issues including illegal garage conversions, rental housing without proper heating or ventilation and nuisance impacts coming from parties, gambling and other unauthorized use of property. Beyond simply writing a citation, code enforcement

inspectors often brainstorm with property owners about potential building solutions that would meet code, bridge communication divides between contractors, owners, neighbors and other parties, and overall facilitate positive solutions that improve communities. Code enforcement staff work cooperatively with planners, engineers, fire department personnel, police personnel, business license officials and others. The goal of code enforcement is not punitive but rather is always to bring a property into compliance to the benefit of the property owner and the community.

The Code Enforcement Bureau, within the Community Development Department, currently has 49 budgeted positions, 11 of which were vacant as of May of 2024. There is approximately one code enforcement staff person to every 10,000 residents. While code enforcement is a critical function to neighborhood quality of life and part of the public safety continuum, it is often difficult to fund due to its reliance on the city's general fund. In addition to the general fund, special code enforcement programs such as vacant lot monitoring and proactive rental housing inspections are funded by fees assessed on property owners for the service.

Despite the important service provided by code enforcement, the City of Long Beach faces many enforcement and quality of life challenges across its diverse neighborhoods. There are more than 280 vacant lots in the city and a larger number of vacant storefronts and buildings. The City's existing tools to address these challenges are insufficient and in recent years, vacant lots and structures have become the source of nuisance and criminal activity, as well as the source of dozens of fires resulting in a substantial impact on Fire Department resources.

On October 18, 2022, the City Council adopted motion 22-1252, authored by Councilmember Al Austin to review the feasibility of a vacant commercial property fee or tax program. In 2019 the City Council adopted a similar motion, but at that time the Economic Development Commission had recommended changes to zoning and other regulations to use incentives rather than fees and taxes to support to maintenance, turnover, development and use of vacant commercial property. Based on the City Council direction, the then Development Services Department began discussion with the Council Office, drafted change of use parking regulations for incorporation in the zoning code and continued the UPlan zoning effort across North Long Beach. The Department also began collective discussions with Council Districts One and Eight to reconcile two different approaches to the same problem.

On November 1, 2022, the City Council adopted motion 22-1313, authored by Councilmember Mary Zendejas alongside then Vice Mayor Rex Richardson and Councilmember Cindy Allen. This motion directed the then Development Services Department to explore incentives, zoning changes, adaptive reuse, homeless outreach, tax and fee and other measures to address commercial vacancies in Downtown Long Beach. The Department has been meeting with Council District One and the Downtown Long Beach Alliance over the last year, important zoning changes are underway, and the State of California is making changes to building codes which will impact adaptive reuse. While those incentives are all positive, additional controls and enforcement mechanism are needed for those property owners that do not respond to incentives and do not properly care for their lots and buildings.

In December of 2023, the Community Development Department concluded a review of its code enforcement ordinance and procedures with the law firm of Best, Best and Krieger. The

Department also reviewed the very successful vacant buildings program operated in the City of Seattle and solicited input from members of the code enforcement staff and the Long Beach Fire Department.

Through all of these efforts, investigations and input consensus exists to enhance the City's code enforcement approach in through several mechanisms:

- Update the Code Enforcement ordinance to record violations against title and work with lenders and other intermediaries to bring properties into compliance.
- Update the vacant lot ordinance to modernize requirements, expand options for effective durable fencing, and create an affirmative obligation for property owners to prevent trespassing, dumping or any other nuisance use of their property.
- Review fees associated with the vacant lot monitoring program and the vacant building monitoring program to assure full cost recovery, adequate staffing and supervision, and potentially a tiered increase of fines overtime that are market rate.
- Clarify that the Proactive Rental Housing Inspection program applies to all buildings of four units or more to close certain loopholes related to renting to family members or units occupied but not paying rent.
- Refine standard code definitions, caretaker responsibilities, holiday lighting and other outdated sections.
- Expand the City's ability to issue criminal citations, secure civil remedies and other remedies in circumstances where the property owner ignores an administrative citation.
- Request that the State of California restore local government's ability to place liens against property owners that do not comply with an administrative citation.
- Request that the Chancellor of California Community Colleges promote the importance of local courses that prepare students for careers in code enforcement and building inspections.
- Review implementing a vacant and abandoned building standards program that targets vacant buildings, especially those with repeat nuisance violations in coordination with appropriate departments including the Long Beach Fire Department.
- Any other recommendations as may be forwarded by the City Manager, City Attorney and Departments of Community Development and Fire Department.

These recommendations can be accomplished on various timelines and progress can be reported back to the Economic Development and Opportunity Committee of the City Council. The City's code enforcement ordinance has not been updated in many years and tools such as recording notices of violation and requiring more effective fencing and control of vacant lots can yield immediate improvements to code enforcement's effectiveness. Other efforts, such

as expanding the use of criminal citations and other remedies may require more time to achieve results but are important to the City's overall enforcement approach.

Over time changes in the legal landscape, practices in the Superior Court system and a particular legal ruling and change removing the City's ability to lien property that remain out of compliance has impaired the City's ability to bring offending property owners that ignore administrative citations into compliance. The lien tool was removed due to the actions of cities that abused their residents and applied code enforcement in a punitive and revenue-centric manner. This is not the goal or practice in Long Beach and there is an opportunity to work with the state legislature to address the needs of Long Beach and other large jurisdictions that apply code enforcement in a fair and equitable manner.

Improved code enforcement is not possible without personnel. Code enforcement inspectors are very special individuals who are great communicators, knowledgeable building code experts and emotional intelligent gurus that remain calm when working with oftentimes emotional and angry stakeholders. Finding these spectacular employees has been a challenge for the City, particularly during the post-pandemic period.

The City is already engaged with Long Beach City College to add courses that would better prepare residents for a career in code enforcement or building inspections. As a statewide shortage exists of inspectors, there may be interest at a statewide level at addressing this important workforce development and training need.

Improving the effectiveness of code enforcement can yield many benefits for the City and its residents. Holding property owners accountable for preventing nuisance activity, controlling vacant lots and buildings and maintaining property not only visually improves neighborhoods but also prevents fires, crime and other negative impacts. Applied judiciously, code enforcement can provide a powerful disincentive from allowing properties to sit vacant and encourage thoughtful real estate development and economic opportunities.

## FISCAL IMPACT

This recommendation requests the Community Development Department and City Attorney to draft an ordinance updating code enforcement procedures to improve efficiency and effectiveness, to provide updates to the Economic Development and Opportunity Committee, and the Intergovernmental Affairs Committee to consider adding language in the Legislative Agenda to advocate for greater compliance enforcement tools for Code Enforcement Under state law.

The requested action is anticipated to have a moderate impact on staff hours beyond the budgeted scope of duties and is expected to have a moderate impact on existing City Council priorities. The actual financial impact of implementing these changes will be discussed when the implementing ordinance is brought forward to City Council.

SUGGESTED ACTION

Approve recommendation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mary Zendejas". The signature is fluid and cursive, with a long, sweeping underline.

Mary Zendejas, Councilmember, First District

A handwritten signature in black ink, appearing to read "Megan Kerr". The signature is cursive and includes a long, horizontal underline.

Megan Kerr, Councilmember, Fifth District

A handwritten signature in black ink, appearing to read "Al Austin". The signature is cursive and includes a long, horizontal underline.

Al Austin, Councilmember, Eighth District