

# Code Enforcement Operations Study Session

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January 21, 2025

Presenter: Chris Burton, PBCE Director  
Rachel Robers, PBCE Deputy Director



*Planning, Building and  
Code Enforcement*

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  - c) Challenges
  
- III. Reengineering for Operational Improvement
  
- IV. Operational Assessment and Next Steps

# I. Code Enforcement Overview

a) What is Code Enforcement?

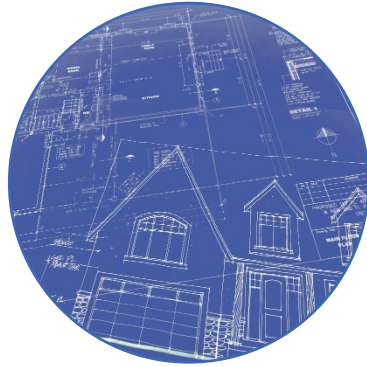


# Purpose of Code Enforcement

*To uphold local laws and ordinances on property maintenance, building standards, land use, and public health and safety by investigating complaints, ensuring code compliance, and addressing violations to maintain a safe and pleasant community.*



# PBCE Continuum



Planning

Building

Code Enforcement

Land use permits approved

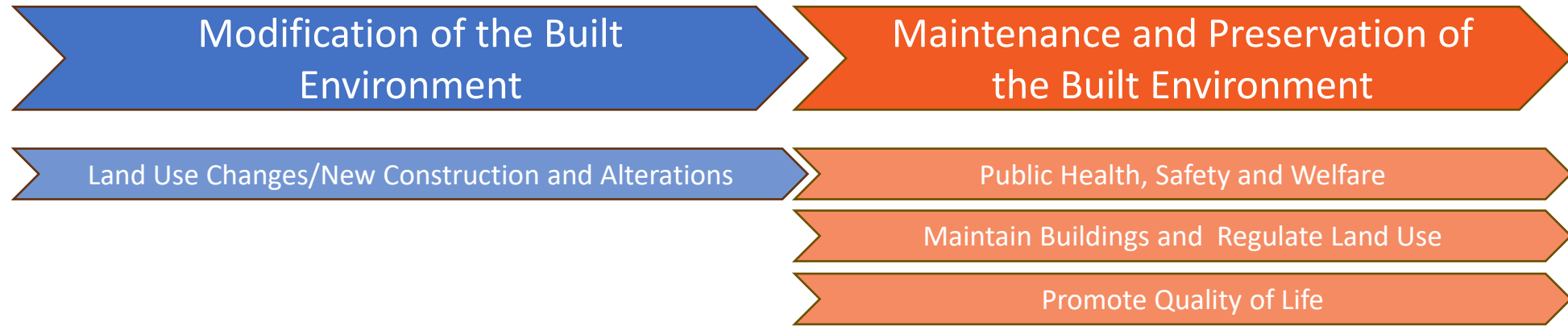
Building Permit Final/  
Certificate of  
Occupancy Issued

Building/Property occupied/ in  
use by owner/occupant/ public

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Code Enforcement addresses property  
violations/quality of life issues for life of  
building/property

# Planning, Building and Code Enforcement

*Guide the physical change of San José to create and maintain a safe, healthy, and vital place to live and work.*



<b>Permitted:</b> Planning Building Public Works Fire	<b>Unpermitted:</b> <b>Code Enforcement</b>
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<b>Public Property:</b> Public Works PRNS SJPD SJFD Housing	<b>Private Property:</b> <b>Code Enforcement</b> SJPD SJFD
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# Codes We Enforce

We enforce various San José Municipal Codes that regulate **private property** utilizing outreach, education, and administrative enforcement tools.

***Example:** The Community Preservation Ordinance establishes regulations prohibiting various forms of blight on private property.*



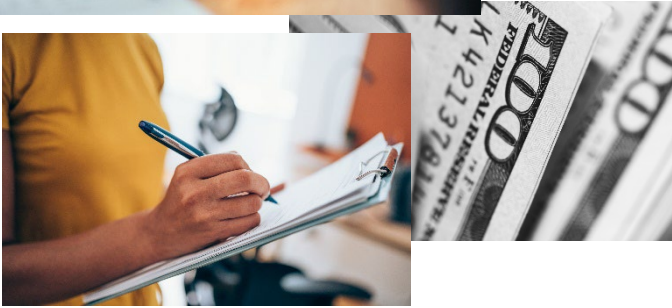
## Key Ordinances :

- Substandard Housing, Chapter 17.20
- Building Code, Title 24
- **Community Preservation Ordinance, Chapter 17.72**
- Zoning Code, Title 20
- Tobacco Retail License, Chapter 6.87
- Off-Sale Alcohol Beverage Establishments, Chapter 6.86
- Graffiti Prohibitions , Chapter 9.57
- Signs, Title 23



# Enforcing the Code

What we do



What the property owner does

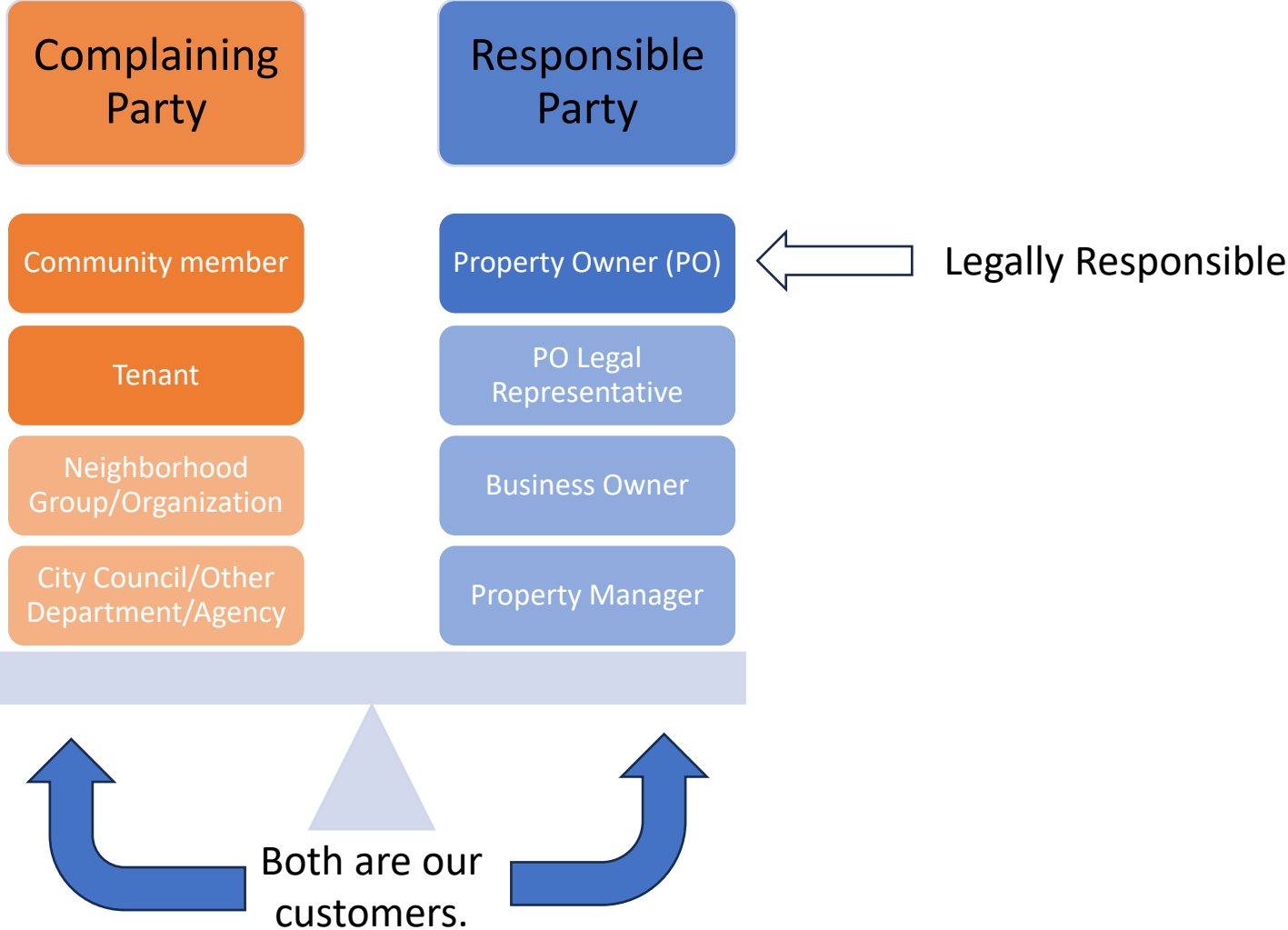


Conduct inspections, identify violations, and utilize outreach/education and administrative enforcement tools to induce the property owner to bring their property into compliance.

Takes necessary steps to bring the property into compliance.



# Who is the Customer?



# Code Enforcement Programs

## General Code



- 15 FTE (13 FTE General Fund/2 FTE Fee Funded)
- All Single/Two Family, Commercial, Industrial, Vacant Private Property

## Multiple Housing



- 17.25 FTE
- Fee funded
- Apartments, SROs, Hotels/Motels, Frat/Sororities, etc.
- 6,752 Buildings
- 102,862 Units

## CDBG



- 4.25 FTE
- Grant Funded
- Enhanced Multiple Housing Program in CDBG eligible areas
- Project Hope

## Special Programs



- 8 FTE
- Fee funded
- Vacant Buildings and Storefronts
- Tobacco Retail License
- Off Sale Alcohol
- Abandoned Shopping Carts
- Building Code Compliance
- Massage

## Other Services

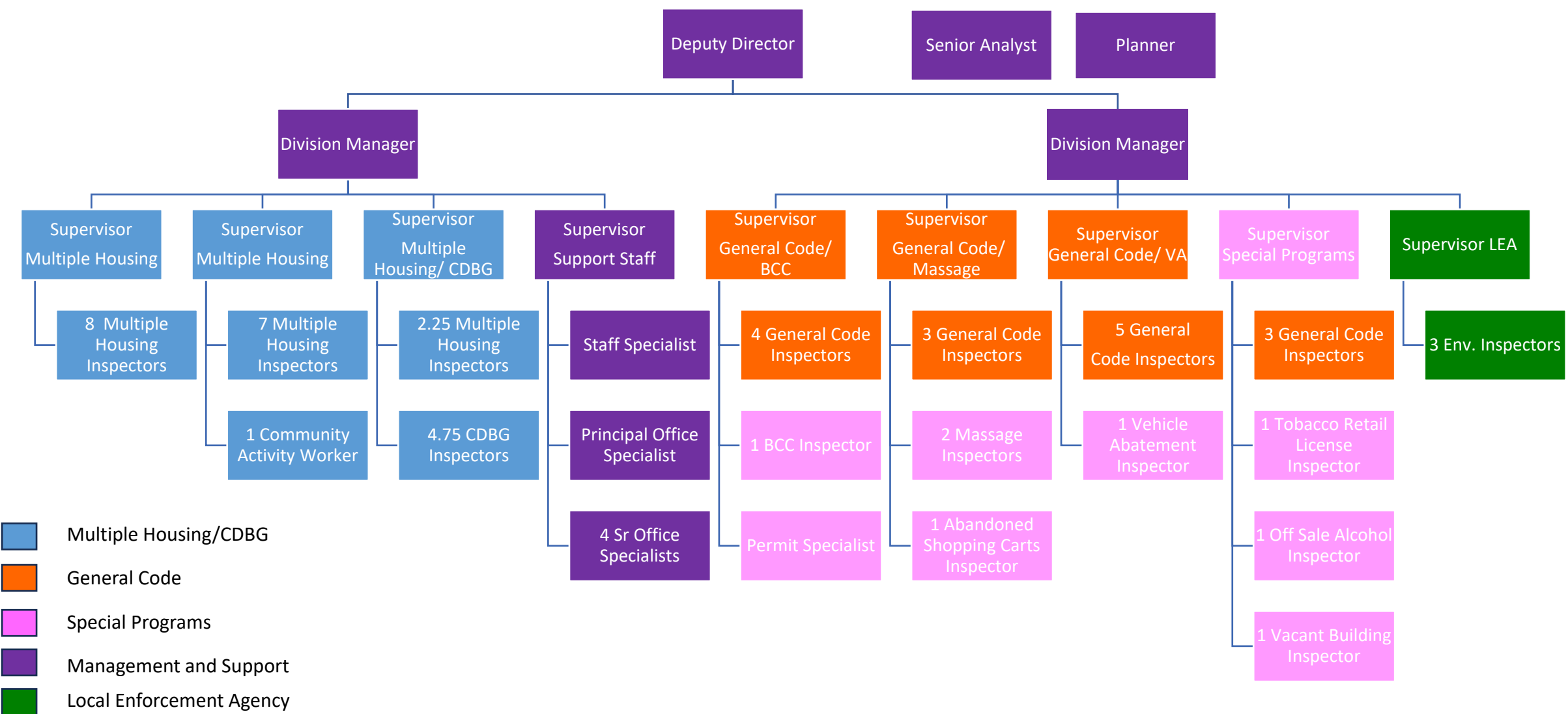


- Local Enforcement Agency (3 FTE Fee Funded)
- Fireworks
- Mobile Vendors
- Illegal Dumping Enforcement
- ADU Amnesty
- Elevated Exterior Elements-E3
- Soft Story
- Housing Element Strategies

Complaint Based

Proactive and Complaint Based

# Org Structure



- Multiple Housing/CDBG
- General Code
- Special Programs
- Management and Support
- Local Enforcement Agency

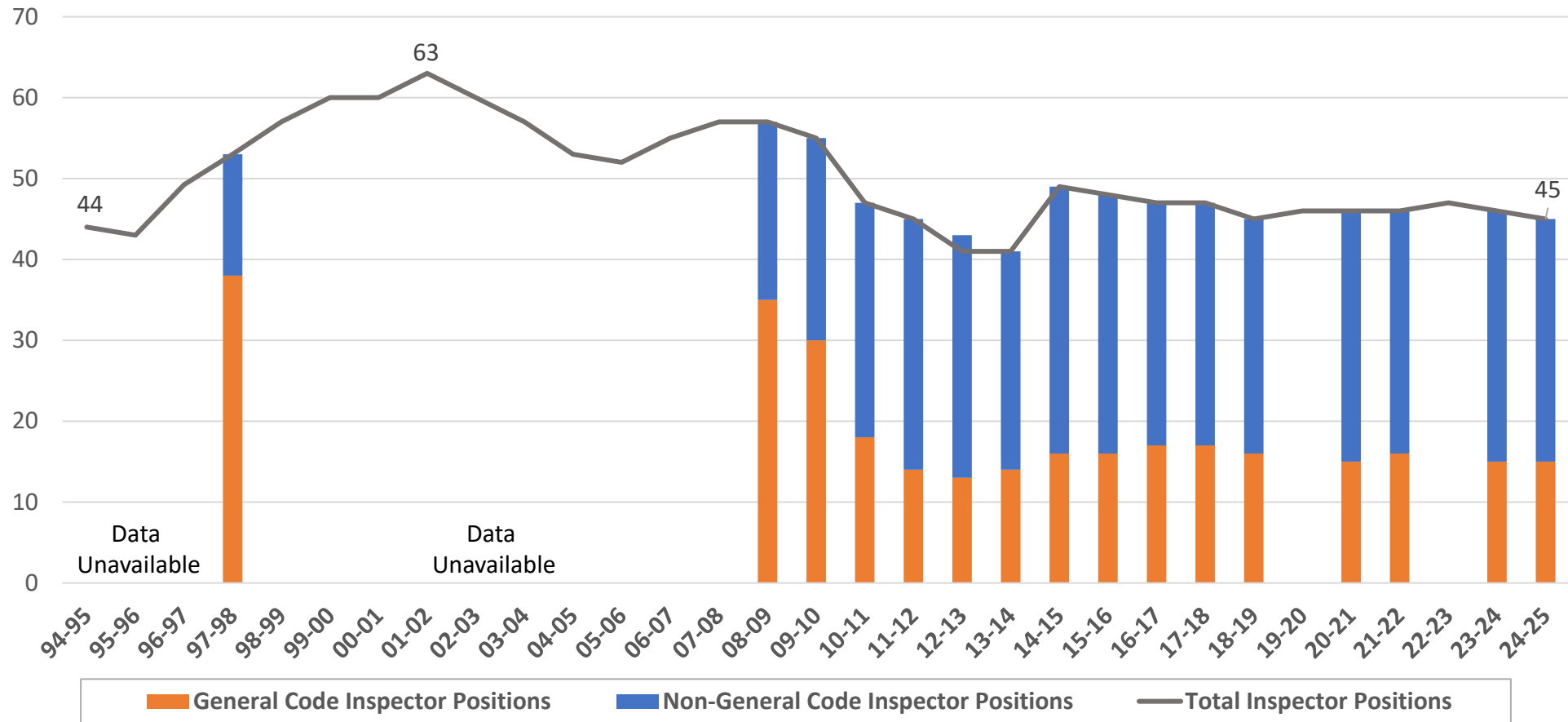
# I. Code Enforcement Overview

## b) Background and History

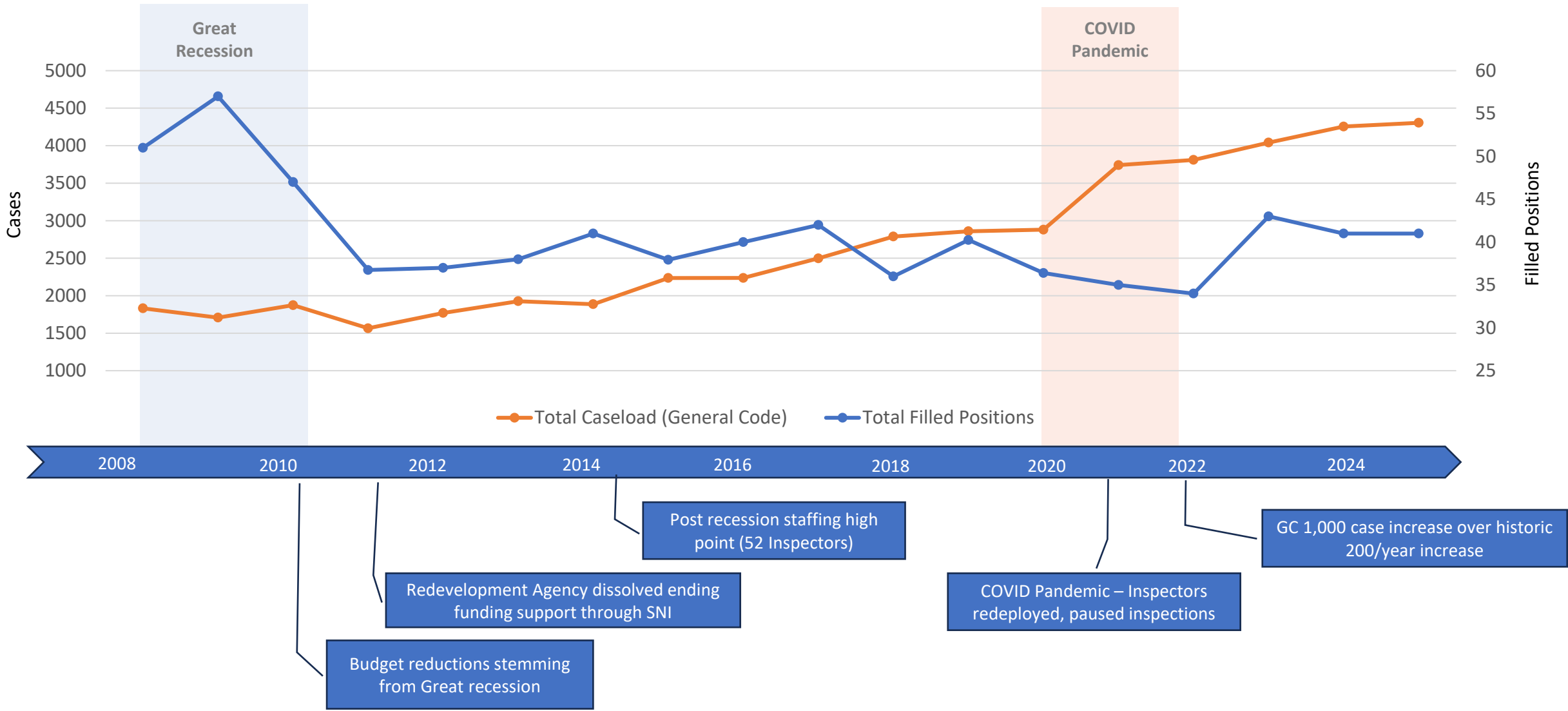


# Budget Reductions/Shift Toward Special Programs

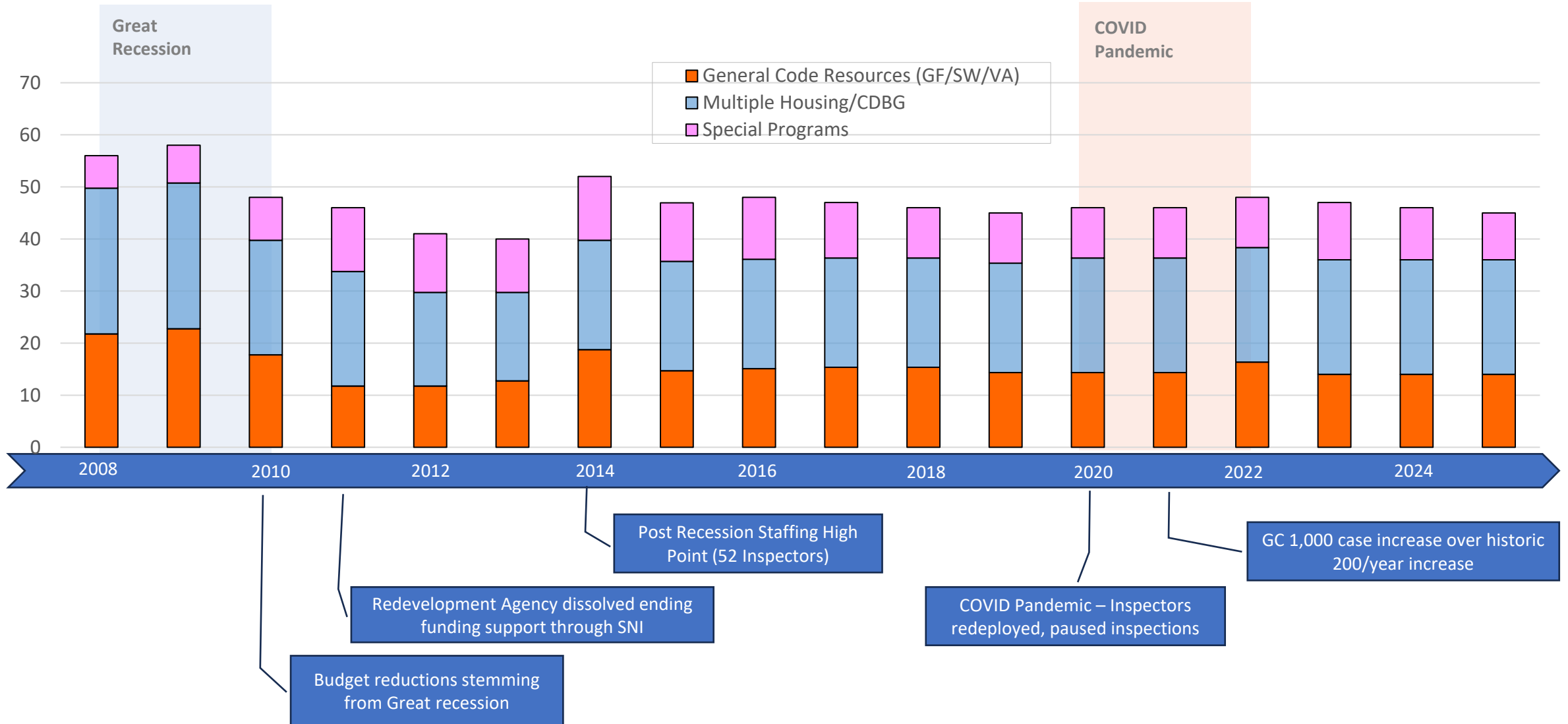
Budgeted Code Enforcement Inspector I/II Positions,  
1994-1995 to 2024-2025



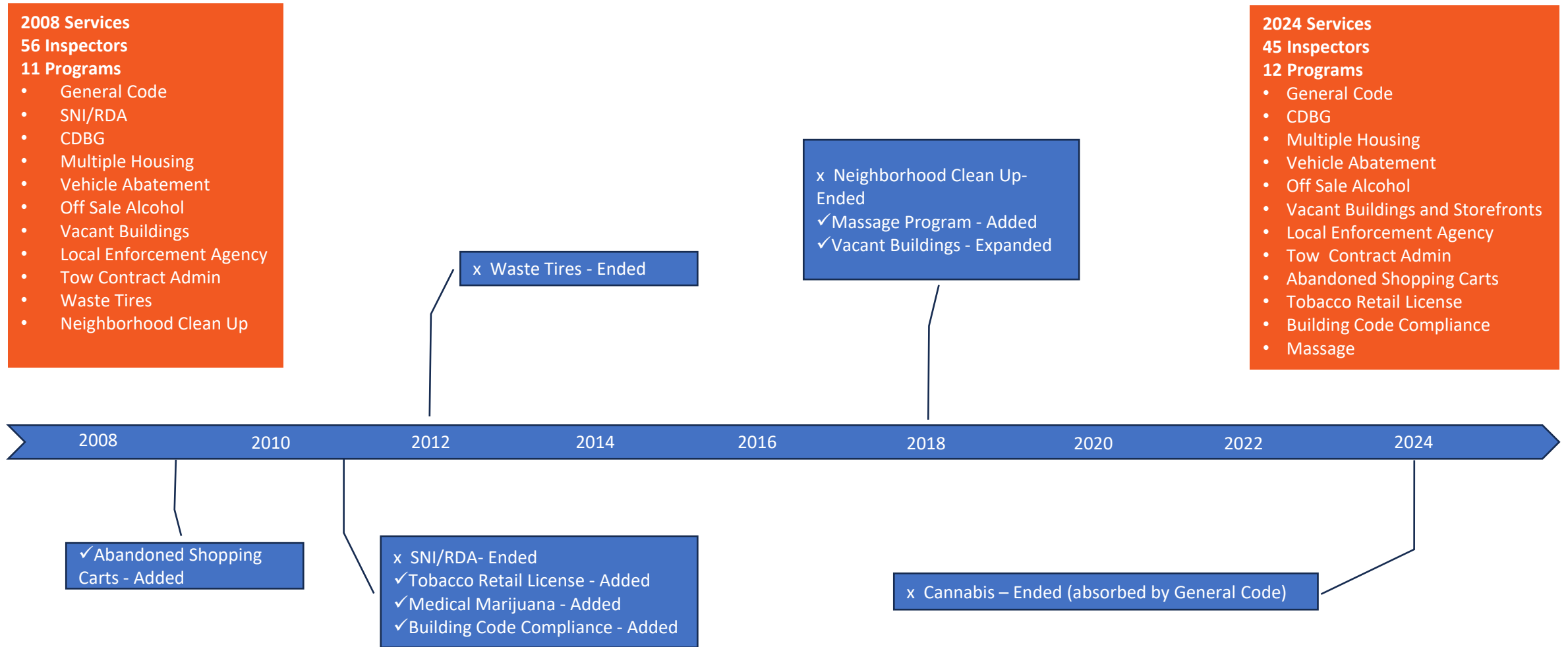
# Staffing Impact on Caseload



# Programmatic Shift Away from General Code



# Changing and Expanding Scope

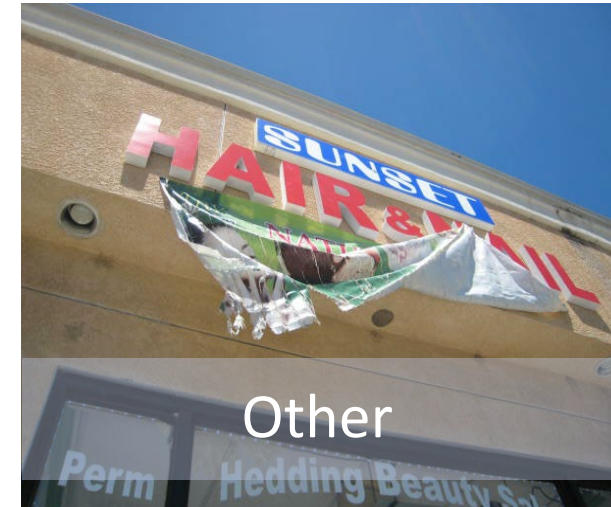




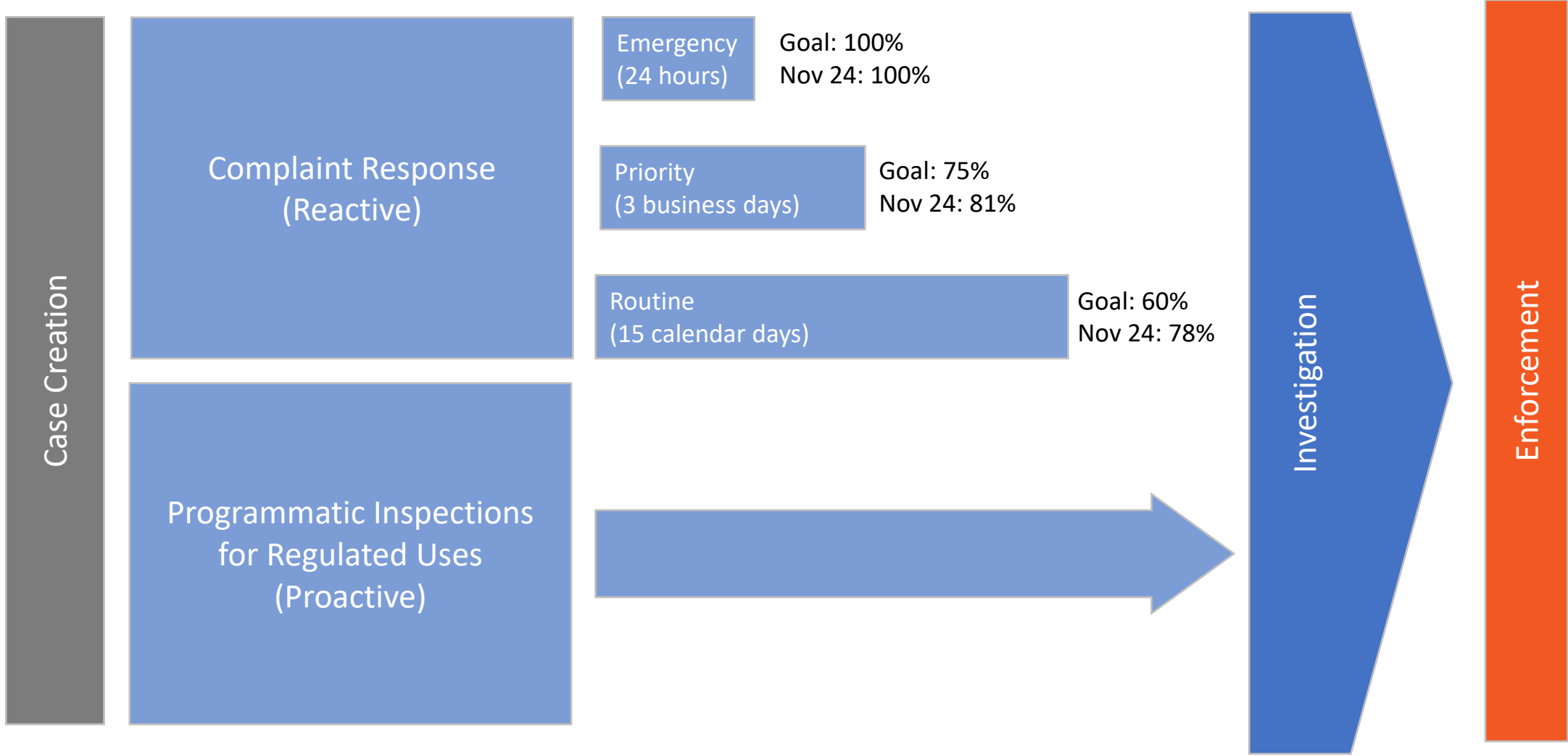
## II. Code Enforcement Process and Enforcement Tools

a) Cases

# Program and Case Types



# Case Priority and Initial Response



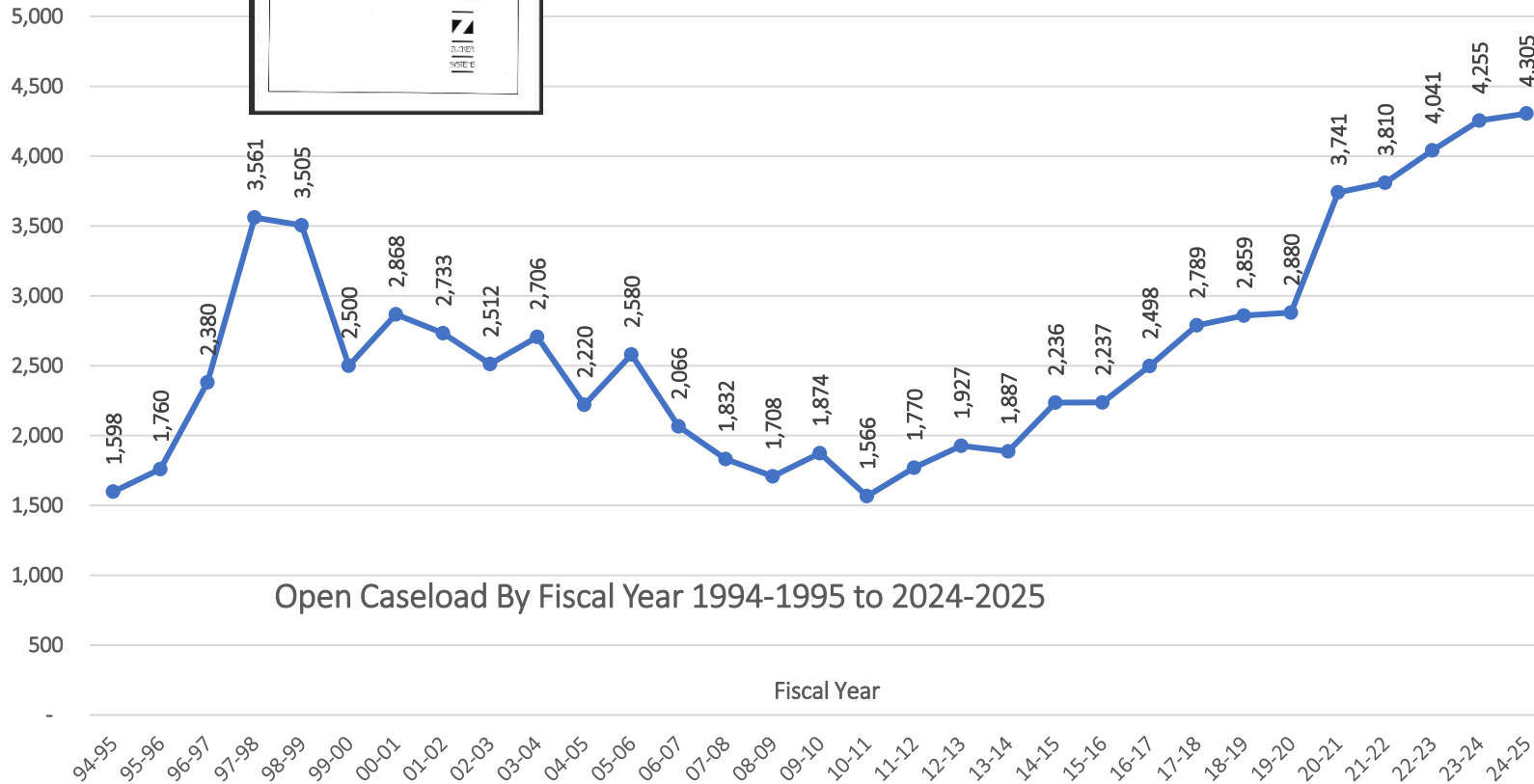
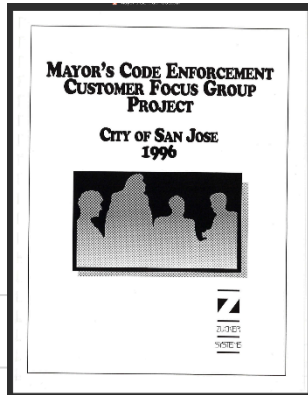
# Programmatic Caseload (Non-General Code)

Program	FY 2023-2024 Activity	
<b>Multiple Housing</b>	Buildings Inspected	1,747
	Units Inspected	8,513
	Complaints Received	541
	Complaints Closed	530
	Violations Closed	11,849
<b>CDBG</b>	Units Inspected	664
<b>Special Programs*</b>	Required Annual Inspections	1,097
<b>Local Enforcement Agency</b>	Required Facility Inspections	240
<b>Fireworks</b>	Reports Processed	1,280

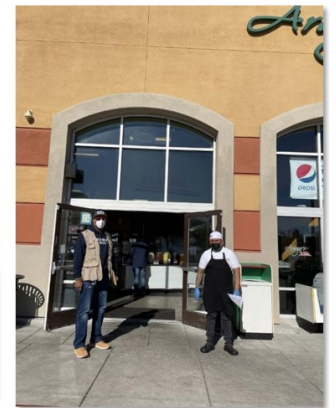
\*Does not include Massage/VBS



# General Code Caseload History

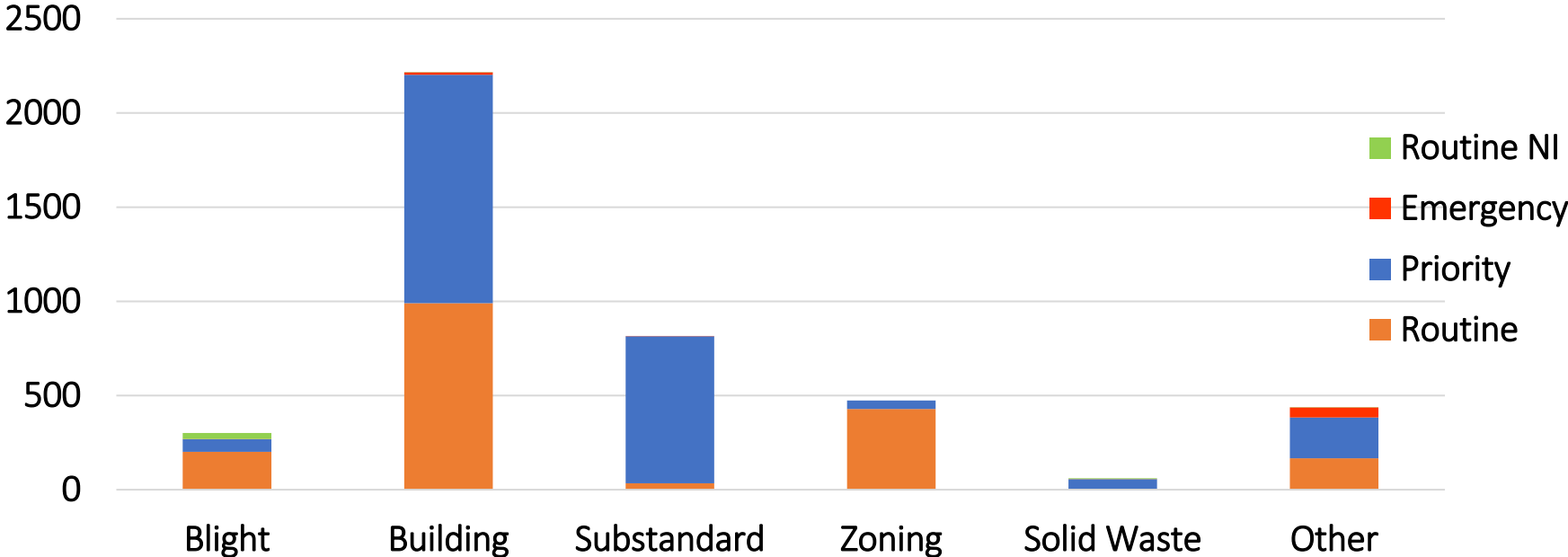


FY	Backlog	New Cases	Cases Resolved	Delta
15-16	2,237	6,082	6,077	+5
16-17	2,498	5,724	5,459	+265
17-18	2,789	5,092	4,799	+293
18-19	2,859	4,028	3,954	+74
19-20	2,880	3,047	3,025	+22
20-21	3,741	2,878	2,015	+863
21-22	3,810	2,877	2,800	+77
22-23	4,041	3,070	2,838	+232
23-24	4,255	3,529	3,315	+214
24-25	4,305	1,620	1,570	+50



# General Code Caseload Summary

Current Caseload by Type and by Priority



	Blight	Building	Substandard Housing	Zoning	Solid Waste	Other
Average time to closure (days)	57	639	388	345	156	214
	221*					

\*Blight-Living in Trailer

# Enforcement Tools

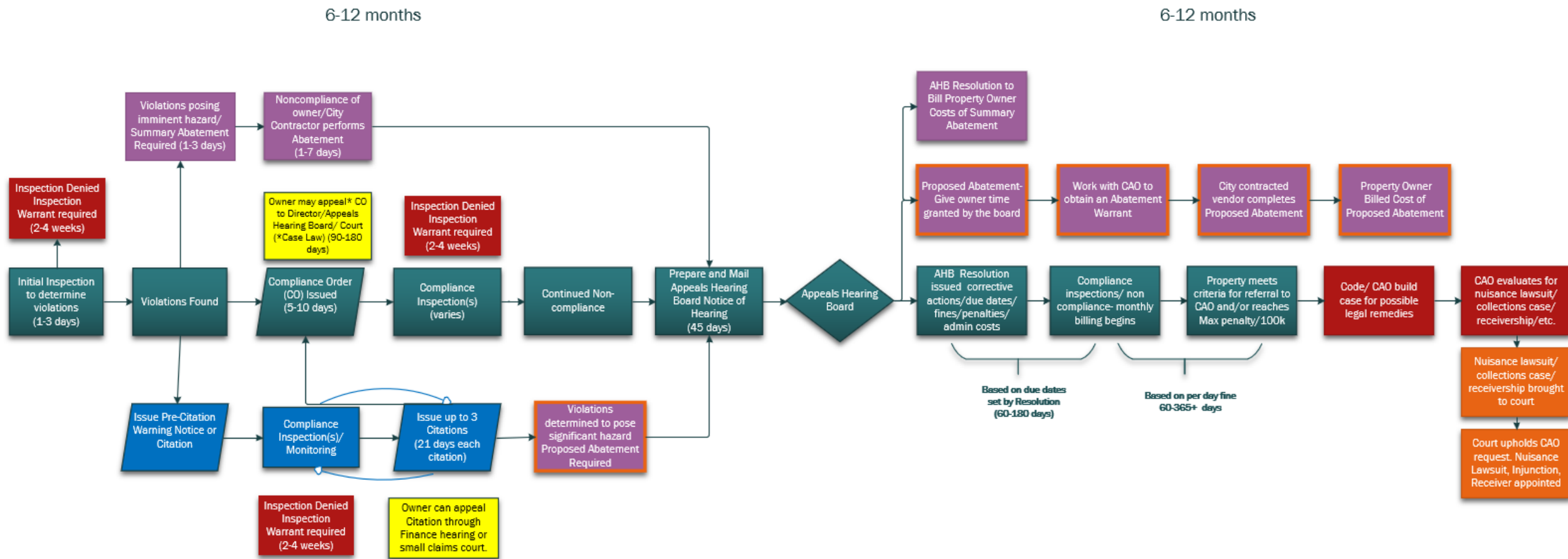
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- **San José Municipal Code (SJMC)** outlines enforcement regulations, requirements and due process
- **Notices**- Official Warning Notices, Pre-citation Warning Letters, Inspection Notices
- **Administrative Citations** - non-criminal infractions, violations transient in nature, fines set by Council, *SJMC Chapter 1.15*
- **Administrative Remedies** - Compliance Order, Administrative Order, Fines/Penalties, *SJMC Chapter 1.14*
- **Summary and Proposed Abatements**, SJMC Chapters 17.02 and 17.40
- **Legal Action** - Public Nuisance Lawsuits, Receivership, Collections Case, Injunctions, etc.

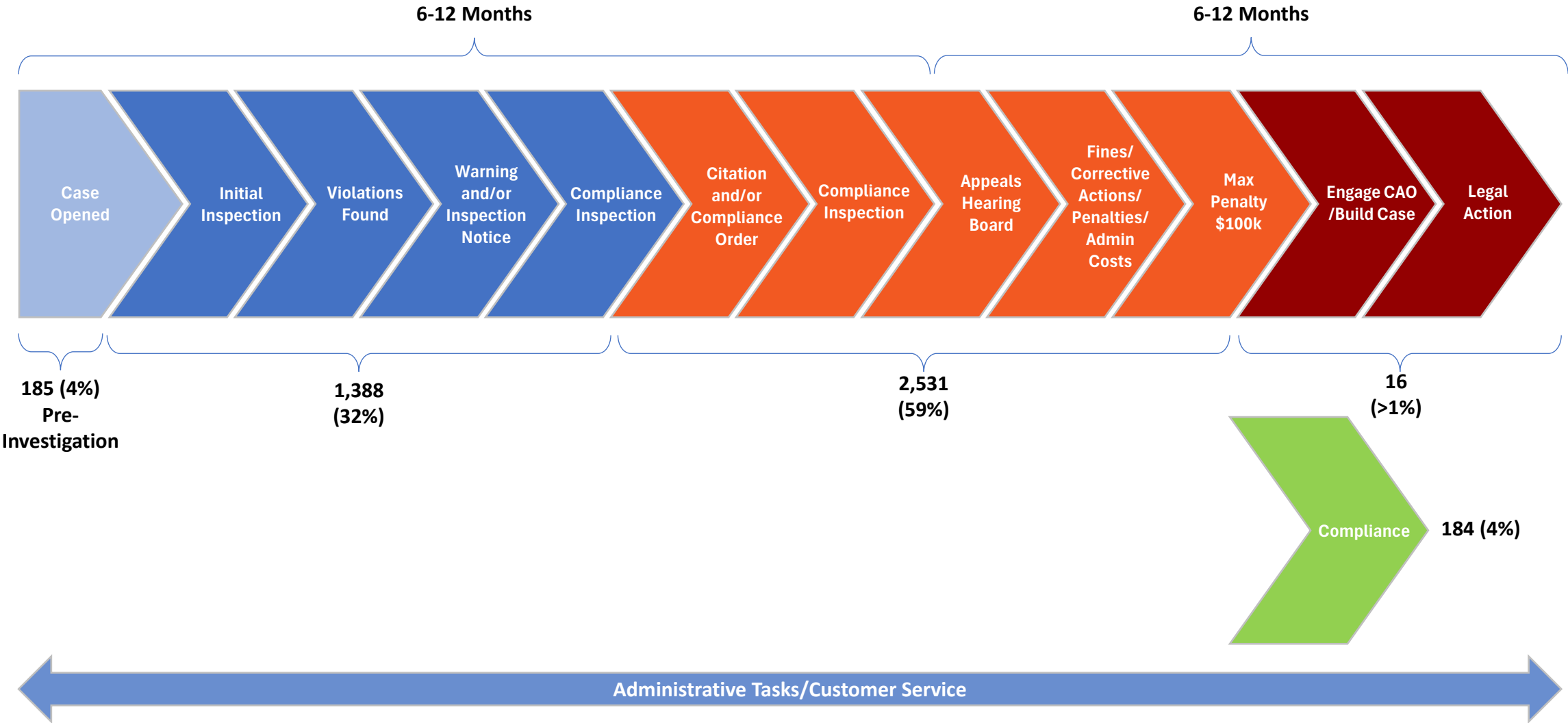
# II. Code Enforcement Process and Enforcement Tools

## b) Process

# Full Process



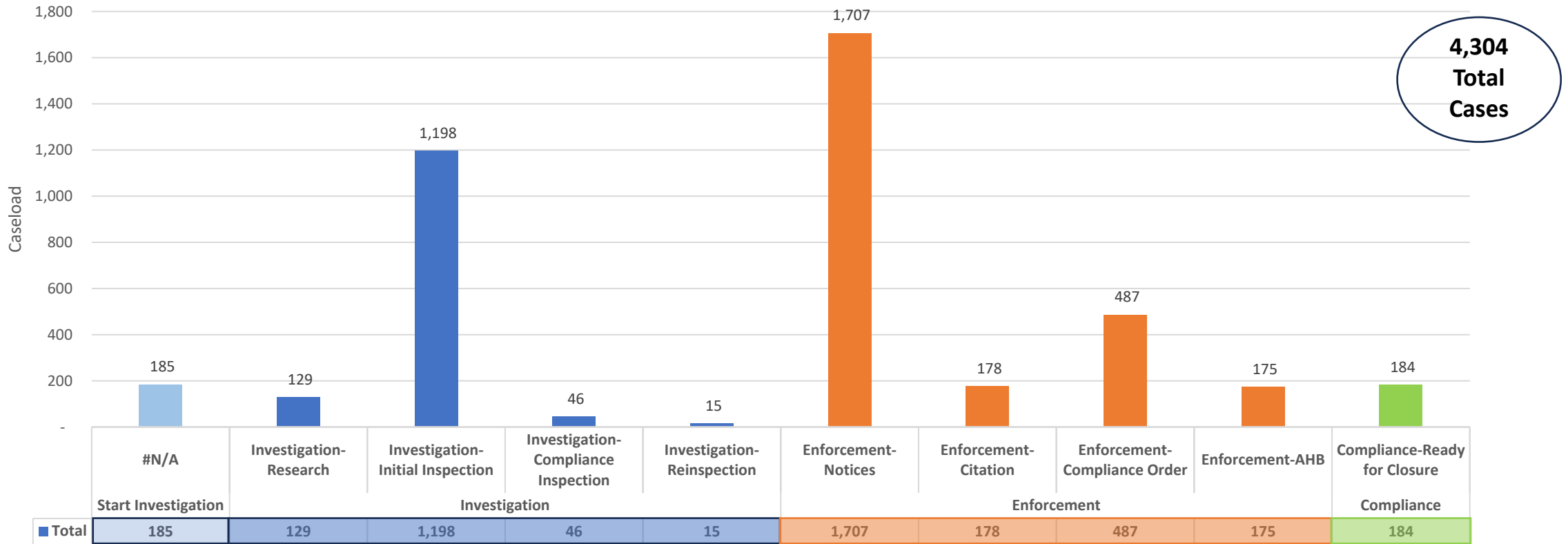
# Core Process Escalation



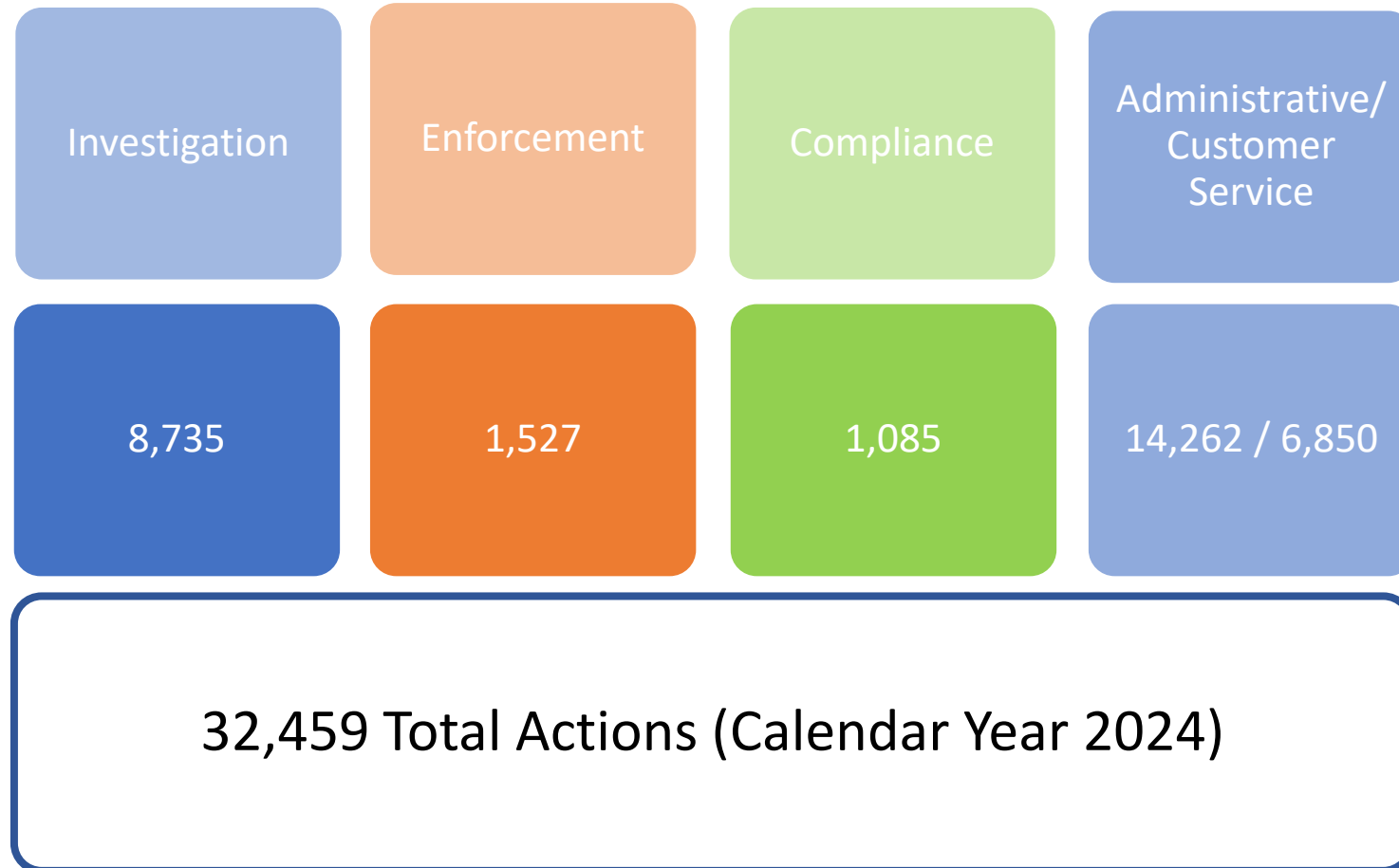


# Number of Cases at Each Enforcement Stage

Current General Code Caseload by Enforcement Stage



# Enforcement Process By the Numbers



# Impact

““We turned a challenging case into a success by preventing an elderly woman's home from being condemned, contacting her family who relocated her to assisted living, and ensuring the property was cared for. It was a blessing in disguise. ”



**Manny Duarte,**  
Code Enforcement Inspector

Before



After



# II. Code Enforcement Process and Tools

## c) Challenges

# Legal Considerations

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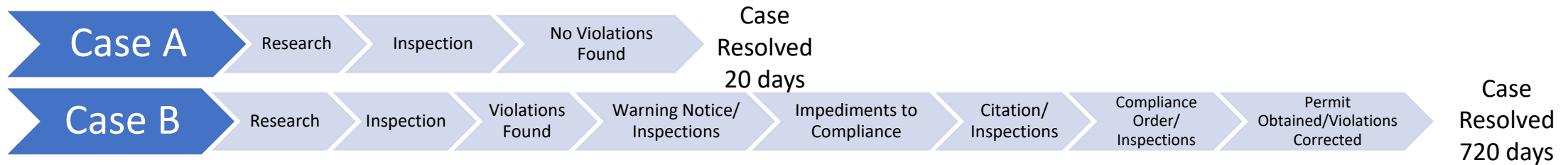
- Responsible Party
  - Deceased Property Owners
  - In Probate
  - Unfamiliar with City Code and Administrative Process
- Obtaining Evidence
  - Denied access (4<sup>th</sup> Amendment)
- Due Process
  - Administrative Remedy Process
  - Appeals - Citation, Compliance Order, and Administrative Order
- Building Case for Legal Action
  - Public Nuisance
  - Receivership
  - Injunction
  - Collections Case

# Case Complexity

Blight Case:  
Overgrown  
Vegetation



Building Case:  
Unpermitted  
Construction





# Balancing Interests



My tenant won't give me access to fix the issue.

This is my property. I have rights.

I don't know what to do about the constant graffiti on my building.

It's been like this for too long.

Why should our community have to deal with this.

My landlord still hasn't fixed the violations.

I don't have the resources to fix this.

My mother passed recently, the property is still in probate.

Why isn't the City doing something?

They should be fined. This is unacceptable.

This is my business, my livelihood.

We've been working to redevelop this site.

I just bought the house, I thought it was permitted.

It is impacting our neighborhood, our property values.

I'm concerned about the unsafe conditions.

# Customer Feedback

**“I should not have to continue taking pictures, filling out city forms with what needs to be resolved and checking up on the response from the city”**

*“I would like to see the FAST pilot program continue in our neighborhood.”*

**“Code enforcement has issued repeated warnings which temporarily cured the problem only to have it continue.”**

*“All in all, the webinar provided a very good explanation on use of the San Jose 311 app (for fireworks).”*

**“We don’t need studies; we need to enforce rules and ordinances we have.”**

*“And I cannot forget to thank Greg Martinez of Code Enforcement for his endless efforts on this case and his "not giving up" attitude. ”*

**“We are continuing to work on this with staff and members of the Council and community. Please do what you can to help us make things happen.”**

*“We are here to help support the City in its’ efforts, we want to know how we can help “*

**“The surrounding neighborhood sees the condition of the property every time they drive on Dry Creek Road. Some of them also complain to the City about the condition. They also see no real action, or inconsistent action, by the City over several years. The credibility of the City's Code Enforcement Department is being questioned by some of these neighborhood residents.”**

# Our Staff's Perspective



**“I love being part of a culture that prioritizes customer service and values health and safety.** I see my role just as much about education as it is about enforcement.”

-Enrique, Code Enforcement Inspector



“I worked with a local business struggling with abandoned carts to create a new retrieval system that helped them save money on fines and keep their carts from littering our streets and waterways. **It was gratifying to see how our partnership led to a cleaner, more sustainable neighborhood.**”

-Angelica Garcia, Code Enforcement Inspector



**Our work is often about so much more than enforcing code.** I once inspected a property with 27 people living in a three-bedroom basement apartment. After directing them to the Housing Department for assistance, I still worked closely with them until they found a way out of their situation.

-Marlon Aviles, Code Enforcement Inspector



**“Code Enforcement is one piece to a larger puzzle** in finding solutions for issues including illegal dumping, encampment clean up, unpermitted mobile vendors, and vacant buildings. **I’m proud to play a role.**”

-Raymond Ho, Senior Analyst



**“We turned a challenging case into a success** by preventing an elderly woman's home from being condemned, contacting her family who relocated her to assisted living, and ensuring the property was cared for. **It was a blessing in disguise.**”

-Manny Duarte, Code Enforcement Inspector



**“Some of our most impactful work happens when we work with other departments and partners.”**

-Tracy Keifer, Code Enforcement Inspector

# What are We Doing Well and Where is Improvement Needed?

## Positives

Proactive Programs (Multiple Housing, Special Programs)  
Balancing Interests (Internal and External)  
Providing Support/Assistance to Customers  
Adapting to Emerging Issues/New Services  
Complaint Initial Response (100%, 81%, and 78%)  
Summary and Proposed Abatements

## Improvement Needed

Escalation of Enforcement  
Streamline Blight Enforcement  
Eliminate Building Case Backlog  
Improve Case Resolution Timelines  
Improve Case Management, Data, Reporting  
Expand External Partnerships  
Enhance Customer Resources

# Problem Statement and Goal

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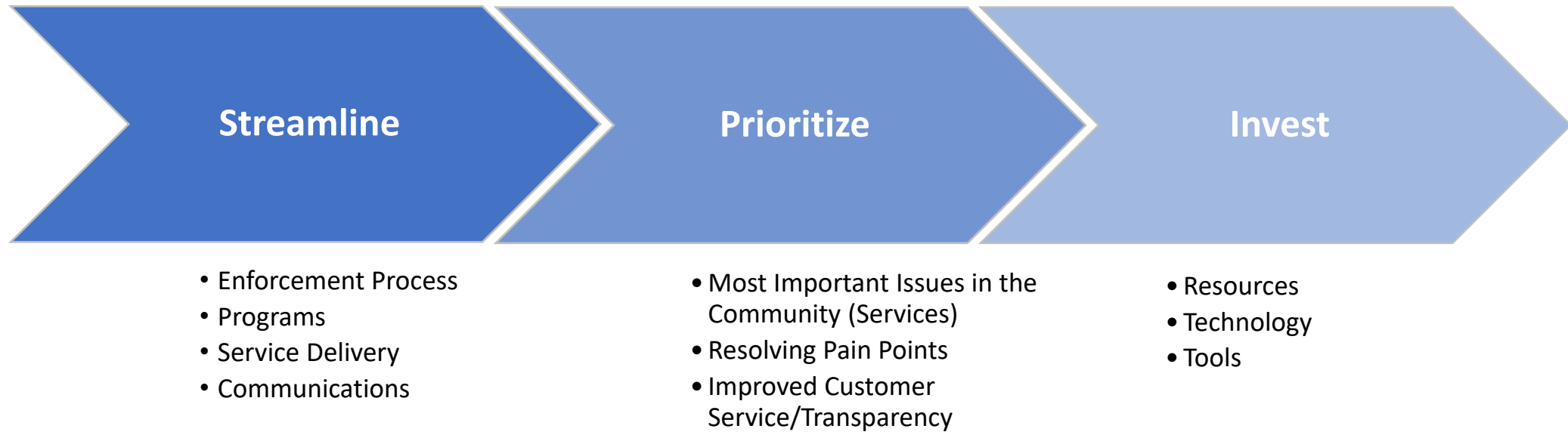
- Code Enforcement operates in a complex regulatory environment influenced by competing interests and socio-economic challenges which together can delay the resolution of code violations, create communication gaps, increase stakeholder frustration and diminish public trust.
- Our goal in reengineering this work is to streamline key processes, prioritize services, and make targeted investments in technology, resources, and partnerships, so we can strengthen community trust, expedite enforcement outcomes, and maintain a safe, vibrant San José.

# III. Reengineering for Operational Improvements – Work Underway

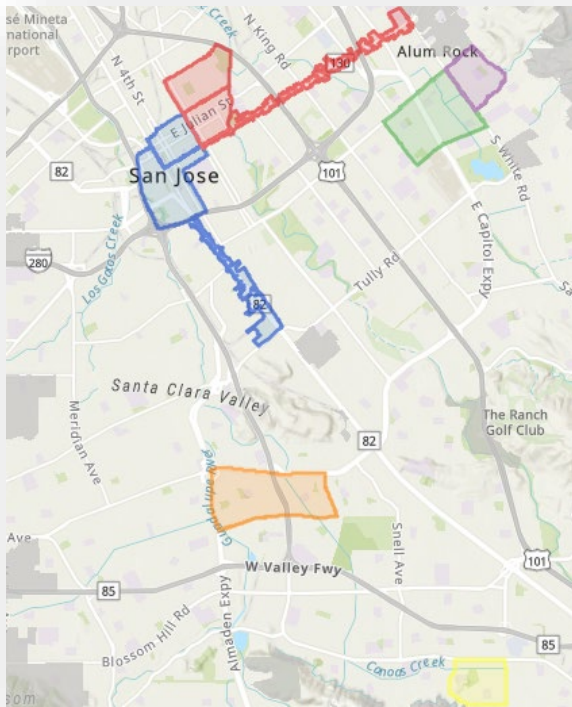
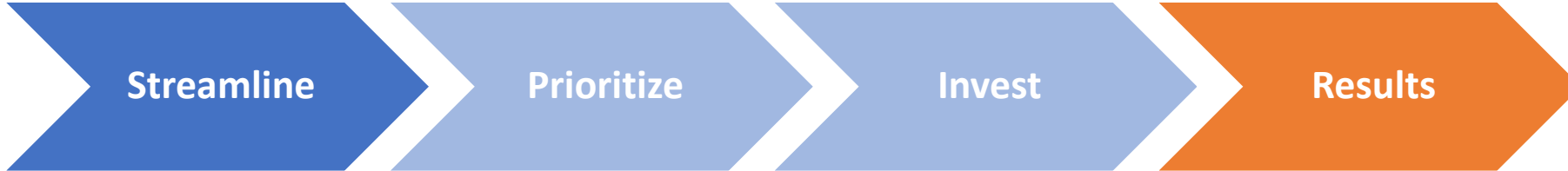


# Operational Improvements Strategy

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# FAST Pilot Program



**A cleaner, safer San José starts at home.**  
**Fight blight in your neighborhood by taking action on your own property.**  
 The City's FAST Program inspectors are conducting neighborhood inspections and will issue citations for Municipal Code violations as listed below.  
 Avoid a citation by correcting violations BEFORE inspectors arrive in your neighborhood.

**Remove graffiti**  
 Quickly remove graffiti from your buildings, structures, fences, vehicles, and/or boats. For tips, visit [www.sanjoseca.gov](http://www.sanjoseca.gov). Report suspected gang-related graffiti to [www.sanjoseca.gov](http://www.sanjoseca.gov) or call 3-1-1.  
 Municipal Code 22.016, 8.572, 8.574  
 Fee Amount: \$200-\$500

**Keep front yards tidy**  
 Keep junk, debris, furniture, auto parts, and household items out of view from the street, do not store such items in front yards, alleys, or porches. To schedule a free junk pickup, call 3-1-1 or visit [www.sanjoseca.gov](http://www.sanjoseca.gov).  
 Municipal Code 22.016, 8.572, 8.574  
 Fee Amount: \$200-\$500

**Store non-working vehicles out of view**  
 Put them in the garage, a side yard, or backyard at least 5 feet from a fence or property line. Do not block bedroom windows. Call (408) 535-7774 or visit [www.sanjoseca.gov](http://www.sanjoseca.gov).  
 Municipal Code 22.016, 8.572, 8.574  
 Fee Amount: \$200

**Park vehicles on paved surfaces**  
 Park on paved surfaces only never on law, dirt, or gravel. Never park over your front yard; you will be cited and required to pull out the pavement.  
 Municipal Code 22.016, 8.572, 8.574  
 Fee Amount: \$50

**Trim grass and remove dry vegetation**  
 Reduce fire hazards and rodents by trimming grass hedges to under 12 inches in height. Remove and properly dispose of dead or dry vegetation.  
 Municipal Code 22.016, 8.572, 8.574  
 Fee Amount: \$50

**RECORDATORIO**  
 Su vecindario será inspeccionado por un inspector del Código Municipal durante el mes de febrero de 2024. Evite una citación utilizando en cada estación.

**Un San José limpio y seguro comienza en la casa.**  
 Luchando contra la plaga de su vecindario tomando medidas en su propia propiedad.  
 Los inspectores del Programa FAST de la Ciudad están realizando inspecciones de vecindarios y emitirán citaciones por violaciones del Código Municipal como se detalla a continuación.  
 Evite una citación corrigiendo las infracciones ANTES de que los inspectores lleguen a su vecindario.

**RECORDATORIO**  
 Su vecindario será inspeccionado por un inspector del Código Municipal durante el mes de febrero de 2024. Evite una citación utilizando en cada estación.



# FAST Pilot Program



- Expedited Enforcement Process
- Proactive Outreach and Education
- Dashboard Survey/Proactive Inspection
- Shorter Compliance Timelines
- 2.0 FTE Dedicated Inspectors

- Most common blight violations
- Areas with highest # of blight complaints
- Dedicated Intradepartmental Team

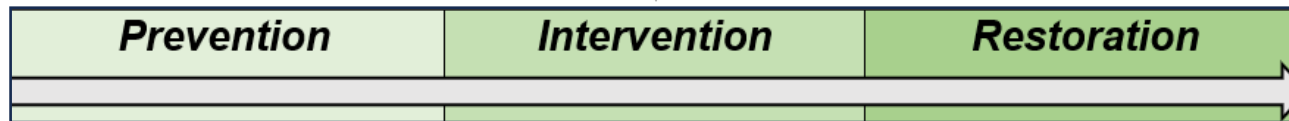
- Shifted General Code/General Fund Resources
- Support from Other City Departments
- Robust Outreach Campaign

	FAST	Normal Operations
Timeline	Approx 5 months	12 months
Number of Cases Opened	463	375
Case Duration (Open to Resolution)	66 days	129 days
Compliance Rate after 1 <sup>st</sup> Citation	62%	50%
# of inspections required	2.9	2.1

# Downtown Enhanced Vacant Buildings and Storefronts



Code Enforcement's Primary Role



## Priority Properties

- 152/146 N 4<sup>th</sup> St. properties
- Z/L First Church of Christ Scientist
- Lawrence Hotel
- Dr. Eu Building
- Former Ross Building
- Former Greyhound Station
- Former BoTown
- Bank of Italy
- Former Dai-Thanh Market
- Serpentine Pavillion

# Enhanced Vacant Buildings and Storefronts

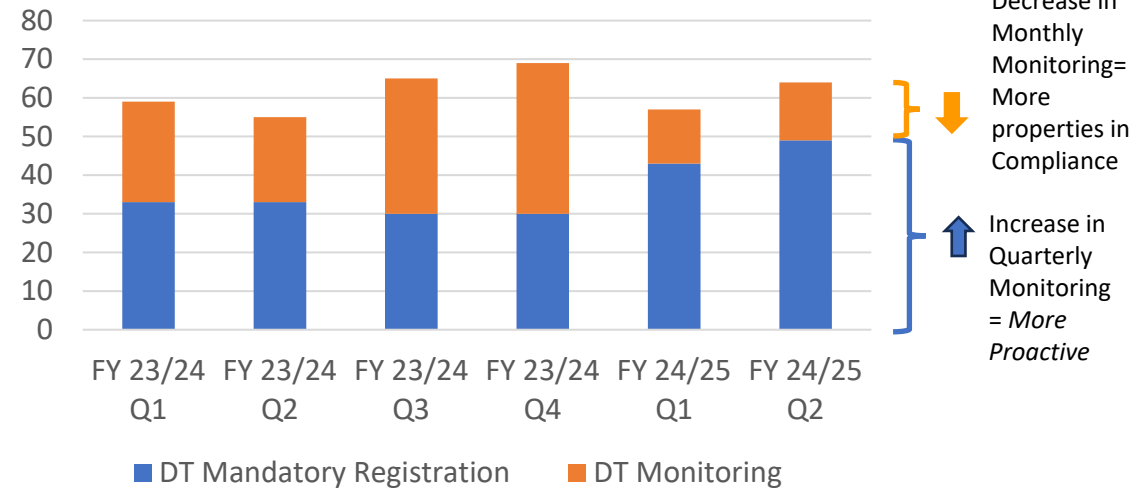


- New Approach to Enforcement with Good Results
- Proactive Outreach and Education

- Expedited Enforcement
- Focus on Downtown's Priority Properties
- Multi-department Working Group
- Community Engagement

- 1.0 FTE Dedicated Inspector (one-time)
- Focused Support from Other City Departments
- New Stakeholder Resources

# Properties in Enhanced VBS Program



# Technology Enhancements



- Automation
- Improved Public Portal
- Case Management
- Data/Reporting

- Customer Service
- Pain Points
- Process Improvements

- Temporary Staffing Support
- Encumbered Funds
- Subject Matter Experts Team
- Multi-department support

- Service Delivery Efficiencies in Office/Field
- Improved Customer Service
- More Timely Communication
- More Transparency
- Greater Performance Insights
- Improved Data Tracking/Reports
- Better Supportability
- Modern Software

# CodeX

**Vendor:** Infinite Solutions  
**Project Status:** Project kick-off fall 2024. Business rule and requirements gathering sessions in progress.



# IV. Operational Assessment and Next Steps

# Operational Assessment

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## ➤ **Consultant: Guidehouse**

- **Task No. 1:** Work Plan and Status Report - January 24, 2025
- **Task No. 2:** Discovery and Current State Analysis - February 14, 2025
  - Code Services, Initiatives, Org. Structure
  - Opportunities, Pain Points, Operational Functions, Process, and Workflow
  - Staffing Levels and Current and Projected Workloads
  - Current State Findings Report
- **Task No. 3:** Operational Analysis - March 14, 2025
  - Stakeholder Interviews/Customer Experience
  - Impediments to Compliance
  - Peer City Benchmarking
  - Operational Report
- **Task No. 4:** Final Assessment Report - April 4, 2025

## ➤ **Staff:** Operational Assessment Status Report, NSE - April 14, 2025

# Next Steps

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## Near Term- Reengineering

Continue Reengineering Work Already in Progress including but not limited to:

- Operational Assessment Status Report – NSE, April 14, 2025/2025-2026 Budget Process
- *Streamline*: Leverage insights from FAST Pilot Program to Enhance Outreach and Education Citywide
- *Prioritize*: Enhanced VBS Program Services (including Multi-department Working Group, Downtown Stakeholder Engagement)
- *Invest*: Code Enforcement System Replacement Project

## Long Term- Reengineering

Develop goals and strategies to reach improvement milestones and implement Operational Assessment Recommendations including but not limited to:

- *Streamline*: Launch New Code Enforcement Case Management System
- *Prioritize*: Services/Most Important Issues in Community
- *Invest*: Partnerships, Staff Training, Community Engagement, Reducing Case Backlog

# V. Questions