

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For the Meeting of January 2, 2024

Consent Item; Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director

A handwritten signature in blue ink, appearing to be "K Caldwell", is written over the name of the sender.

Through: Kyle Knopp, City Manager

Date: December 19, 2023

Subject: Rental Housing Inspection Program

Recommendation:

That the City Council:

1. Allow staff to introduce Ordinance No. 401-2024 establishing Rental Housing Inspection regulations in Title 8 as Chapter 8.40 of the Rio Dell Municipal Code; and
2. Receive comments from the public; and
3. Direct staff to make any recommended changes to the Ordinance; and
4. Continue the public hearing to the January 16, 2024 meeting for approval and adoption of Ordinance No. 401-2023.

Discussion:

In 2011 the City considered establishing a Rental Housing Inspection Program (RHIP) due to complaints from tenants and neighbors. During the public hearing process, realtors and property managers convinced the City Council that the program was not necessary due to the fact that there were already regulations to address substandard conditions. In addition, they argued it would increase the cost of housing for those who could least afford it.

The City continues to receive complaints from tenants over the years. City Council members also hear complaints from the community regarding substandard living units and properties. In addition, CAL-OES inspectors who were here in January conducting earthquake-related inspections informed the City that they inspected a fairly significant number of substandard dwelling units. Habitat for Humanity has also expressed concerns regarding the substandard units within the City. Many tenants will not report substandard conditions because of the fear of losing their housing. On the other hand, some tenants do not properly maintain the units they live in or the property the units are on.

When discussed with the Nuisance Committee, which includes Councilmembers Carter and Woodall and Planning Commission member Knight, the Committee recommended that the City reconsider establishing a Rental Housing Inspection Program. This discussion occurred about the same time the City of Arcata was establishing its rental housing inspection program.

Staff used the City of Arcata's Ordinance and the City of Sacramento's Ordinance as a reference in developing the RHIP regulations. A copy of the Draft Ordinance is included in **Attachment 1**.

Of the City's 1300+/- dwelling units, there are approximately 640 rental units in the City. The Rio Dell Fire Protection District (RDFPD) is responsible for inspecting multifamily properties containing more than three (3) units. As such, the RDFPD is responsible for the 49 unit Rio Dell Apartments, the 26 units at River Bluff Cottages, the 24 units at the Rio Dell Terrace Apartments, the 13 units at the former Eeloa Lodge, the 8 units at the former Scatena Motel, the 6 units at the Grayland Apartments, the 6 units on Wildwood across from

the Rio Dell Mobile Park, the 4-plex on Berkeley Street, the 4-plex at 715 Rigby Avenue, the 4-plex on Elm, the 4-plex at 202 Second Avenue and the 4 units behind Bruner's Mini Storage for a total of 152 units. In addition, staff estimates there are approximately 25 mobilehome rental units in our local mobilehome parks, The Department of Housing and Community Development (HCD) regulates mobilehome parks. That leaves approximately 465 units that the City would be responsible for.

There are some other units that would not be required to be inspected, including:

- Rooms rented to individuals in an owner-occupied single-family residence,
- Hotel or motel units subject to the City's Transient Occupancy Tax,
- And newly constructed dwelling units for a period of five (5) years from the issuance of the Certificate of Occupancy.

Based on conducting 155 inspections in a year, staff anticipates that the City will inspect all required units within the first three years of the program. After the initial inspection, units may either qualify for annual self-certification, continued **City inspections every three** years or require a re-inspection if the unit does not pass the initial inspection. If approved for self-certification the property owner will retain a record of the **annual** self-inspections of every unit and provide that copy to the City upon payment of registration each year or upon request. If the rental unit is occupied at the time of self -self-certification, the tenant is required to attest to the inspection results.

Based on discussions with staff members who will be receiving, reviewing, scanning, and filing, including entering the information in the City's water and sewer bill software the Annual Registration forms, staff believes this task will take approximately fifteen (15) to twenty (20) minutes. Based on the City's current hourly burden rate, staff will be recommending that the City establish a \$15.00 Annual Registration fee.

It's expected that each inspection, including travel time and filing, will take approximately 30 minutes. Inspections will be made by the City Building Inspector and the Community Services Officer. In addition, processing the City Inspection information would require the

same tasks performed by the administrative staff. Based on the average current burdened hourly rates for the Community Development Director/Building Inspector or the Community Services Officer, staff will be recommending that the City establish a \$55.00 Inspection fee.

Processing the Self-Certification Inspection Checklist would require the same tasks performed by the administrative staff. However, the Self-Certification Inspection Checklist must be reviewed and approved by either the Community Development Director/Building inspector or the Community Services Officer as well. Again, based on the City's current hourly burden rate, staff will be recommending that the City establish a \$30.00 Self Certification fee.

The fees for City inspected units, inspected once every three (3) years, including the \$15.00 annual registration fee, would be \$100.00. That's \$2.78 a month. The fees for self-inspected units would be \$45.00 a year or \$3.75 a month.

The Planning Commission considered and discussed the RHIP at their November 28th meeting and unanimously, as does the Nuisance Committee recommends that your Council adopt the RHIP. Staff, the Nuisance Committee and the Planning Commission believes the RHIP will not only benefit tenants and landlords, but the surrounding neighborhoods and the City at large.

Staff, the Nuisance Committee, and the Planning Commission all believe that the adoption and implementation of the Rental Housing Inspection Program will benefit the tenants, landlords, surrounding properties, and the City overall.

Attachment 2 includes a list of anticipated Frequently Ask Questions (FAQs), Attachment 3 is the Inspection Checklist and Attachment 4 is the Registration form.

Attachment 1: Rental Housing Inspection Ordinance, Ordinance No. 401-2023.

Attachment 2: Frequently Ask Questions (FAQ's),

Attachment 3: Inspection Checklist.

Attachment 4: Registration form

ORDINANCE NO. 401-2024



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING RENTAL HOUSING INSPECTION REGULATIONS IN TITLE 8 AS CHAPTER
8.40 OF THE RIO DELL MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS from time to time the City receives complaints from tenants regarding the condition of their rental and landlord's or property managers unwillingness to correct the issues; and

WHEREAS City Council members also hear complaints from the community regarding substandard living units and properties; and

WHEREAS in addition, CAL-OES inspectors who were here in January conducting earthquake-related inspections informed the City that they inspected a fairly significant number of substandard dwelling units; and

WHEREAS many tenants will not report substandard conditions because of the fear of losing their housing; and

WHEREAS when discussed with the Nuisance Committee, the Committee recommended that the City reconsider establishing a Rental Housing Inspection Program; and

WHEREAS the Planning Commission reviewed and discussed the proposed Rental Housing Inspection regulations at their meeting on November 28, 2023; and

WHEREAS after a lengthy discussion, the Planning Commission unanimously recommends that the City Council adopt the draft Rental Housing Inspection regulations.

WHEREAS this ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15321, 15301, and 15309 (Apartment Association of Greater Los Angeles v. City of Los Angeles (2001) 90 Cal.App.4th 1162) of the CEQA Guidelines.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

**Residential Rental Housing Inspection Regulations
Title 8**

Article I

Short Title, Purpose, Findings, Scope and Definitions

- 8.40.010 Adoption.
- 8.40.020 Short title.
- 8.40.030 Purpose.
- 8.40.040 Findings
- 8.40.050 Scope
- 8.40.060 Definitions

Article II

Residential Rental Inspection Program Registration and Inspections

- 8.40.070 Registration
- 8.40.080 Residential Rental Inspection Program Initial Phase
- 8.40.090 Rental housing code compliance fee requirement.
- 8.40.100 Payment of a rental housing code compliance fee and provision of contact information as a condition to rental.
- 8.40.110 Property inspections and inspection reports
- 8.40.120 Problem properties.
- 8.40.130 Properties exempt from inspection.
- 8.40.140 Tenant rights and responsibilities.

Article III.

Violations, Authority, Abatement Process and Penalties

- 8.40.140 Violations.
- 8.40.150 Authority.
- 8.40.160 Administration.
- 8.40.170 Authority to Enter and Inspect.

- 8.40.180 Summary abatement.
- 8.40.190 Administrative abatement.
- 8.40.200 Delivery of Notices.
- 8.40.210 Appeal, Public hearing.
- 8.40.220 Form and Contents of Decision; Finality of Decision.
- 8.40.230 Failure to Appeal.
- 8.40.240 Costs on Appeal.
- 8.40.250 Penalties.
- 8.40.260 Cost Recovery.
- 8.40.270 Lien.

Article IV

Rental Housing Inspection Compliance Fees

- 8.40.280 Rental inspection program annual registration fee requirement.
- 8.40.290 Payment of a rental inspection annual registration fee and provision of contact information as a condition to rental.
- 8.40.300 Rental housing code annual registration fee due date.
- 8.40.310 Billing procedure.
- 8.40.320 Determination of rental housing annual registration fees.
- 8.40.330 Inspection fee
- 8.40.340 Reinspection fee
- 8.40.350 Building Permit Fee
- 8.40.360 Hourly burdened rate.
- 8.40.370 Appeal fee.
- 8.40.380 Late fee.
- 8.40.390 Notice fee.

Title 8
RESIDENTIAL RENTAL INSPECTION PROGRAM
Chapter 8.40

Article I
Short Title, Purpose, Findings, Scope and Definitions

Sections:

8.40.010	Adoption.
8.40.020	Short title.
8.40.030	Purpose.
8.40.040	Findings.
8.40.050	Scope.
8.40.060	Definitions.

8.40.010 Adoption.

(1) There is hereby adopted a Rental Housing Inspection ordinance for the City of Rio Dell, State of California, as provided pursuant to the provisions of State of California State Housing Law, Division 13, Part 1.5 of the State of California Health and Safety Code, Division 13, Housing, and the Health and Safety Code itself, all as amended from time to time by the Legislature of the State of California.

(2) This chapter incorporates by reference the State Housing Law and the Health and Safety Code, including administrative and enforcement mechanisms of Health and Safety Code Chapters 5 and 6 of Division 13, Part 1.5, as amended from time to time by the Legislature.

(3) These State of California Laws and Codes preempt other provisions of this chapter in the event of differing or conflicting provisions. This chapter makes no local changes to the State Housing Law or State Housing Code due to local climatic, geographical or topographical conditions under Health and Safety Code Section 17958.5. Accordingly, no local legislative findings or filings are required under Health and Safety Code Section 17958.7

(4) The provisions of this title shall apply to all lands and all owners of lands within all the incorporated area of the City of Rio Dell.

8.40.020 Short title.

This title shall be known and cited as the "Residential Rental Housing Program." In any administrative action taken by any public official under the authority set forth in this title the use of the term "housing ordinance," unless further modified, shall also refer to and mean this title.

8.40.030 Purpose.

(1) This title is adopted to promote and protect the public, health, safety, morals, comfort, convenience and general welfare and to ensure social and economic stability within the City of Rio Dell. Substandard housing has caused health risks to its occupants and those who reside in the surrounding neighborhood. Additionally, substandard housing has significantly contributed to neighborhood blight. As a result, substandard housing is a nuisance that threatens the public health, safety, and welfare of the citizens and community of Rio Dell.

(2) To eliminate this nuisance it is imperative to establish enforceable minimum standards for residential buildings. The purpose of this chapter is to establish such standards for maintaining all residential buildings within the City of Rio Dell and thereby safeguard life, limb, health, property, safety, and welfare of the public.

(3) The City is under a state mandate to have a program to enforce the provisions of the State Housing Law. Unsafe and substandard housing is a community blight often associated with unlawful activity. While the cost of enforcement is significant, the result of failing to abate substandard housing has more adverse and far reaching consequences such as loss of housing and displaced individuals.

(4) Complaint initiated enforcement actions are sufficient to provide the essential level of abatement of substandard housing conditions needed by this community. An increased level of service which includes routine inspections of rental housing units has been determined to be necessary to eliminate substandard housing in the City.

(5) Having determined the appropriate level of service to be provided by a housing code enforcement program, it is also determined that those persons who violate the State Housing Law should bear the greatest practical share of the costs of operating such a program through enforcement fees and penalties. However, the establishment of such a program requires revenue to fund its implementation costs and to fund the difference between the ongoing costs of such a program and the revenue collected from violators through enforcement fees and penalties. The source of this revenue must be reliable if such a program is to achieve its objectives. Collection of enforcement fees and penalties is inherently unreliable as a funding source, and therefore cannot be relied upon either to establish the initial operating revenue for such a program or to fully support its ongoing operational costs.

(6) It is therefore necessary to levy a Residential Rental Housing Program Fee for the purpose of generating the revenue required to fund the implementation and ongoing operating costs of such a program. The Residential Rental Housing Program Fee may be adjusted annually, as necessary, for the purpose of ensuring adequate funding for the program. The Residential Rental Housing Program Compliance Fee is a supplemental funding source for this program, intended to make up for any actual or forecast deficiencies in total program costs not generated from the collection of business license fees, enforcement fees and penalties from violators.

8.40.040 Findings.

The Rio Dell City Council finds as follows:

- (1) It is imperative to establish enforceable minimum standards for residential buildings and to provide a program for enforcing these standards which is self-supporting.
- (2) Complaint-initiated enforcement actions are sufficient to provide the essential level of abatement of substandard housing conditions needed by this community.
- (3) Violators of the State Housing Law must bear the largest feasible share of the cost of housing code enforcement.
- (4) Rental property owners derive a substantial benefit from a housing Code enforcement program and should therefore contribute to a portion of program costs.
- (5) Residents of rental property also benefit from a housing Code enforcement program and should therefore contribute to program costs indirectly through the cost of renting such housing.
- (6) It is necessary to establish an operating fund, which is separate from the City's general fund, for the purpose of implementing a housing code enforcement program and operating it on an ongoing basis. It is necessary that this source of funds be predictable and reliable for the efficient and continued operation of such a program. The imposition of a Rental Housing Code Compliance Fee is an appropriate means to accomplish this purpose.
- (7) It is recognized that the majority of rental housing property owners comply with the State Housing Law and applicable City ordinances, and that only a relatively small percentage violate these laws. And while it is the intent of this chapter that this group of violators should pay for as much of the cost of a housing Code enforcement program as is practical and feasible, it is also recognized that the collection of enforcement fees and penalties from violators can be a protracted and costly process, and that reliance thereupon as the sole source to fund such a program is inherently speculative and unrealistic. Therefore, while the primary source of revenue for this housing code enforcement program is intended to come from the collection of enforcement fees and penalties from violators, in their absence, the Rental Housing Code Compliance Fee is intended to make up program cost deficiencies. The reliance of such a program on the City's general fund for its cost of operation shall be minimized to the greatest extent possible.
- (8) This chapter satisfies the City's legal obligations under the State Housing Law.

8.40.50 Scope.

The provisions of this chapter shall apply to all residential rental dwelling units. This chapter is not an exclusive regulation of housing within the City of Rio Dell. It shall supplement, be

accumulative with, and be in addition to any and all regulatory ordinances and State or Federal law existing or hereafter enacted by the City, the State or Federal government or any other legal entity that may have jurisdiction.

8.40.60 Definitions.

For purposes of this chapter, the following definitions shall apply:

“Boarded Building” means a building in which at least 30 percent of the window and/or door surface has been covered with plywood or other material for the purpose of preventing entry into the building by persons or animals.

“Building” means any structure having a roof used or intended to be used for the shelter or enclosure of persons, animals, or property.

“Building, accessory” means a detached subordinate building located on the same building site as the main building and designed and intended for a use that is subordinate to the main building.

“Building Code” is the California Building Code adopted pursuant to Chapter 15.05 of the Rio Dell Municipal Code.

“Building, main” means a building in which is conducted the principal use of the building site on which it is situated.

“Building Official” means the City of Rio Dell Building Official established pursuant to Chapter 15.05 of the Rio Dell Municipal Code or his designee.

“Building, vacant” means a building that has been standing vacant for more than 90 consecutive days.

“City Council” shall mean the City Council of Rio Dell.

“City Manager” means the City Manager of Rio Dell, or his or her designated representatives.

“Clean and Sanitary” means interior walls, surfaces, appliances, plumbing fixtures are clean, free of trash, rubbish, debris, dead vegetation, dismantled or inoperable motor vehicles, including trailers and boats, mold, etc., which may affect the health of the resident or a condition tending to reduce the value of private property and the surrounding neighborhood.

“Clerk” means the Clerk of the Rio Dell City Council, or his or her designated representative.

“Complaint” means notification by any person, filed with the City of Rio Dell, of a violation or a suspected violation of the Rio Dell Municipal Code or this chapter.

“Council” means the City Council of Rio Dell.

“County” means the County of Humboldt.

“Demolish” means to destroy a building and to remove all debris and waste materials from the lot on which the building stood.

“Director” means the City of Rio Dell Housing Director and/or Community Development Director.

“Displaced” mean if a tenant is ordered to move out of a rented dwelling unit or structure by an order to vacate issued by the City.

“Dwelling” means any building or portion thereof containing one or more dwelling units designed or used exclusively as a residence for one or more families, but not including a tent, boat, trailer, mobile home, dormitory, labor camp, hotel or motel.

“Dwelling, multiple-family” means a building or portion thereof containing three or more dwelling units.

“Dwelling, single-family” means a building containing exclusively one dwelling unit.

“Dwelling, two-family” or “duplex” means a building containing exclusively two dwelling units under a common roof.

“Dwelling unit” means one room, or a suite of two or more rooms, designed and intended for occupancy or a place of residence by one family, and which unit has one kitchen or kitchenette.

“Family” means a person living alone, or two or more persons related by blood, marriage or adoption, or a group of not more than five unrelated persons living together as a single nonprofit housekeeping unit in a dwelling unit.

“Electrical Code” is the National Electrical Code adopted pursuant to Chapter 15.05 of the Rio Dell Municipal Code.

“Enforcement” means diligent effort to secure compliance or abatement, including review of plans and permit applications, response to complaints, citation of violations, and other legal process. Except as otherwise provided in this chapter, “enforcement” may, but need not, include inspections of existing buildings on which no complaint or permit application has been filed, and effort to secure compliance as to such existing buildings.

“Fire Code” is the Uniform Fire Code adopted pursuant to Chapter 15.05 of the Rio Dell Municipal Code.

“Fiscal Year” means the year beginning July 1 and ending June 30.

“Garbage” means any refuse and waste material derived from the preparation, use and consumption of meats and food and all dead fish, animals, fowl, fruits, vegetables, and other noxious or offensive matter or material usually and ordinarily referred to as garbage or market refuse.

“Hearing Officer” means the City Council to hear matters as provided for and described in this chapter. The hearing officer (City Council) shall also serve as the housing appeals board as that term is used in the State Housing Law.

“International Property Maintenance Code” (IPMC) adopted pursuant to Chapter 15.05 of the Rio Dell Municipal Code.

“Landlord” means an owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who receives or is entitled to receive rent for the use of any dwelling, or the agent, representative, or successor of any of the foregoing.

“Mechanical Code” is the Uniform Mechanical Code adopted pursuant to Chapter 15.05 of the Rio Dell Municipal Code.

“Notice and Order” means a written notice served by an authorized City official to the owner and posted on the affected property declaring that the nuisance and/or substandard condition be repaired, removed or demolished to the satisfaction of the City.

“Notice to Abate Nuisance” means a written notice served by an authorized City official to the owner and posted on the affected property declaring that the if the nuisance and/or substandard condition has not been repaired, removed or demolished within the timeframe established in the Notice of Nuisance to the satisfaction of the City, the City shall file and record such notice with the Humboldt County Recorder’s Office.

“Notice of Nuisance” means that if the nuisance and/or substandard condition is not repaired, removed or demolished within the timeframe established in the Notice and Order to the satisfaction of the City, the City shall file and record such notice with the Humboldt County Recorder’s Office.

“Notice of Release of Nuisance” means that nuisance and/or substandard condition has been repaired, removed or demolished to the satisfaction of the City. The City shall file and record such notice with the Humboldt County Recorder’s Office.

“Nuisance” or “public nuisance” includes any public nuisance known at common law or in equity jurisprudence; any attractive nuisance which endangers health and safety and may prove detrimental to infants and other minors, whether in a building, on the premises of a building, or upon an unoccupied lot including any abandoned wells, shafts, basements and excavations; abandoned refrigerators; abandoned, dismantled or inoperable motor vehicles or parts thereof or machinery; any unsound fences or structures; any lumber, trash, fences, debris, or vegetation

which may prove a hazard for inquisitive minors; whatever is dangerous to human life or is detrimental to health; any condition, matter, or thing declared by any law of the City of Rio Dell or the State of California to be a nuisance; abandoned buildings or structures in such neglected condition that the owner's intention to relinquish all further rights or interests in them may be reasonably concluded; abandoned structures or property that create a condition tending to reduce the value of private property; promote blight and deterioration; invite plundering; create fire hazards; harbor rodents and insects; jeopardize health, safety and general welfare; annoy, injure or endanger the safety, health, or offend the public decency; unlawfully interfere with, obstruct or render dangerous for passage any public park, square, street, alley or highway. -

"Nuisance Abatement" means the correction, removal, stoppage, demolition or destruction of that which causes a nuisance.

"Nuisance Abatement Revolving Fund" means the fund established by this chapter, of that name, which shall be maintained by the City Finance Department either as an account or a fund, and may, for the purpose of accounting records, any audits thereof and any reports or statements with respect thereto, be treated either as an account or a fund. All such records with respect to any such fund shall at all times be maintained in accordance with sound accounting practice.

"Order to Vacate" is a written notice served by an authorized City official on the owner and posted on the affected property declaring that, due to failure to repair or maintain, the dwelling shall be vacated.

"Occupant" means any person over one year of age living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit.

"Owner" means the owner of the fee title to a dwelling unit.

"Parties in interest" means all persons, businesses, partnerships, and corporations who have a mortgage or other interest of public record in a dwelling or dwelling unit, or who are in possession thereof.

"Person" shall include any person, firm, company, corporation, partnership, association, organization or entity, however formed, as well as trustees, heirs, executors, administrators, or assigns, or any combination of such persons. The terms "person", "owner", "operator, property manager" and "landlord" may herein be used interchangeably.

"Planning Commission" shall mean the Planning Commission of the City of Rio Dell.

"Plumbing Code" is the Uniform Plumbing Code adopted pursuant to Chapter 15.05 of the Rio Dell Municipal Code.

"Private Property" means such property as belongs absolutely to an individual, and of which he or she has the exclusive right of disposition. Property of a specific, fixed and tangible nature,

capable of being in the possession of an individual and transmitted to another, such as houses, lands, vehicles, etc.

“Program” means the Housing Code enforcement program created under this chapter.

“Proof of Compliance” is documentation, on such form and in such manner as the City may provide that the deficiencies noted in the order or citation issued by the City has been corrected.

“Public Property” is a designation of those things which are considered as being owned by the public, the entire state or community, and not restricted to dominion of a private person. The term may also apply to any property owned by a state, nation or municipality

“Public Record” means deeds, mortgages and other instruments of record relating to land titles and recorded by the Humboldt County Recorder.

“Rental dwelling unit” means the dwelling unit rented for any tenure, type or price.

“Rental Housing Business License Fee” means the fee assessed and adopted pursuant to Chapter 5.05 of the Rio Dell Municipal Code.

“Rental Housing Code Compliance Fee” means the fee assessed under this chapter for each rental dwelling unit.

“Residential Rental Inspection Program” (RRIP) means the rental inspection program created by this Chapter.

“Responsible Fire Chief” means the chief of the Rio Dell Fire Protection District.

“Rubbish” means refuse matter, combustible and noncombustible, including tin cans, bottles, papers, ashes, wire, box strapping’s, packing materials, lawn trimmings, trees, plants and other nursery stock, crockery, glass, brick, cement, motor vehicle bodies and discarded mechanisms, sawdust, mill trimmings, waste and all other material and matter similar to that herein mentioned. [Ord. 23 § 1, 1965.]

“Self-Certification Program” means the program created by this Chapter by which the Owner or Operator of a Property or RDU certifies that the Property and its occupancy comply with all applicable Building, Housing and Sanitation Codes or Ordinances.

“State Housing Law” means Division 13, Part 1.5 of the Health and Safety Code (commencing at Section 17913) and Article 1 (commencing at Section 1) of Chapter 1, Title 25 of the California Code of Regulation.

“Substandard dwelling” has the same meaning as substandard building as set forth in Health and Safety Code Section 17920.3, or any successor statute.

“Summary Abatement” means the abatement of the nuisance by the City, or a contractor of the City, by removal, demolition, repair or other acts with or without notice to the owner, agent or occupant of the property when the City determines that the public nuisance constitutes an immediate and/or imminent peril to public health, safety or general welfare.

“Tenant” means the individual or individuals occupying a rental dwelling unit.

“Uniform Housing Code” adopted pursuant to Chapter 15.05 of the Rio Dell Municipal Code.

“Untenantable Rental Dwelling Unit” means a rental dwelling unit deemed untenable for the purposes of this chapter, if it or the common area of the dwelling, structure, or premises in which it is located is the subject of a Housing Code citation or order pursuant to this chapter and substantially lacks any of the affirmative standard characteristics set forth in Civil Code Section 1941.1.

“Vacation Date” means the date by which a tenant is required to vacate a rental dwelling unit, pursuant to an order by an authorized City official.

Article II
Residential Rental Inspection Program Registration and Inspections

SECTIONS

- 8.40.070 Registration
- 8.40.080 Residential Rental Inspection Program Initial Phase
- 8.40.090 Property inspections and inspection reports
- 8.40.100 Other Inspections.
- 8.40.110 Problem properties.
- 8.40.130 Properties exempt from inspection.
- 8.40.140 Tenant rights and responsibilities.

8.40.070 Registration.

(1) Every Owner or Operator shall register each RDU with the RRIP on a form provided by the City. Initial registration applications shall be due within six (6) months after the Effective Date of this Chapter. Newly created RDUs shall be registered no later than sixty (60) days after the Owner first acquires or converts the RDU.

(a) At the time of registration, the owner shall also provide information, on a form provided by the City, giving contact information for the owner, management and their authorized representatives. Such contact information shall include, at a minimum, the name, telephone number, email address, facsimile number and mailing address of at least one record owner of the property being rented as well as that of the property manager; the address or addresses of such property; a description of the types of dwellings being rented; the number of residential units at the property; and, a name, including a business name if applicable, address and telephone number to be used for emergency contacts. The owners and managers shall notify the City within sixty (60) days of any changes to the information provided pursuant to this subsection.

(b) When ownership of an RDU changes, the RDU seller shall notify, or shall cause the notification to, the Director of the change of ownership no later than sixty (60) calendar days after consummation of the sale. If the Director is not so notified, the existing rental housing inspection certification for the RDU shall automatically terminate and be null and void. The new Owner will not have to pay the program fees until the following fiscal year provided all current fees were paid for the RDU.

(2) RDU registration applications shall be subject to verification by the Director. All information on registration applications shall be submitted under penalty of perjury. Any person who makes a false statement in the registration application or submits false information in connection with registration shall be guilty of an infraction.

(3) An Owner or Property Manager may self-certify compliance with all applicable Building, Housing and Sanitation Codes or Ordinances by applying to the Self-Certification Program pursuant to

Section 8.40.090(2) of this Chapter on a form provided by the City. Self-Certification shall be attested by the tenant if the unit is occupied.

(4) Registration must be renewed each fiscal year.

(5) Any Owner or Operator shall designate a Local Representative who is fully authorized to act for the purposes of this Chapter, including acceptance of service of notices from the City and availability to attend inspections. When so designated, the terms "Owner" and "Operator" as used in this Chapter shall be understood as applying to the Local Representative, as appropriate.

8.40.080 Residential rental inspection program initial phase.

During the first three (3) years after the Effective Date ("Initial Phase") or as soon as feasible, initial inspections by City inspectors will be conducted on all RDUs not exempt from the RRIP.

8.40.090 Property inspections and inspection reports.

(1) At the commencement of any tenancy, but prior to occupancy by the tenant, the owner of the rental property or the manager of such property, shall conduct an inspection of the rental unit. Inspections shall be reported on a form provided by the Department. Inspection reports shall be provided to the occupant(s) prior to occupancy and copies provided to the City within fifteen (15) days of the required inspection.

(2) Subject to the provisions of this chapter, the City, the owner or the owner's authorized representatives shall conduct **annual** inspections of each rental dwelling. At the time of payment of the Rental Housing Code Compliance Fee, an owner may opt for annual self-inspection. Inspections shall be reported on a form provided by the Department. Inspection reports shall be provided to the City within fifteen (15) days of the required inspection.

(3) Notwithstanding subsections (1) and (2) of this section, any rental property that has been subject to a notice and/order more than once in the year immediately prior to the effective date of the ordinance codified in this section and for which corrections were not made within the time permitted by the notice and/order shall be deemed a problem property and shall be subject to the provisions of this chapter.

(4) No sooner than one year from the effective date of the ordinance codified in this section, the City may conduct audits of rental owners to determine compliance with these inspection provisions. Except as provided in this subsection, the City shall review the owner inspection reports when conducting a compliance audit. In the event the City determines that an owner is not in compliance, rental units subject to such noncompliance shall be inspected by the City and the owner shall be required to pay the inspection fee in the amount established by resolution of the City Council.

(5) If the City determines, in its sole and absolute discretion, that there are deficiencies in any inspection report, it may conduct its own inspection of the property. The form used for such inspection shall be the same form required to be used by owners and managers of rental units. An inspection by the City may be conducted without reference to the original inspection report if code violations are visible from the exterior of the property or if the City receives a complaint concerning code violations at a property.

(6) For purposes of any compliance audit, any owner or manager shall provide the inspection report prepared for subsections (1) and (2) of this section to the City and its inspectors. The owner or manager shall provide inspection reports within seventy-two (72) hours from the date they are requested.

(7) A copy of all inspection reports required by this section shall be provided to the tenant no later than ten (10) calendar days from the completion of the inspection.

8.40.100 Other inspections.

The owner, operator, property manager or tenant of an RDU may request additional inspections in accordance with this Section.

(1) An owner, property manager, operator or tenant may request an inspection of an RDU at any time outside of the scheduled inspection calendar. The person requesting the inspection shall be required to pay the inspection fee in the amount established by resolution of the City Council.

8.40.110 Problem properties.

(1) Any rental property subject to a notice and/order more than once in any calendar year and for which corrections are not made within the time permitted by the notice and/order shall be deemed a problem property.

(2) The City shall conduct exterior and interior inspections of such properties at least once per year.

(3) The City may, in its sole discretion, determine to inspect other rental properties of an owner of a problem property.

(4) A problem property shall not be subject to self-inspection pursuant to subsection (2) of Section 8.40.090.

(5) A property shall no longer be classified as a problem property at such time as it consecutively passes two City inspections.

(6) Costs for the inspections required by this subsection shall be billed to and assessed against the specific properties subject to such inspections and shall be in an amount to assure full cost recovery to the City.

8.40.120 Properties exempt from inspection.

The following properties shall be exempt from the initial and annual inspections otherwise required by this chapter:

- (1) Any property during the five years after its initial construction;
- (2) Any property subject to the Federal Housing Choice Voucher Program (formerly known as Section 8);
- (3) Rooms rented to single individuals in an owner-occupied single-family residence;
- (4) Mobilehome Park Units.
- (5) Properties inspected by the Rio Dell Fire Protection District which includes properties containing more than three (3) units.

8.40.130 Tenant rights and responsibilities.

Prior to the commencement of any tenancy, a property owner or manager shall provide the tenant(s) with information concerning tenant rights and responsibilities. Such information shall be provided in a form or forms approved by the City.

Article III.
Violations, Authority, Abatement Process and Penalties

SECTIONS

8.40.140	Violations.
8.40.150	Authority.
8.40.160	Administration.
8.40.170	Authority to Enter and Inspect.
8.40.180	Summary abatement.
8.40.190	Administrative abatement.
8.40.200	Delivery of Notices.
8.40.210	Appeal, Public hearing.
8.40.220	Form and Contents of Decision; Finality of Decision.
8.40.230	Failure to Appeal.
8.40.240	Costs on Appeal.
8.40.250	Penalties.
8.40.260	Cost Recovery.
8.40.270	Lien.

8.40.140 Violations

(1) Existence of a Substandard Dwelling. All dwellings, or portions thereof, shall be maintained, repaired, or reconstructed in accordance with the California Building Codes, California Health and Safety Code, Uniform Housing Code and International Property Maintenance Code. Any dwelling, or portion thereof, which has become a substandard dwelling as defined herein, is declared to be a nuisance and an infraction and shall be abated through correction, repair, reconstruction or demolition in accordance with applicable provisions of this chapter.

(2) Rent or Lease of Substandard Dwelling. It shall be unlawful and a violation of this Code for the owner(s) or parties in interest of any dwelling, or portion thereof, that is a substandard dwelling to rent or lease, or to offer for rent or lease the substandard dwelling, or any portion thereof. Any person violating this subsection may be charged with an infraction as provided in **Section 8.10.080**.

(3) Failure to Obey Notice and/order. It shall be unlawful and a violation of this Code for any owner to fail or refuse to comply with the terms and provisions stated in any notice and order issued under this chapter. Any person violating this subsection may be charged with an infraction as provided in **Section 8.10.080**.

(4) Rental Without Inspection. It shall be unlawful and a violation of this Code for any owner or party in interest to rent to another person a vacant dwelling unit that is the subject of a pending enforcement action under this chapter, until such dwelling unit has been inspected by the City for compliance, and has passed such inspection, and written evidence thereof has been received. For purposes of this section, a dwelling unit is the subject of a pending enforcement

action under this chapter if all repairs and work required by a notice and/order previously issued, amended, or supplemented by the City concerning such dwelling unit have not been completed with all required building permit inspections finalized. Any person violating this subsection may be charged with an infraction as provided in **Section 8.10.080**.

(5) Removing Notice and/order Without Inspection. It shall be unlawful and a violation of this Code for any individual to remove a notice to vacate attached to the structure of a vacant dwelling unit which is the subject of a pending enforcement action under this chapter, until such dwelling unit has been inspected by the City for compliance, and has passed such inspection, and written evidence thereof has been received. For purposes of this section, a dwelling unit is the subject of a pending enforcement action under this chapter if all repairs and work required by a notice and/order previously issued, amended, or supplemented by the City concerning such dwelling unit have not been completed with all required building permit inspections finalized. Any person violating this subsection may be charged with an infraction as provided in **Section 8.10.080 of Chapter 8.10 of this Code**.

8.40.150 Authority.

(1) The California Constitution (Article XI, Section 7) grants cities the police power to enforce their nuisance abatement ordinances.

(2) The Rio Dell Community Development Department and the Community Services Division of the Police Department are hereby authorized and directed to administer and enforce the Residential Rental Inspection Program (RRIP), all of the provisions set forth in this chapter, and all regulations approved and adopted by the City Council as provided in **Section 8.40.100**. For such purposes, the Director or his designee shall have the powers of a law enforcement officer.

(3) Should any public nuisance not be abated within two weeks of the date stated in the notice and order or within the time extension granted by the City Council, the City shall have the authority to enter the property and abate the public nuisance thereon.

(4) In abating the nuisance, the City may go to whatever legal extent necessary to complete the abatement of the public nuisance, including removal and demolishing of the nuisance. All costs shall be recoverable.

8.40.160 Administration.

The Director may present to the City Council for approval and adoption those regulations which seem consistent with the purposes, intent, and express terms of this chapter as he or she deems necessary to implement such purposes, intent, and express terms. No regulation or amendments thereto, shall be enforced or become effective until thirty (30) calendar days following the date on which the proposed regulation or amendment has been approved by the City Council and filed with the Clerk. The Director shall have the power to render interpretations

of this chapter and its regulations in order to clarify the application of its provisions. Such interpretations shall be in conformity with the intent and purpose of this chapter.

8.40.170 Authority to enter and inspect.

(1) The Director, subject to the consent given by an occupant who reasonably appears to be at least eighteen (18) years of age, has the authority to enter and inspect any dwelling or premises whenever necessary to secure compliance with or prevent a violation of, any provision of this chapter and any regulation adopted pursuant to this chapter. In the event consent of the occupant is not available, the Director may obtain an inspection warrant pursuant to the provisions set forth in the California Code of Civil Procedure (commencing at Section 1822.50).

(2) The owner, authorized agent of any owner, or any of the parties in interest of any dwelling, or portion thereof, may enter the dwelling, subject to the consent of the occupant, whenever necessary to carry out any instructions or perform any work required to be done pursuant to this chapter.

(3) Subject to the provisions of California Code of Civil Procedure Section 1822.50 et seq. concerning inspection warrants, no person authorized by this Section to enter dwellings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the occupants of the dwelling.

8.40.180 Summary abatement.

(1) Summary abatement shall be executed when the City determines that the public nuisance constitutes an immediate and/or imminent peril to public health, safety or general welfare.

(2) Summary abatement is the abatement of the nuisance by the City, or a contractor of the City, by removal, demolition, repair or other acts with or without notice to the owner, agent or occupant of the property. The abatement shall be at the expense of the person causing, committing or maintaining the nuisance or the owner of the property on which it is occurring.

(3) If the Building Official finds from the inspection he/she has made, or caused to be made, of any building that there exists therein or on the premises thereof any conditions imminently dangerous to life should such building be or remain occupied by human beings, he/she may order the immediate evacuation of such building, if occupied, and shall cause to be posted at each entrance thereto a notice reading substantially as follows:

DANGER

DO NOT ENTER

Unsafe to Occupy

Building Official of the City of Rio Dell

Any unauthorized person removing this sign or entering this building shall be prosecuted.

(2) Whenever such notice is posted, the Building Official shall include a notification thereof in the notice and order issued by him/her under this chapter, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been posted at each entrance door thereof the prescribed notice, except that entry may be made to repair, demolish, or remove such building. No person shall remove or deface any such notice so posted until the required repairs, demolition, or removal has been completed and a certificate of occupancy issued pursuant to the provisions of the building code of the City of Rio Dell.

8.40.190 Administrative abatement.

(1) Administrative abatement proceedings as described in this section will take place when the nuisance is of a nonemergency nature.

(a) Courtesy Letter. Upon determination by an enforcement official that a nuisance exists, a courtesy letter will be delivered to the owner, occupant, lessee and/or agent of the property where the nuisance is occurring. The courtesy letter will:

(i) Give a sufficient description to identify the property where the nuisance is occurring and shall include the parcel number and address;

(ii) Describe the condition causing the nuisance;

(iii) Include a description of corrective action that must occur to remedy the violation;

(iv) Advise the owner/occupant/lessee and/or agent of the property that the nuisance must be abated within four weeks of the date of receipt of the courtesy letter;

(v) Advise the owner/occupant/lessee or agent of the property that failure to abate the nuisance within fifteen (15) calendar days will result in further action.

(b) Notice and Order. If the nuisance is not abated within fifteen (15) calendar days of delivery of the courtesy letter, the City will deliver a notice of violation and order to abate to the owner/lessee/occupant or agent. The notice and order may be recorded in the office of the County Recorder of the County of Humboldt. The notice and order will:

(i) Give a sufficient description to identify the property and its legal owner where the nuisance is occurring including the parcel number and address;

- (ii) Describe the condition causing the nuisance;
- (iii) Include a description of the corrective action that must occur to remedy the violation;
- (iv) Provide dates by which the violation must be commenced and entirely abated.

Commencement must occur within two weeks and abatement must be complete in a specified amount of time no less than four weeks and no more than six weeks from the delivery of the notice and order, depending on the nuisance, unless an extension is granted by the City Council. The dates shall be set by the enforcement official;

(v) Provide a description of the penalties for failure to remedy the nuisance within the specified time defined as \$25.00 per day each day beyond the specified time limits until the nuisance is abated, including \$25.00 per day if the abatement is not commenced within two weeks, and \$25.00 per day if the abatement is not completed within the time period specified in the notice and order, up to a maximum of \$500.00;

(vi) Give notice that if the nuisance has not been abated within fifteen (15) calendar days of the specified time limit, the City shall have the authority to abate the nuisance itself or via a contractor and that the responsibility for the costs of abatement, including the costs of actual removal or demolition and the associated administrative and legal costs, will be assessed to the owner, lessee and/or occupant of the land on which the nuisance is located and that failure to comply may also warrant the pursuit of further civil and/or criminal charges in accordance with the laws of the State of California;

(vii) Describe the rights of the owner, lessee and/or occupant of the land to request a public hearing before the City Council. (Refer to RDMC 8.10.120.)

(2) Weed Abatement. The City shall gain the authority to abate/destroy weeds, dry grass, rubbish and other inflammable material or vegetation **10 days** from the delivery of the courtesy letter/notice to destroy weeds. The costs of such abatement, including administrative costs, shall be the responsibility of the property owner.

8.40.200 Delivery of notices.

Any notice or letter required to be delivered by this chapter shall be deemed to have been delivered when a copy of said notice is either served personally or has been deposited in the mail, postage prepaid, certified, return receipt requested to the owner and/or occupant, lessee or agent of the property. A copy of the notice may also be prominently affixed to the premises. The failure of the City to make or attempt to make such service shall not invalidate any proceedings of this chapter. If no address can be found or is known to the City, then any notice shall be so mailed to such person at the address of the premises where the nuisance is occurring. The failure of any person to receive such notice shall not affect the validity of the proceedings of this chapter. [Ord. 239 § 9, 2000.]

8.40.210 Appeal, Public hearing.

(1) Appeal. Within ten (10) calendar days of delivery of the notice and order, the owner, lessee or occupant may appeal any notice and order by filing at the office of the Clerk an appeal fee established by resolution of the City Council and a written appeal. The appeal shall not be deemed filed until payment of the appeal fee has been received; however, the appeal fee required hereby may be waived on the basis of financial hardship. Within the same ten (10) calendar daytime period, the owner, lessee or occupant of the property may submit to the City in writing a sworn declaration that the nuisance does not exist and/or is not their responsibility. In this case, the Director may continue the public hearing to determine the existence and/or responsibility of the nuisance. The written appeal shall contain:

- (a) The names of all appellants participating in the appeal.
- (b) A brief statement setting forth the legal interest of each of the appellants in the building or land described in the notice and/order, determination or action.
- (c) A brief statement in ordinary and concise language of the specific order, determination or action protested, together with any material facts claimed to support the contentions of the appellant(s).
- (d) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order, determination or action should be reversed, modified or otherwise set aside.
- (e) The signature of each party named as an appellant and their official mailing address(es).
- (f) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

(2) Inspection. The City Manager may inspect the premises involved in the appeal hearing prior to, during or after the hearing, provided that:

- (a) Notice of such inspection shall be given to the parties before the inspection is made;
- (b) The parties are given an opportunity to be present during the inspection;
- (c) The City Manager shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn there from; and
- (d) Each party then shall have a right to rebut or explain the matters for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

(3) Public Hearing. A public hearing shall be scheduled not less than ten (10) calendar days or more than sixty (60) calendar days from the date that the City receives a complete appeal. The Clerk shall give written notice of the time and place of the hearing at least five days prior to the date of the hearing to each appellant by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, certified postage prepaid return receipt requested, addressed to each appellant at his or her address shown on the appeal. Notice shall be effective upon personal delivery or five days after mailing.

(a) Conduct of Hearing. The City Manager may act as the hearing officer or may convene one or more persons to act as the hearing officer.

(b) Persons Affected. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine the enforcement official and other witnesses.

(c) Determination. The hearing officer shall issue a written decision to uphold or overturn the Director's or City inspector's determination

(4) The appellant may appeal the hearing officer's decision to the City Council. The appeal must contain a written statement of issues on appeal together with supporting documentation and evidence, as well as payment of the appeal fee established by resolution of the City Council. The appeal must be submitted to the City Clerk no later than ten (10) calendar days after the date of notification of the City Manager's decision.

(a) The City Council shall conduct a hearing to hear the appeal no later than thirty (30) days after submittal of a complete appeal. The City Council shall consider all relevant evidence including, but not limited to, the Director's or City inspector's determination with supporting documentation, applicable staff reports, and objections or protests relevant to the determination. The appellant carries the burden to demonstrate with clear and convincing evidence that the determination was erroneous. Both the appellant and Director or City inspector shall be given opportunities to testify and present evidence. The legal rules of evidence shall not apply, and the City Council may rely on any relevant evidence that is material to the Director's or City inspector's determination.

(b) Upon the conclusion of the hearing, the City Council shall, on the basis of clear and convincing evidence presented at the hearing, decide whether the determination should be upheld, or whether the determination was erroneous and therefore should be modified or reversed.

8.40.220 Form and contents of decision; finality of decision.

(1) Form. The decision of the City Manager, City Council or Director shall be in writing, shall contain findings of fact and a determination of the issues presented, and shall be issued no later than thirty (30) days from the date of the hearing, unless the time is waived by the parties.

(2) Possible Orders. If it is shown by a preponderance of the evidence that the condition of the premises constitutes a public nuisance the decision shall require the owner to commence abatement of the nuisance not later than ten (10) calendar days after the issuance of the decision, and that the abatement be completed within such time as specified by the City Manager, City Council, or in the alternative, within the time designated by the Director. If the building, structure, or premises is lawfully occupied, and abatement of the nuisance may not be safely accomplished under the circumstances as a result of such occupancy, the occupants may be ordered to vacate the premises under terms reasonable under the circumstances presented.

The City Manager or City Council may order such remedies as are reasonable under the circumstances for the protection of the public or affected property, and as are otherwise authorized by law or in equity, including the following: The owner shall be responsible for satisfying all relocation benefits, as may be required by law. The premises may be ordered fenced and boarded against entry. Regular patrol of the premises to ensure the integrity of such boarding and fencing measures may be ordered. (It is not the intent of this Code to allow boarding and fencing of premises to substitute for abatement of the public nuisance; such actions are to be merely interim measures, lasting only so long as is necessary to protect the public and property until full abatement may be accomplished.) The City Manager or City Council may order other measures which are reasonable and necessary for the protection of the public or property under the circumstances. The City Manager's or City Council's decision shall inform the owner that if the nuisance is not abated within the time and in the manner specified, the nuisance may be abated by the City, without further notice or consent of the owner or any party in interest, in such manner as may be ordered by the hearing examiner, and the expense thereof, including all costs of enforcement, and relocation benefits required to be paid by the City as a result of the owner's failure to do so, may be made a lien on the subject property.

(3) Decision Final. The decision of the City Council or Director shall be final when signed and issued by the City Council or Director and served as herein provided.

8.40.230 Failure to appeal.

Failure of any person to properly appeal, including making payment of the appeal fee in accordance with the provisions of this chapter, shall constitute a waiver of his or her right to an administrative hearing and adjudication of the notice and/order, determination, or action, or any portion thereof.

8.40.240 Costs on appeal.

The City may be awarded its costs, including attorneys' fees, in defending against an unsuccessful appeal brought without substantial merit, which costs may be charged jointly and severally against the appellants and recovered as costs of enforcement as provided herein. Such an award must be based upon a finding supported by a preponderance of the evidence that the appeal was without substantial merit or was taken for the sole purpose of delay.

8.40.250 Penalties.

(1) Each day in which a violation and/or public nuisance is not abated following the commencement and completion dates specified in the notice and order will constitute a separate infraction of this chapter with a penalty of \$25.00 per day, including \$25.00 per day if not commenced by the specified date and \$25.00 per day each day that the nuisance continues to exist on the property beyond the specified abatement deadline, up to a maximum of \$500.00. Additional civil and criminal charges or penalties may be imposed in accordance with California State law.

(2) Repeat violations of this chapter by the same responsible party within one year of delivery of the first notice and order may result in higher per-day penalties, up to \$50.00 per day, up to a maximum of \$1,000.

(3) Fines. The City may seek, in addition to all other remedies available at law, criminal sanctions, contempt and other penalties provided for under Chapter 6, Division 1.5 of the Health and Safety Code (commencing at Section 17995).

(4) The City may shut off the water supply to any rental units where the owners have failed to pay the required Rental Housing Code Compliance fee or have failed to conduct the required property inspection and the filing of the inspection reports as required by this Chapter.

8.40.260 Cost recovery.

(1) Costs. In the event that the owner/lessee/occupant does not abate the nuisance within the time period specified in the notice and order, the City shall retain the right to abate the public nuisance at the expense of the responsible party. Expenses to the owner/lessee/occupant shall include the actual costs of abatement as well as the associated administrative and legal costs, including court costs and attorneys' fees, and penalties.

(2) Revolving Fund.

(a) The City Council shall create a Housing Code Enforcement Fund revolving fund from which may be paid the costs of enforcing the provisions of this chapter and the City's nuisance abatement program, and into which shall be paid the receipts from the collection of penalties and costs recovered.

(b) The material property retrieved from any nuisance abated by the enforcement official may be sold in the same manner as surplus City personal property is sold, and the proceeds from such sale shall be paid into the revolving fund.

(3) Accounting and Receipts.

(a) The City Finance Department shall keep an itemized account of the expenses incurred by the City in enforcing the provisions of this chapter, including the costs of administering this chapter and actually abating a public nuisance and all administrative, legal and contracting costs.

(b) Upon completion of the abatement, the enforcement official shall cause a public notice to be prepared which will specify the work done and include an itemized account of the costs and receipts of performing the work; an address, legal description or other description sufficient to identify the premises; the amount of the assessment proposed to be levied against the premises; and the time and place when and where the enforcement official will submit the account to the Council.

(4) Assessment of Costs and Penalties. At a regularly scheduled City Council meeting, of which responsible parties will be notified, the Council shall hear and consider the account, penalties and proposed assessment, together with objections and protests thereto. The Council may make such modifications and revisions of the proposed assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised. The determination of the Council shall be final and conclusive.

(5) Penalties and/or costs will be billed directly to the responsible party. Failure to pay will result in the preparation and recording of a lien.

8.40.270 Lien.

(1) Upon failure of the responsible party to pay penalties and costs, and upon confirmation by the Council, the enforcement official shall cause to be prepared and recorded in the office of the County Recorder of the County of Humboldt a notice of lien. Said notice shall contain the following:

(a) An address, parcel number, legal description or other description sufficient to identify the premises;

(b) A description of the proceedings under which the special assessment was made, including the order of the Council confirming the assessment;

(c) The amount of the assessment;

(d) A claim of lien upon the described premises.

(2) Lien. Upon the recordation of such notice of lien, the amount claimed shall constitute a lien upon the described premises.

(a) Collection with Ordinary Taxes. The notice of lien, after recordation, shall be delivered to the County Auditor, who shall enter the amount of the lien on the assessment roll as special assessments. Thereafter the amount set forth shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary City taxes, and all laws applicable to the levy, collection and enforcement of City taxes are hereby made applicable to such assessment.

Article IV
Rental Housing Inspection Compliance Fees

SECTIONS

- 8.40.280 Rental inspection program annual registration fee requirement.
- 8.40.290 Payment of a rental inspection annual registration fee and provision of contact information as a condition to rental.
- 8.40.300 Rental housing code annual registration fee due date.
- 8.40.310 Billing procedure.
- 8.40.320 Determination of rental housing annual registration fees.
- 8.40.330 Inspection fee
- 8.40.340 Reinspection fee
- 8.40.350 Building Permit Fee
- 8.40.360 Hourly burdened rate.
- 8.40.370 Appeal fee.
- 8.40.380 Late fee.
- 8.40.390 Notice fee.

8.40.280 Rental Inspection Program Annual Registration Fee Requirement.

No rental dwelling unit shall be occupied by a tenant unless the unit(s) have been registered as required by Section 8.40.070 of this chapter and the annual Rental Inspection Annual Registration Fee has been paid for such rental dwelling unit(s).

8.40.290 Payment of a Rental Inspection Annual Registration Fee and Provision of Contact Information as a Condition to Rental.

(1) There is hereby established, levied, and imposed for each dwelling unit within the City of Rio Dell which is operated as a rental dwelling unit, as defined by this chapter, an annual Residential Rental Inspection Registration Fee. For each such rental dwelling unit, the owner shall pay the Rental Housing Code Annual Registration Fee to the City in an amount established by resolution of the City Council.

(2) At the time required for payment, the owner shall also provide information, on a form approved by the City, giving contact information for the owner, management and their authorized representatives. Such contact information shall include, at a minimum, the name, telephone number, email address, facsimile number and mailing address of at least one record owner of the property being rented as well as that of the property manager; the address or addresses of such property; a description of the types of dwellings being rented; the number of residential units at the property; and, a name, including a business name if applicable, address and telephone number to be used for emergency contacts. The owners and managers shall notify the City within sixty (60) days of any changes to the information provided pursuant to this subsection.

8.40.300 Rental Housing Code Annual Registration Fee Due Date.

The Rental Housing Code Compliance Fee is payable annually on July 1st. The Rental Housing Code Compliance Fee may be increased or decreased by resolution of the City Council after a duly noticed public hearing.

8.40.310 Billing Procedure.

(1) The Rental Housing Annual Registration Fee shall be billed for the fiscal year period to the owner of record on January 1st of each year. All charges for the Rental Housing Code Annual Registration Fee shall be billed to the owner of record of any such parcel having rental dwelling units. The Rental Housing Inspection Annual Registration Fee may be billed directly by the Department and/or as part of the City's consolidated utility billing service.

(2) Adjustments to a Rental Housing Annual Registration and Inspection Fees bill may be made when appropriate. Any amount paid in excess of the actual computed charge shall be refunded. Any deficiency in the amount paid against the actual computed charge shall be added to the charge for the succeeding billing. No deficiencies or refunds shall be made for a period of more than three years prior to the date that the Department determines that a billing discrepancy exists. An application requesting an adjustment of billing and stating grounds for an adjustment of refund shall be made in writing to the City.

8.40.320 Determination of Rental Housing Code Compliance Fees.

The City Manager shall annually review the financial condition of the Program for the purpose of making a recommendation to the City Council as to whether the Rental Housing Inspection Compliance Fee should be adjusted for the next fiscal year, and if so, by what amount. This recommendation shall be presented to the Council at the same time as the City Manager's annual evaluation of the Program. The City Manager shall take into consideration in this review and recommendation process the receipts deposited in the Housing Code Enforcement Fund during the preceding fiscal year from all sources, including, but not limited to, the Rental Housing Inspection Compliance Fees and recovered costs, fines, enforcement and penalties, and the present balance of the Fund in light of maintaining prudent reserves for the next fiscal year's operating expenses.

8.40.330 Inspection Fees

Each unit shall be subject to an inspection fee as determined based on the City's estimated average time at the current hourly burdened rate as adopted via resolution by the City Council.

8.40.340 Reinspection fee.

Where a violation continues to exist following the first inspection and reasonable opportunity to correct as provided in this chapter, there shall be an inspection fee levied against the owner(s).

The fee shall be levied at the current hourly burdened rate as adopted via resolution by the City Council. Reinspection's occurring thereafter to determine whether corrective action has been satisfactorily completed shall be charged to the owner(s) in the amount of the reinspection fee described above for each subsequent inspection required to determine compliance with this chapter.

8.40.350 Building Permit Fee.

Where the issuance of a building permit is required under the Building Code in order to complete work required by a notice and/order which has been issued under this chapter, such permit shall be obtained from the City, and the fee shall be paid to the City in the same amount as would be applicable under the fee schedule for building permits.

8.40.360 Hourly Burdened Rate.

Where the Director finds that additional costs of enforcement are not otherwise recovered by the fees levied by this chapter in association with a dwelling found to constitute a violation, the additional costs of enforcement shall be levied at the current hourly burdened rate as adopted via resolution by the City Council.

8.40.370 Appeal Fee.

The fee for all appeals taken under this chapter shall be determined per the current Fee Schedule as adopted via resolution by the City Council.

8.40.380 Late Fee.

If a fee has not been received by the date upon which it is due under this chapter there shall be imposed a late fee of twenty percent (20%) of the fee on the first day of the month following the due date and ten percent (10%) for each month thereafter while the fee remains unpaid, provided that the amount of the penalty shall not exceed fifty percent (50%) of the amount of the fee due.

8.40.390 Notice Fee.

The owner may be charged for the City's postage or mileage costs for sending or posting notices required to be given pursuant to this chapter.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on January 2, 2024 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the January 16, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Deborah Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 401-2024 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the January 16, 2024.

Karen Dunham, City Clerk, City of Rio Dell



Community Services Division
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-5642
cityofriodell.ca.gov

City of Rio Dell Rental Housing Inspection Program FAQ's

What is the Residential Rental Inspection Program (RRIP)?

The purpose of the RHIP is to address the issue of substandard long-term rental properties and to ensure that all rental units in the City of Rio Dell meet existing minimum health, safety, and welfare standards. Property owners of rental units within the City will be required to register and a City inspector will conduct an inspection per the approved ordinance.

What information has led the City to believe that this program is necessary?

The City has received complaints from tenants over the years. City Council members also hear complaints from the community regarding substandard living units and properties. In addition, CAL-OES inspectors who were here in January conducting earthquake-related inspections informed the City that they inspected a fairly significant number of substandard dwelling units. Many tenants will not report substandard conditions because of the fear of losing their housing.

What is AB 838? Does this law affect the City's ability to run a rental inspection program?

AB 838 was passed by the state legislature to compel cities to respond to complaints by the community, cities are required by law to inspect for basic life and safety concerns. Our current practices already comply with these new requirements. AB 838 does not conflict with the proposed RHIP program, and AB 838 specifically allows cities to implement such programs.

Does my rental property need to be registered?

All rental properties must be registered with the program. There are a few exemptions:

- Rooms rented to individuals in an owner-occupied single-family residence,
- Hotel or motel units subject to the City's Transient Occupancy Tax,
- Units inspected for health and safety standards by another governmental authority (such as the Rio Dell Fire Department),
- Mobile home parks,
- And newly constructed dwelling units for a period of five (5) years from the issuance of the Certificate of Occupancy.

How does the City plan to get people registered to sign up for the program? What are the consequences of not registering and not paying?

The City will send out multiple flyers and letters to all residential properties that are not owner-occupied, and work with property management companies and realtors. This flyer will include information directed to tenants, owners, and/or operators. If a property owner or operator willfully chooses not to register they will be sent a notice of violation and fines may be issued.

What are the costs associated with this program?

- \$15.00 Annual Registration Fee per parcel. Based on discussions with staff members who will be receiving, reviewing, scanning, and filing, including entering the information in the City's water and sewer bill software the Annual Registration forms, staff believes this task will take approximately fifteen (15) to twenty (20) minutes. Based on the City's current hourly burden rate, staff will be recommending that the City establish a \$15.00 Annual Registration fee.
- \$55.00 Inspection Fee per unit. It's expected that each inspection, including travel time and filing, will take approximately 30 minutes. Inspections will be

made by the Community Development Director/Building Inspector and the Community Services Officer. The fee was developed based on the average current burdened hourly rates for the Community Development Director or the Community Services Officer.

- \$30.00 Self-Certification Fee per unit. Processing the Self-Certification Inspection Checklist would require the same tasks performed by the administrative staff. However, the Self-Certification Inspection Checklist must be reviewed and approved by either the Community Development Director/Building inspector or the Community Services Officer as well. Again, based on the City's current hourly burden rate, staff will be recommending that the City establish a \$30.00 Self Certification fee.

When and how often will my property be inspected?

All required units will be inspected by the City within the first three years of the program. After the initial inspection, units may either qualify for self-certification, continued city inspection every three years, or require a re-inspection if the unit does not pass the initial inspection. If approved for self-certification the property owner will retain record of the annual self-inspections of every unit and provide that copy to the City upon payment of registration each year or upon request.

All units will be inspected by the City at least once every three (3) years or five (5) years depending on if the property is enrolled in the Self-Certification Program. Inspections will be scheduled in coordination property owner and the tenant.

How will the inspections work? How will we know who to call? How will this process work?

Inspections will be scheduled in coordination with city staff, the property owner/manager, and the tenant. The inspector will walk through the unit with the purpose of ensuring that the unit meets existing minimum life, health, and safety

standards. An inspection can be scheduled directly with the Building Division. Ideally, inspections will be scheduled when a unit is in between tenants. All units not enrolled in the self-certification program will require one inspection in a three (3) year cycle. Units in the self-certification program will have one inspection over the course of a five (5) year cycle.

The Fire Department inspects my units, does this mean I qualify for the exemption?

Yes. We will continue to work with the Rio Dell Fire Department (RDFD) to see how and if the programs can be coordinated over time. At this time the RDFD is responsible for parcels with three (3) or more rental units and this program will include parcels with less than three (3) rental units or not inspected by the fire department

Can you clarify what is meant by “another governmental authority”?

Any unit that is regularly inspected by a qualifying governmental agency is exempt from the program. Such as the Rio Dell Fire Department, US Department of Housing and Urban Development (HUD), and the California Department of Housing and Community Development (HCD).

What criteria is being used? What is the program looking for?

The intention of the program is to meet *minimum* health, life, safety, and welfare standards as set by the various codes. The RHIP Inspection checklist will be used by our City Staff and available to those enrolled in the Self-Certification Program. A copy of the checklist can be viewed on the city website.

Does the property owner or their designee need to be present for the inspection?

Either the tenant/designee or the owner/designee must be present for the inspection. The tenant can also act as the authorized agent if arranged by the property owner.

If inspections are missed or entrance is not allowed by tenants, how does the City plan to deal with that?

The property owner will not be penalized for this sort of situation. There are no consequences from the City, and we will work with the property owner to find a solution.

Missed inspection appointments. Is a fee assessed if the missed inspection cannot be made within 7 days due to the city staff?

Re-inspection fees will not be incurred if city staff cannot perform inspections. Nor will they incur fees if inspections need to be rescheduled by the operator or tenant provided notice is given. The ordinance allows the re-inspection fee to be waived at the discretion of the Director. A re-inspection fee will be levied only if warranted.

Who decides and how is it decided if a Rental Dwelling Unit has deteriorated to the point where the health and safety of the tenant are in danger?

Either the Community Development Director/Building Inspector or the Community Services Officer will perform the initial inspection. Depending on the kinds of issues found, the City may refer the results to the State Fire Marshall.

What is the process and timeline for enforcement if a landlord perpetually refuses to make the necessary fixes?

The City has standard Code Enforcement Protocols listed in the Municipal Code that includes a process for administrative citation and enforcement. The language in all initial code compliance letters asks that the responsible party either corrects the problem **or contacts us** within a set timeline, typically thirty (30) days. In the case of this program, the Property Owner will have a reasonable time to complete the repair (times will vary depending upon the repair type). If repairs are not completed in the time frame or an alternate time schedule has not been approved by the City, an Administrative Citation will be issued, and the property owner will begin to incur daily financial penalties.

Are there legal protections against property owner retaliation for anything discovered during an inspection?

If the issue with the unit/property is due to an omission by the owner to fulfil a duty imposed by law, State laws protect the tenant from retaliation. If the issue is generated by the tenant, it is a matter between the owner and the tenant per their rental lease agreement.

What if a property is found to have serious violations? Would the owner have to pay for relocation?

In the rare event that a residential unit is considered “unlivable” (meaning the code violations are so extreme that the unit is deemed unfit for human occupancy) then the owner/manager is responsible for relocation costs, per state law.

What happens when the property is built in an earlier code cycle and has not been remodeled but is found to have items that are not up to the current code, is this considered a code violation?

Assuming everything was built to code at the time it was built/remodeled then it is allowed to remain as-is. Typically, these corrections are often relatively easy to correct. For example, missing smoke/CO alarms, missing earthquake strap on a water heater, or replacing a defective GFCI outlet. More complex corrections are often not because of a code issue, but because of lack of maintenance, such as unsafe stairs, deck, or broken windows.

What recourse do property owners have to appeal decisions made by the Inspector or Department?

Section 8.40.210 of the RHIP regulations identifies the appeal process.

Do my properties qualify for the Self-Certification Program?

Properties that pass the initial inspection and have no existing or past violations of

building, housing and sanitation codes or ordinances within the last three (3) year period may be eligible for the Self-Certification Program.

What is a Self-Inspection?

The owner will be provided with a Self-Inspection checklist and instruction packet by the City. **Each year** the owner or manager must conduct an inspection on each unit on the property. The completed checklists should be kept in your records for at least five (5) years and provided to the City within seven (7) calendar days. If the unit is occupied, the tenant is required to attest the inspection checklist. Failure to conduct self-inspections may result in suspension from the Self-Certification program for a period of three (3) years.

What if one of my properties fails the City inspection? Am I automatically out of the Program?

Depending on the severity of the situation a property may be removed from the Self-Certification Program for three (3) years. For most cases, the City will work with the property owner to set up a reasonable timeframe to correct violations. The unit(s) on the offending properties will be subject to the regular inspection schedule. However, the unit(s) on the properties without existing or past violations will continue to be eligible for the Self-Certification Program.

Does this mean I will not have regular inspections by the City if I am Self-Certifying the units?

No, the City will still conduct one inspection but in a five (5) year period as opposed to three (3). As required by AB 838, the City will continue to respond to complaints received from tenants or other interested parties.