

September 8, 1993
REPORT TO THE COMMITTEE
ON PUBLIC SERVICES AND SAFETY

SUBSTANDARD HOUSING TASK FORCE

The Committee at its meeting on June 30, 1993 requested that my office research the possible creation of a special prosecution task force, similar to that used by the City Attorney of Los Angeles, that would exclusively prosecute owners of substandard residential housing. Although targeting substandard housing in this manner is an effective strategy in combating neighborhood deterioration, my office does not have sufficient staff to create such a special prosecution task force.

City of Los Angeles Task Force

Since 1980 the City Attorney of Los Angeles has operated a multi-agency task force that works exclusively on the worst substandard multi-family residential buildings. Approximately 15 people staff this Task Force. These positions include, three deputy city attorneys, three building inspectors, three and one half health inspectors, one fire inspector, one hearing officer, two secretaries and a supervising attorney.

The Los Angeles Task Force targets only those properties where the code violations involve critical habitability problems, i.e., lack of electricity, presence of rats and rodents, sewage and sanitation, and major structural deficiencies. The Task Force handles about 40 cases per year. It currently has 100 active cases. Potential targets of investigation are referred to the City Attorney's Office from citizens, the offices of the Mayor and City Council, and other City departments. If the properties meet the criteria, a formal administrative hearing is held with the property owners and other responsible parties. If the owner fails to abate the substandard housing violations, the City Attorney files a misdemeanor criminal prosecution to compel compliance.

Special task force prosecution of property owners and managers that maintain substandard housing can produce dramatic results. Within the past 12 months, the City of Los Angeles abated 1933 substandard units.

City Attorney's Code Enforcement Unit

Unlike the Los Angeles Task Force that works exclusively on

substandard housing cases, the Code Enforcement Unit in my office enforces violations of all of the City's land use regulations (building, housing, zoning, fire, health, engineering and sign codes). A total of 11 people staff the Code Enforcement Unit: three deputy city attorneys, two litigation investigators, one legal assistant and two legal secretaries are assigned to various code enforcement cases. One Deputy City Attorney is dedicated half time to the Drug Abatement Response Team (DART) along with one legal assistant and one legal secretary.

The Code Enforcement Unit has approximately 135 active cases. Less than five percent of these cases involve substandard housing violations. Most cases are referred from the Neighborhood Code Compliance Department, Fire Prevention Bureau and the Police Department. Some cases handled by the DART team involve substandard housing. However, Drug Abatement cases must satisfy the criteria established in the California Health and Safety Code, i.e., continuous drug activity which results in a public nuisance on the property. In some cases properties contain substandard housing conditions, but do not have sufficient drug arrests and activities for special handling by DART. Unlike drug abatement cases, there are no special procedures for prosecuting substandard housing cases.

Over the years, as resources have permitted, the Code Enforcement Unit has prosecuted certain property owners who owned multiple substandard properties. For example, in June of 1992 the Code Enforcement Unit completed a five month investigation by filing a 78 count criminal complaint involving a dozen substandard properties. The court sentenced the owners to three years of summary probation, imposed a \$90,000 fine and established deadlines to correct the housing code violations. This is the largest criminal fine imposed for maintaining substandard housing within the City of San Diego. Although this case illustrates how effective our Code Enforcement Unit can be in prosecuting substandard housing violations, we no longer have sufficient staff to investigate and prosecute owners of substandard housing in this manner. Since November of 1992, three positions have been deleted from the Code Enforcement Unit's budget.

Summary

The creation of a special prosecution task force would dramatically increase the number of substandard housing prosecutions. While we have enjoyed success in prosecuting substandard housing violations, such cases currently account for only five percent of the ones referred to us. The substandard housing problem cannot be comprehensively addressed with existing Code Enforcement Unit resources. We cannot simply reallocate

existing resources without eliminating prosecution in other important areas.

Respectfully submitted,
JOHN W. WITT
City Attorney
JWW:DCJ:JMS:lmd(043.1)
RC-93-39

TOP

TOP