



CITY OF
HAYWARD
HEART OF THE BAY

Work Session:
**New Regulations to Reduce Property
Related Social Nuisance Behavior**

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Regulations to Reduce Property-Related Social Nuisance Behavior

Introduction

- The purpose of this work session report is to present a proposed strategy addressing property-related social nuisance behavior in the City of Hayward.
- Staff is seeking Council input on the work session report.





Regulations to Reduce Property-Related Social Nuisance Behavior

Concerns

- The City of Hayward routinely receives complaints from the community regarding nuisance behaviors that deteriorate neighborhoods.
- Currently the police department handles an average of 5.5 incidents a month relating to chronic public/social nuisances.
- Staff seeks to develop a social nuisance ordinance aimed at reducing social nuisance behavior in the City.





Regulations to Reduce Property-Related Social Nuisance Behavior

Abatement of Social Nuisances in the City of Hayward

- Social nuisance behavior includes certain crimes, but also behaviors that lower the quality of life for residents of Hayward.
- Social nuisance behavior includes drug dealing, drug use, prostitution, gang activity, chronic unruly gatherings, and noisy activity during late night hours.
- Social nuisance behavior creates safety, health and welfare concerns including:
 - Increase in criminal activity and fear of crime.
 - Overburden on City resources.
 - Deterioration and adverse reputation of neighborhoods.
 - Reduced property values.





Limits on Addressing Social Nuisances

- No current administrative recourse exists for addressing behavior-related social nuisances; and the City must often rely on time-consuming and expensive judicial proceedings to abate or resolve social nuisance behavior.
- Within the past five years, two properties (one owner-occupied single family residence and one owner-occupied multi-unit complex) generated over 230 combined police calls for service, calculating to approximately 800 staff hours, at a cost of over \$86,000.00.





Limits on Addressing Social Nuisances

- Examples:
 - Single Family Residence (owner-occupied):
 - Took over three years to abate (judicial process)
 - Eventually resulted in court-ordered demolition.



Central Avenue, Hayward



HAYWARD





Limits on Addressing Social Nuisances

- Examples:
 - Four-Plex (owner lived on-site):
 - Took over four years to abate (judicial process).
 - City sought a court-ordered receivership and the property was eventually sold to a new owner.



Rio Vista Street, Hayward



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Proposed Action

- City Staff would like to propose a municipal ordinance that establishes an administrative process for abating social nuisance behavior.
- An ordinance regulating social nuisance behavior would align with the City's overall efforts toward neighborhood livability, safety, and cleanliness.





Regulations to Reduce Property-Related Social Nuisance Behavior

Similar Strategies adopted by Other Cities

Faced with similar issues, other cities have adopted ordinances addressing social nuisances behavior.

- Vallejo
- Stockton
- Woodland

These ordinances have allowed their respective cities to take immediate administrative action requiring the property owners to work with the City to abate the issues.





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Effectiveness of Similar Ordinances

- City of Stockton:
 - Ordinance was utilized twenty-six times in the past twelve months.
 - Experienced over ninety percent voluntary abatement.
- The City of Vallejo:
 - Utilized ten to twelve times per year, since late 1990's.
 - Experienced over ninety percent voluntary abatement.
- City of Woodland:
 - Experienced ninety to ninety-five percent voluntary abatement.





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What Would Ordinance Seek to Accomplish?

- A precise definition of Social Nuisance behaviors.
- A courtesy notice process designed to attain voluntary abatement.
- A process for issuing an order to abate a nuisance and the right to an administrative hearing.
- A choice of enforcement options including administrative penalties up to \$5,000.
- A right to judicial review of an administrative decision.





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Comparison

- Without Ordinance
 - No administrative process.
 - Must rely on civil litigation to abate behavior.
 - Can take up to two years or more to abate nuisance behavior, necessitating extensive staff time and expenses.
- With Ordinance
 - Provides administrative process.
 - Allows City to work with property owner to gain compliance.
 - Can reduce cost and time to abate nuisance behavior.





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Community Outreach

- Over the past twelve months staff has met with a variety of community stakeholders in various forums regarding this proposal:
 - City of Hayward Neighborhood Alert
 - Hayward Police Department Community Academy
 - City of Hayward Neighborhood Partnership Program
 - Downtown Business Improvement Area Board
 - Rental Housing Association
 - Bay East Association of REALTORS®
 - President of Hayward Chamber of Commerce
 - Community Action Network Director
 - Specific neighborhood groups dealing with existing social nuisance behaviors





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Community Feedback

- The proposal of such an ordinance has received overwhelming support from all community groups.
- The Rental Housing Association Board and Bay East Association of REALTORS[®] were concerned with recognizing good faith efforts made by property owners as well as commitment from the City to assist (in the form of supportive documentation and testimony) in required abatement proceedings.
- Such concerns will be addressed in the proposed ordinance.





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Next Steps

- If Council feedback is positive, the ordinance will be presented on October 15, 2013 for introduction, which will be followed by adoption on October 22, 2013.





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Questions, Comments

