

REPORT TO THE CITY COUNCIL STUDY SESSION



DATE: May 2, 2017

TITLE: Crime Free Housing and Absentee Landlords

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RECOMMENDATION

Provide Staff with direction as City Council deems appropriate.

BACKGROUND

The City of Desert Hot Springs ("City") desires to improve its housing stock by combating certain challenges stemming from absentee landlords. Poorly maintained and operated rental units contribute to increased blight and crime in residential areas, and results in a diminished quality of life for residents of the surrounding areas. In order to promote the health and safety of the public, the City may consider a number of programs to combat nuisance rental units.

OPTIONS

The City has several options relating to the abatement of nuisance rental properties. These options include a 1) Rental Inspection Program, 2) Crime Free Multi-Housing Program, and a 3) Drug House Abatement Program. These options are not mutually exclusive, and can be implemented concurrently.

1. Rental Inspection Program

a. Purpose

A rental inspection program would aid the City in monitoring rental properties. This program would require the City to be proactive in inspecting its rental housing stock. Sometimes, absentee landlords may not be aware of ongoing violations at their rental properties or may be apathetic to any problems. This program would create more of a partnership between the absentee landlord and the City, wherein the communication and participation by both parties could result in abatement of nuisances. In other words, by being proactive in rental inspections, the City would establish a stronger presence, and the landlords would know that the City is keeping a close eye on the rentals in the community. This would hopefully ensure properties would be cleaned up and the rental housing market improved.

b. Highlights

Cities that have this kind of inspection program conduct periodic inspections of rental units, dwellings, apartments, and other residential properties to identify any violations of city ordinances, state housing laws, or any other relevant codes. Many cities exclude owner-occupied properties, transient lodgings such as hotels, and mobile homes from rental inspections.

The City would set a schedule for regular inspections, such as annually or once every 3-5 years. The City must give prior notice to the tenants and the owner. Should the City Council desire, the City Manager can be responsible for enforcing this program and promulgating related regulations, but may delegate inspections to code enforcement officers. Regardless, the owner or the occupant must give consent to allow actual entry. If consent is refused or if the owner or

occupant cannot be found, the City may obtain an inspection warrant pursuant to Code of Civil Procedure Section 1822.50 et. seq.

Of course, the City would still entertain complaint-based inspections, and conduct them outside of the regular schedule. Prior notice is usually not required for complaint-driven inspections. The City may develop criteria for requiring more frequent inspections of certain properties, especially if such properties exhibit a large number of violations or have been the subject of repeated enforcement activity.

If the City observes any violations, it may abate them pursuant procedures in the municipal code. Such procedures are located in Title 4. Any other remedies available under the law may be used.

The City may register all rental properties to keep track of violations and inspection records. In addition, landlords may be required to obtain a business license or other permit prior to leasing out property. The City may condition issuing a new business license or renewal of a license on the successful completion of a rental inspection.

The program includes fees sufficient for self-funding. Many cities impose an annual fee for every rental property. Additional fees may include fees for reinspections or rescheduling inspections. The City Council may establish the amount of fees by resolution. Unpaid fees may be collected via a lien against the rental property.

While many cities use rental inspections to observe conditions of property, these inspections may document instances of criminal activity, such as drug trafficking or gang activity. By making regular inspections, the City would be better equipped to identify the most egregious rental properties and take appropriate measures. Moreover, by requiring landlords to obtain a business license in compliance with this ordinance, it could induce owners to assume more responsibility for the criminal activity surrounding the rental property.

The success of this program may depend on the City' ability to maintain accurate registrations, track and conduct inspections, and follow through with enforcement action against non-compliant landlords.

c. City Procedures to Utilize the Program

To implement this program, the City Council would be required to adopt an ordinance. Should the City Council desire, our office may draft a combined rental inspection and crime free housing ordinance to implement them concurrently.

Because a rental inspection program includes various fees, the amount of fees should be implemented via resolution. This will give the City flexibility to determine appropriate fees and amend them from time to time. The rental inspection ordinance may include a mandate that the City Manager develop regulations to enforce the ordinance. Because monitoring and tracking all rental properties is a serious undertaking, and unanticipated issues may arise, the City Manager may formulate regulations to address any novel issues and provide guidance for staff.

Once the ordinance is enacted, designated staff may immediately identify all rental properties within the City's jurisdiction and begin scheduling the periodic inspection. However, this process may take several months.

In addition, should the City Council desire this option, the City Attorney's office would recommend that the City send notices to owners of rental properties regarding the annual fees, and the program in general. Further, as rental property owners apply for new or renewed business licenses, staff should include the rental inspection fee as part of the application.

Code enforcement officers should conduct the periodic inspections, as they are best able to identify health and safety violations and formulate appropriate abatement measures. Rental properties known to be magnets for criminals should have higher priority. For dangerous properties, the City may obtain an inspection warrant with authorization to bring police officers for purposes of keeping the peace.

d. Sample Ordinances

Attached as “Exhibit 1” are three sample ordinances from cities that have a rental inspection program. Highlighted below are some notable differences.

The City of Pasadena has an ordinance that prohibits the occupation, use or sale, lease, or reoccupation of a rental property until a certificate verifying the inspection has been issued. (§14.16.030). The inspection must occur once every four years for multifamily buildings with three or more units, or prior to any sale, lease, rent, or exchange of single-family homes or duplexes with two units. The burden is on the property owner to file an application prior to the sale or occupation of any rental property to schedule an inspection and to pay the required fee. (§14.16.040). Pasadena does not appear to require registration of rental properties and relies on self-reporting from owners.

The City of Sacramento requires a detailed registration of every rental property and requires updates every five years. The registration includes the number and description of all rental housing units on the rental housing property, name and current contact information of the owner, annual rental housing inspection program fee, and description of the rental housing property (§8.120.060). Sacramento does not require inspection of every single unit on a multi-unit rental property; instead, Sacramento may randomly inspect no less than 10% of the units per rental property. (§8.120.080). Sacramento further allows self-certification by owners under certain conditions. Owners may certify each rental housing unit on the property is in compliance at least once every calendar year and upon each change in tenancy. (§8.120.160).

The City of San Rafael requires inspections of rental properties every five years or more frequently as needed. (§12.42.030). Violations found during the inspection may be abated by any remedy under the law. (§12.42.080). An annual inspection fee must be paid by owners. For apartments with sixteen or more units, a caretaker must be employed and live at the premises, unless the owner lives at the apartment and assumes that responsibility. (§12. 42.130).

2. Crime Free Housing Program

a. Purpose

To educate landlords on crime-free housing and impose a City requirement that landlords include lease provisions designed to reduce crime, drugs, and gang activity at rental properties.

b. Highlights

Cities that utilize this program require that landlords include a “crime free lease addendum” in all of their leases. The contents of the lease addendum may vary, but may include the following:

- 1) The tenant, members of the tenant’s household, guest, or other person under the tenant’s control are prohibited from engaging in any activity which constitutes a crime under any federal, state or local law. This includes activities defined as a nuisance under the municipal code and drug related activity under Health and Safety Code 11350 et. seq.

- 2) Prohibition against using, permitting or facilitating the dwelling unit or areas on or near the said premises to be used for nuisance or criminal activity.
- 3) A single violation of the lease addendum is sufficient cause for the immediate termination of the lease agreement.
- 4) The Chief of Police or designee may issue notices to landlords concerning any criminal activity by a tenant. Once notified, the landlord must begin evicting the tenant. The Chief of Police may require proof of eviction.

Although the City may not evict tenants for criminal violations, with a crime free lease addendum, the landlords are equipped with the ability to do so. Further, the addendum will provide clear grounds for unlawful detainer proceedings, which are already speedy civil actions. With the knowledge that even a single criminal act may result in eviction, tenants would be deterred from participating in or facilitating any crime.

The City may further require tenant screenings. The Chief of Police may create a database to track new tenants in properties participating in the program. The property owners would provide identifying information of all potential adult tenants and the Chief of Police may screen such tenants to determine if they have committed a crime recently or may have violated a similar crime free agreement. Such screenings would aid landlords in deciding whether to accept certain tenants.

Additionally, property owners may be required to, at their own expense, conduct criminal background checks of all tenants using private vendors.

As a means of enforcement, the maintenance of crime free housing may be a condition in the granting or renewal of a business license to property owners. Ongoing criminal activity may be grounds for revoking a business license. Thus, although the City may not evict tenants for committing crimes, the City may take away the landlord's ability to rent at all.

While tenant screenings and keeping a database updated may be challenging, the addition of a crime free lease addendum is a cost-effective method to help combat criminal activity in rental properties. Conditioning a landlord's business license on enforcing the crime free lease will also likely induce compliance.

c. City Procedures to Utilize the Program

This program would require an Ordinance. Again, Should the City Council desire, our office may draft a combined rental inspection and crime free housing ordinance to implement both programs concurrently.

Once the ordinance is enacted, the City Manager or designated staff should begin distributing the crime free lease addendum to all rental property owners or their property managers. This addendum must be included in all new or renewed lease agreements. Rental property owners applying for a new or renewed business license should receive a copy of the addendum by staff.

The Chief of Police may begin tenant screenings by establishing a database to track tenants engaged in criminal activity. If a rental inspection ordinance is enacted, the Chief of Police can help establish the priority of rental inspections by targeting properties with recent criminal activity or where tenants with criminal backgrounds have been applying in greater numbers.

With periodic inspections via the rental inspection ordinance and a tenant database from the crime free housing ordinance, the City should have sufficient information to guide enforcement efforts. Ideally, property owners will often utilize the lease addendum to remove tenants engaged in criminal activity.

d. Sample Ordinances

Attached as “Exhibit 2” are two sample ordinances from cities that have a crime free housing program. Highlighted below are some notable differences.

The City of Victorville requires every owner of a rental property to obtain a business license for each rental property. (§16-6.05.050). Owners must include a crime free lease addendum for in each rental agreement requiring that tenants shall not engage in illegal, nuisance, or criminal activity on the premises, as part of their rental agreement. Violations of this ordinance constitutes grounds for eviction of a tenant, but also potential grounds for the revocation, suspension or denial of the owner’s business license. (§16-6.05.070). Victorville incorporates both a rental inspection program and a crime free housing program in the same ordinance.

The City of Hesperia requires owners, as a condition of leasing out property, register each rental property every January. (§8.20.040). In addition to requiring a crime free lease addendum similar to Victorville, Hesperia requires tenant screenings by the city police department, as well as background checks by the owners through commercial vendors. (§8.20.050). Hesperia also combines a rental inspection program and crime free housing program in the same ordinance.

3. Drug House Abatement Program

a. Purpose

To combat properties used for the storage and trafficking of illegal drugs.

b. Highlights

The Drug Abatement Act (Health and Safety Code §11570 et. seq.) can be a useful tool to shut down “drug houses,” Which could include commercial businesses who have ongoing drug activity. Drug houses often result in increased foot and vehicle traffic, disturbance of the peace, contribute to other criminal activity, and harm a neighborhood’s sense of security. City attorneys often learn about drug houses through the police department, whose efforts at arresting and prosecuting offenders have not stopped the flow of illegal drugs at a property.

The Drug Abatement Act states that:

Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog specified in this division, and every building or place wherein or upon which those acts take place, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

By deeming a building or place used for illegal drugs a nuisance, a district attorney, county counsel, or city attorney may file a complaint to abate the nuisance and permanently enjoin the owner from maintaining such a nuisance. (H&S Code §11571; Code of Civil Procedure §731; Civil Code §3494). The City could obtain remedies such as temporary and permanent injunction, closure of the premises for up to one year, sale of movable property used to conduct or maintain the nuisance, civil penalties of up to \$25,000 against the defendant, and attorney’s fees to the prevailing party. (H&S Code §11581; Civil Code §3496).

In addition, a receiver may be appointed to carry out orders of the court. (H&S §11573.5(e)(3)).

c. City Procedures to Utilize the Program

The City does not have to enact an ordinance in order to enforce the Drug Abatement Act. To initiate a drug abatement action, there are certain steps to take:

1. The police department may refer a case to the City Attorney for possible legal action.
2. The City Attorney must review all relevant police reports, search warrants, and calls for service. There must be evidence of habitual or continuing drug activity connected to the property. If the property is found in violation of the Drug House Abatement Act, the property owner would be strictly liable if found liable, whether or not s/he participated in the drug activity or knew about it.
 - a. For residences, information related to drug busts, raids, controlled buys, and surveillance reports are helpful. The goal is to show an ongoing drug activity, rather than an isolated incident or a simple possession case.
 - b. For businesses, common examples include bars, restaurants, and pool halls. These may include commercial buildings regularly hosting parties or concerts where drug activity may occur. Reports of arrests for possession and sale of drugs, drug seizures, or other violations are helpful.
3. Find all potential defendants. These include the property owner, property manager, and the tenant or person who has control over the property. The City would need to obtain a litigation guarantee to ascertain all potential defendants on title to the property.
4. The City may issue a demand letter to the property owner demanding compliance. The City may hold meetings or make other informal attempts at resolving the problem with the owner. Although the Drug Abatement Act does not require this step, courts look favorably at such attempts.
5. File the complaint. The complaint must be verified. (H&S §11572). Accordingly, the defendants' answer must be verified. (Code of Civ. Pro. § 446).
6. The complaint should include supporting declarations from police officers. The officers should have personal knowledge of the drug activity and have expertise in drug identification, drug trafficking, and drug use. Declarations from neighbors may also be used.
7. If the case is appealed, the order for closure remains in effect. (Code Civ. Pro. §917.8(c)).

Pursuant to Health and Safety Code §11571.1(a), the City may adopt ordinances related to drug abatement. If the ordinance duplicates parts of the Drug Abatement Act, such ordinance is not preempted, but rather considered an alternative remedy. In order to do this, the City should:

1. Direct the City Attorney's office to draft an ordinance. The ordinance may supplement the Drug Abatement Act by including additional notice procedures and remedies. For instance, the ordinance may require the city attorney to issue a notice to the property owner prior to taking any legal action. The ordinance may include a provision for what a property owner may do in response to a notice, such as eviction of the tenants. The ordinance may simply mirror the Drug Abatement Act, although it is not necessary.

2. Pursuant to Section 2.60.010 of the municipal code, the City Council must hold at least two hearings: one to introduce the proposed ordinance, and another to adopt the ordinance. A majority of a quorum of the City Council must vote for passage of this ordinance.

d. Sample Ordinance

Attached as “Exhibit 3” are two sample ordinances from the City of Livermore and City of Duarte that supplement the Drug Abatement Act.

Livermore supplements the Drug Abatement Act by requiring their city attorney, at his discretion, to initiate abatement proceedings by first issuing a notice to the property owner, landlord, or person in control of the property demanding voluntary abatement of the drug activity. In response, the owner, landlord, or person in control may initiate unlawful detainer proceedings pursuant to Code of Civil Procedure §1161(4), eliminate the nuisance, obtain a voluntary surrender of the property from the occupants, or submit a written response to the city attorney. If the nuisance is not abated, the city attorney may commence an action pursuant to the Drug Abatement Act.

City of Duarte allows either the police or the property owner to document and report drug activity at a property. (§9.31.030). Once the nuisance is established, a notice must be issued to the owner, occupant, manager, or agent for the property and to any other person interested in the property or who has requested such notice. The initial notice allots thirty days for voluntary abatement. Abatement includes but is not limited to eviction of tenants creating the nuisance. (§9.31.040(b)). If the nuisance is not abated after thirty days, a second notice must be issued warning that abatement must commence within five working days or the city attorney may take legal action. (§9.31.040(d)).

FISCAL IMPACT

Depending upon specific City Council direction, Staff will be able to assess the financial impact.

EXHIBITS

- 1) Three sample city ordinances for rental inspections
- 2) Two sample city ordinances for crime free housing and a sample lease addendum
- 3) Two sample city ordinances for drug abatement

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).

Exhibit 2

City of Victorville

Article 5: - Rental Property Inspection Requirements

Sec. 16-6.05.010: - Purpose

The purpose of the enforcement of this article is to identify residential rental properties within the City and to enhance the quality of life for residents of those properties and in the community. These licensing requirements are intended to encourage all Rental Property owners to consistently meet applicable code requirements including those relating to property maintenance and housing, have well-maintained and clean exterior areas, and to ensure that rental unit occupants comply with crime free lease requirements. These licensing requirements will ensure that rental units do not create public nuisances that may be detrimental to the public health, safety or welfare of the community. The inspection requirements will be self-funded by the required annual regulatory Rental Business License fee.

([Ord. No. 2333, § 2, 7-21-15](#))

Sec. 16-6.05.020: - Scope

- (a) The provisions of this article shall apply to all single and multi-family residential Rental Property, as that term is defined herein, within the City. Not only does this article apply to the exterior of single and multi-family residential rental structures, but it also applies to the premises on which a Rental Property is located, including but not limited to all yards, parking lots, driveways, landscaped areas, accessory structures, fences, walls, swimming pools, hot tubs and spas.
- (b) The provisions of this article are supplementary and complementary to other provisions of this Code and applicable laws. Nothing in this article may be construed to limit any existing right of the City to abate nuisances or to enforce any provisions of applicable law, statute or this Code, including provisions of the International Property Maintenance Codes adopted by reference in the Development Code.

([Ord. No. 2333, § 2, 7-21-15](#))

Sec. 16-6.05.030: - Definitions

For the purpose of this article, unless otherwise apparent from their context, certain words and phrases used in this article shall have the meanings hereinafter designated. The definitions in this article are included for reference purposes only and are intended to define the terms used in this article in relation to the rental inspection requirements.

- a. "Crime Free Lease Addendum" means the property lease addendum described in section 16-6.05.070.
- b. "Occupant or tenant" means any person who occupies a Rental Property, whether as a tenant or permittee of the owner.

- c. "Owner's Authorized Representative" means a person, agent, property owner or property management company with respect to a Rental Property who has the legal authority to act upon the Owner's behalf with respect to the Rental Property.
- d. "Owner" or "Property Owner" means any person having legal title to real property, including all individuals, partner, joint venture, stock owner, persons in care of the Rental Property as shown as owners on the last equalized assessment roll of the San Bernardino County Assessor's Office, or an owner's authorized representative. If more than one person or an entity owns the Rental Property, owner or property owner refers to each person or entity holding any kind of ownership interest in the Rental Property, and the property owners' obligations in this article are joint and several as to each property owner.
- e. "Rental Business License" means the city business license issued per Rental Property after the property has successfully passed a Rental Property inspection performed by City enforcement personnel and successfully complied with all other applicable laws, including payment of all applicable fees.
- f. "Rental Property" means any single or multi-family zoned parcel used for occupancy by a person(s) other than the owner of the unit and is occupied or intended to be occupied for rental purposes. This definition includes the exterior of the structure, and the entire legal property upon which the structure exists, including but not limited to all yards, parking lots, driveways, landscaped area, accessory structures, fences, walls, swimming pools, hot tubs and spas. For the purpose of this article, the following types of dwelling units or facilities are not considered Rental Property/Dwelling/Unit:
 - (1) Conventional hotels or motels.
 - (2) Accommodations in any hospital, extended care facility, residential care facility, convalescent home, nonprofit home for the aged, or dormitory that is owned and operated by an educational institution.
 - (3) Mobile Home Parks.

([Ord. No. 2333, § 2, 7-21-15](#))

Sec. 16-6.05.040: - Rebuttable presumption

For the purposes of this article, if a property tax bill, water or sanitation utility bill for a property is mailed to an address other than the property's address, it shall be a rebuttable presumption that the property is a Rental Property. This presumption can be rebutted by the owner of record by providing reasonable documentation to the City sustaining that the property is owner occupied or is not being used, actively or not, for rental income.

([Ord. No. 2333, § 2, 7-21-15](#))

Sec. 16-6.05.050: - Rental business license required

Every owner of a Rental Property shall be required to obtain a city Rental Business License for each Rental Property, pursuant to Chapter 7, of Title 16 of this Code, as may be amended. A Rental Business License shall be issued after the Rental Property has passed an annual Rental Property inspection as provided in section 16-6.05.080 or has submitted and met all the requirements to qualify for self-inspection as provided in section 16-6.05.090, and has complied with all other applicable laws, including payment of fees. The Rental Business License shall not be transferable and upon a change of property ownership. Upon property ownership change, the Rental Business License issued to the prior property owner shall be null and void and such Rental Business License file shall be closed.

([Ord. No. 2333, § 2, 7-21-15](#))

Sec. 16-6.05.060: - Owner's authorized representative

- (a) For purposes of this article, all owners of Rental Property may designate a local authorized representative with full authority to act on behalf of the owner for all purposes under this article, including the acceptance of service of all notices from the city and the submittal of a self-inspection form, described in section 16-6.05.090.
- (b) Any designated local authorized representative must establish and maintain, at all times, a working telephone number and a residence or business address within thirty-five 35 miles of any of his or her designated Rental Property(ies). A local authorized contact representative shall be accessible to the city through the provided telephone number 24 hours, 7 days a week.

([Ord. No. 2333, § 2, 7-21-15](#))

Sec. 16-6.05.070: - Crime free rental property lease addendum

- (a) All Rental Property required to obtain a Rental Business License shall include a "Crime-Free Lease Addendum" within each lease, maintained by the property owner or the Owner's Authorized Representative, requiring that Tenants shall not engage in illegal, nuisance, or criminal activity on the premises, as part of their rental agreement.
- (b) It is unlawful for any person to allow any tenant to occupy a Rental Property in violation of any provision of the Crime Free Lease Addendum required by this article.
- (c) The Crime Free Lease Addendum shall be substantially in the following form: In consideration of the execution or renewal of a lease of the dwelling unit identified in the lease, Owner and Tenant agree as follows: Tenant, any members of tenant's household, a guest, or other person under the tenant's control or otherwise on the leased premises for a purpose related to tenant shall not:
 - (1) Engage in any nuisance activity as defined in Civil Code Sections 3479 and 3480, or under Chapter 16-6.04 of the Victorville Municipal Code, any criminal activity, including drug-related criminal activity, on or near the said premises. "Drug-related Criminal Activity" means the illegal manufacture, sale, use, possession, distribution, or possession with the intent to manufacture, sell, distribute, or use of a controlled substance as defined in Section 201 of the Controlled Substances Act (21 U.S.C. 802).
 - (2) Engage in any act intended to facilitate nuisance or criminal activity on or near the said premises.
 - (3) Use, permit or facilitate the dwelling unit or areas on or near the said premises to be used for, nuisance or criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
 - (4) Engage in the unlawful manufacturing, selling, using, storing, keeping, distributing or otherwise giving away of a controlled substance as defined in Health & Safety Code Section 11350 et seq., at any locations on or near the said premises, including in or near the dwelling unit.
 - (5) Engage in any illegal activity, including unlawful conversions of residential and commercial structures for the growth, sale and distribution of marijuana, prostitution as defined in Penal Code Section 647(b); criminal street gang activity as defined in Penal Code Section 186.20 et seq., assault and battery as prohibited in Penal Code Section 240; burglary as prohibited in Penal Code Section 459; the unlawful use and discharge of firearms as prohibited in Penal Code Section 245; sexual offenses as prohibited in Penal Code Sections 269 and 288; or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his or her agent or any other tenant or involving imminent or actual serious property damage.
- (d) The Chief of Police or his or her designee may request the revocation, suspension or denial of a Rental Business License upon concluding that criminal activity is ongoing at the Rental Property. The Chief of Police or his or her designee may base his or her findings on past or ongoing criminal

activity located at the Rental Property. Criminal activity includes those activities which are required to be explicitly prohibited in this Crime Free Lease Addendum, pursuant to the Victorville Municipal Code Section 16-6.05.070(c).

- (e) Violation of any of the above provisions shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy. A single violation of any of the provisions of this addendum may be deemed a serious violation and a material and irreparable breach of compliance with the lease. It is understood that a single violation shall be good cause for termination of the lease. Unless otherwise provided by law, proof of the violation shall not require a criminal conviction, but shall be by a preponderance of the evidence.

([Ord. No. 2333, § 2, 7-21-15](#))

Sec. 16-6.05.080: - Initial and annual inspection

- (a) All Rental Property located in the City shall be subject to an initial inspection upon submittal of a Rental Business License application, and annual inspection thereafter by the Director of Development or his or her designee for compliance with all applicable laws. The intent of the inspections shall be limited to the scope stated in section 16-6.05.020 to verify compliance with the International Property Maintenance Code and Victorville Municipal Code for housing, building, land use, and property maintenance codes.

Additionally, Development Department staff may consult with the property owner, Owner's Authorized Representative or the City of Victorville Police Department to ensure that the leased residential rental units are complying with section 16-6.05.070 requiring a crime-free property lease addendum.

- (b) If agreed upon between the Owner's Authorized Representative and the City, the Property Owner, Tenant or Owner's Authorized Representative need not be present during either the initial or annual inspection so long as the areas to be inspected are accessible. Such agreement shall be made in writing upon submittal of an initial Rental Business License or upon renewal of Rental Business License. Rental Business License.
- (c) The Director of Development, or his or her designee shall conduct an exterior site inspection of each Rental Property prior to the initial issuance of a Rental Business License or prior to the annual issuance of a renewal Rental Business License. The scope of the inspection shall include, but is not limited to:
 - (1) Exterior property maintenance and cleanliness.
 - (2) Landscape maintenance in accordance with the Victorville Development Code;
 - (3) Land use such as off street parking requirements, storage of inoperative vehicles and accessory structure and uses related to unpermitted business;
 - (4) Maintenance and upkeep of the primary structure such as windows, paint/stucco, weather protection, roof and other architectural features and accessory structures such as sheds, cabanas, trash enclosures, etc.
- (d) Rental Business License Initial Application Inspections: Inspections a Rental Property seeking an initial Rental Business License shall consist of one initial compliance inspection conducted within 30 days after the submittal of a Rental Business License application and one compliance re-inspection conducted 15 days after a failed initial compliance inspection. Any violation found after the compliance re-inspection shall be enforced in accordance with section 16-6.01.100 of the Development Code.
- (e) Rental Business License Annual Renewal Inspections: Inspections a Rental Property seeking a renewal Rental Business License shall consist of one compliance inspection conducted within 30 days prior to the business license expiration and one compliance re-inspection conducted 15 days

after a failed annual renewal inspection. Any violation found after the compliance re-inspection shall be enforced in accordance with section 16-6.01.100 of the Development Code.

- (f) Notice of Annual Rental Business License Renewal Inspection.
 - (1) Prior to a Rental Business License expiration, the Development Department will mail a Rental Business License renewal notice to the Property Owner and the owner's authorized representative notifying the Property Owner of the following:
 - (i) The Property Owner's requirement to renew the annual Rental Business License; and
 - (ii) Notice that the Development Department staff will inspect the exterior area of the Rental Property within thirty 30 days from the date of the Rental Business License renewal notice.
 - (2) Said notice will be mailed by first class mail to the Owner at the Owner's last known address as it appears in the City business license records, and a copy will also be mailed to the attention of the Tenant of the Rental Property to be inspected. In the case of multiple Owners of the same Rental Property, notice to anyone of the Property Owners is sufficient notice.
 - (3) In the event an Owner, Owner's Authorized Representative or Tenant in possession of the Rental Property refuses to allow access to conduct the exterior inspection, the Director of Development, the City Code Enforcement Official, or his or her designee and the City Attorney may use all legal remedies to ensure that an inspection is conducted as required by this article.
 - (4) If the City is not able to obtain the consent of the Owner, Owner's Authorized Representative or Tenant of the Rental Property to conduct an inspection, the City shall withhold the Owner's Residential Rental Business License until the inspection is conducted.
- (g) After completion of the initial Rental Business License application inspection or the annual Rental Business License renewal inspection, where the Rental Property fails the Inspection due to having violation(s) on the property, the City shall send a written report to the Owner or the Owner's Authorized Representative by mail. The report shall contain:
 - (1) An itemization of any violation(s) of the applicable laws identified during the inspection;
 - (2) The period of time given for correcting each of the identified violations;
 - (3) Notice that the City will re-inspect the Rental Property at the end of the period of time for correction;
 - (4) A statement that if the violations are found to be out of compliance by Director of Development or his or her designee during the re-inspection, the City will not issue the Rental Business License provided under section 16-6.01.100 of this Code may apply, and the City may pursue any legal remedies available to it, whether from this Code or any other applicable law, in order to abate said violations.
- (h) After completion of a failed initial application Rental Business License re-inspection or a failed annual renewal Rental Business License re-inspection, a report listing the violations shall be provided to the property tenant, the database shall reflect the failed re-inspection and the matter shall be enforced under section 16-6.01.100.
- (i) If no violations are found as a result of an initial or annual renewal inspection or re-inspection, the report and database shall state so and the City shall issue the Rental Business License to the owner. All inspection reports shall be available as a public record upon request.

([Ord. No. 2333, § 2, 7-21-15](#))

Sec. 16-6.05.090: - Self-inspection privilege

- (a) Rental properties may qualify for the annual Rental Property Self-Inspection Privilege option after the Director of Development, Zoning Administrator, Building Official or Code Enforcement Official or his/her designee has completed an initial inspection of the Rental Property. The annual rental

business license fee for self-inspecting rental properties in good standing shall be half of the annual rental business license renewal fee per property. Self-inspection shall not relieve the property owner of the annual Rental Business License fee requirement.

- (b) In order for a rental property to qualify for the self-inspection privilege, the property owner or the Owner's Authorized Representative may use its own inspection form as long as the inspection is conducted no more than sixty (60) days prior to the expiration of the Rental Business License and the form contains, at minimum, the information stated below:
 - (1) Property address.
 - (2) Date of inspection.
 - (3) Name and contact information of the property management employee completing the self-inspection.
 - (4) A statement or checklist indicating a satisfactory inspection of the following exterior items:
 - (i) All yard areas visible from public view are free of junk and debris.
 - (ii) Front yard landscaping is maintained and free of decayed or decaying vegetation or weeds.
 - (iii) Front landscaped yard areas are not being utilized for off street parking or storage of large or bulky items.
 - (iv) The property does not store inoperative vehicles.
 - (iv) The primary and accessory structures and architectural features are aesthetically well maintained and free of substandard structure conditions as defined in Health and Safety code 17920.3.
 - (v) Tenant, any members of tenant's household, or other person under the tenant's control or otherwise on the leased premises are complying with the Crime Free Rental Property Lease Addendum.
- (c) The Rental Property self-inspection report/form shall be submitted to the City Code Enforcement Division thirty (30) days prior to the expiration of the Rental Business License. Rental Properties may lose the privilege of the self-inspection option if the City receives a nuisance complaint from a city resident pertaining to the Rental Property and finds the complaint to be valid. Rental Properties who lose the self-inspection option may appeal such this action in accordance with section 16-2.02 of the Development Code. Rental properties shall be re-inspected by the Director of Development, Zoning Administrator, Building Official or Code Enforcement Official or his or her designee and upon passing the property inspection, may be allowed to self-inspect on the following Rental Business License renewal period. A request for re-enrollment for the privilege to self-inspect shall be made in writing by an Owner or an Owner's Authorized Representative and submitted to the business license division for review and approval.

([Ord. No. 2333, § 2, 7-21-15](#))

Sec. 16-6.05.100: - Violations

- (a) Whenever the Development Director or his or her designee determines that a violation of this article exists, a Code Enforcement Officer shall issue a notice of violation in the form of the Rental Property inspection report and provide an order to correct the violation(s) located at the Rental Property. The notice shall be provided (1) by mail to the Owners or Owner's Authorized Representative, and (2) either by mail or hand delivery to the Rental Property Tenant, or by posting said notice on the front door of Tenant's dwelling unit. Said notice shall be in writing and shall describe with reasonable detail the violation(s) so that the Property Owner has the opportunity to identify and correct any identified violation. Any person who fails to comply with any provisions of this article after receiving

written notice of the violation(s) and has been given a minimum of 15 days to correct such violation(s) shall be deemed to be in violation of this article.

- (b) A violation of this article shall be enforced in accordance with section 16-6.01.100 of the Development Code. The Development Department may also take action to suspend or revoke the Rental Business License issued to the property owner if the property owner has failed to correct any or all violations.
- (c) Any Rental Property which has been subjected to enforcement actions under section 16-6-01.100 of the Development Code and has continued to fail to comply with this Code, including any Rental Property maintenance requirements, and the adopted International Property Maintenance Code, or any state or local law relating to housing standards, property maintenance, building codes, or land use requirements, shall be considered a public nuisance and subject to abatement procedures as set forth in Title 6, Chapter 6, Article 4 of this Code.

([Ord. No. 2333, § 2, 7-21-15](#))

Sec. 16-6.05.110: - Complaint based inspections

Nothing contained in this article shall prevent or restrict the City's authority to inspect any Rental Property in response to a complaint alleging Code violations or violations of any other applicable laws, or to pursue all remedies available under this Code or applicable laws.

([Ord. No. 2333, § 2, 7-21-15](#))

Sec. 16-6.05.120: - Failure to pay fees

Should a property owner fail to timely pay the annual Rental Business License fee, any cost recovery fee or administrative fine related to the enforcement of and compliance with this article, shall be a debt to the City and shall be enforced in accordance with section 16-7.05.080.

([Ord. No. 2333, § 2, 7-21-15](#))

City of Hesperia

Chapter 8.20 - CRIME FREE RENTAL HOUSING PROGRAM

Sections:

8.20.010 - Purpose and scope.

The purpose of this chapter is to identify and regulate rental dwelling units in the City of Hesperia, to ensure that such units afford tenants a safe and decent place to live, to hold tenants and owners accountable for their actions, and to reduce criminal activity. The city council has determined that requiring that all rental dwelling units governed by this chapter be registered with the city and inspected, and requiring landlords to use a crime free lease addendum in their leases, serves these legitimate governmental interests.

Nothing in this chapter shall be construed to:

- A. Excuse, waive, limit, or modify any requirements or obligations in the applicable laws;
- B. Limit any right or authority of the city to investigate and abate nuisances or to enforce any provisions of the applicable laws or any other provision of law;
- C. Conflict with any rights or obligations under the Fair Housing Laws or the Americans with Disabilities Act, as amended;
- D. Otherwise prevent or waive compliance with all other applicable laws or regulations; or
- E. Discourage victims of domestic violence or abuse from reporting such violence or abuse.

[\(Ord. No. 2015-12, § 1, 11-17-15\)](#)

8.20.020 - Definitions.

For the purposes of this chapter, words and phrases used in this chapter shall mean as they are defined in Chapter 1.04 of this Code, except as otherwise defined below:

"Annual inspection" means an inspection meeting the criteria and standards of crime free through environmental design (CFTED).

"Applicable laws" means and includes all federal, state and local statutes, ordinances and regulations that pertain to the condition, habitability and safety of dwelling units and residential property. This includes, but is not limited to, this code.

"Crime free lease addendum" means the lease addendum described in this chapter.

"Criminal activity" means behavior or actions that are in violation of established federal, state, or local laws, including but not limited to all applicable laws.

"Fair Housing Laws" means the Federal Fair Housing Act, as amended, (42 U.S.C. Sec. 3601 et seq.), the California Fair Housing and Employment Act (Government Code Section 12900 et seq.), and the Unruh Civil Rights Act (Civil Code Section 51).

"Law enforcement officer" means an individual(s) who is designated by state law or by the city manager to enforce applicable laws.

"Local property management company" shall mean an entity that is responsible for the day-to-day maintenance, upkeep and security of a rental property and is operated by a person who is licensed with the California Department of Real Estate as a real estate broker.

"Local property manager" shall mean a person who is responsible for the day-to-day maintenance, upkeep, and security of the rental property. The local property manager may be the owner of the property.

"Multi-family residences" means three dwellings or more on a single property.

"Occupant" or "tenant" means any person who occupies a residential rental property, whether as a tenant or permittee of the owner.

"Owner" or "property owner" means a single individual, partnership or joint venture or any entity that has any kind of ownership interest in a single-family residential rental property, multi-family rental property, or residential rental dwelling unit (collectively, "residential rental property") whether as an individual, partner, joint venture, stock owner, or ownership interest in some other capacity or the owner's designee, which may include a local property management company. If more than one person or an entity owns the subject rental property, owner or property owner refers to each person or entity holding any kind of ownership interest in the property, and the property owners' obligations in this chapter are joint and several as to each property owner. Owner shall also mean any person having legal title to real property, including all individuals shown as owners on the last equalized assessment roll of the San Bernardino County Assessor's Office, or an owner's authorized representative.

"Program" means the crime free rental housing program as set forth in this chapter.

"Single-family residence" means a dwelling configured for one group to live in with common areas such as a kitchen and common bathrooms on a single property.

"Single-family residential rental property," "multi-family rental property," or "residential rental dwelling unit" (collectively, "residential rental property") means a dwelling unit, all or part of which is occupied by a person(s) other than the owner of the unit where money, services or valuables are exchanged for the ability to reside whether this agreement is verbal or in writing. This includes the premises on which said residential rental property is situated and any common areas. The following types of dwelling units or facilities are not considered residential rental property:

1. Hotels or motels.
2. Accommodations in any hospital, extended care facility, residential care facility and convalescent home.
3. Mobile home parks.
4. Business, commercial or industrial properties unless there is a dwelling structure on the property.

[\(Ord. No. 2015-12, § 1, 11-17-15\)](#)

8.20.030 - Rebuttable presumption.

For the purpose of this chapter, if the water, refuse, gas, electric or property tax bill is in a different name than that of the property owner, or if the water, refuse, gas, electric or property tax bill is in the owner of record's name but mailed to an address other than the property address, it shall be a rebuttable presumption that the property is residential rental property. This presumption can be rebutted by the owner of record, or by his or her designated representative, providing satisfactory documentation to the city that the property is owner-occupied or is not being used for rental income.

[\(Ord. No. 2015-12, § 1, 11-17-15\)](#)

8.20.040 - Residential rental property registration.

- A. Registration Required. As a condition of exercising the privilege of renting or leasing a residential rental property to any person and/or entity, the owner of the residential rental property, local property management company or local property manager shall register with the city by the first day of the January immediately following the adoption of this chapter and shall register every subsequent first day of January thereafter.
1. Contents of Registration Form and payment of Fees. The registration form shall be in a format determined by the city manager from time to time, and shall contain the location of the residential rental property, the owner's name and contact information, the name of person acting on the owner's behalf and his or her contact information, number of dwelling units, and any other information the city manager deems necessary. The owner shall pay an annual registration fee, set by resolution of the city council, which shall cover the costs of the city's administration and enforcement of this chapter.
 2. Non-Transferable. Registration of a residential rental property accepted by the city pursuant to this chapter is not transferable to a new owner of the residential rental property. Any new owner must re-register and provide current registration information.
 3. Failure to Register. Failure to comply with or violations of this chapter shall be considered a misdemeanor.

[\(Ord. No. 2015-12, § 1, 11-17-15\)](#)

8.20.050 - Crime free rental housing program.

- A. Participation in the Program. Owners shall participate in the program by registering pursuant to Section 8.20.040. Owners who comply with the requirements of this chapter will be considered in "good standing," and the City may hold in abeyance any fines levied against a tenant for such tenant's unlawful activity in or around the residential rental property leased by the tenant, and not levy such fines against the owner. If the owner is not in good standing, the city shall levy fines against the tenant and the owner jointly and severally.
- B. Crime Free Tenant Screening. The chief of police will maintain a crime free data base. This data base shall include all owners participating in the program. All owners or their designees are required to provide identifying information for all potential adult tenants of a residential rental property prior to leasing or renting. Prospective adult tenants must be identified by a valid government-issued photo identification card. The chief of police will in turn determine if the potential adult tenants have been in violation of a crime free agreement or rules at previous locations. The chief of police shall provide the owner or their designee notice of the determination as provided herein within two business days after receipt of identifying information contemplated herein. Upon receiving this notice, the owner or their designee has the sole discretion to take actions that he or she determines to be legally appropriate.
- C. Crime Free Lease Addendum. The crime free lease addendum shall be in a form approved by the city manager from time to time, and subject to approval of the city council. The owner of a residential rental property shall include the crime free lease addendum in any lease agreement between the owner and tenant. The crime free lease addendum shall be incorporated into all new or renewed rental agreements and leases executed after the effective date of this chapter.
1. When an owner or their designee is notified by the chief of police, or his or her designee, that a tenant has engaged in criminal activity that would violate any federal, state or local law, on or near the residential rental property leased to tenant, the owner shall begin the eviction process against the tenant within ten business days of the date of such notice, and pursuant to the crime free lease addendum. The Chief of police may require proof of the eviction process. Notwithstanding for the foregoing, this chapter shall not be applied in a manner that will result in the eviction of a victim of domestic violence or abuse.

- a. When allowed by law the notice provided by the chief of police shall provide a report or incident number, identify the offending tenant(s), unit number if applicable, and the specific violation(s), and shall state the date(s) and time(s) of any observed criminal activity and any resulting arrest(s), and shall further state the owner's obligations under this chapter.
 - b. The notice provided by the chief of police contemplated hereunder shall, to the extent permitted under applicable law and at the chief of police's discretion, contain the evidence and documents used by the chief of police to determine whether a tenant has engaged in criminal activity as contemplated herein.
 - c. The notice provided by the chief of police shall be in writing and sent by email with acknowledgement or certified mail, return receipt requested.
- D. Criminal Background Check. In addition to the crime free tenant screening described above, owners shall conduct a criminal background check for all tenants using a commercially available service, at owner's cost. The owner shall maintain the criminal background check on file during the tenant's occupancy of the residential rental property.

[\(Ord. No. 2015-12, § 1, 11-17-15\)](#)

8.20.060 - Inspections.

- A. Annual Inspections. All residential rental property located in the city shall be subject to an annual inspection by the city for compliance with applicable laws. The specific items to be inspected will be in keeping with national standards for the crime free program and can be adjusted with approval of the city manager to meet the needs of this city. The owner or their designee will receive the results of the inspection.
- B. Notice of Inspection and Procedures.
 1. After receiving a completed registration form from an owner, the city will conduct an exterior inspection of the residential rental property to identify compliance with the program and applicable laws. Additionally, a subsequent inspection of the owner's records may be requested to ensure compliance with this chapter.
 2. No prior notice of inspection will be made to the owner. An owner does not have to be present for the inspection.
- C. Members of the city's police department will be responsible for conducting the inspections authorized by this chapter. However, the city may request that other city departments participate in the inspection process. The inspection will be from the exterior of the residential rental property's buildings and structures. It will cover items relating to crime prevention and the health and safety of the occupants.
- D. After completion of the inspection, a written report of the inspection will be sent to the owner. The report shall contain:
 1. An itemization of any violations of the applicable laws identified during the inspection;
 2. The period of time for correcting each of the identified violations;
 3. A statement of a re-inspection at the end of the period of time for correction, if applicable;
 4. The amount of the re-inspection fee and the date by which the re-inspection fee must be paid;
 5. A statement that if the violations are not corrected within the period of time for correction the city may pursue legal action as authorized under this code to abate such violations; and
 6. If no violations are found as a result of the inspection, the inspection report shall state so and city shall issue a certificate of registration to the owner.

[\(Ord. No. 2015-12, § 1, 11-17-15\)](#)

8.20.070 - Fees.

The city council may establish such fees that are necessary for the administration of the regulatory program established by this chapter. All such fees shall be set by resolution of the city council.

[\(Ord. No. 2015-12, § 1, 11-17-15\)](#)

8.20.080 - Appeals.

- A. Any recipient of an administrative citation may contest the citation by the procedures set forth in this code.
- B. Any party to an administrative citation hearing may appeal an adverse ruling in accordance with this code.

[\(Ord. No. 2015-12, § 1, 11-17-15\)](#)

8.20.090 - Complaint-based inspections.

Nothing contained in this chapter shall prevent or restrict the city's authority to inspect any residential rental property in response to a complaint alleging code violations or violations of applicable laws and to pursue all remedies permissible under applicable laws.

[\(Ord. No. 2015-12, § 1, 11-17-15\)](#)

8.20.100 - Voluntary inspection requests.

Nothing contained in this chapter shall be construed to prohibit a property owner or occupant from voluntarily requesting an inspection pursuant to this chapter to determine whether the residential rental property complies with applicable laws.

[\(Ord. No. 2015-12, § 1, 11-17-15\)](#)

8.20.110 - Enforcement.

- A. **Violations Identified During Inspection.** If the owner fails to correct a violation of the applicable laws identified in the report of inspection within the time allowed, the city may issue an administrative citation, issue a notice of intent to abate, or may take any other action authorized by law to enforce the provisions of this code.
- B. **Failure to Pay Fees.** Should an owner fail to timely pay any fees due under the program, the city may take appropriate action to recover the unpaid fees, including any accrued interest, penalties and personnel costs utilizing any remedies authorized by law.
- C. **Violations.** Owners who fail or cause to fail to cooperate with inspections required under this chapter or fail to otherwise comply with the requirements of this chapter may be subject to an administrative citation in accordance with this code or any other action authorized by law to enforce the provisions of this chapter.
- D. **Strict Liability.** Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this chapter shall be subject to prosecution under applicable law.
- E. **Revenue and Taxation Code.** The city may also utilize the provisions of the Revenue and Taxation Code Section 24436.5 to encourage the elimination of substandard conditions in rental housing. The

city is also authorized to bring an action under the Business and Professions Code for unfair business practices.

- F. Attorneys' Fees. In an action, administrative proceeding, or special proceeding to abate a violation of this chapter, the prevailing party may recover Attorneys' fees pursuant to Government Code Section 38773.5. Recovery of attorneys' fees is limited to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. An award of attorneys' fees to a prevailing party shall not exceed the amount of reasonable attorneys' fees incurred by the city in an action, administrative proceeding, or special proceeding.

[\(Ord. No. 2015-12, § 1, 11-17-15\)](#)

8.20.120 - Severability.

If any provision, section, paragraph, sentence or word of this chapter is determined or declared invalid by any final court action in a court of competent jurisdiction or if the application of any provision, section, paragraph, sentence or word of this chapter is inapplicable to a specific situation by reason of any preemptive state or federal legislation or regulation, the remaining provisions, sections, paragraphs, sentences or words of this chapter shall remain in full force and effect.

[\(Ord. No. 2015-12, § 1, 11-17-15\)](#)

CRIME FREE LEASE ADDENDUM

In consideration of the execution or renewal of a lease of the dwelling unit identified in the lease, Owner and Resident agree as follows:

1. Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in criminal activity, including drug-related criminal activity, on or near the said premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in §102 of the Controlled Substance Act [21 U.S.C. 802]).

2. Resident, any member of the resident's household or a guest or other person under the resident's control shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near the said premises.

3. Resident, any member of the resident's household, or a guest or other person under the resident's control, will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household.

4. Resident, any member of the resident's household or a guest or another person under the resident's control, shall not engage in the unlawful manufacturing, selling, using, storing, keeping or giving of a controlled substance as defined in Health & Safety Code §11350, et seq., at any locations, whether on or near the dwelling unit premises or otherwise.

5. Resident, any member of the resident's household, or a guest or another person under the resident's control, shall not engage in any illegal activity, including: prostitution as defined in Penal Code §647(b); criminal street gang activity, as defined in Penal Code §186.20, et seq.; assault and battery, as prohibited in Penal Code §§240 and 243; burglary, as prohibited in Penal Code §459; the unlawful use and discharge of firearms, as prohibited in Penal Code §245; sexual offenses, as prohibited in Penal Code §§269 and 288, or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, its agent or other tenant or involving imminent or actual serious property damage.

6. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY. A single violation of any of the provisions of this addendum shall be deemed a serious violation and a material and irreparable non-compliance. It is understood that a single violation shall be good cause for immediate termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be a preponderance of the evidence.

7. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.

8. This addendum is incorporated into the lease executed or renewed this day between Owner and Resident.

_____	Date: _____	
Resident Signature		
_____	Date: _____	
Resident Signature		
_____	Date: _____	
Resident Signature		
_____	Date: _____	Property:
Property Manager's Signature		

Exhibit 3

City of Duarte

Chapter 9.31 - ABATEMENT OF DRUG AND/OR GANG RELATED NUISANCES

Sections: s

9.31.010 - Definitions.

For the purpose of this chapter, the words set out in this section shall have the following meanings:

- (a) "Drug" or "drugs" means one or more controlled substances, including precursors and analogs, defined in Health and Safety Code Section 11007.
- (b) "Gang" means any ongoing organization, association or group of three or more persons, whether formal or informal, which has a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of illegal conduct.
- (c) "Illegal conduct" means a misdemeanor or felony as defined by state or federal law.

(Ord. 661 § 1 (part), 1990)

9.31.020 - Public nuisances to be abated.

- (a) Any building or place used for the purpose of illegal conduct by a gang or gangs or gang members, or wherein or upon which illegal conduct takes place, or as defined in Health and Safety Code Section 11570, is a public nuisance and may be abated as set out herein.
- (b) Abatement procedures for a nuisance as defined in Health and Safety Code Section 11570 may be commenced as set out herein.

(Ord. 661 § 1 (part), 1990)

9.31.030 - Identification of nuisance.

- (a) The police department and/or the department of public safety may identify a building or place which is a nuisance as defined in this chapter by documenting a pattern of continuous and repeated drug or illegal conduct in or at such building or place.
- (b) Alternatively, the owner or manager of property who believes that a nuisance as defined herein may exist on his property may provide the police department and/or the department of public safety with written evidence of such nuisance and a written request that the police department and/or the department of public safety investigate under its procedures, and, where appropriate, request abatement of the nuisance.

(Ord. 661 § 1 (part), 1990)

9.31.040 - Notification of nuisance.

- (a) Where it has been determined that a nuisance exists as defined herein, notice of the existence of such nuisance and request for immediate abatement thereof shall be given to the owner, occupant,

manager, or agent for the property and to any other person interested in the property or who has requested such notice.

- (b) The first notice shall be by letter, which shall state the location of the nuisance, the type of illegal or drug activity, and the requested manner of abatement. The letter shall give thirty calendar days in which to commence voluntary abatement of the nuisance in the manner requested. Abatement may include but is not limited to eviction of the tenant(s) creating the nuisance or closure of the building.
- (c) Within that thirty day period, the owner of any property so identified may request in writing that the police department and/or department of public safety proceed with abatement against the property as set out in this chapter and under state law. As a condition to abatement, the police department and the city may enter into an agreement with the owner or agent to assist in such proceedings or to bring the building into compliance with applicable state, federal and local building codes and regulations.
- (d) At the end of the thirty day period, it shall be determined whether or not the nuisance is being or has been abated. If it is found that such nuisance continues to exist, the owner, occupant, manager or agent and any other interested person or person requesting notice shall be served with a second notice. The second notice shall state that the nuisance continues to exist, its location, type and manner of abatement and that abatement must commence within five working days or the matter will be referred to the city attorney for civil action.
- (e) The notices required by this section shall be served by personal delivery or by mailing, first class, postage prepaid, return receipt requested, to the owner at his last known mailing address as it appears on the last equalized assessment roll of the county, and to the occupant, manager or agent at the address of the building or any other known address. The failure of any person entitled to receive such notice shall not affect the validity of any proceedings under this chapter.
- (f) Upon receipt of a response from the person served, the police department and the city may agree in writing to extend the time to commence, perform or complete abatement, and may condition such extension on the performance of actions by the owner, occupant, manager, or agent, including but not limited to bringing the building into compliance with any and all applicable local, state and federal building codes and regulations.

(Ord. 661 § 1 (part), 1990)

9.31.050 - Civil action by city attorney.

When the owner, occupant, manager, agent or other interested and responsible person has failed to abate the nuisance after notification as set out in Section 9.31.040, or has violated the terms of any agreement reached under subsections (c) and (f) thereof, the city attorney is authorized to commence a civil action to abate the nuisance as set out under Health and Safety Code Sections 11570 et seq. and the Civil Code of California, and to seek a temporary injunction, protection of witnesses and any and all applicable damages and remedies, including attorneys fees and costs. Any such damages or costs when unpaid shall become a lien and charge against the building or property.

(Ord. 661 § 1 (part), 1990)

City of Livermore

Chapter 8.13

ABATEMENT OF PROPERTY USED FOR UNLAWFUL DRUG ACTIVITIES

Sections:

[8.13.010](#) Purpose and findings.

[8.13.020](#) Definitions.

[8.13.030](#) Nuisance.

[8.13.040](#) Abatement referral and notification.

[8.13.050](#) Compliance following notification.

[8.13.060](#) Nuisance abatement.

8.13.010 Purpose and findings.

A. Purpose. The purpose of this chapter is to abate the use of property for the unlawful selling, serving, storing, keeping, manufacturing, or giving away of any controlled substance as defined under Health and Safety Code Section [11570](#) et seq. when the use negatively affects the surrounding neighborhood. The city council desires to enact local legislation complementary to the California Uniform Controlled Substances Act (Health and Safety Code Section [11000](#) et seq.), in order to accomplish the following:

1. To discourage the use of property for unlawful drug activities;
2. To encourage property owners, landlords, and occupants to initiate appropriate actions to eliminate the use of property in their ownership, possession, or control for unlawful drug activities;
3. To encourage and assist property owners, landlords, and occupants in their efforts to exercise their private right of action to abate the use of property in their ownership, possession, or control for unlawful drug activities through unlawful detainer procedures set forth in California Code of Civil Procedure Section [1159](#) et seq.; and
4. As allowable by state law to authorize and enable the city attorney to initiate abatement actions against property owners, landlords, and occupants that refuse to take appropriate action to eliminate the use of property in their ownership, possession, or control for unlawful drug activities that negatively affect the surrounding neighborhood.

B. Findings. The city council, as the legislative authority, finds and declares that every and any building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away of any drugs or controlled substances, as defined under the California Uniform Controlled Substance Act (Health and Safety Code Section [11000](#) et seq.) is a nuisance. The city council expressly finds that regulating and prohibiting the unlawful selling, serving, storing, keeping, manufacturing, or giving away of any controlled substance are necessary to preserve the public's health, safety, and welfare, and that:

1. The unlawful selling, serving, storing, keeping, manufacturing, or giving away of any controlled substance in any building or place in the city is injurious to the health, safety, morals, and general welfare of the community, and interferes with the comfortable enjoyment of life and property;
2. Section [11570](#) of the California Health and Safety Code states that every building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away of controlled substances, and every building or place wherein and upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented;
3. The laws of the state defining nuisance and the abatement thereof provide for civil and criminal enjoinder of such acts, and that the city council intends hereby to declare those activities set forth in this section to be nuisances and to provide a procedure for determining a nuisance exists, the necessary order of abatement thereof, and for the civil prosecution for enforcement of any such findings and orders;
4. The use of property for unlawful drug activities tends to debilitate family life and has the potential to cause negative secondary effects in the neighborhood where the property is located such as: continuing unlawful drug activity; increases in other criminal activity; usual accumulations of trash; complaints for noise, fights and verbal altercations; unusual amounts of pedestrians and vehicles not associated with a subject property visiting it at all hours of the day and night for short periods of time; and other effects that can lead to an unsafe environment which interferes with the comfortable enjoyment of life and property and diminishes the quality of life in the neighborhood; and
5. Regulating and prohibiting the use of property for unlawful drug activity are necessary to preserve the public's health, safety, and welfare.

C. Facts and Circumstances. This chapter is enacted based upon the following facts and circumstances:

1. California Health and Safety Code Section [11571](#) authorizes the city attorney, whenever there is reason to believe that a building or place is being used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away of any controlled substance, to commence an action to abate and prevent such nuisance and perpetually enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance.

2. California Health and Safety Code Section [11366](#) provides that it is a criminal act for any person to open or maintain any place for the purpose of unlawfully selling, giving away, or using any controlled substance.

3. California Health and Safety Code Section [11366.5](#) provides that it is a criminal act for any person who has under his or her management or control any building, room, space or enclosure, either as an owner, lessee, agent, employee or mortgagee, to knowingly rent, lease or make available for use, with or without compensation, the building, room, space, or enclosure for the purpose of unlawfully manufacturing, storing, or distributing any controlled substance for sale or distribution.

4. California Code of Civil Procedure Section [1161](#)(4) provides that any tenant or subtenant of real property who maintains, commits, or permits the maintenance or commission of a nuisance upon the demised premises, or uses such premises for an unlawful purpose, thereby terminates the lease, and the landlord shall, upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of such demised premises. (Ord. 1983 § 1 (Exh. A), 2013)

8.13.020 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

A. "Controlled substance" means any drug, substance or immediate precursor thereof listed in any schedule as defined in Health and Safety Code Section [11007](#).

B. "Landlord" means any individual or entity, or an agent or other representative thereof, that has ownership, possession, or control over a property for its lease or rent to other persons.

C. "Negative effects" means any secondary effects related to the use of property of unlawful drug activities that create an unreasonable interference with the comfortable enjoyment of life, property, and/or safe residents of the premises. Such activity includes, but is not limited to, the effects identified in LMC [8.13.010\(B\)\(4\)](#), and any activity commonly associated with illegal drug dealing, such as noise, steady traffic day and night into a particular unit, barricaded units, the display or observance of weapons, drug loitering as defined in Health and Safety Code Section [11532](#), or other drug-related occurrences which when taken as a whole tend to substantially affect or interfere with the comfortable use and enjoyment of property.

D. "Occupant" means any tenant or other person inhabiting or otherwise residing in or at a property.

E. "Owner" means any person or entity that is the titleholder to a property based upon the records maintained by the Alameda County recorder's office.

F. "Property" means any building, place, dwelling unit, mobile home, and recreational vehicle as defined in California Civil Code Section [799.24](#), situated on land in the city of Livermore,

irrespective of whether or not the land is permitted or zoned for the particular use, and includes the land and the buildings appurtenant thereto, common areas, garage facilities, alleyways, stairwells and elevators.

G. “Surrounding neighborhood” means an area of the community that is in close physical proximity to a property, and includes other properties on the same street as well as those that may be adjacent to a property. Depending upon where a particular property is located, and the size of the lots that were created when the property was subdivided, a “surrounding neighborhood” may be larger or smaller, but the term is intended to mean the properties grouped together are near a particular street.

H. “Unlawful drug activities” means the unlawful selling, serving, storing, keeping, manufacturing, or giving away of any controlled substance. (Ord. 1983 § 1 (Exh. A), 2013)

8.13.030 Nuisance.

No property owner, landlord, or occupant shall cause or permit any property under his or her ownership, possession, or control to be used or maintained for any unlawful drug activities that negatively affect the surrounding neighborhood. (Ord. 1983 § 1 (Exh. A), 2013)

8.13.040 Abatement referral and notification.

A. If the police department determines that a property is being used for unlawful drug activities affecting a surrounding neighborhood, and traditional law enforcement efforts have not eliminated the nuisance, it shall refer the property to the city attorney for abatement. However, the police department may immediately refer the property to the city attorney for abatement when an investigation of the unlawful drug activities leads to an arrest and the activities present an immediate threat to the health, safety, and welfare of the neighborhood and its residents.

B. Upon receipt of an abatement referral from the police department, the city attorney shall exercise his or her prosecutorial discretion to review the investigation and facts from the police department to determine whether they provide sufficient evidence that a property is being used for unlawful drug activities to accept the referral and to initiate a formal abatement action. If the city attorney accepts the referral, he or she shall give written notice, by personal service or certified mail with return receipt requested, to the property owner, landlord, or occupant that has ownership, possession, or control of the property that it is being used for unlawful drug activities and demand the immediate abatement of the nuisance. In the event the abatement referral states the unlawful drug activities present an immediate threat to the health, safety, and welfare of the neighborhood and its residents, the city attorney’s notification shall include that information and the notification shall also be posted on the subject property. The city attorney shall provide the property owner, landlord, or occupant sufficient documentation to establish that the property is being used for unlawful drug activities. Nothing herein shall be construed as requiring the release of documentation that would violate an individual’s right to privacy or any applicable provision of law that precludes the release of law enforcement records. Nothing herein shall authorize a search or seizure of any property by a property owner, landlord, or occupant under color of authority of the city or any employee or official thereof. (Ord. 1983 § 1 (Exh. A), 2013)

8.13.050 Compliance following notification.

Within 30 days after the receipt of the notification provided for in LMC [8.13.040](#)(B), the property owner, landlord, or occupant that has ownership, possession, or control of the property shall abate the nuisance, or initiate good faith efforts to abate the nuisance, by doing one of the following:

- A. Eliminating the nuisance;
- B. Obtaining the voluntary surrender of the property by the individuals involved in the nuisance;
- C. Initiating an unlawful detainer action to remove the occupants involved in the nuisance; or
- D. Submitting a written response to the city attorney that an action in unlawful detainer is neither supported by the documentation provided by the city, nor by the personal knowledge of the property owner, landlord, or occupant not involved with the nuisance. The city attorney shall consider any such written response when exercising his or her prosecutorial discretion to initiate an abatement action provided for in LMC [8.13.060](#).

When an abatement referral states the unlawful drug activities present an immediate threat to the health, safety, and welfare of the neighborhood and its residents, the time for compliance shall be reduced from 30 days to 10 court days. (Ord. 1983 § 1 (Exh. A), 2013)

8.13.060 Nuisance abatement.

If a nuisance is not abated after notice has been served in accordance with LMC [8.13.040](#)(B), the city attorney is authorized to exercise his or her prosecutorial discretion to abate the nuisance, and pursuant to California Health and Safety Code Section [11571](#) et seq. and this chapter, to commence a civil action to abate, prevent, and perpetually enjoin the use of the property for unlawful drug activities and obtain such additional orders from the appropriate court as may be appropriate.

The city attorney may also pursue such other actions and remedies provided by this chapter, LMC [1.16.030](#), and any applicable statutes to abate the nuisance. (Ord. 2016 § 1(G), 2015; Ord. 1983 § 1 (Exh. A), 2013)