

Exhibit 1

City of Pasadena

Chapter 14.16 - CERTIFICATE OF INSPECTION

Sections:

14.16.010 - Short title.

This chapter shall be known as the "inspection ordinance."

(Ord. 5121 § 1, 1973)

(Ord. No. 7201, § 5(B), 12-6-2010)

14.16.020 - Definitions.

- A. "Administrator" means the housing and neighborhood services administrator of the planning, housing and development services department of the city.
- B. "Occupant" means any person who occupies a unit, whether as an owner, or tenant or permittee of the owner.
- C. "Owner" means the person in whom the title to property is vested or that person's agent.
- D. "Person" means an individual, partnership, corporation or association, or the rental agent of any of the foregoing.
- E. "Quadrennial certificate of inspection" means a permit valid for four years issued to owners of multifamily residential projects of three or more units, including boarding or rooming houses.
- F. "Certificate of inspection" means a certificate is valid until a change of occupancy and/or ownership occurs, and required for single-family units or projects of two units when such units are sold, rented, leased or exchanged.
- G. "Temporary certificate of inspection" means a certificate is valid for up to 6 months issued to an owner, in the discretion of the administrator or his designee, when the units in question are in substantial compliance with this code and the owner is making good faith efforts to correct deficiencies.
- H. For purposes of this chapter a "Boarding or rooming house" means a house where 3 or more rooms up to 5, are provided for rent.

(Ord. 6325 §§ 1, 2, 1989; Ord. 6189 § 1, 1986; Ord. 5121 § 2, 1973)

(Ord. No. 7201, § 5(C), 12-6-2010)

14.16.030 - Required.

No person shall occupy, change the use of or sell, exchange, rent, lease or otherwise permit any unit which is hereafter vacated by the occupant t hereof to be reoccupied until a certificate of inspection, quadrennial certificate of inspection or temporary certificate of inspection is issued by the administrator, as hereinafter provided.

- A. With respect to single-family units and duplexes, such inspection shall occur each time the unit is sold, rented, leased or exchanged.
- B. With respect to multifamily residential units and rooming or boarding houses, each unit shall be inspected no less than once every 4 years.

(Ord. 6325 §§ 3 (part), 4, 1989; Ord. 6189 § 2, 1986; Ord. 5231 § 1, 1975; Ord. 5121 § 3, 1973)

(Ord. No. 7201, § 5(D), 12-6-2010)

14.16.040 - Application—Filing.

- A. The owner shall file with the administrator, prior to the sale or occupancy of the premises, a written application for a certificate of inspection on a form to be prescribed by the administrator, accompanied by the fee therefore. The application process must be completed within 6 months of initiation or an additional application fee shall be required.
- B. The application fee covers one inspection of the site. Additional fees shall be charged for second or subsequent inspection visits.

(Ord. 6451 § 1, 1991; Ord. 6325 § 5, 1989; Ord. 5121 § 4, 1973)

(Ord. No. 7201, § 5(E), 12-6-2010)

14.16.050 - Inspection and issuance.

After the application for a certificate of inspection is filed with the city and an inspection date scheduled, the administrator shall cause an inspection of the unit(s) to be made for compliance with the city's housing code, zoning plan and code, and other ordinances of the city related to the health and safety of residents. If the unit(s) is in compliance with said codes and ordinances, the administrator shall issue a certificate of inspection.

(Ord. 6325 § 6, 1989; Ord. 5121 § 5, 1973)

(Ord. No. 7201, § 5(F), 12-6-2010)

14.16.060 - Contents.

The certificate of inspection shall state:

- A. The date of issue;
- B. The legal use and occupancy of the unit;
- C. The address of the building and/or unit;
- D. The name of the person to whom it is issued; and
- E. The certification that the unit complies with the provisions of applicable codes and ordinances.

(Ord. 6189 § 3, 1986; Ord. 5121 § 6, 1973)

(Ord. No. 7201, § 5(G), 12-6-2010)

14.16.065 - Certificate void.

- A. The certificate of inspection shall be void upon a change of use of the unit to a nonresidential use.
- B. In the case of single-family units or duplexes, the certificate of inspection shall be void after the occupant vacates the premises.
- C. In the case of multifamily residential projects consisting of 3 units or more, the certificate of inspection shall be void 4 years after the date appearing on the certificate of inspection.

(Ord. 6325 § 7, 1989; Ord. 6189 § 4, 1986)

(Ord. No. 7201, § 5(H), 12-6-2010)

14.16.070 - Time limit for compliance.

Where an inspection discloses such unit is not in compliance with said codes and ordinances, the administrator shall give written notice of each deficiency to the owner. No certificate of inspection shall be issued to the owner until all deficiencies are corrected. A temporary certificate of inspection may be issued to the owner for a time period specified on the certificate if the units in question are determined by the administrator to be in substantial compliance with the city's code and the owner makes a showing of good faith efforts to correct all deficiencies. If the owner fails to correct all the deficiencies within the time specified on the temporary certificate of inspection, or within 6 months of the initial application, the case shall be referred to the code enforcement appeals commission or to the city prosecutor's office for appropriate action, depending on the seriousness of the violation.

(Ord. 6325 § 8, 1989; Ord. 5121 § 7, 1973)

(Ord. No. 7201, § 5(I), 12-6-2010)

14.16.100 - Owner responsibility for inspection.

The owner shall be responsible for making the unit available for inspection by city.

(Ord. 5121 § 10, 1973)

14.16.110 - Appeals by aggrieved persons.

Any person aggrieved by the determination of the administrator under this chapter may appeal to the code enforcement commission in the manner provided in Section 14.12.120.

(Ord. 6325 § 10, 1989; Ord. 5121 § 11, 1973)

14.16.120 - Vacant unit requires certificate prior to occupancy.

No person shall permit a vacant unit to be occupied prior to the issuance of a certificate of inspection, quadrennial certificate of inspection or temporary certificate of inspection.

(Ord. 6325 § 3 (part), 1989; Ord. 5231 § 4, 1975; Ord. 5121 § 12, 1973)

(Ord. No. 7201, § 5(J), 12-6-2010)

14.16.130 - Adoption of rules and regulations.

The administrator shall promulgate written rules and regulations pertaining to the enforcement and implementation of this chapter. Such rules and regulations shall not become effective until they have been approved and ordered filed by the City Council. Any such rules and amendments thereto shall not take effect until they are so approved and filed after a public hearing therefor. Nothing herein shall prevent the administrator in emergency situations from taking such temporary action as is, in his judgment, within the spirit and intent of this chapter and adopted rules and regulations.

(Ord. 5121 § 13, 1973)

(Ord. No. 7201, § 5(K), 12-6-2010)

14.16.140 - Housing code inspections.

Nothing herein contained shall prevent an owner or tenant from voluntarily requesting a housing code inspection and certificate at any time for the purpose of determining whether the premises complies with law.

(Ord. 5121 § 14, 1973)

14.16.150 - Violation—Penalty.

- A. Any person who violates any provision of this chapter is deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$1000.00 or by imprisonment in jail for a period not exceeding 6 months, or by both such fine and imprisonment.
- B. In addition to the penalty provisions in subsection A of this section, violation of Section 14.16.030 may be subject to the administrative proceedings set forth in Chapter 1.25 or 1.26 of this code.

(Ord. 6761 § 6, 1998; Ord. 6325 § 11, 1989; Ord. 5231 § 5, 1975; Ord. 5121 § 15, 1973)

City of Sacramento

Chapter 8.120 RENTAL HOUSING INSPECTIONS CODE

[Article I. General](#)

[8.120.010 Title.](#)

This chapter shall be known as the “rental housing inspections code,” may be cited as such, and will be referred to herein as “this chapter.” (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

[8.120.020 Purpose and findings.](#)

A. The city council of the city of Sacramento recognizes that the preservation of existing rental housing stock is of tremendous importance. Rental housing provides needed, affordable housing for many and is a valuable asset that must be preserved and maintained. The city has a significant interest in ensuring that rental housing remains a desirable housing option for its citizens.

B. Over time rental housing often deteriorates because of intentional and unintentional neglect by property owners, managers and tenants. This deterioration often results in substandard conditions that adversely affect the economic values of neighboring structures, and that are hazardous to the public health and safety. In many cases, property owners choose not to make the necessary repairs because of cost, and tenants do not report the deficiencies out of lack of knowledge or because they fear being evicted for doing so.

C. The public interest demands that all rental housing properties comply with the minimum standards regarding the health and safety of the public. The most effective way to seek universal compliance with the minimum standards is through routine periodic inspections of all rental housing properties. Accordingly, it is the intent of the Sacramento city council to enact the provisions of this chapter as the basis for establishing a rental housing inspection program aimed at securing city-wide compliance of rental housing properties with minimum standards. City-wide compliance will prevent blight and ensure that all persons who live in rental housing units are provided decent, safe and sanitary housing. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

[8.120.030 Definitions.](#)

For the purpose of this chapter, the following terms, phrases and words shall have the meanings given.

“Director” means the employee of the city authorized by the city manager to supervise the rental housing inspection division, or his or her designee.

“Engage in the business of rental housing” means renting or offering to rent a rental housing unit.

“Inspector” means any employee of the city authorized by the city manager to conduct inspections in accordance with the provisions of this chapter.

“Owner” means the owner of record.

“Rent” means to grant the possession or enjoyment of, in exchange for money or any other consideration.

“Rental housing inspection division” means the department or division of the city designated by the city manager to administer the provisions of this chapter.

“Rental housing property” means a parcel of real property, as shown on the latest equalized tax assessment roll as maintained by the assessor of the county of Sacramento, upon which a rental housing unit is maintained.

“Rental housing unit” means a single unit of residence for a single housekeeping unit of one or more persons, that is being rented, or is intended to be rented. Examples of housing units covered by this chapter include apartment units, condominiums, duplexes and single-family houses. “Rental housing unit” also includes other types of residential units that provide for sleeping accommodations but toileting or cooking facilities are shared by occupants of more than one unit, such as residential or single room occupancy hotels. This does not include units used for transient lodging such as dormitories, group homes, rooming or boarding houses, hotels, motels, and bed and breakfast inns. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

8.120.040 Exemptions.

A. Unless otherwise specified in this section, the following rental housing units shall be exempt from the requirements of this chapter:

1. Rental housing units that are subject to routine periodic inspections by another government agency, and the frequency and scope of the inspections are to the satisfaction of the director; or

2. Rental housing units that, within the past five years, have been newly constructed and either have been issued a certificate of occupancy or have passed final inspection by the city

of Sacramento. For purposes of this chapter, a unit has been newly constructed if the city determines that fifty (50) percent or more of the building has been constructed or replaced within a one-year period. The determination of whether the construction or replacement is at least fifty (50) percent may be based on the linear length of all existing walls, square footage of the building, percentage of altered construction, actual construction valuation, or any combination of these factors.

B. A rental housing unit that is determined to be exempt pursuant to subsection A of this section, shall become subject to the requirements of this chapter if a notice and order relating to the rental housing property is issued pursuant to the provisions of this code.

C. Any rental housing unit subject to the requirements of this chapter pursuant to subsection B of this section, shall become exempt from the requirements of this chapter if all of the following circumstances exist:

1. After the last inspection conducted pursuant to this chapter, the inspector determines that either no violations exist on the property or the violations identified were abated within thirty (30) days; and

2. The property owner is not delinquent on any payment to the city of fees, penalties, taxes or any other monies related to the property. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

8.120.050 Fees established.

A. The following fees are established and shall be imposed upon the owners of rental housing properties:

1. Rental Housing Inspection Program Fee. A fee is established for the administration and implementation of the provisions of this chapter, i.e., the rental housing inspection program. This fee shall be imposed annually for each rental housing unit on the owner's property. The fee shall also pay for the costs of all random inspections conducted pursuant to Section 8.120.180.

2. Unit Inspection Fee. This fee shall be imposed annually for each rental housing unit on the owner's property that is subject to inspection pursuant to subsection B of Section 8.120.080.

3. Additional Unit Inspection Fee. This fee shall be imposed when an additional unit is inspected on the owner's property pursuant to subsection B of Section 8.120.080. The fee shall pay for the costs of an inspection of each additional unit.

4. Rescheduling Fee. This fee shall be imposed when an inspection is rescheduled in violation of Section 8.120.100. The fee shall pay for the costs of rescheduling an inspection.

5. Reinspection Fee. This fee shall be imposed when an additional periodic inspection is conducted pursuant to Section [8.120.120](#). The fee shall pay for the costs of the additional periodic inspection.

B. The city council shall establish the amounts of the foregoing fees and any penalties for delinquent payment of such fees, by resolution. (Ord. 2013-0013 § 1; Ord. 2008-055 § 8; Ord. 2008-012 § 1)

[8.120.055 Tenant rights and responsibilities.](#)

Before the commencement of any tenancy of a rental housing unit, the owner shall provide the tenant(s) with information concerning tenant rights and responsibilities. The information shall be provided in a form or forms approved by the director. (Ord. 2013-0013 § 1)

[Article II. Registration and Fee](#)

[8.120.060 Registration and fee required.](#)

A. No person shall engage in the business of rental housing, unless:

1. Each rental housing unit is registered with the city; and
2. The annual rental housing inspection program fee is paid for each rental housing unit when payment is due.

B. A rental housing unit is registered with the city when the owner of the corresponding rental housing property submits the following to the rental housing inspections division:

1. A completed registration form, made available by the city, that contains the following information:

- a. Description of the rental housing property, including, but not limited to, the street address and assessor's parcel number,
- b. Number and description of all rental housing units on the rental housing property,
- c. Name and current contact information for the owner of the rental housing property,

d. Name and current contact information for the local contact representative as described in Section [8.120.070](#), and

e. Any other information as reasonably required by the director;

2. The annual rental housing inspection program fee as described in Section [8.120.050\(A\)\(1\)](#);

3. The unit inspection fee, as described in Section [8.120.050\(A\)\(2\)](#), unless the property is in the self-certification program and exempt from the fee pursuant to Section [8.120.190](#); and

4. Any outstanding fees that were previously imposed pursuant to this chapter.

C. It is unlawful for any person to knowingly make a false statement of fact or knowingly omit any information that is required to register a rental housing unit pursuant to this section.

D. Registration shall be valid for a period of five years or until one of the following circumstances occurs, whichever is sooner:

1. The owner fails to notify the rental housing inspections division of any change in the information submitted pursuant to subsection B of this section, within thirty (30) days of such change; or

2. The owner fails to pay any fees established in this chapter when payment is due. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

[8.120.070 Local contact representative.](#)

A. All owners of rental housing properties shall designate a local contact representative with full authority to act on behalf of the owner for all purposes under this chapter, including the acceptance of service of all notices from the city. The owner of the rental housing property may act as the local contact representative.

B. A local contact representative must establish and maintain a local telephone number and a residence or business address within thirty-five (35) miles of Sacramento city hall. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

[Article III. Inspections](#)

[8.120.080 Inspections required.](#)

A. All rental housing properties and rental housing units are subject to routine periodic inspection by the city as provided by this chapter to determine whether they comply with applicable provisions of this code.

B. If there are multiple rental housing units on a single rental housing property, the inspection shall be made of all common areas, and a random sampling of no less than ten (10) percent of rental housing units. At least one rental housing unit on each rental housing property shall be inspected. If the inspector determines that one or more violations exist on the property, the inspector may conduct an inspection of additional units up to one hundred (100) percent of the units.

C. The owner or local contact representative, or their designee, shall be present at the rental housing property at the time of the inspection. The time of the inspection shall be the time indicated in the notice issued pursuant to Section [8.120.090](#), or the time that the inspection was properly rescheduled in accordance with Section [8.120.100](#). Violation of this subsection may result in the imposition of a re-scheduling fee. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

[8.120.090 Notice.](#)

A. The city shall serve written notice of the date and time of any inspection to be conducted pursuant to this chapter, by mailing such notice at least fourteen (14) calendar days prior to the date of the inspection. Notice shall be mailed to the owner and the local contact representative at their last known address. In the case of multiple owners of the same property, notice to any one of the property owners is sufficient notice.

B. The city shall also mail a copy of the inspection notice to the rental housing units on the property. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

[8.120.100 Rescheduling an inspection.](#)

An inspection may be rescheduled once by the owner or local contact representative by giving notice to the rental housing inspection division at least seven calendar days prior to the scheduled inspection date. An inspection may only be rescheduled to a date within twenty-one (21) calendar days of the previously scheduled inspection date. Rescheduling an inspection more than once or with less than seven calendar days notice may result in the imposition of a rescheduling fee. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

[8.120.110 Entry.](#)

It shall be the responsibility of the owner and the local contact representative to obtain the consent of the occupants to inspect the subject rental housing units or otherwise obtain legal access to the units pursuant to the terms of the applicable lease. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

8.120.120 Noncompliance.

A. If, during an inspection conducted pursuant to this chapter, an inspector discovers that the property is in violation of this code or any other applicable law and the owner fails to correct the identified violations within thirty (30) days of the inspection, the city may require an additional periodic inspection of the property in accordance with this chapter, to ensure continued compliance. A re-inspection fee shall be imposed for the additional periodic inspection required pursuant to this subsection.

B. In addition to requiring an additional periodic inspection pursuant to subsection A of this section, the city may commence enforcement action in accordance with any provisions of this code including, but not limited to, Chapters [8.96](#) and [8.100](#). (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

8.120.130 Inspection results.

A. Upon completion of an inspection conducted pursuant to this chapter by the city, the inspector shall provide the owner or local contact representative with a copy of the written results of the inspection.

B. The owner or local contact representative shall provide a copy of the results to the occupants of the rental housing unit inspected. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

8.120.140 Nonexclusivity.

None of the inspection provisions contained in this chapter shall prohibit, condition or otherwise limit any inspection conducted pursuant to any other provision of this code or other applicable law. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

Article IV. Self-Certification Program

8.120.150 Qualifications.

A. A rental housing property shall be placed in the self-certification program if all of the following circumstances exist:

1. After the last inspection conducted pursuant to this chapter, the inspector determines that either no violations exist on the property or the violations identified were abated within thirty (30) days;

2. The owner and local contact representative are in compliance with all applicable provisions of this chapter; and

3. The property owner is not delinquent on any payment to the city of fees, penalties, taxes or any other monies related to the property.

B. A rental housing property may be removed from the self-certification program if any of the following circumstances occurs:

1. A notice and order relating to the rental housing property is issued pursuant to the provisions of this code;

2. The rental housing property is repeatedly in violation of this code or any other applicable law, even though the violations are abated within thirty (30) days; or

3. Any of the circumstances set forth in subsection A of this section cease to exist. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

8.120.160 Self-certification.

A. Owners of rental housing properties that are in the self-certification program, or their designees, shall certify each and every rental housing unit on the property at least once every calendar year and upon each change in tenancy. Self-certification shall be accomplished in the manner set forth below:

1. Inspect each rental housing unit for compliance with the requirements of the self-certification form provided by the city;

2. Immediately make any repairs to the rental housing unit that are necessary to achieve compliance with the requirements set forth in the self-certification form;

3. Complete the self-certification form; and

4. Provide a copy of the completed self-certification form to the occupants of the corresponding rental housing unit.

B. If any rental housing unit cannot be self-certified because necessary repairs cannot or will not be made, the owner shall immediately notify the city.

C. It shall be unlawful to falsify any material information required on the self-certification form. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

8.120.170 Retention of completed self-certification forms.

A. The property's local contact representative shall retain all completed self-certification forms for at least three years from the date the inspection was made.

B. The local contact representative shall produce all completed self-certification forms to any inspector upon request. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

8.120.180 Random inspection.

Rental housing properties in the self-certification program, and the rental housing units thereon, may be inspected by the city on a random basis, but not more often than once a year. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

8.120.190 Fee exemption.

All rental housing properties that are in the self-certification program shall be exempt from the unit inspection fee established in Section [8.120.050](#)(A)(2). (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

8.120.195 Transfer of ownership.

If a rental housing property in the self-certification program is transferred to a new owner, the property shall remain in the self-certification program for two years following the date of transfer, unless it is sooner removed from the self-certification program pursuant to subsection B of Section [8.120.150](#). After the two-year period, the rental housing property shall become subject to routine inspection in accordance with Article III of this chapter. (Ord. 2013-0013 § 1)

Article V. Enforcement

8.120.200 Penalties.

Any person who violates the provisions of this chapter shall be guilty of a misdemeanor. In addition, the city may also impose administrative penalties pursuant to Chapter [1.28](#) and seek injunctive relief and civil penalties in the superior court for violations of this chapter. The remedies provided for in this chapter shall be cumulative and not exclusive of any other remedies available under any other federal, state or local laws. (Ord. 2013-0013 § 1; Ord. 2008-012 § 1)

8.120.210 Collection—Unpaid fees, costs or charges.

A. In addition to any other remedy provided by law, the city may collect any fee, cost or charge imposed pursuant to this chapter that has not been paid within forty-five (45) days of notice thereof, by making the amount of the unpaid fee, cost or charge a lien against the rental housing property that is the subject of the fees, costs or charges.

B. A hearing examiner appointed pursuant to Section [8.04.070](#), shall hear all objections to proposed liens, as described in this chapter. (Ord. 2013-0013 § 1; Ord. 2008-055 § 1; Ord. 2008-012 § 1)

8.120.220 Collection—Notice of proposed lien and hearing.

A. The city shall provide the owner of the property with written notice in plain language of:

1. The proposed lien;
2. A description of the basis for the amounts comprising the lien;
3. The owner's opportunity to pay the fee, cost or charge within forty-five (45) days after the mailing of the notice;
4. The owner's opportunity to appear before the housing code and appeals board and be heard regarding the amount of the proposed lien; and
5. The procedure for challenging the amount of the proposed lien as set forth in Section [8.120.230](#).

B. The notice shall be mailed by certified mail to the last known address of the owner of the property. (Ord. 2013-0013 § 1; Ord. 2008-055 § 2)

8.120.230 Collection—Objections.

To challenge the amount of the proposed lien, the owner must file an objection with the community development department within ten (10) calendar days from the mailing of the notice. No objection received after that date shall be considered. Each written objection must contain a description of the property that is the subject of the proposed lien and the grounds of the objection. (Ord. 2013-0013 § 1; Ord. 2008-055 § 3)

8.120.240 Collection—Failure to object.

The failure of the owner to file an objection in accordance with Section [8.120.230](#) shall constitute a waiver of the owner's opportunity to challenge the amount of the proposed lien. If no objection is properly filed, the director shall transmit a report of the proposed lien to the city council. (Ord. 2013-0013 § 1; Ord. 2008-055 § 4)

8.120.250 Collection—Report to hearing examiner, notice.

A. If any objection is timely filed with the community development department, the director shall transmit a report of the proposed lien and the objections thereto to the hearing examiner.

B. Upon receipt of the report, the hearing examiner shall fix a time, date and place for hearing the report, and any objections thereto. The director shall cause notice of the hearing to be mailed by certified mail to the last known address of the property owner at least thirty (30) days prior to the date set for the hearing. (Ord. 2013-0013 § 1; Ord. 2008-055 § 5)

8.120.260 Collection—Hearing before the hearing examiner.

Upon considering the report of the proposed lien and the objections thereto, the hearing examiner shall follow, as nearly as practicable, those procedures that the city council would have followed if it had conducted the hearing. The hearing examiner shall make a written recommendation to the city council which shall include the factual findings based on evidence introduced at the hearing. (Ord. 2013-0013 § 1; Ord. 2008-055 § 6)

8.120.270 Collection—City council.

A. Upon receipt of a report of a proposed lien in accordance with Section [8.120.240](#) or [8.120.260](#), the city council shall determine whether the proposed lien shall become a lien, and

whether the amount of the lien is to be collected at the same time and in the same manner as property taxes are collected.

B. In cases in which a hearing before the hearing examiner has been held, the city council shall adopt the recommendation of the hearing examiner without a hearing, or set the matter for a de novo hearing before the city council. Notice of the de novo hearing shall be provided to the property owner in writing, at least ten (10) days in advance of the scheduled hearing.

C. If the city council determines that the proposed lien shall become a lien, the city council may also cause a notice of lien to be recorded. This lien shall attach upon recordation in the office of the Sacramento County recorder and shall have the same force, priority, and effect as a judgment lien, not a tax lien. The notice of lien shall, at a minimum, identify the record owner or possessor, set forth the date upon which the lien was created against the property, and include a description of the real property subject to the lien and the amount of the lien.

D. If the city council determines that the amount of the lien is to be collected at the same time and in the same manner as property taxes are collected, all laws applicable to the levy, collection, and enforcement of ad valorem taxes shall be applicable to the proposed lien, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attached thereon, prior to the date on which the first installment of taxes would become delinquent, then the lien that would otherwise be imposed by this section shall not attach to real property and the costs of enforcement relating to the property shall be transferred to the unsecured roll for collection. (Ord. 2013-0013 § 1; Ord. 2008-055 § 7)

City of San Rafael

Chapter 12.42 - APARTMENTS AND HOTELS—PERIODIC HOUSING INSPECTION PROGRAM AND CARETAKER REQUIREMENTS

Sections:

12.42.010 - Declaration of purpose.

The council finds that the establishment of a periodic housing inspection program for apartments and hotels, and the specification of caretaker requirements for apartments, is necessary to protect the public health, safety and welfare, by ensuring the proper maintenance of such housing, by identifying and requiring correction of substandard housing conditions in such housing, and by preventing conditions of deterioration and blight in such housing that could adversely affect economic conditions and the quality of life in the city.

(Ord. 1769 § 1 (part), 2001).

12.42.020 - Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section:

"Apartment" means any building or buildings, located on one parcel of property, containing three (3) or more rental dwelling units as defined in Section 14.03.030 of this code.

"Hotel" means any building or buildings, located on one parcel of property, containing six (6) or more guest rooms, intended or designed to be used, or that are used, rented or hired out to be occupied, or that are occupied for sleeping purposes by guests.

"Guest" is any person hiring or occupying a room for living or sleeping purposes.

"Guest room" means any room or rooms used or intended to be used by a guest for sleeping purposes.

"Occupant" means a person occupying a dwelling unit in an apartment or a guest occupying a guest room in a hotel.

"Owner" means the record owner of the property on which an apartment or hotel is located, as shown on the official records of the county assessor for the county of Marin, or the person or persons who own the business operating the hotel or apartment if different than the record owner of the property.

Words and phrases used in this chapter, but not specifically defined herein, shall have the meanings stated elsewhere in this code or in the adopted uniform codes. Where not defined in this chapter or this

code, words and phrases used in this chapter shall have the meaning generally prescribed by dictionary definition.

(Ord. 1769 § 1 (part), 2001).

12.42.030 - Periodic housing inspections.

Every owner of an apartment or hotel located within the city of San Rafael shall permit the city's periodic inspection of the apartment and hotel, and the property on which such apartment or hotel is located, following notice from the city. The community development director, or his or her designee, shall cause each apartment and hotel to be inspected by the city's code enforcement officials once every five (5) years, or more frequently as needed, to ensure compliance with all applicable city ordinances or other laws relating to such housing, including the substandard housing provisions of Uniform Housing Code contained in Chapter 12.26 of this code.

(Ord. 1769 § 1 (part), 2001).

12.42.040 - Scope of chapter.

This chapter shall not apply to:

- A. A dwelling unit occupied by the record owner of the property on which the dwelling unit is located, as shown on the official records of the county assessor for the county of Marin;
- B. A dwelling unit in a residential condominium as defined in San Rafael Municipal Code Section 15.50.020(b);
- C. Housing accommodations in any hospital; state-licensed community care facilities; housing accommodations in any convent, monastery, or other facility occupied exclusively by members of a religious order; extended medical care facilities; asylum; on-campus fraternity or sorority houses; or on-campus housing accommodations owned, operated or managed by an institution of higher education, a high school, or an elementary school for occupancy by students;
- D. Housing accommodations which a government unit, agency or authority owns, operates or manages, or which are specifically exempted from municipal regulation by state or federal law or administrative regulation. This exception shall not apply once the governmental ownership, operation, or management regulation is discontinued;
- E. Mobilehomes, or mobilehome parks, or recreation vehicles as defined in California Civil Code Section 799.24, or recreational vehicle parks;
- F. Housing accommodations in buildings that have been vacated and secured against entry to the satisfaction of the city.

(Ord. 1769 § 1 (part), 2001).

12.42.050 - Complaint-based inspections.

Nothing contained herein shall prevent or restrict the authority of the city's code enforcement officials to inspect any apartment or hotel, or the premises thereof, in response to a citizen complaint alleging code violations or other violations of law at such an apartment or hotel, and to pursue all code enforcement remedies permissible under this code or other laws following such a complaint-based inspection of an apartment or hotel.

(Ord. 1769 § 1 (part), 2001).

12.42.060 - Notices.

The community development director, or his or her designee, shall give a minimum of five (5) business days advance written notice of the date and time of the periodic inspection to the owner of the apartment or hotel and to the occupants thereof. Such notice shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the owner of the apartment or hotel shall be mailed by first class mail to the owner's last known address as it appears in the records of the county assessor. Notice shall be given to the occupants of the apartment or hotel by posting an official notice of such inspection in a public area on the premises of such apartment or hotel.

(Ord. 1769 § 1 (part), 2001).

12.42.070 - Right of entry.

Upon presentation of proper credentials, the city's code enforcement officials, after having obtained the consent of the owner of the apartment or hotel, or of the occupant, may enter the apartment or hotel at reasonable times during daylight hours to perform the inspection. If consent for such an inspection is refused or cannot be obtained, the city's code enforcement officials are authorized to obtain an inspection warrant to conduct such an inspection pursuant to Code of Civil Procedure Sections 1822.50 et seq.

(Ord. 1769 § 1 (part), 2001).

12.42.080 - Violations.

If an inspection of an apartment or hotel, or the premises thereof, conducted pursuant to this chapter reveals the existence of any violations of applicable city ordinances or other laws relating to such housing, including the substandard housing provisions of Uniform Housing Code contained in Chapter 12.26 of this code, the city's code enforcement officials may seek to remedy such violations as permitted by law, including the provisions of Chapters 1.42, 1.44 or 1.46 of this code.

(Ord. 1769 § 1 (part), 2001).

12.42.090 - Certificate of compliance.

Following completion of an inspection of an apartment or hotel and correction of any violations of applicable city ordinances or other laws related to such housing, the city shall issue to the owner a certificate of compliance indicating satisfaction of the provisions of this chapter as of the date of such certificate.

(Ord. 1769 § 1 (part), 2001).

12.42.100 - Inspection fee.

The city may collect from any owner of an apartment or hotel, for which the owner is receiving compensation from the occupants, an annual housing inspection fee sufficient to cover the city's administrative costs and expenses for the periodic housing inspection program provided in this chapter. The annual housing inspection fees shall be established by resolution adopted by the city council pursuant to the provisions of Chapter 3.34 of this code. The city may collect the annual housing inspection fees by billing the owners directly for the amount due or by collecting the amount due from the owners as part of their property tax bills issued by the county tax collector pursuant to an agreement between the city and the county of Marin.

(Ord. 1769 § 1 (part), 2001).

12.42.110 - Failure to pay inspection fee.

If the owner of an apartment or hotel fails to pay the annual housing inspection fees as provided hereunder, the city may recover the unpaid fees, plus accrued interest at the maximum rate permitted by law, from the owner in a civil action in which the city may be entitled to recover its reasonable attorney's fees. Alternatively, the city may record a lien for any unpaid annual housing inspection fees against the property to which the fees relate in the manner provided in Section 12.42.120.

(Ord. 1769 § 1 (part), 2001).

12.42.120 - Housing inspection fee lien.

- A. Prior to recording a lien for unpaid annual housing inspection fees against a property, the community development director, or his or her designee, shall prepare and file with the city clerk a report identifying the property, the owner, and the amount of a proposed housing inspection fee lien to cover such unpaid fees.
- B. The city clerk shall fix a time, date and place of hearing said report and any protests or objections thereto by the city council, and shall cause written notice of such hearing to be served on the owner not less than ten (10) days prior to the date of such hearing. Notice shall be given by regular first class mail addressed to the owner at the last known address as shown on the records of the county assessor for the county of Marin.
- C. After conducting the hearing, the city council shall adopt a resolution confirming, discharging, or modifying the amount of the proposed housing inspection fee lien.
- D. The city clerk shall cause to be recorded in the county recorder's office a notice of housing inspection fee lien to which the city council's supporting resolution shall be attached. Such notice shall specify the amount of the lien, the name of the city of San Rafael on whose behalf the lien is imposed, the street address, legal description, the assessor's parcel number of subject property, and name and address of the owner as shown on the records of the county assessor for the county of Marin. Upon recordation of such notice of housing inspection fee lien, it shall attach as a lien against the subject property, and shall have the same effect and priority as recordation of an abstract of judgment.
- E. Upon receiving a report from the director of management services that payment in full has been received by the city of the amount specified in the notice of housing inspection fee lien, the city clerk shall record a notice of satisfaction of the inspection fee lien with the county recorder. Recordation of such notice of satisfaction shall cancel the city's lien against the property.

(Ord. 1769 § 1 (part), 2001).

12.42.130 - Caretaker requirements for apartments.

- A. Regardless of the number of dwelling units in an apartment, the owner shall post in a conspicuous public place on the premises of the apartment a notice containing the name, address and telephone number of the resident caretaker or resident owner who is responsible for management of the apartment, or of the nonresident owner or nonresident owner's agent who is responsible for management of the apartment.
- B. In any apartment with sixteen (16) or more dwelling units, a caretaker employed by the owner shall reside upon the apartment premises and shall be responsible for management of the apartment, unless the owner resides upon the premises and has assumed such management responsibility. Alternatively, in any apartment with sixteen (16) or more dwelling units, there shall be a designated

caretaker's office which shall be staffed during the hours of eight a.m. (8:00 a.m.) to five p.m. (5:00 p.m.) by the owner or a caretaker employed by the owner and responsible for management of the apartment during such hours, and there shall be a posted telephone number for the owner or the owner's agent, to which a telephone complaint may be made during all other hours, a response to which shall be made within a reasonable time period.

(Ord. 1769 § 1 (part), 2001).