



## City of Sacramento Law and Legislation Committee

### COMMITTEE MEMBERS:

**LAUREN HAMMOND, Chairperson (D-5)**

**SANDY SHEEDY (D-2)**  
*Councilmember*

**STEVE COHN (D-3)**  
*Councilmember*

**ROBBIE WATERS (D-7)**  
*Councilmember*

### CITY STAFF:

**Patti Bisharat**  
*Government Affairs Manager*

**Yvette Rincon**  
*Legislative Analyst*

*City Hall  
915 I Street  
First Floor Council Chambers  
January 17, 2006  
12:30 p.m.*

*The Law and Legislation Committee is a Standing Committee, a permanent committee of the City Council, established to consider subjects of a particular class.*

*Its purpose is to review proposed legislation and revisions to existing legislation in order to make recommendations to the full City Council.*

**NOTICE IS HEREBY GIVEN** that the Sacramento City Council will conduct concurrent meetings with the Council Committee(s) listed on this agenda which is incorporated herein by reference. The Special Meeting(s) are called to permit members who are not on the listed committees to attend the meetings and participate in the discussion. In the event five (5) or more members of the City Council are present at a committee meeting, only those items listed on the agenda can be acted upon or discussed.

All meetings will be held at the date, time and place indicated; and the subjects to be considered and acted upon shall be those as listed on the agenda. The numbered items listed on the agenda are a brief description of business to be transacted or discussed; the recommendations of the staff as shown, do not prevent the committee from taking other action.

This agenda may be amended up to 72 hours prior to the meeting being held. An Agenda is located in the posting cabinet on the I Street side of City Hall. Any item not addressed at this meeting may be continued, by motion, to a future afternoon or evening meeting.

Meeting facilities are accessible to persons with disabilities. Please notify the City Clerk's office at (916) 808-7200 at least 48 hours prior to the meeting if you require special assistance to participate in the meeting. The meeting is archived and accessible along with other meeting information on the City's website.

# Law and Legislation Committee Agenda

CALL TO ORDER

ROLL CALL

## Consent Calendar

*All items listed on the consent calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.*

1.0 **Approval of January 5, 2006 Minutes**

**RECOMMENDATION:** Approve January 5, 2006 Minutes

2.0 **Approval of Legislative Log**

**RECOMMENDATION:** Approve legislative log.

3.0 **Amendments to the Sacramento City Code Related to Heliports.**

**RECOMMENDATION:** Approve the amendments to City Code related to heliports and forward to full City Council.

## Staff Reports

*Each speaker is limited to a maximum of 3 minutes.*

4.0 **Residential Rental Housing Inspection Program**

**Recommendation:** Review the three proposals pertaining to a residential rental housing inspection program and approve a proposal to forward to the full City Council.

## Citizens Addressing Council (Matters not on the Agenda)

*Each speaker is limited to a maximum of 3 minutes.*

5.0 **To be announced**

**Committee Ideas and Questions**

6.0 **To be announced**

**Adjournment**

7.0 **To be announced**

**LAW AND LEGISLATION COMMITTEE**  
**Preliminary Calendar**  
**As of January 12, 2006**

**DISCLAIMER:** The following information is tentative as to dates and subjects.

**Tuesday, February 7, 2006**

Mobile Food Vendor Ordinance – **FINANCE**  
2006 Legislative Platform – **GOVT AFFAIRS**

**Tuesday, February 21, 2006**

Meeting Canceled

**Tuesday, March 7, 2006**

Alcohol Use Permit Processing Ordinance - **POLICE**

**PENDING ORDINANCES/REPORTS:**

Report Back on Contract Standards - **General Svcs**  
Report Back on Representation of Neighborhood Associations - **Development Svcs/NSD**  
Contractual Conflict of Interest of City Employees - **Finance**  
Amendments to R Street SPD - **Development Svcs**  
Ordinance Amending Code Relating to Temporary Construction Zones - **Transportation**  
Amendments to the Condominium Conversion Regulations - **Development Svcs**  
Lighting and Signal Ordinances - **Development Svcs**  
Drug & Gun Free Zones and Creation of Civil Exclusion - **Police**  
Report Back on City-wide Sign Ordinance - **Development Svcs**  
Illegal Dumping Vehicle Impound Ordinance – **Code Enforcement**  
Fire Code Revisions - **Fire**  
Housing Trust Fund Nexus Study - **Development Svcs**  
Revisions to Building Appeals Board Process – **Development Svcs**  
Front yard Landscaping – **Code Enforcement**  
Amend Ordinance Regarding Reward Program – **Code Enforcement**  
Solid Waste Facility Fee - **Utilities**  
Amend Tree Ordinance – **Parks & Rec**  
Pedi-cab Ordinance – **Finance**  
Public Financing of Campaigns – **City Clerk**



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

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Consent  
January 17, 2006

Honorable Members of the  
Law and Legislation Committee

**Subject:** Approval of Minutes – January 5, 2006

**Location/Council District:** All

**Recommendation:** Approve the minutes for the Committee meeting of January 5, 2006.

**Contact:** Patti Bisharat, Special Projects Manager - 808-8197

**Presenters:** Patti Bisharat, Special Projects Manager - 808-8197

**Department:** City Manager's Office

**Division:** Legislative Affairs

**Organization No:** 0300

**Summary:** Staff is recommends the approval of the minutes for the Committee meeting of January 5, 2006.

**Committee/Commission Action:** None.

**Financial Considerations:** None.

**Environmental Considerations:** None.

**Policy Considerations:** None.

**Emerging Small Business Development (ESBD):** None.

Respectfully Submitted by:   
Patti Bisharat, Special Projects Manager

Recommendation Approved:

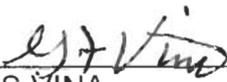
  
\_\_\_\_\_  
GUS VINA  
Assistant City Manager

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# CITY OF SACRAMENTO



## LAW AND LEGISLATION COMMITTEE MINUTES

**JANUARY 5, 2006 12:30 P.M.**

**City Hall – 915 I Street  
First Floor, Council Chambers  
Sacramento, CA 95814**

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### ***NOTICE TO THE PUBLIC***

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## COMMITTEE MEMBERS

**Lauren Hammond, Chair**  
Councilmember, District 5,

**Steve Cohn**  
Councilmember, District 3

**Sandy Sheedy**  
Councilmember, District 2

**Robbie Waters**  
Councilmember, District 7

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Anyone wishing to address the council should submit a completed request to speak form to the city clerk.

**Notice to Lobbyists:**

When addressing Law and Legislative Committee, you must identify yourself as a lobbyist and announce the client/business/organization you are representing. (Sacramento City Code 2.15.160)

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## NOTICE

(Government Code Section 54954.2 – The Brown Act)

Numbered items on this agenda give a brief general description of each item of business to be transacted or discussed at this meeting. Staff recommendations, as shown, do not prevent the legislative body from taking other action.

This agenda may be amended up to 72 hours (2:00 p.m. Saturday) prior to the meeting being held. An Agenda is located in the posting cabinet on the I Street side of City Hall. Any item not addressed at this meeting may be continued, by motion, to a future afternoon or evening meeting.

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# Minutes

City Hall – 915 I Street  
First Floor, Council Chambers  
Thursday/January 5, 2006/12:30 pm

## Preliminary Matters

1. Call to Order – 12:35 PM
2. Roll Call – all present.

## Consent Calendar

*All items listed on the consent calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.*

### 3. Approval of Minutes

**Recommendation:** Approve Committee minutes for meeting of December 6, 2005.  
**Action:** Moved/seconded/carried (Waters/Sheedy) approval of minutes.

### 4. Pending Legislation Log

**Recommendation:** Approve municipal legislation log.  
**Action:** Moved/seconded/carried (Waters/Sheedy) approval of the Legislation Log.

## Staff Report

### 5. Rental Inspection Program Ordinance (CONTINUE TO JANUARY 17, 2006)

**Recommendation:** Approve the Residential Rental Housing Permit Program Ordinance and forward to the full City Council.  
**Action:** Continued to January 17, 2006.

**6. Wood Burning Curtailment Ordinance**

**Recommendation:** For Committee information and direction to staff on whether to draft a wood burning ordinance and, if so, which policies to include in the ordinance.

Public testimony given by Karen Nelson, Kevin McCarty, Brigette Tullstrup, Robert Cline, Ralph Propper.

**Action:** Committee directed staff to work with the Sacramento Metropolitan Air Quality Management District on a joint public awareness/education, voluntary curtailment, and a rebate program. Councilmember Sheedy also requested that staff contact the BIA about the requirement of certified units in new developments.

**7. Report Back on the Superstore Ordinance**

**Recommendation:** Direct staff to take the interim ordinance text to public hearing before the City Planning Commission and the full City Council for final adoption as the permanent superstore ordinance.

Public testimony given by Tom Pate.

**Action:** moved, seconded, carried (Sheedy/Waters) to approve interim ordinance as amended to change the 20% to 10% on non-taxable items with further direction to staff to investigate alternatives to address this issue.

**Citizens Addressing Council (Matters not on the Agenda)**

*Each speaker is limited to a maximum of 3 minutes.*

**8. None.**

**Committee Ideas and Questions**

**9. None.**

**Adjournment**

**10. Adjourned - 1:45 p.m.**

# Legislation Log

16-Jan-06

revised

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date <sup>1</sup>	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion <sup>2</sup>	City Departments Possibly Affected
				<b>NEW OR UPDATED ITEMS</b>			
				<b>SCHEDULED LAW &amp; LEG ITEMS</b>			
1	Mobile Food Vendor Ordinance	CM Tretheway/ Aaron Chong	7-Feb-06	Revising ordinance to address regulation of Mobile Food Vendor industry including hours of operation, locations, etc.	Potentially Yes	Moderate	Finance/Dev Svcs
2	Approved Alcohol Use Permits Processing	CM Hammond/ Police/Sherrri Scruggs	7-Mar-06	Amend Chapter 17 of the City Code regarding deemed approved alcohol use permits processing. Heard by the Law & Leg Committee on 9/20/05. Directed staff to report back with draft ordinance in 120 days.	Possibly	To be determined	Police/Code
				<b>LAW AND LEG COMMITTEE ORDINANCE &amp; REPORTS - DATE PENDING</b>			
3	Amend Tree Ordinance	Parks & Rec/Jack Harrison	Pending	Amend Tree ordinance to add section to allow assessment of fees; add section prohibiting "topping" of trees; and amend tree permit appeals process.	Maybe	To be determined	Parks & Rec
4	Solid Waste Facility Fee/ Host Benefit Fee	General Svcs/Harold Duffy	Fall 2005	Ordinance to mitigate potential impacts to a geographic area relative to locating a solid waste facility. The Law & Leg Committee heard a staff report on this issue on November 4, 2004 and directed staff to get input from an advisory committee and report back to the L&L Committee with recommendations on fees.	To be Determined	To be Determined	Solid Waste/ Dev Svcs

<sup>1</sup> Reflects atty drafting time only not time required for the leg. process, incl. staff direction, public outreach, comm. meetings, wkshps, formal noticed public hearings req. for adoptions.  
<sup>2</sup> Limited =<10 hrs. Moderate = 10-40 hrs. Sig. => 40 hrs

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## Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion 2	City Departments Possibly Affected
5	05.03.02 Report Back on Contract Standards	Gen Svcs	Summer 2004	Law & Leg Committee heard a report on SB163 on 5/20/03. Report back requested on what contract standards the city currently uses, an evaluation of the proposed standards of SB163 and how they may help the city improve its standards and a recommendation from staff for other contracting standards we should apply in the City.	Potentially	To Be Determined	Gen Svcs
6	06.03.02 Report Back on Representation of Neighborhood Associations	Dev Svcs/NSD	Pending	On June 3, 2003 the Law & Leg Committee requested a report back regarding the noticing process and reliance on Neighborhood Associations that do not always represent a majority of residence on an issue.	To Be Determined	To Be Determined	Dev Svcs/NSD
7	3.04.3 Contractual Conflict of Interest of City Employees	Finance	Pending	Amendment of code related to prohibition on city employees having a financial interest in a city contract.	No	Minimal	Citywide
8	7.04.2 Amendments to R Street SPD	Dev Svcs/Todd Leon	Aug/Sept 2005	Amendments to R Street Special Planning District to Facilitate Development	To be Determined	To be Determined	Dev Svcs
9	11.04.1 Amend Code Relating to Temporary Construction Zones	Transportation/ Parking/ Howard Chan	06-Jan-05	Amend Section 10.36.140 of Title 10 of City Code to delete the use of the cumbersome portable construction signs in favor of a monthly hangtag to improve staff efficiency and provide better customer service.	Unlikely	Moderate	Trans
10	12.04.2 Amend Condominium Conversion Regulations	Dev Svcs/Aaron Sussman	Pending	Proposed updates and revisions to the City Code relative to Condominium Conversions. Heard by Council on 05/17/05 and referred back to staff for report back.	Possibly	To be determined	Dev Svcs
11	12.04.3 Lighting Ordinance	Dev Svcs/Gary Stonehouse	Pending	Council requested that the Lighting Ordinance be placed on the Law & Leg Committee schedule.	To Be Determined	To be determined	Dev Svcs

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## Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date <sup>1</sup>	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion <sup>2</sup>	City Departments Possibly Affected
12	11.04.2	Police/Sherri Scruggs	Pending	Subject heard by Committee on 12/7/04. Staff met with Portland DA and federal agencies to share information. CAO reviewing information provided. There are concerns regarding the differences in the Oregon and California state constitutions which could impact the ordinance. Staff will follow-up with a date to return to the committee.	Possibly	Major	Police/CAO
13	1.2	Dev Svcs/ NSD	Pending	Report presented to Committee in January 2004. Committee provided feedback and directed staff to report back. Staff is reviewing the issue and preparing its report back to the Committee.	Yes	Significant	Dev Svcs/ NSD
14	09.04.02	CM Hammond/ NSD/Max Fernandez	Pending	Provide for seizure and impound for a specified time for vehicles involved in illegal dumping. Code and CAO working on options.	Potentially Yes	Significant	Code
15	03.05.03	NSD/Max Fernandez	Pending	Amend City Code related to front yard landscaping to allow maintained garden vegetation. Committee directed staff to return with more restrictive language.	Possibly	Moderate	Dev Svcs / NSD
16	05.05.02	Dev Svcs	Pending	Amend City Code related to Housing Trust Fund fees.	Possibly	To Be Determined	Dev Svcs
17	05.05.04	Fire/Troy Malaspino	Summer 2005	Update the City Code related to fire safety.	No	Moderate	Fire/Dev Svcs
18	07.05.01	Dev Svcs/ Ron Beehler	Pending	Revisions to City Code 2.4 related to the Construction Code Advisory Board	Possibly	To be determined	Dev Svcs

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## Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date <sup>1</sup>	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion <sup>2</sup>	City Departments Possibly Affected
19	Amend Ordinance Relating to Reward Program	Waters/ Code/Max Fernandez	Fall 2005	Amend ordinance relating to reward program to allow payment of reward at arrest and prosecution.	Unlikely	Minimal	Code
20	Pedi-Cab Ordinance	CM Tretheway/ Finance/Code	To be determined	Discussion on proposed ordinance regarding permitting of non-motorized pedi-cabs	Possibly	Moderate	Finance/Code/ DOT/Police
21	Public Campaign Financing	CMO/Clerk	To be determined.	Staff returning to committee, per City Council direction, to review what other cities do regarding qualifications on use of public funds for campaigns.	Yes	Moderate	CMO/Clerk
			<b>City Council Date</b>	<b>ORDINANCES/REPORTS FORWARDED TO COUNCIL OR OTHER COMMITTEES</b>			
22	Amend to Title 10 re: Taxi Zones	Finance	Jan-05	Council approved the taxi reforms. Ordinance to implement reforms to Council in January 2006.	Potentially Yes	Moderate	Code
23	Parade Ordinance Revisions	NSD	Pending	Amend City Code to include weapons that may not be carried in a parade. Committee directed Staff to go directly to Council with amended ordinance.	Possibly	To be determined	NSD/Police
24	Amend Ordinance to Prohibit Open Beverage Container	CM Cohn/Police	Pending	The Law & Leg Committee heard a discussion paper regarding amending current city code to prohibit the possession of an open alcoholic beverages in public on November 16, 2004. The Committee directed staff to investigate extending the prohibition to include private property such as parking lots and to go directly to City Council with a proposed ordinance.	Significant	Moderate	Police

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**Legislation Log**

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date <sup>1</sup>	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion <sup>2</sup>	City Departments Possibly Affected
25	Parking of Trailers, Auto Coaches, etc in Residential and Industrial Areas Public Right of Way	Trans/Dennis Kubo	Pending	City may enact parking regulations to address problems of commercial vehicles parked in residential areas. City has current regulations to restrict parking without enacting a new ordinance when signs are posted, upon any street described in resolutions adopted by City Council. Implementation has been hampered due to cost. Additional follow-up requested by CM Sheedy and CM Pannell. DOT staff to meet with Councilmember to determine next steps.	Potentially yes	Moderate	Dev Svcs/ Trans/NSD (Code)

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# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

3

CONSENT  
January 17, 2006

Honorable Members of the  
Law and Legislation Committee

**Subject:** Amendments to the Sacramento City Code related to Heliports  
(M05-081)

**Location/Council District:** Citywide

**Recommendation:**

Staff of the Fire Department and the Development Services Department and the City Planning Commission recommends that the Law and Legislation Committee recommend approval of the attached City Code amendments and forward to City Council.

**Contact:** Robert Williams, Assistant Planner, 808-7686; Troy Malaspino, Assistant Chief – Fire Marshall, 433-1620; Joy Patterson, Senior Planner, 808-5607

**Presenters:** Troy Malaspino, Assistant Chief – Fire Marshall; Robert Williams, Assistant Planner

**Department:** Fire and Development Services

**Division:** Fire Prevention and Planning

**Organization No:** 2521 and 4870

**Summary:**

The proposed ordinances amend Title 12 (Streets, Sidewalks and Public Places) and Title 17 (Zoning) of the City Code relating to heliports and helistops. The purpose of these amendments is to bring the Code up to date with existing state regulations and building codes, and to eliminate existing duplications and redundancies in the existing City Code.

**Committee/Commission Action:**

On November 10, 2005 by a vote of 8 ayes and 1 absent the Sacramento City Planning Commission voted to recommend approval of the proposed amendments to Title 17 of the City Code and forward to City Council.

**Background Information:**

Sacramento's first helicopter landing area ordinance was adopted forty years ago and has changed little since. As helicopters were a fairly new technology, and few prescripts addressed their use, the city's ordinance included several design parameters for landing areas and use of helicopters. Today, the situation is greatly different, as extensive federal and state regulations exist which control landing area design and safety systems. Additionally, industry safety standards, (e.g. National Fire Protection Association), have been developed which provide the local authority with the engineering principles and guidelines needed for ensuring proper fire and life protection at these sites.

As a result of these changes the Fire Department is proposing an extensive overhaul of Chapter 12.92 of the City Code. It aligns City Code with current state and federal design standards, removes inconsistencies and non-substantiated design requirements, eliminates redundant regulations, and clarifies the specific regulatory and design guidelines to be followed by the design professional. With it, the City of Sacramento will be provided with the tools to require and enforce the most up-to-date design and safety parameters for helicopter landing areas.

In order to be consistent with the proposed changes to Section 12.92 of the City Code Planning staff is amending Title 17 of the Zoning Code. Changes to Section 17.16 (Definitions) are to amend and add new definitions to further clarify the types of helicopter landing facilities and changes to Section 17.24 (Land Use Regulations) Footnote 57, the requirements to establish a heliport or helistop. The changes to Footnote 57 do not eliminate the requirement for heliports to be approved by a Planning Commission Special Permit; they clarify heliport requirements and make them consistent with existing State Regulations.

**Financial Considerations:**

There are no financial considerations associated with this report.

**Environmental Considerations:**

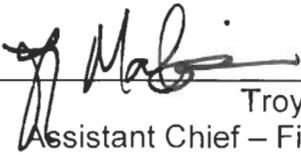
The proposed amendments to the City Code are exempt under CEQA Section 15061(b)(3).

**Policy Considerations:**

The proposed ordinance is consistent with the City's Strategic Plan, three year goals to improve and expand public safety.

**Emerging Small Business Development (ESBD):**

No goods or services are being purchased under this report.

Respectfully Submitted by:   
Troy Malaspino  
Assistant Chief – Fire Marshall

Respectfully Submitted by:   
David Kwong  
Interim Planning Manager

Approved by:   
Joe Cherry  
Fire Chief

Approved by:   
William Thomas  
Director of Development Services

Recommendation Approved:

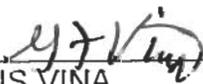
  
GUS VINA  
Assistant City Manager

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# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

## AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 12.92 OF THE SACRAMENTO CITY CODE RELATING TO HELIPORTS

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

### **SECTION 1.**

Chapter 12.92 of the Sacramento City Code is repealed and re-enacted to read as follows:

Chapter 12.92      Heliports and Helistops

12.92.010      Definitions.

“Emergency Medical Services (EMS) Helicopter Landing Site” means a site that is not permitted or licensed as a heliport or helistop and that is located at or as near as practical to a medical emergency or at or near a medical facility and is designated an EMS Helicopter Landing Site by the Fire Chief under authority of Public Utilities Code section 21662.1 and the State regulations.

“Elevated heliport” means a heliport located on a rooftop or some other elevated structure where the TLOF is at least thirty inches above ground level.

“Emergency Evacuation Facility” means a Rooftop Emergency Facility.

“Emergency Use Facility” means an area for accommodating helicopters in support of emergency public safety agency operations, but that is not permitted or licensed as a heliport or helistop which is not used as a heliport for any other purpose.

“Fire Chief” means the Fire Chief of the City of Sacramento or his or her designee.

“General aviation (GA) heliport” means a heliport intended to accommodate individuals, corporations, and helicopter air taxi operators. Scheduled passenger services may be available. GA heliports do not include Emergency Medical Services (EMS) Helicopter Landing Sites, Emergency Use Facilities, hospital heliports, Rooftop Emergency Facilities, or Temporary Helicopter Landing Sites.

“Helipport” means an area of land or water or a structural surface which is used or intended to be used for the landing and take-off of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities, and that is permitted or licensed by the California Department of Transportation.

“Helistop” means a minimally developed heliport for boarding and discharging passengers or cargo. The heliport/helistop relationship is comparable to a bus terminal/bus stop relationship with respect to the extent of services provided or expected. Unless otherwise stated, all references to heliports in this chapter shall include helistops.

“Hospital heliport” means a heliport limited to serving helicopters engaged in air ambulance or other hospital related functions.

“Rooftop Emergency Facility” means a clear area of a roof of a tall building that is not permitted or licensed as a heliport or helistop and is not intended to function as a heliport, yet it capable of accommodating helicopters engaged in fire fighting and/or emergency evacuation operations. Rooftop Emergency Facility is also known as an “Emergency Evacuation Facility.”

“State regulations” means the rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics (21 California Code of Regulations §3525 *et seq.* “Airports and Heliports”), including the recommendations contained in the Federal Aviation Administration’s Advisory Circular AC 150/5390-2B and all other AC’s referenced by and/or incorporated into the rules and regulations governing airports and heliports issued by the California Department of Transportation Division of Aeronautics.

“Temporary Helicopter Landing Site” means a site, other than an Emergency Medical Services Helicopter Landing Site, that is not permitted or licensed as a heliport or helistop and that is used for landing and taking off of helicopters, where the use is for one year or less, except for recurrent or annual events, is not marked or lighted as a heliport, and is not used exclusively for helicopter operations.

”TLOF” means touchdown and lift-off area and is a load bearing, generally paved area on which a helicopter lands or takes off.

#### 12.92.020 Zoning restrictions on heliports.

In addition to the requirements of this chapter, the establishment and operation of heliports are subject to Title 17 of this code.

#### 12.92.030 Heliport design standards.

##### A. General aviation (GA) heliports.

GA heliports are subject to and shall be designed to conform with all applicable State regulations, including but not limited to AC 150/5390-2B Chapter 2.

B. Hospital heliports.

Hospital heliports are subject to and shall be designed to conform with all applicable State regulations, including but not limited to AC 150/5390-2B Chapter 4.

C. Rooftop Emergency Facilities.

Rooftop Emergency Facilities are subject to and shall be designed to conform with all applicable State regulations, including but not limited to AC 150/5390-2B section 105.

12.92.040 Elevated heliports and Rooftop Emergency Facilities building construction standards.

A. The TLOF and any TLOF supporting structures of elevated heliports and Rooftop Emergency Facilities shall be subject to and conform with the construction standards contained in the State regulations, including but not limited to AC 150/5390-2B Chapter 8.

B. The TLOF and any TLOF supporting structures of elevated heliports and Rooftop Emergency Facilities shall be subject to and conform with the surface characteristics standards contained in the State regulations, including but not limited to AC 150/5390-2B Chapters 2 and 4.

12.92.050 Landing at other than established heliport or helistop prohibited.

Except in case of an emergency, no person shall land any helicopter within the corporate limits of the city except at the following locations:

A. An airport;

B. A GA heliport;

C. A hospital heliport;

D. A Rooftop Emergency Facility, with the authorization of the Fire Chief;

E. An Emergency Medical Services Helicopter Landing Site established in conformance with the State regulations and subject to a permit issued by the Fire Chief;

F. A Temporary Helicopter Landing Site established in conformance with the State regulations and with the prior authorization of the Fire Chief.

G. An Emergency Use Facility under the direction of the Fire Chief.

12.92.060 Construction materials.

On buildings supporting a helistop construction of the touchdown area shall be non-combustible. The surface of the touchdown and adjacent area shall be covered with an impervious and non-combustible material. Surfaces must be properly drained.

12.92.070 Operational safety requirements.

Heliports constructed and operated within the city shall comply with the following safety requirements:

A. Except as otherwise provided in this chapter 12.92, heliports shall be subject to and conform with the fire safety operational requirements for the protection of persons, aircraft, and other property contained in the National Fire Protection Association's Standard for Heliports (NFPA 418 (2001 ed.)) to the satisfaction of the Fire Chief.

B. The touchdown or landing area on rooftops shall be elevated or provision made for collecting gasoline which may be spilled in the event of an emergency.

C. No refueling or repairing is to be accomplished at an elevated helistop or Rooftop Emergency Facility except in extreme emergency, and then only as approved by the Fire Chief.

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

## AN ORDINANCE AMENDING SECTIONS 17.16.010, 17.24.030, AND 17.24.050 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO HELIPORTS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

### SECTION 1.

Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The definition of "heliport" is amended to read as follows:

"Heliport" means an area of land or water or a structural surface which is used or intended to be used for the landing and take-off of helicopters, along with any appurtenant areas which are used, or intended to be used, for heliport buildings and other heliport facilities, and that is permitted or licensed by the California Department of Transportation.

B. The definition of "helistop" is amended to read as follows:

"Helistop" means a minimally developed heliport for boarding and discharging passengers or cargo. The heliport/helistop relationship is comparable to a bus terminal/bus stop relationship with respect to the extent of services provided or expected. Unless otherwise stated, all references to heliports in this chapter shall include helistops.

C. The definition of "Helistop, Emergency" is repealed.

D. The following definitions for "Emergency Medical Services (EMS) Helicopter Landing Site," "Emergency Evacuation Facility," "Emergency Use Facility," "Rooftop Emergency Facility," "State Regulations," and "Temporary Helicopter Landing Site" are added to read as follows:

"Emergency Medical Services (EMS) Helicopter Landing Site" means a site that is not permitted or licensed as a heliport or helistop and that is located at or as near as practical to a medical emergency or at or near a medical facility and is designated an EMS Helicopter Landing Site by the Fire Chief or his or her designee under authority of Public Utilities Code section 21662.1 and the State regulations.

"Emergency Evacuation Facility" means a Rooftop Emergency Facility.

“Emergency Use Facility” means an area for accommodating helicopters in support of emergency public safety agency operations, but that is not permitted or licensed as a heliport or helistop.

“Rooftop Emergency Facility” means a clear area of a roof of a tall building that is not permitted or licensed as a heliport or helistop and is not intended to function as a heliport, yet is capable of accommodating helicopters engaged in fire fighting and/or emergency evacuation operations. Rooftop Emergency Facility is also known as an “Emergency Evacuation Facility.”

“State regulations” means the rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics (21 California Code of Regulations §3525 *et seq.* “Airports and Heliports”), including the recommendations contained in the Federal Aviation Administration’s Advisory Circular AC 150/5390-2B and all other AC’s referenced by and/or incorporated into the rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics.

“Temporary Helicopter Landing Site” means a site, other than an Emergency Medical Services Helicopter Landing Site, that is not permitted or licensed as a heliport or helistop and that is used for landing and taking off of helicopters, where the use is for one year or less, except for recurrent or annual events, is not marked or lighted as a heliport, and is not used exclusively for helicopter operations.

E. Except as specifically amended in this Section 2, all other provisions of section 17.16.010 remain unchanged and in full force and effect.

**SECTION 2.**

Section 17.24.030 Commercial Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix for “Helistop - Emergency” set forth in Table 17.24.030 A is amended to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Heliport or Helistop	57	57	57	57	57	57	57	57	57	57	57	57/69	57	57/18

B. The matrix for “Helistop - Emergency” set forth in Table 17.24.030 B is amended to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	AR P-F
Heliport or Helistop	57 /53	57 /16	57 /15	57	57	57	57	57	57 /20	57	57 /20	57 /53	57 /53	57	57 /70	57 /71	57 /72	57 /72	57 /19	

C. Except as specifically amended for the uses indicated, all other provisions of section 17.24.030 and Tables 17.24.030 A and 17.24.030 B remain unchanged and in full force and effect.

### SECTION 3.

Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 57 of section 17.24.050 is amended to read as follows:

57. Heliport or Helistop.

a. Except as provided otherwise in this footnote 57, a special permit approved by the planning commission under Chapter 17.212 shall be required to establish or operate a heliport or helistop at a location other than at an existing airport.

b. Approval of the special permit by the planning commission shall be deemed to be approval of the plan of construction for the heliport or helistop under California Public Utilities Code section 21661.5.

c. All terms and conditions of approval for the heliport or helistop required by the California Department of Transportation Division of Aeronautics, the Federal Aviation Administration, or any other state or federal agency shall be deemed to be conditions of approval of the special permit.

d. Each special permit shall be conditioned on the owner and operator of the heliport or helistop complying at all times with the following operational requirements:

i. Compliance with the provisions of Chapter 12.92 of this code;

ii. Compliance with the State regulations.

e. Rooftop Emergency Facilities, Emergency Medical Services Helicopter Landing Areas, Temporary Helicopter Landing Sites, and Emergency Use Facilities are not heliports subject to this footnote 57. These facilities are allowed in any zone subject to compliance with the State regulations and Chapter 12.92 of this code.

B. Except as specifically amended by the amendments to footnote 57, all other provisions of section 17.24.050 remain unchanged and in full force and effect.

**Redlined/Comments  
ORDINANCE NO.**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER  
12.92 OF THE SACRAMENTO CITY CODE RELATING TO  
HELIPORTS**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.** Chapter 12.92 of the Sacramento City Code is repealed and re-enacted to read as follows:

Chapter 12.92      Heliports and Helistops

12.92.010      Definitions.

\_\_\_\_\_  
"Emergency Medical Services (EMS) Helicopter Landing Site" means a site that is not permitted or licensed as a heliport or helistop and that is located at or as near as practical to a medical emergency or at or near a medical facility and is designated an EMS Helicopter Landing Site by the Fire Chief under authority of Public Utilities Code section 21662.1 and the State regulations.

**Comment:** Definitions have been added to distinguish among the various types of helistops and helicopter landing areas.

\_\_\_\_\_  
"Elevated heliport" means a heliport located on a rooftop or some other elevated structure where the TLOF is at least thirty inches above ground level.

\_\_\_\_\_  
"Emergency Evacuation Facility" means a Rooftop Emergency Facility.

\_\_\_\_\_  
"Emergency Use Facility" means an area for accommodating helicopters in support of emergency public safety agency operations, but that is not permitted or licensed as a heliport or helistop which is not used as a heliport for any other purpose.

\_\_\_\_\_  
"Fire Chief" means the Fire Chief of the City of Sacramento or his or her designee.

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

"General aviation (GA) heliports" means a heliport intended to accommodate individuals, corporations, and helicopter air taxi operators. Scheduled passenger services may be available. GA heliports do not include Emergency Medical Services (EMS) Helicopter Landing Sites, Emergency Use Facilities, hospital heliports, Rooftop Emergency Facilities, or Temporary Helicopter Landing Sites.

"Heliport" means an area of land or water or a structural surface which is used or intended to be used for the landing and take-off of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities, and that is permitted or licensed by the California Department of Transportation.

"Helistop" means a minimally developed heliport helicopter facility for boarding and discharging passengers or cargo. The heliport/helistop relationship is comparable to a bus terminal/bus stop relationship with respect to the extent of services provided or expected. Unless otherwise stated, all references to heliports in this chapter shall include helistops,

"Hospital heliport" means a heliport limited to serving helicopters engaged in air ambulance or other hospital related functions.

"Rooftop Emergency Facility" means a clear area of a roof of a tall building that is not permitted or licensed as a heliport or helistop and is not intended to function as a heliport, yet it capable of accommodating helicopters engaged in fire fighting and/or emergency evacuation operations. Rooftop Emergency Facility is also known as an "Emergency Evacuation Facility."

"State regulations" means the rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics (21 California Code of Regulations §3525 et seq. "Airports and Heliports"), including the recommendations contained in the Federal Aviation Administration's Advisory Circular AC 150/5390-2B and all other AC's referenced by and/or incorporated into the rules and regulations governing airports and heliports issued by the California Department of Transportation Division of Aeronautics.

"Temporary Helicopter Landing Site" means a site, other than an Emergency Medical Services Helicopter Landing Site, that is not permitted or licensed as a heliport or helistop and that is used for landing and taking off of helicopters, where the use is for one year or less, except for recurrent or annual events, is not marked or lighted as a heliport, and is not used exclusively for helicopter operations.

"TLOF" means touchdown and lift-off area and is a load bearing, generally paved area on which a helicopter lands or takes off.

••  
••

Deleted: is

Deleted: the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

Deleted: "Touchdown area"

Deleted: is that area of a roof structure, or platform above the roof, or ground surface, which is intended and designed for landing and take-off of helicopters. ¶

Comment: This is covered by 12.92.020 and Footnote 57.

Deleted: 12.92.020 Where heliport permitted

Deleted: .

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¶ A heliport may be erected and maintained only at an authorized airport. ¶

Comment: This is covered by 12.92.020 and Footnote 57.

Deleted: 12.92.030 Where helistop permitted

Deleted: .

Deleted: ¶  
¶ A helistop may be erected on buildings, or other locations in the city, as permitted by special use permit of the city planning commission issued pursuant to the comprehensive zoning ordinance of the city, provided that it is constructed and used in accordance with the provisions of this chapter. ¶

FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

12.92.020 Zoning restrictions on heliports.

In addition to the requirements of this chapter, the establishment and operation of heliports are subject to Title 17 of this code.

12.92.030 Heliport and Rooftop Emergency Facility design standards.

A. General aviation (GA) heliports.

GA heliports are subject to and shall be designed to conform with all applicable State regulations, including but not limited to AC 150/5390-2B Chapter 2.

B. Hospital heliports.

Hospital heliports are subject to and shall be designed to conform with all applicable State regulations, including but not limited to AC 150/5390-2B Chapter 4.

C. Rooftop Emergency Facilities.

Rooftop Emergency Facilities are subject to and shall be designed to conform with all applicable State regulations, including but not limited to AC 150/5390-2B section 105.

12.92.040 Elevated heliports and Rooftop Emergency Facilities building construction standards.

A. The TLOF and any TLOF supporting structures of elevated heliports and Rooftop Emergency Facilities shall be subject to and conform with the construction standards contained in the State regulations, including but not limited to AC 150/5390-2B Chapter 8.

B. The TLOF and any TLOF supporting structures of elevated heliports and Rooftop Emergency Facilities shall be subject to and conform with the surface characteristics standards contained in the State regulations, including but not limited to AC 150/5390-2B Chapters 2 and 4.

12.92.050 Landing at other than established heliport or helistop prohibited.

Except in case of an emergency, no person shall land any helicopter within the corporate limits of the city except at the following locations:

A. An airport;

B. A GA heliport;

**Comment:** The heliport design standards are established here for the various types of heliports/stops by reference to the State and Federal regs.

**Comment:** Building construction standards for rooftop helistops and other elevated helistops are by reference to AC 150/5390-2B. The State Building Code does not include the UBC provisions on these structures, so they need to be addressed. This provision replaces the current ordinance requirements in section 12.92.080, 090, and 100.

**Comment:** Since there is no permit required by this chapter, there is no need for a fee.

**Comment:** Covered by state and federal regulations.

**Comment:** This section has been expanded to address the different types of helistops.

**Deleted:** § 2.92.040 Heliport permit-- Application fee

**Deleted:** .

**Deleted:** §  
§  
In addition to any fee payable under the comprehensive zoning ordinance for obtaining a special use permit, every applicant for a permit under this chapter shall pay a nonrefundable fee as established by resolution of the city council. Such fee shall be in addition to any other business license fee or permit fee imposed by this code. §

§ 12.92.050 Approach zones

**Deleted:** §  
§  
There shall be minimum of two directional approach paths to an approved helistop. The approach paths shall not be less than ninety (90) degrees apart, and shall be sufficiently free of obstruction § ... §

**Deleted:** §

**Deleted:** upon a regularly established airport field, heliport or helistop.

FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

- C. A hospital heliport;
- D. A Rooftop Emergency Facility, with the authorization of the Fire Chief;
- E. An Emergency Medical Services Helicopter Landing Site established in conformance with the State regulations and subject to a permit issued by the Fire Chief;
- F. A Temporary Helicopter Landing Site established in conformance with the State regulations and with the prior authorization of the Fire Chief.
- G. An Emergency Use Facility under the direction of the Fire Chief.

12.92.090 — Design requirements.

A. ~~Helistops and supporting structures are to be designed for maximum stress produced by the following conditions:~~

- 1. ~~Dead load of structure and helistop plus actual weight of loaded helicopter;~~
- 2. ~~Dead load plus a single concentrated impact load covering one square foot equal to seventy-five (75) percent of the fully loaded weight of the helicopter, if only helicopters with hydraulic type shock absorbers will use the helistop, or one hundred fifty (150) percent of the fully loaded weight of the helicopter if helicopters with only rigid or skid type landing gear will use the helistop;~~
- 3. ~~Dead load of structure and helistop plus a live load of one hundred (100) pounds per square foot. The "live" load may be reduced for columns only in accordance with Section 2306 of the city Building Code.~~
- B. ~~Deflections from all loads shall not exceed one three hundred sixtieth of the span for members supporting the helistop when located on buildings.~~
- C. ~~Structural design of all buildings supporting a helistop shall be in accordance with the city Building Code unless otherwise specified in this section.~~

12.92.060 Construction materials.

**Comment:** This is covered by the design regulations in section 12.92.030.

**Deleted:** 12.92.070 Dimensions of touchdown area

**Deleted:** ¶  
 ¶ The touchdown or landing area for a helistop on ground level shall be a minimum one hundred (100) feet by one hundred (100) feet in size. The touchdown or landing area for a helistop on the rooftop of a building or structure shall be a minimum area of forty (40) feet by forty (40) feet, but in any event an area not less than one and one-half times the diameter of the rotor blades of the largest helicopter to use the area. In every case, the touchdown or landing area shall be surrounded on all sides by a clear area having a minimum width of fifteen (15) feet. ¶

**Comment:** This is covered by the design standards in 12.92.030.

**Deleted:** 12.92.080 Construction

**Deleted:** .  
**Deleted:** ¶  
 ¶ A helistop may be constructed directly on the roof surface of a building if all roof supports are designed for the load specified in this chapter. If the roof is not so designed or if it is otherwise unsuitable as a landing area, a substantially level platform may be constructed above the roof as a touchdown area. ¶

**Comment:** Covered by design standards in 12.92.030 and 12.92.040.

**Deleted:** 100

FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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On buildings supporting a helistop, construction of the touchdown area shall be non-combustible. The surface of the touchdown and adjacent area shall be covered with an impervious and non-combustible material. Surfaces must be properly drained.

12.92.070 Operational safety requirements.

Heliports constructed and operated within the city shall comply with the following safety requirements:

A. Except as otherwise provided in this chapter 12.92, heliports shall be subject to and conform with the fire safety operational requirements for the protection of persons, aircraft, and other property contained in the National Fire Protection Association's Standard for Heliports (NFPA 418 (2001 ed.)) to the satisfaction of the Fire Chief.

B. The touchdown or landing area on rooftops shall be elevated or provision made for collecting gasoline which may be spilled in the event of an emergency.

C. No refueling or repairing is to be accomplished at an elevated helistop or Rooftop Emergency Facility, except in extreme emergency, and then only as approved by the Fire Chief.

DATE PASSED FOR PUBLICATION:  
DATE ENACTED:  
DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_

FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

- Deleted: in
- Comment: Ditto
- Deleted: in
- Deleted: The touchdown area must be made of such material that it will be free of dust, loose ground or gravel and particles of concrete which may be blown out by the down-blast of air of the
- Deleted: rotor.
- Deleted: 110
- Deleted: S
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- Deleted: The touchdown area, if intended for public use, shall be marked as prescribed by the Federal Aviation Agency. The numerals of maximum weight allowable for ... [2]
- Comment: Replaced with refe ... [3]
- Comment: This is covered in ... [4]
- Comment: Fire protection sys ... [5]
- Comment: Fire protection sys ... [6]
- Comment: Not relevant today ... [7]
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- Comment: Impracticable and ... [12]
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- Comment: Covered by regs ... [14]
- Comment: Covered by regs
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CITY CLERK

- 6 -

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_



E. For all helistops, a wet standpipe shall be provided, and equipped with one and one-half inch fire hose, not over seventy-five (75) feet in length, and equipped with a fog nozzle. Two such installations are preferable, with the hose cabinets located near the separate exits. Sufficient pressure shall be available to afford a good fog pattern, in the opinion of the fire chief

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**Page - 5 - : [10] Deleted** **SGilbert** **06/27/2005 4:04 PM**

F. For all helistops, two approved dry powder type fire extinguishers of at least the twenty (20) pound size shall be provided, and be located remotely from each other. If desired, one of these can be substituted for by a C02 type extinguisher

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**Page - 5 - : [11] Deleted** **SGilbert** **06/27/2005 4:04 PM**

G. For all helistops, a telephone, not of the pay variety, shall be provided or a fire alarm box installed or other method of communication, approved by the fire chief, maintained

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**Page - 5 - : [12] Comment** **Information Systems** **10/03/2005 2:40 PM**  
Impracticable and unnecessary.

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**Page - 5 - : [13] Comment** **Information Systems** **10/03/2005 2:40 PM**  
Covered by regs.

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**Page - 5 - : [14] Comment** **Information Systems** **10/03/2005 2:40 PM**  
Covered by regs.

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**Page - 5 - : [15] Comment** **Information Systems** **10/03/2005 2:41 PM**  
Covered by other provisions or addressed with special permit.

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I. A ground attendant shall be present during all landing and take-off operations at a helistop

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**Page - 5 - : [17] Deleted** **SGilbert** **06/27/2005 4:06 PM**

J. Helistops shall be provided with an acceptable wind indicator or wind sock

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**Page - 5 - : [18] Deleted** **SGilbert** **06/27/2005 4:06 PM**

K. Landing area should be aligned to give maximum "into the wind" operation

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**Page - 5 - : [19] Deleted** **SGilbert** **06/27/2005 4:06 PM**

12.92.120 Night landing

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SGilbert

06/27/2005 4:06 PM

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If the helistop is to be used for night landing, it shall be lighted in accordance with the applicable standards or recommendations of the Federal Aviation Agency.

12.92.130 General requirements

Page - 5 -: [21] Deleted

SGilbert

06/27/2005 4:06 PM

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The operation of a helistop within a city shall comply with the following requirements:

- A. There shall be compliance with all laws and regulations of the Federal Aviation Agency, the state of California, and the city of Sacramento.
- B. No elevated structure being used as a helistop shall be used for fueling, refueling, or the storage of inflammables.
- C. The owner or operator of a helistop within the city shall maintain insurance in the amounts of one hundred thousand dollars (\$100,000.00)/three hundred thousand dollars (\$300,000.00) personal injury, and fifty thousand dollars (\$50,000.00) property damage, naming the city as an additional insured, or such additional sums as the city planning commission shall deem necessary because of special circumstances in granting a special use permit for such facilities.
- D. The continued use of a helistop shall be conditioned upon the regular payment of all city fees applicable to the site.
- E. The maximum number of take-offs and landings to be permitted at a helistop is ten (10) per day, unless the city planning commission finds that a specified additional number is in the public interest and allows same in granting a special use permit for the operation of a helistop.

# Redlined/Comments

## ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 17.16.010, 17.24.030, AND 17.24.050 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO HELIPORTS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

**SECTION 1.** Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

**A.** The definition of “heliport” is amended to read as follows:

“Heliport” means an area of land or water or a structural surface which is used or intended to be used for the landing and take-off of helicopters, along with any appurtenant areas which are used, or intended to be used, for heliport buildings and other heliport facilities, and that is permitted or licensed by the California Department of Transportation.

**B.** The definition of “helistop” is amended to read as follows:

“Helistop” means a minimally developed heliport for boarding and discharging passengers or cargo. The heliport/helistop relationship is comparable to a bus terminal/bus stop relationship with respect to the extent of services provided or expected. Unless otherwise stated, all references to heliports in this chapter shall include helistops.

**C.** The definition of “Helistop, Emergency” is repealed.

**D.** The following definitions for “Emergency Medical Services (EMS)”

**Deleted:** . “Heliport” means an area licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and includes auxiliary facilities, such as parking, waiting room, fueling, and maintenance.¶

**Comment:** This definition is based on the definitions in State and Federal regs

**Deleted:** . “Helistop” means a heliport without auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment. May be constructed for use by an office or industrial use.¶

**Comment:** See comment #1

**Deleted:** . Helistop, Emergency. “Emergency helistop” means a helistop designed to be used solely in the case of emergencies or evacuations of high-rise buildings, usually required for public safety on high-rise buildings pursuant to the Uniform Fire Code, Article 24, and Sacramento fire department standards.¶

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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Helicopter Landing Site,” “Emergency Evacuation Facility,” “Emergency Use Facility,” “Rooftop Emergency Facility,” “State Regulations,” and “Temporary Helicopter Landing Site” are added to read as follows:

**Comment:** These definitions are added to distinguish among the various types of helicopter landing areas.

“Emergency Medical Services (EMS) Helicopter Landing Site” means a site that is not permitted or licensed as a heliport or helistop and that is located at or as near as practical to a medical emergency or at or near a medical facility and is designated an EMS Helicopter Landing Site by the Fire Chief or his or her designee under authority of Public Utilities Code section 21662.1 and the State regulations.

“Emergency Evacuation Facility” means a Rooftop Emergency Facility.

“Emergency Use Facility” means an area for accommodating helicopters in support of emergency public safety agency operations, but that is not permitted or licensed as a heliport or helistop.

“Rooftop Emergency Facility” means a clear area of a roof of a tall building that is not permitted or licensed as a heliport or helistop and is not intended to function as a heliport, yet is capable of accommodating helicopters engaged in fire fighting and/or emergency evacuation operations. Rooftop Emergency Facility is also known as an “Emergency Evacuation Facility.”

“State regulations” means the rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics (21 California Code of Regulations §3525 *et seq.* “Airports and Heliports”), including the recommendations contained in the Federal Aviation Administration’s Advisory Circular AC 150/5390-2B and all other AC’s referenced by and/or incorporated into the rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics.

“Temporary Helicopter Landing Site” means a site, other than an Emergency Medical Services Helicopter Landing Site, that is not permitted or licensed as a heliport or helistop and that is used for landing and taking off of helicopters, where the use is for one year or less, except for recurrent or annual events, is not marked or lighted as a heliport, and is not used exclusively for helicopter operations.

**E. Except as specifically amended in this Section 2, all other provisions of section 17.16.010 remain unchanged and in full force and effect.**

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**SECTION 2. Section 17.24.030 Commercial Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:**

**A. The matrix for "Helistop - Emergency" set forth in Table 17.24.030 A is amended to read as follows:**

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Helistop or Helistop	57	57	57	57	57	57	57	57	57	57	57	57/69	57	57/18

**B. The matrix for "Helistop - Emergency" set forth in Table 17.24.030 B is amended to read as follows:**

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F
Helistop or Helistop	57/53	57/16	57/15	57	57	57	57	57	57/20	57	57/20	57/53	57/53	57	57/70	57/71	57/72	57/72	57/19

**C. Except as specifically amended for the uses indicated, all other provisions of section 17.24.030 and Tables 17.24.030 A and 17.24.030 B remain unchanged and in full force and effect.**

**SECTION 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:**

**A. Footnote 57 of section 17.24.050 is amended to read as follows:**

57. Heliport or Helistop.

a. Except as provided otherwise in this footnote 57, a special permit approved by the planning commission under Chapter 17.212 shall be required to establish or operate a heliport or helistop at a location other than at an existing airport.

**Comment:** The only change to the matrix is the description of the use. It is amended to refer to heliports and helistops, not "Helistop - Emergency"

**Deleted:** - Emergency

**Deleted:** - Emergency

**Comment:** This footnote is completely rewritten. See comments below.

**Deleted:** Any

**Deleted:** for

**Comment:** Same as current ordinance.

**Deleted:** , issued under this title be made subject to the following conditions

**Deleted:** :

**Deleted:** ¶

a. The permit shall be subject to revocation upon any material change in conditions existing at the time of the issuance of the permit which, in the determination of the planning commission, has such an effect upon the location, maintenance, or operation of a helistop as to require the revocation of the permit.¶

b. Site approval of a helistop shall be denied if a landing area is planned in close proximity to high voltage transmission lines ¶

c. No special permit shall be granted until the applicant has first obtained approval of federal and state agencies whose approval is required for the establishment and operation of a helistop. A special permit shall be granted expressly subject to the limitations, conditions, and restrictions imposed by said federal and state agencies in making their approvals. In addition, the planning commission may issue the special permit subject to limitations, conditions, and restrictions suggested by federal and state agencies, or by the city engineer, the city fire chief, the police chief, airport manager, or any other officer or department of the city, and for the purpose of ascertaining ... [1]

FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

b. Approval of the special permit by the planning commission shall be deemed to be approval of the plan of construction for the heliport or helistop under California Public Utilities Code section 21661.5.

c. All terms and conditions of approval for the heliport or helistop required by the California Department of Transportation Division of Aeronautics, the Federal Aviation Administration, or any other state or federal agency shall be deemed to be conditions of approval of the special permit.

d. Each special permit shall be conditioned on the owner and operator of the heliport or helistop complying at all times with the following operational requirements:

i. Compliance with the provisions of Chapter 12.92 of this code;

ii. Compliance with the State regulations.

e. Rooftop Emergency Facilities, Emergency Medical Services Helicopter Landing Areas, Temporary Helicopter Landing Sites, and Emergency Use Facilities are not heliports subject to this footnote 57. These facilities are allowed in any zone subject to compliance with the State regulations and Chapter 12.92 of this code.

**B. Except as specifically amended by the amendments to footnote 57, all other provisions of section 17.24.050 remain unchanged and in full force and effect.**

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**Comment:** This is new. It allows the Planning Commission, rather than the City Council, to approve the plan of construction of the heliport to satisfy the requirements of Public Utilities Code 21661.5, using the special permit approval. Also, the special permit must be obtained **before** the heliport submits for State approval, as required by 21661.

**Comment:** This makes the conditions of State and Federal approval of the heliport conditions of the special permit as well.

**Comment:** This is meant to take the place of what is now subsection g of footnote 57.

**Comment:** A provision conditioning the special permit on the owner and operator of the heliport carrying public liability insurance in a specified amount has been deleted.

**Comment:** These facilities are exempt from the special permit requirement. They are limited use or temporary helicopter landing areas that are controlled by the Fire Chief.

Deleted: ¶

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

a. The permit shall be subject to revocation upon any material change in conditions existing at the time of the issuance of the permit which, in the determination of the planning commission, has such an effect upon the location, maintenance, or operation of a helistop as to require the revocation of the permit.

b. Site approval of a helistop shall be denied if a landing area is planned in close proximity to high voltage transmission lines.

c. No special permit shall be granted until the applicant has first obtained approval of federal and state agencies whose approval is required for the establishment and operation of a helistop. A special permit shall be granted expressly subject to the limitations, conditions, and restrictions imposed by said federal and state agencies in making their approvals. In addition, the planning commission may issue the special permit subject to limitations, conditions, and restrictions suggested by federal and state agencies, or by the city engineer, the city fire chief, the police chief, airport manager, or any other officer or department of the city, and for the purpose of ascertaining the views of these federal, state and city agencies and officials. The planning commission shall notify all such parties at least sixty (60) days prior to the date of the proposed issuance of the permit.

d. Each permit shall be subject to the condition that the surface of the helistop be such that dust, dirt, or other objectionable matter will not be blown onto adjoining property by helicopter operations.

e. Each such permit granted shall be subject to the condition that all provisions of this code are complied with at all times, including such special provisions thereof as may be applicable in the case of helistop and helicopters.

f. No permit shall be granted unless the person owning or controlling the premises to be used has given his or her consent to such use.

g. Each permit shall be subject to the condition that the permittee neither authorizes, allows nor permits the use of his or her facilities by persons, firms, or corporations, violating any provision of this code pertaining to the operation of helicopters or any safety regulation prescribed by any agency of the federal government of the state of California; and on the further condition that helicopters from said helistop be operated in accordance with mini-mum safe altitudes as prescribed by this code and in accordance with traffic patterns, or approach routes for a helistop as are prescribed by the FAA.

h. Each permit shall be granted on the condition that the permittee procure, obtain and file with the city clerk and maintain in full force and effect liability insurance insuring said permittee, its officers, agents and employees, as well as its subcontractors, their agents and employees, its lessees and tenant in the sum of at least one hundred thousand dollars (\$100,000.00) per person and three hundred

thousand dollars (\$300,000.00) per accident, and fifty thousand dollars (\$50,000.00) property damage, or in such additional damage, or in such additional sums as may be recommended by the city staff and to anyone who might be injured by reason of negligence or nonfeasance of said permittee or its subcontractors, or its agents, officers or employees, or its tenants or lessees in the operation of said helistop or helicopters to and therefrom.

i. The special permit for a public helistop shall be on the condition that adequate provision be made to control the access of the public to the helistop and on the further condition that appropriate provisions are provided for surface vehicle parking, the exact quantity and extent thereof to be specified in the permit.



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

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STAFF REPORT  
January 17, 2006

Honorable Members of the  
Law and Legislation Committee

**Subject:** Residential Rental Housing Inspection Program

**Location/Council District:** City Wide

**Recommendation:**

The Code Enforcement Department recommends that the Law and Legislation Committee review the three proposals pertaining to a residential rental housing inspection program and approve a proposal to forward to the full City Council.

**Contact:** Max B. Fernandez, Director, 808-7940

**Presenters:** Max B. Fernandez, Director

**Department:** Code Enforcement Department

**Division:** Housing and Dangerous Buildings

**Organization No:** 4653

**Summary:**

In response to the Law and Legislation Committee recommendation on December 6, 2005, staff has prepared three proposals for review on a proposed residential rental housing inspection program. The first option is a proposed ordinance prepared by staff for a residential rental housing permit program (Attachment A). The second option is an alternative ordinance reflecting the program proposed by the Rental Housing Association (Attachment B). The third proposal includes a pilot program that would not require an ordinance be adopted at this time. The pilot program would initially focus inspection efforts in areas of the city which reflect a combination of factors including, but not limited to, areas that show higher concentrations of housing and dangerous buildings cases, neighborhood code enforcement cases, rental properties, and police calls for service.

Cost estimates, proposed fees, and projected revenues are provided for each proposal. This report also includes a revised matrix comparing the components of the three proposals (Attachment C).

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**Committee/Commission Action:**

The Law and Legislation Committee was presented the initial staff report on the Residential Rental Housing Inspection Program on July 21, 2005. The committee recommended that additional outreach be facilitated through the Sacramento Mediation Center in order to receive greater input from interested parties and to provide another vehicle for the City to deliver more information on the proposed program. Since that time, five meetings have been facilitated by the Mediation Center in addition to three City-facilitated meetings and mail/e-mail outreach efforts. Attendees included representatives from the Human Rights and Fair Housing Commission, Legal Services of Northern California, Oak Park United Against Slumlords (OPUS), Sacramento Housing Alliance & Mutual Housing Association, Rental Housing Association, Sacramento Association of Realtors, the City Attorney's Office, and the Code Enforcement Department.

On November 15, 2005, the Law and Legislation Committee was presented with a proposed Residential Rental Housing Permit Program Ordinance. This draft ordinance was based on input from stakeholders and included compromises from the parties involved. The Law and Legislation Committee then directed staff to return with an annotated ordinance with alternative language reflecting the program proposed by the Rental Housing Association (RHA).

On December 6, 2005, staff returned to the Law and Legislation Committee with the draft ordinance that was first presented at the November 15<sup>th</sup> meeting and an annotated ordinance that included language based on the RHA proposal. Staff had also prepared a matrix summarizing the comparisons between the original staff proposal, the RHA proposal, and the draft ordinance. After discussion and testimony at the December 6<sup>th</sup> meeting, the Law and Legislation Committee directed staff to return with the original draft ordinance, an alternative ordinance prepared by RHA, and a concept for a third proposal involving a pilot program to proactively inspect problem rental property on a priority basis.

**Background Information:**

On July 27, 2004, the Sacramento Housing and Redevelopment Commission's Task Force recommended to the Sacramento City Council that a housing inspection program be established in the City of Sacramento in order to improve the residential rental housing stock by bringing substandard rental properties into compliance with health and safety standards and codes. Code Enforcement may also act as an effective tool in decreasing the incidence of equity-stripping practices through a proactive inspection program that identifies code violations needing correction and taking the appropriate legal action, such as notice and orders, administrative penalties, recording liens, etc.

The City Council directed Code Enforcement staff to research and develop a residential housing permit program upon the recommendation made in 2004 by the Sacramento Housing and Redevelopment Commission. Such a program would promote greater compliance with health and safety standards and thereby reduce substandard conditions in the City's rental housing stock.

From May 2005 through September 2005, the Code Enforcement Department conducted several stakeholder meetings coordinated by the Sacramento Mediation Center. The stakeholder group included representatives from the Rental Housing Association, Human Rights and Fair Housing Commission, Sacramento Housing Alliance & Mutual Housing Association, and OPUS, as well as City staff. Together, the stakeholder group reviewed and discussed a draft rental inspection ordinance proposed by staff. The compromises and discussions generated a revised ordinance that was presented to the Law and Legislation Committee on November 15, 2005. On that date, the Rental Housing Association (RHA) expressed concerns with the draft ordinance, particularly in the areas of mandatory inspections for all properties and the increased costs to the property owners. In response, the Law and Legislation Committee asked staff to prepare a version of the ordinance that contained alternate language based on RHA's requests. This alternate proposal was presented as part of the report to Law and Legislation on December 6, 2005. On that date, RHA asked for an opportunity to make revisions to the alternative proposal. The Law and Legislation Committee allowed them the opportunity to do so and on December 21, 2005, RHA presented a new alternative ordinance that is attached to this report (Attachment B). A detailed comparison of the two ordinance proposals is shown in Attachment C.

Based on comments and recommendations from the Law and Legislation Committee on December 6, 2005, staff is also presenting a proposed pilot program for residential rental housing inspections.

#### *Residential Rental Housing Inspections – Pilot Program*

A pilot program for residential rental inspections would involve staff dedicated to proactive inspections of rental properties in focused problem areas. Two (2.0 full time equivalent, FTE) building inspectors and one (1.0 FTE) clerical support staff are required for implementation of the pilot program.

Key features of the proposed pilot program:

- No fee would be charged to property owners.
- Program would generate revenue to cover the cost of the program.
- Program can be implemented relatively quickly.
- Does not require an ordinance. Program can be implemented under existing authority.
- The pilot program would allow staff to evaluate the program, track the progress of a proactive residential rental inspection program, and report back with findings and further recommendations.
- Initial inspection areas may be identified by mapping a combination of housing and dangerous buildings cases, neighborhood code enforcement cases, rental properties, police calls for service, fire calls for service, and animal control calls for service.

Staff would evaluate the program and report back to the City Council six months after implementation of the pilot. If there are significant impacts to workload, staff may return with a recommendation for additional staffing and resources. Under the pilot program, no fees would be applied to property owners related to the initial inspections. However,

if the initial inspection results in a code violation, the property will be entered into the system and a case opened. At that point, the property will be processed as a housing and dangerous buildings case under existing procedures.

The pilot program would achieve results in a relatively short amount of time. In addition, as part of this program, Code Enforcement could team with the Fire Department to identify substandard conditions in apartment buildings that are currently inspected by the Fire Department under their existing inspection program. For additional impact, the pilot could include components such as the registration of all rental property owners and/or the training of property owners. However, these requirements would require the adoption of a new ordinance.

Registration would involve contacting all known rental property owners and requiring that they complete a form updating our records for owner contact information and verification of the number of rental units they own. This module for the registration component would cost an estimated \$303,000 to cover staff time and materials on an annual basis. For full cost recovery, the annual fee would be approximately \$4.00 per unit.

If training is required for all property owners, it is estimated to cost \$166,000 for this component. Training may include topics such as property management, maintenance, tenant screening, and property maintenance. For full cost recovery, the estimated cost is \$2.20 per unit.

### **Financial Considerations:**

It is estimated that there are 75,000+ residential rental units in the city of Sacramento. Due to the variance of the three proposals (see Attachment C), the number of units and program costs, inspections, and administrative work vary. Full program cost recovery is based on fees for services provided.

The estimated cost for implementation of the proposed ordinance prepared by staff (Attachment A) is \$1,632,000, which includes 14.0 FTE positions. For full cost recovery, an annual fee of \$21.75 per unit is estimated.

The estimated cost for implementation of the alternative ordinance prepared by RHA is \$694,000, which includes 6.0 FTE positions. For full cost recovery, an annual fee of \$9.25 per unit is estimated.

The cost to implement the pilot program is estimated at \$350,000 annually. This includes 3.0 FTE (two building inspectors and one clerical support staff) and services and supplies. The cost of the program would be offset by revenue generated from the inspection activity. After implementation, the pilot program would be evaluated relative to workload impact, revenue generated, and other factors. Staff would return to the City Council with further recommendations for additional staffing, if necessary.

**Environmental Considerations:**

This report is not considered a project and therefore has no potential for an effect on the environment as stated by the provisions of the California Environmental Quality Act (Section 15061 (b) (3)).

**Policy Considerations:**

This report is consistent with policies associated with the City's mission to protect, preserve, and enhance the quality of life for present and future generations. A proactive residential rental inspection program would have significant impact in the preservation of current and future residential rental housing properties in the City of Sacramento. Such a program, encouraging compliance with building and safety codes in Sacramento's residential rental housing stock, will help to realize the City's vision to be the most livable city in America.

**Emerging Small Business Development (ESBD):**

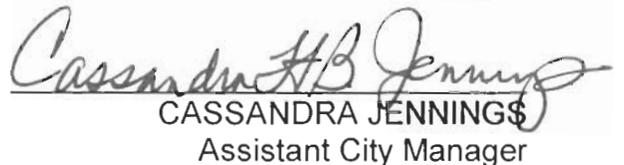
Not applicable.

Respectfully Submitted by:



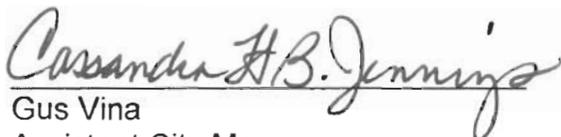
MAX B. FERNANDEZ  
Code Enforcement Director

Approved by:



CASSANDRA JENNINGS  
Assistant City Manager

Recommendation Approved:



Gus Vina  
Assistant City Manager

Table of Contents:

Pgs	1-5	Report
Pgs	6-18	Attachment A – Proposed ordinance prepared by staff
Pgs	19-38	Attachment B – Proposed ordinance based on RHA's proposal
Pgs	39-46	Attachment C – Comparison of proposals

**ORDINANCE NO.  
ADOPTED BY THE SACRAMENTO CITY COUNCIL**

**ON DATE OF \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 8 BY ADDING  
CHAPTER 8.116 TO THE SACRAMENTO CITY CODE  
ESTABLISHING A RESIDENTIAL RENTAL HOUSING  
PROGRAM**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.**

The Sacramento City Code is hereby amended by adding Chapter 8.116 to read as follows:

**Chapter 8.116**

**RESIDENTIAL RENTAL HOUSING PERMIT PROGRAM**

- 8.116.010 Purpose and Findings**
- 8.116.020 Scope**
- 8.116.030 Definitions**
- 8.116.040 Administration and Enforcement**
- 8.116.050 Landlord Training required**
- 8.116.060 Residential Rental Housing Permit Program; Application; Renewal**
- 8.116.070 Inspection procedures; Notification**
- 8.116.080 Entry**
- 8.116.090 Notice of Corrections**
- 8.116.100 Issuance of Residential Rental Housing Permit**
- 8.116.110 Transfer of Permits**
- 8.116.120 Self Certification of rental units; Eligibility**
- 8.116.130 Denial of Permit; Notice**
- 8.116.140 Revocation of Permit; Notice**
- 8.116.150 Relocation of Tenants; Retaliation against tenants prohibited**
- 8.116.160 Appeals/Administrative Hearing**
- 8.116.170 Effect of Failure to Appeal**

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

**8.116.180 Conduct of Appeal Hearing**  
**8.116.190 Violations and Penalties**

**8.116.010 Purpose and Findings.**

The City Council of the City of Sacramento recognizes that the preservation of existing housing stock is of tremendous importance. Residential 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.

There are more than 75,000 residential rental units within the City of Sacramento, which is approximately half of all residential housing units in the City. It is the intent of the Sacramento City Council to establish a program whereby all residential rental housing units must be certified as meeting minimum housing codes and standards to ensure that all persons who live in rental housing units are provided decent, safe and sanitary housing. Only residential rental units that are permitted by the City may be offered for rent. Similarly, residential rental units that fall below the minimum standards may have their permit revoked or face significant penalties. It is the intent to inspect all residential rental units over time to prevent blight and provide for the health and safety of those dwelling in rental housing and to prevent further deterioration of the City's rental housing inventory.

The Residential Rental Housing Permit Program will be funded by certain fees for inspections and permits, with the fees designed only to offset the costs associated with the program.

**8.116.020 Scope**

The City of Sacramento hereby institutes a systematic Residential Rental Housing Permit code enforcement program that will ensure that all residential rental units are inspected to ensure that they meet all applicable minimum health and safety codes as established by this Code. This program requires that all property owners of residential rental units submit to a mandatory inspection of their rental units every four (4) years and pay a permit fee as set by resolution of the City Council.

The provisions of this chapter shall apply to all buildings or portions thereof used as residential rental units. The provisions of this chapter shall also apply to areas, which are traditionally associated with residential rental buildings, including, but not limited to, parking lots, driveways, landscaping, accessory structures, fences, walls, and other

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DATE ADOPTED: \_\_\_\_\_

common resident areas. Occupancy of an existing building may be continued as provided in Chapter 34 of the Uniform Building Code, except such structures as are found to be substandard as defined in this chapter or dangerous as defined in Chapter 8.96 of this title. The provisions of this Chapter shall not apply to Hotels, Motels or Bed and Breakfasts.

This chapter will not apply to newly constructed residential rental units for a period of three (3) years from date of original construction of those units, as listed in the records of the Sacramento County Assessor.

**8.116.030 Definitions.**

For the purpose of this chapter, the following terms, phrases and words shall have the meanings given herein. Unless otherwise expressly stated, words not defined herein shall be given their common and ordinary meaning.

*Amnesty period* means that period of time between the date upon which this ordinance is effective and the date which a final decision is made by the Director regarding the issuance of an initial Residential Rental Housing Permit. Only one amnesty period shall apply per residential rental dwelling unit.

*Approved* means performed in a manner and/or with materials consistent with the California State Building Code in effect at the time of construction or substantial renovation unless otherwise provided herein.

*Director* means the Director of Code Enforcement or his/her designee.

*Enforcement officer* means any person authorized by the Director of Code Enforcement to conduct rental-housing inspections enforcement of one or more of the provisions of this Ordinance.

*Hearing Officer* means an impartial hearing officer appointed by resolution the City Council. Said hearing officer shall not be a city employee.

*Inspection cycle* means a four-year inspection conducted for the purposes of certifying a residential rental unit.

*Landlord training* means a course of training or classes, which are approved by the Director, and are taken every Inspection cycle by the owner of residential rental property, or a designated local contact representative. For the purposes of this program, the required training shall consist of topics related to the responsible management of rental property, proper tenant screening mechanisms, appropriate property maintenance

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practices, minimum health and safety standards for habitable dwelling units and all applicable city code requirements pertaining to operation and maintenance of rental housing.

*Local Contact Representative* means the responsible person that lives or works within Sacramento city limits and has been previously designated by the rental property owner to be fully authorized to respond to all requests from the City.

*Major violation* includes, but is not limited to lack of heat, faulty wiring, lack of hot water, raw and open sewage, evidence of vector infestation, structural failures, and other violations affecting the safe habitability of a residential dwelling unit.

*Owner or Property Owner* means the person in whom legal title to property is vested or their designated local contact representative.

*Out of town property owner* means an owner of rental property who lives more than ten miles from the city limits.

*Residential Rental Unit* means a habitable dwelling, intended for use and occupancy by persons who lease or rent the unit from the property owner for the purposes of using it as their residence.

*Residential Rental Housing Permit* means a permit issued upon inspection by the City of a residential rental unit, for the purposes of ensuring that the unit meets all applicable minimum health and safety codes as established by this Code, and that the unit may be offered for rent.

*Self Certification program* means the method by which the Director of Code Enforcement authorizes residential rental units to be self-inspected by their Owners for purposes of certifying that the unit meets all applicable minimum health and safety codes as established by this Code.

*Tenant* means any person who alone or jointly or severally with others occupies a dwelling under an oral or written lease or holds a legal tenancy in a dwelling.

**8.116.040 Administration and Enforcement**

- A. The Director of Code Enforcement is authorized and directed to administer and enforce all provisions of this chapter.

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

- B. Enforcement Independent of other City Code provisions. The authority of the City to enforce the provisions of this chapter is independent of and in addition to the authority of other City officials to enforce the provisions of any other chapter of the City code.
- C. Cooperation of Other Departments. Upon request of the Director, the Police Department and any other department of the City have authority to assist and cooperate with the Director in the performance of duties under this chapter.
- D. The City Manager is hereby authorized to establish such rules and regulations that are consistent with and necessary to administer this Residential Rental Housing Permit Program. The Rules and Regulations shall be effective upon adoption by the City Council. Each permittee shall receive a copy of the Rules and Regulations, and any updates thereto. A copy of the most current version of the Rules and Regulations shall be available at the Office of the City Clerk.
- E. The City Council hereby establishes an amnesty period which shall apply to every residential rental property owner and every residential rental unit from the date upon which this ordinance is effective, to the date upon which the Director either grants or denies the initial Residential Rental Housing Permit for the unit.

**8.116.050 Landlord Training Required**

Owners, or their local contact representative, are required to complete eight (8) hours of Landlord training per inspection cycle. The Director shall approve the training. Written proof of this training shall be submitted to the Director at the time an application for a permit, or renewal of a permit application, is filed.

**8.116.060 Residential Rental Housing Permit Program; Application; Renewal**

- A. A Residential Rental Housing Permit shall be required for all residential rental units, as defined in section 8.116.030. These same provisions shall also apply to any renewals of the permit.
- B. Each Residential Rental Housing Permit is valid for a term of four (4) years from the date of issuance, unless earlier revoked by the City for non-compliance with the provisions of this Code.
- C. An application for a Residential Rental Housing Permit shall be filed with the Code Enforcement Department within ninety (90) days of written notification by the City to the property owner or local contact representative. The Application shall contain all of the following information:

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ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

1. Property owner information: The property owner shall provide and maintain a current working local telephone number and current local address. Private or public post office boxes addresses are not acceptable to meet this requirement.
2. A complete description of each residential rental unit to be permitted.
3. If the owner is an Out of Town Property owner, the owner shall provide the name, address, and phone number of a local contact representative on the application. The local contact representative shall maintain a current working local telephone number and current local residence or business address, not a public or private post office box, within the City limits so as to enable quick response in an emergency. The local contact representative shall have full authority to act in the place of the Out of Town Property owner, including acceptance of service of all notices from the City.
4. Such other information as required under the Rules and Regulations for the Residential Rental Housing Permit Program.
5. Proof of completion of required landlord training program or proof that the applicant has scheduled the training. Said training shall be completed before a RHHP will be issued.
6. Payment of the Permit or renewal fee, as set by the City Council.
7. For residential rental housing units that are inspected by another public agency or public housing agency, records documenting the inspection on the unit shall be submitted with the application.

**8.116.070 Inspection Procedure; Notification**

A. With the exception of residential rental housing units that are inspected by another public agency or public housing agency, upon completion of the application and registration form, an inspection date shall be set by the City. Property owners, or designated local contact representatives shall be notified by first class mail to the address provided in the application form. Such notification shall give a minimum of fourteen (14) days' notice.

A copy of the inspection notice shall also be sent by the City to the occupants of the unit(s) to be inspected; however, it shall be the responsibility of the owner to make arrangements to ensure access to the rental dwelling units to be inspected on the dates set.

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DATE ADOPTED: \_\_\_\_\_

B. For inspections involving multiple units at one location, all common areas of the rental property and a random sampling of the interiors of such units will be inspected as follows:

- (1) 1 to 5 units: all units
- (2) 6 – 15 units: inspect 5 units plus 20% of the units above 6;
- (3) 16-49 units: inspect 8 units plus 10% of the units above 16;
- (4) 50 or more units at one location: inspect 12 units plus 5% of the units above 50.

If the enforcement officer finds one or more major violations in any of the units inspected, the enforcement officer may ask to see additional units up to a total of one hundred percent (100%) of the units.

C. The property owner, or previously designated local contact representative, and tenant may attend the inspection.

**8.116.080 Entry**

The enforcement officers, after having obtained consent of the owner and/or occupant, may enter any rental dwelling unit at scheduled times to perform any inspection required by this code. In the event such consent is not forthcoming, entry may be made pursuant to administrative inspection warrant procedures set forth in the Civil Code.

**8.116.090 Notice of Corrections**

- A. Notice of Correction. During the course of the permit inspection, whenever the Enforcement Officer determines that a violation exists, the enforcement Officer shall provide a notice of corrections itemizing the corrections required, thereby providing the applicant with an opportunity to meet the minimum housing standards and obtain permit for the unit.
- B. Time for Correction. The notice shall provide a date for completion of the corrections and scheduled reinspection date. Re-inspections will be conducted to verify that the violations identified on the Notice of Corrections have been completed.
- C. Failure to repair violations within the time set forth in the Notice of Corrections will result in a denial of the Residential Rental Housing Permit for the unit(s) affected.
- D. Nothing in this chapter shall prevent the City from taking action to enforce existing code provisions related to dangerous or uninhabitable buildings or portions of

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buildings, and the City retains the ability to take all appropriate action as authorized by this Code. Said enforcement action includes the ability to assess costs against the property owner for required abatement action or order of relocation requiring the property owner to pay the costs of relocating the tenants, in accordance with existing provisions regarding relocation of tenants, as provided in this Code.

**8.116.100 Issuance of Residential Rental Housing Permit.**

After the completion of the required inspection of a rental dwelling unit, if no violations of applicable codes exist, or if all items noted on the Notice of Corrections have been addressed, a Residential Rental Housing Permit shall be issued by the Director and shall be valid for a period of four (4) years from the date of issue, unless sooner revoked in accordance with the provisions set forth in this chapter.

The Permit shall state its date of issue, the common street address of the residential rental housing unit for which it is issued, and the name of the property owner to whom it is issued. The property owner or local contact representative shall retain the permit in such a location so as to be able to display the same at the request of any enforcement officer, peace officer or upon request of an occupant, a prospective occupant or the representative of such a person.

**8.116.110 Transfer of Permits.**

A Residential Rental Housing Permit may be transferred only upon approval of the Director. Within thirty (30) days of acquiring title to the property, a subsequent owner must submit an Application to the Director in accordance with the procedures set forth in sections 8.116.040 through 8.116.160. Said transfer application shall also be accompanied by payment of a transfer fee as established by resolution of the City Council. A denial of a permit transfer by the Director may be appealed in accordance with the appeal provisions set forth in this chapter.

**8.116.120 Self Certification of rental units; Eligibility.**

A. Well maintained properties that were in full compliance with their initial four-year Residential Rental Housing Permit may qualify to participate in the City's Self Certification program. Eligibility for participation in the program requires the following:

1. Completion of a self-certification application, on a form approved by the Director;
2. Proof of completion of the required Landlord training, as set forth in section 8.116.050.

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B. Upon receipt of the Application, the Director shall enroll the property in the Self-certification program if the Director determines the following conditions exist:

1. The existing Residential Rental Housing permit remains in good standing and no enforcement action or revocation proceedings have been taken.
2. No new or existing code enforcement cases have been opened by the Code Enforcement Department against the property.
3. The property owner is current on payment of all applicable fees.
4. The property owner is current on all applicable business license tax.

C. Denial of the request for enrollment in the self-certification program may be appealed in accordance with the provisions set forth in section 8.116.160 of this chapter.

D. In the event a property enrolled in the self-certification program fails to comply with the provisions set forth in sub section (B) above, the Director may revoke the property's self-certification status, and the property shall revert to being inspected by city enforcement officers, in accordance with section 8.116.070. The decision of the Director to revoke the self-certification status of a property is final.

**8.116.130 Denial of Permit; Notice.**

In the event an application for a Residential Rental Housing Permit is denied by the Director, a Notice of Denial shall be issued setting forth the reasons for the denial, including reference to applicable Code sections which were may have been violated.

A permit denial may be appealed in accordance with the appeal procedures contained in section 8.116.160 below. A Notice of Denial for a property does not preclude submission of subsequent Residential Rental Housing Permit application for that same property.

**8.116.140 Revocation of Permit; Notice**

In addition to the enforcement proceedings described in section 8.116.190, failure to comply with every provision contained related to minimum health and safety standards for residential housing in this Code shall be considered just cause for the revocation of an existing Residential Rental Housing Permit in accordance with the procedures set forth in this chapter.

In the event the Director proposes to revoke a Residential Rental Housing Permit, written notice of the proposed revocation shall be personally delivered or sent by

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certified mail to the Property owner at least fourteen (14) calendar days prior to the date of the proposed revocation. The notice shall contain:

1. A brief statement on the specific grounds for the revocation;
2. A statement that the permittee may appeal the proposed revocation by submitting an appeal, in writing to the Director, within ten (10) calendar days of the date of service of the notice;
3. A statement that the failure to appeal the notice of revocation will constitute a waiver of all right to an appeal hearing, and the revocation will be final.

**8.116.150 Relocation of Tenants; Retaliation against tenants prohibited**

In addition to any other remedies available by law, property owners who are found to be in violation of this Chapter, may be required to relocate their tenants in accordance with the provisions contained in section 8.100.920.

Retaliatory action against tenants is prohibited pursuant to the provisions set forth under state law.

**8.116.160 Appeals/Administrative Hearing**

A. Form of Appeal. Any person having any record title or legal interest in the residential rental unit(s) that is the subject of a permit denial, a revocation notice or a denial of self certification status, may file an appeal from such action.

B. An appeal shall be filed with the Director within ten (10) days of receipt of the Notice of Denial, Notice of Intent to Revoke, or Denial of self-certification status, and shall contain the following information:

1. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
2. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside;
3. The signatures of all parties named as appellants and their official mailing addresses;

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4. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

C. Processing of Appeal. Upon receipt of any appeal filed and the appeal fee pursuant to this section, the Director shall transmit said appeal to the secretary of the Hearing Officer who shall calendar it for hearing.

D. Noticing Appeal for Hearing. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the secretary of the hearing officer either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal.

E. Appeal Fee. The Director may collect and require an appeal fee to be paid at the time the written appeal notice is filed pursuant to this section. The appeal fee shall be set by resolution of the City Council. The fee shall be calculated to recover the total city costs incurred in the appeal including, but not limited to, staff time to process and handle the appeal, housing board compensation, preparation and service of notices and staff appearance at the appeal hearing. No appeal shall proceed without payment of the fee at the time the appeal is filed.

**8.116.170 Effect of Failure to Appeal**

Failure of any person to file a timely appeal in accordance with the provisions of this chapter shall constitute a waiver of the right to an administrative hearing and a final adjudication of the Notice of Denial of Permit, Notice of Revocation of Permit, or Notice of Denial of Self-Certification status, or any portion thereof.

**8.116.180 Conduct of Appeal Hearing.**

A. The appeal hearing shall be conducted by the Hearing Officer. The property owner may have the assistance of counsel and shall have the right to present evidence.

B. Failure to properly file a written appeal from the Notice of Denial of Permit, Notice of Revocation of Permit or Notice of Denial of Self-Certification status within ten (10) calendar days of the date of service of the notice will constitute a waiver of all right to an appeal hearing, and the Denial or Revocation will be final.

C. If the Property owner files a proper appeal and then fails to appear at the hearing, or have a representative appear, the appeal is abandoned, and the decision of the Director is final and may not be further appealed. Failure to appear at the hearing constitutes a waiver of all right to an appeal hearing and shall also constitute a failure

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to exhaust administrative remedies and a bar to any judicial action pertaining to the Hearing Officer's decision.

D. Written notice of the decision of the Hearing Officer shall be given to the Property owner within ten (10) working days following the hearing by personal delivery thereof or deposit of such notice in the U.S. Mail, postage prepaid.

**8.116.190 Violations and Penalties**

A. It is unlawful, and a misdemeanor for any person to engage in the business of providing residential rental property that has not been issued a Residential Rental Housing Permit pursuant to this chapter. Failure to apply for, obtain, and maintain a Residential Rental Housing Permit for each active residential rental housing unit, shall subject the violator to enforcement proceedings and penalties as set forth in this code, in addition to any other remedies available by law.

B. It is unlawful and a misdemeanor for any person to engage in the business of providing, or offering for rent or lease, residential rental housing without first having complied with every mandatory provision set forth herein, including, but not limited to completion of the mandatory landlord training.

C. In addition to any other remedy available by law, violation of the provisions in this chapter may subject the property owner to a revocation of the RHHP for the affected unit(s) in accordance with section 8.116.140.

**SECTION 2: SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Chapter or any part thereof is for any reason to be held unconstitutional or invalid or ineffective by any court of competent jurisdiction, which decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The City Council hereby declares that it would have passed section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that anyone or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

DATE PASSED FOR PUBLICATION:  
DATE ENACTED:  
DATE EFFECTIVE:

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DATE ADOPTED: \_\_\_\_\_

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

AYES:

NAYS:

ABSENT:

APPROVED:

\_\_\_\_\_

ATTEST:

\_\_\_\_\_

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

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MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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DATE ADOPTED: \_\_\_\_\_

*CONFIDENTIAL DRAFT  
Not for Public Distribution*



# **Residential Rental Property Registration and Inspection Program**

*Ordinance Language Proposed by RHA as an Alternative to the  
City of Sacramento Mandatory Inspection Proposal*

12/21/05

**AN ORDINANCE AMENDING TITLE 3 BY REPEALING CHAPTER 3.08.200 (A)  
AND AMENDING TITLE 8 BY ADDING CHAPTER 8.116 TO THE  
SACRAMENTO CITY CODE ESTABLISHING A RESIDENTIAL RENTAL  
PROPERTY REGISTRATION AND INSPECTION PROGRAM**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1**

The Sacramento City Code is hereby amended by repealing Chapter 3.08.200 (A), the City of Sacramento Business Operations Tax titled “Rental of Residential Rental Property” relating to residential rental property.

**Chapter 3.08.200 Housing and shelter**

~~A.—Rental of Residential Real Property. Every person engaging in the business of offering residential real property for rental shall pay an annual business operations tax of twenty-five dollars (\$25.00) plus one dollar and seventy-five cents (\$1.75) for each rental unit in excess of four units. Any person with fewer than four units is exempt from payment of the business operations tax. The maximum annual tax payable by any person is five thousand dollars (\$5,000.00).~~

## **SECTION 2**

The Sacramento City Code is hereby amended by adding Chapter 8.116 to read as follows:

### **RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION PROGRAM**

- 8.116.010 Findings**
- 8.116.020 Purpose**
- 8.116.030 Scope**
- 8.116.040 Definitions**
- 8.116.050 Administration and Enforcement**
- 8.116.060 Residential Rental Property Registration Requirement**
- 8.116.070 Residential Rental Property Inspection Requirement**
- 8.116.080 Tenant Information Requirement**
- 8.116.090 Residential Rental Property Management Education Requirement**
- 8.116.100 Compliance Audit**
- 8.116.110 City of Sacramento Mandatory Residential Rental Property Inspection Program**
- 8.116.120 Code Enforcement Advisory Committee**
- 8.116.130 Fees**
- 8.116.140 Violations and Penalties**
- 8.116.150 Appeals**
- 8.116.160 Severability**
- 8.116.170 Effective Date**

#### **8.116.010 Findings**

Residential rental properties provide essential housing for many residents of Sacramento. The City of Sacramento recognizes the importance of preserving both the quantity and quality of rental housing.

City of Sacramento staff estimates that there are approximately 75,000 residential rental units within the city limits. However, accurate data regarding the actual number of residential rental properties and types of rental units is not available. Furthermore, in cases of an emergency at a rental property, such as a fire or another serious health and safety matter, appropriate City personnel must have access to emergency contact information to reach a responsible party. Therefore, the City has an interest in determining the actual number and types of residential rental units and obtaining certain information from rental property owners and their agents for use in cases of an emergency.

The management of rental property has evolved into a more complicated business, which requires knowledge of existing laws and regulations that change frequently. Inadequate training of rental owners and property managers may lead to problems at rental properties, especially regarding the maintenance of rental properties. Therefore, rental owners and property managers should receive sufficient education about rental property maintenance.

Renters often do not understand their rights and responsibilities regarding rental housing or how to exercise their rights, such as contacting the code enforcement department to report a problem. Furthermore, renters have a right to privacy that should be recognized and protected. Therefore, renters should receive general information about their rights and responsibilities, including who to contact in response to a problem.

Performing regular rental property inspections is a standard practice in the rental housing industry. Such inspections should be conducted of every rental unit and documented in writing by rental owners, property managers or professional contractors at the beginning, during and at the end of every tenancy. These inspections benefit renters by documenting the condition of rental units at the beginning and the end of the tenancy for the purpose of determining the disposition of the renters' security deposit. In addition, such inspections benefit rental owners and property managers by identifying items that may need to be repaired or replaced to ensure proper maintenance of the rental units. The failure of rental owners and property managers to conduct regular inspections often results in security deposit disputes and property maintenance problems. Therefore, the City should require that regular inspections be conducted of every rental unit.

The City recognizes that the overwhelming majority of residential rental property owners and property managers manage their properties in full compliance with existing laws and industry standards. However, a small percentage of residential rental property owners and managers allow their properties to decline into a substandard condition. The City's complaint-based code enforcement program is a reasonable and effective means of resolving property maintenance problems. However, to ensure that all properties are in full compliance with a new inspection requirement, the City of Sacramento should be able to conduct compliance audits.

The City further recognizes that a small percentage of rental properties, perhaps only three percent of the total rental housing stock, have serious health and safety violations. While the percentage of substandard rental properties is small, the damage these properties cause is significant by the deterioration of surrounding neighborhoods. The City believes that efforts focusing on the small percentage of rental properties with serious code violations would improve the overall quality of rental property maintenance. Therefore, a mandatory rental inspection of those substandard rental units by trained City staff may improve the overall quality of rental housing in the city.

An effective partnership with various stakeholders such as the rental housing industry, rental housing advocates, city agencies and elected officials is critical to the success of this program. The City should support the establishment of an advisory committee, comprised of these stakeholders, to review and evaluate the effectiveness of the new registration and inspection program, including the collection of residential rental property data and the costs associated with the administration of the program.

### **8.116.20 Purpose**

The overall purpose of the Residential Rental Property Registration and Inspection Program is to improve the quality of residential rental housing in the City of Sacramento by enacting the following requirements:

Registration of every rental unit to ensure that a responsible party can be reached in the case of an emergency or housing code violation that substantially adversely affects life, limb, health, property, safety, or welfare of the public or the occupants.

Education of tenants, rental owners and property managers to ensure that adequate information and education is available;

Mandatory residential rental inspections at the beginning, during and at the end of every tenancy by the rental property owner, property manager or qualified individual;

Random annual audits of no more than five percent of all residential rental properties with Sacramento City limits to ensure compliance with the program;

Mandatory residential rental inspections by City staff may be conducted of rental units with conditions that substantially endanger the life, limb, health, property, safety, or welfare of the public or the tenants to ensure aggressive and timely closure of these cases; and

Creation of an advisory committee to review and evaluate the effectiveness and the costs of the program.

### **8.116.030 Scope**

The provisions of this chapter shall apply to all buildings or portions thereof used as residential rental units. The provisions of this chapter shall not apply to the following:

- Owner-occupied units;
- Housing accommodations in hotels, motels, inns or bed and breakfast establishments;
- Mobile homes or mobile home parks;
- Vacant units;
- Housing accommodations in any hospital or state licensed community care facility;
- On-campus housing accommodations owned, operated or managed by an institution of higher education;
- Any residential property that has been purchased and becomes owner-occupied within six months.

### **8.116.040 Definitions**

*City* means the City of Sacramento.

*Director* means the Director of Code Enforcement for the City of Sacramento.

*Hearing Officer* means the Administrative Hearing Officer as appointed by the City of Sacramento.

*Inspection* means the act of examining areas within the exterior and interior of a residential rental unit for purposes of identifying compliance with state and local housing codes and regulations.

*Residential Rental Property* means the parcel of land upon which a residential rental unit is located. A residential rental property does not mean the individuals units located on the parcel.

*Residential Rental Unit* means a unit within a dwelling rented for consideration in the City of Sacramento.

*Residential Rental Property Owner* means the owners of record as show on the last assessment roll.

*Tenant* means the occupant, other than the owner, of the residential rental unit.

**8.116.50 Administration and Enforcement**

The Director is authorized to administer all applicable provisions of this chapter.

The City Manager is hereby directed to establish rules and regulations that are consistent with and necessary to administer this chapter. Each residential rental property owner shall receive a copy of the rules and regulations and any updates thereto. A copy of the most current version of the rules and regulations shall be available at the Office of the City Clerk and posted on the City web site.

**8.116.060 Residential Rental Property Registration Requirement**

Property Required to Register

Every residential rental property located within the unincorporated boundaries of the City of Sacramento shall be registered.

Registration Information Required

Registration means providing the following information to the City:

- Name of at least one property title owner;

- Property address or addresses;
- Type of dwelling (i.e. single-family, duplex, apartment community)
- Number of residential rental units at each address listed;
- Number of buildings at each address listed;
- Facsimile number;
- Name and mailing address of at least one property title owner;
- Name, business name (if any), address and phone number to contact in case of emergency or for purposes of some necessary action by code enforcement or law enforcement.

Frequency of Registration

Every residential rental property within the City of Sacramento shall be registered annually.

Change of Registration Information

Notification of any change to the information to be contained in the registration form, such as a transfer of ownership or change in emergency contact information, shall be required and submitted to the City in writing within sixty (60) calendar days of such change. The information notifying the City of such change shall be in writing or submitted on a form provided by the City.

Use of Registration Information

For purposes of this chapter, all information contained on the registration form shall be used only by government code enforcement or law enforcement agencies and only for legitimate reasons related to the physical condition of the property.

Other than specifically defined herein, the information contained in the registration form shall not be used for public dissemination.

**8.116.070 Residential Rental Property Inspection Requirement**

Units Inspected

Every residential rental unit within the City of Sacramento shall be inspected.

Individual Conducting Inspection

For purposes of this section, inspections shall be performed by a qualified individual, including, but not limited to, any of the following:

- owner of a residential rental property;
- property manager of an owner of a residential rental property;
- employee of an owner of a residential rental property;
- agent of an owner of a residential rental property;
- public housing authority representative;
- licensed general contractor;
- residential real estate broker or real estate agent;
- licensed residential rental property manager;
- City of Sacramento Code Enforcement Inspector; or
- any other individual who has satisfied the residential rental property management education requirement as set forth in Section 8.116.090.

For purposes of this section, a qualified individual means a person who has satisfied the residential rental property management education requirement as set forth in Section 8.116.090.

#### Areas Inspected

For purposes of this section, an inspection shall be conducted of the interior and exterior of every residential rental unit.

If the qualified individual is unable to conduct an interior inspection of the unit for reasons including, but not limited to:

- refusal of entry by the tenant;
- failure by the tenant to be present, unless written authorization was provided by the tenant; or
- other good cause,

then the individual performing the inspection shall identify the reason(s) on the inspection document and shall at a minimum conduct an exterior inspection of the unit consisting of those areas which may be observed from any common area and/or public right of way.

### Frequency of Inspections

For purposes of this section, every residential rental unit shall be inspected prior to, at, or within ten (10) calendar days after the inception of every tenancy and at least once annually thereafter.

### Inspection Documentation

Required inspections shall be documented in writing.

After consultation with representatives of the local rental housing trade association, the City shall develop and publish a list of items that must be inspected to comply with provisions of this Chapter.

Upon completion of the inspection, the inspection document shall be signed and dated by the qualified individual performing the inspection.

A signed copy of the inspection document shall be provided to a current tenant of the residential rental unit within ten (10) calendar days from the date the inspection was completed.

## **8.116.080 Tenant Information Requirement**

### Tenant Information

Every residential rental property owner, property manager or agent of owner, shall provide information to at least one tenant who is lawfully occupying a residential rental unit.

### Frequency of Distribution

The residential rental property owner, property manager or agent of owner shall provide the information at or within ten (10) calendar days after the inception of every tenancy and annually thereafter.

### Content of Information

The information shall include the following:

- general rights and responsibilities of tenants;
- the importance of residential rental inspections;
- existing habitability standards;
- restrictions on retaliation; and
- how to file a code enforcement complaint with the City.

## **8.116.090 Residential Rental Property Management Education Requirement**

### Residential Rental Property Management Education

An individual who is responsible for performing the residential rental inspection requirement under Section 8.116.070 shall complete rental property management education prior to performing an inspection as set forth in this Chapter.

### Education Content

The education program shall include, but is not limited to, the following:

- the rights and responsibilities of residential rental property owners, property managers, agents of owners and tenants;
- proper procedures for conducting interior and exterior rental property inspections;
- rental property maintenance laws and regulations; and
- the code enforcement process.

### Qualifications of Instructor

The education program shall be taught by any of the following:

- a representative of a rental housing trade association;
- a licensed property manager;
- a broker;
- a real estate agent;
- an attorney with at least ten (10) years of substantial landlord/tenant litigation or teaching experience in landlord/tenant law; or
- a residential rental property owner

### Completion Certificate

Every individual who completes this education component shall obtain a Certificate of Completion indicating the provider of instruction and date of completion.

## **8.116.100 Compliance Audit**

### Compliance Audits Authorized

For purposes of ensuring compliance with this Chapter, the City may conduct compliance audits.

### Rental Properties Audited

The City may conduct a compliance audit of no more than five (5) percent of all residential rental properties in the City annually based upon a compliance audit schedule developed by the City in consultation with representatives of the local rental housing trade association.

### Implementation of Compliance Audit

The City shall not begin to perform compliance audits any sooner than one (1) year after the effective date of this ordinance.

### Selection of Rental Properties for Compliance Audit

The City shall select which residential rental properties shall be subject to a compliance audit.

Selection of residential rental properties shall be based upon objective criteria developed by the City.

Such criteria shall be weighted to provide for a greater likelihood of a compliance audit of any residential rental property that, within one year prior to the compliance audit, was subject to a previous City inspection and received a consequent Notice and Order to Correct a Violation, or received a high frequency of calls for service where a violation was confirmed.

A residential rental property shall not be subject to a compliance audit more than once during any two consecutive years unless a Notice and Order to Correct a Violation was issued by the City within the previous year.

### Items Subject to Compliance Audit

A Compliance Audit may include, but does not require, the following actions:

- a request to examine the inspection document;
- an interview with the tenant arranged by the City;
- proof of completion of the required training component as set forth in this chapter;
- proof of registration and payment of the Residential Rental Property Registration Fee;
- proof of distribution of the tenant information as set forth in this chapter;

- an inspection of the exterior of the residential rental unit;
- an inspection of the interior of the residential rental unit;

### Compliance Inspection

When necessary, a compliance inspection may be performed by the City only after one or more of the following has occurred:

- City obtains verification by a written document from the tenant lawfully occupying the unit subject to the compliance audit that an inspection was not performed as set forth in section 8.116.070.
- The City obtains verification by a written document from the tenant lawfully occupying the unit subject to the compliance audit that the tenant information was not distributed as set forth in section 8.116.080;
- The City obtains verification from the tenant lawfully occupying the unit subject to the compliance audit that the inspection document is inaccurate.
- The tenant does not communicate with the City after receiving notification of a compliance audit.
- The tenants report one or more serious violations by the property owner(s) to the City of the housing or code enforcement regulations.
- Residential rental property owner does not provide information requested by the City associated with the compliance audit.

### Notification of Compliance Inspection

The City shall provide written notification to the residential rental property owner or responsible party as identified on the registration form and to the tenant of the residential rental unit by first class mail prior to conducting a compliance inspection.

Such written notification shall give a minimum of thirty (30) calendar days notice prior to conducting a compliance inspection.

### Legal Entry

For purposes of conducting a compliance inspection, the City shall be responsible for obtaining legal entry to the residential rental unit including, but not limited to, proper notice to the residential rental property owner and to the tenant of the residential rental unit to be inspected and ensuring proper entry.

### Violations Discovered During Compliance Inspection

If, during the compliance inspection, the City discovers one or more violations of existing housing codes, the City shall document those items on an inspection document.

Any finding written on the inspection document shall not be conclusive or determinative for purposes of an unlawful detainer lawsuit.

### Minor Violations

Minor violations are those that would not substantially endanger the life, limb, health, property, safety, or welfare of the public or the tenants as set forth in Sacramento City Code Section 8.100.550. These shall be documented on the inspection form with the expectation that they be corrected within a reasonable time.

### Major Violations

Major violations are those that would substantially endanger the life, limb, health, property, safety, or welfare of the public or the tenants as set forth in Sacramento City Code Section 8.100.550. These violations shall be handled in the same manner as if the city has received a complaint and verified the complaint.

The city shall provide the residential rental owner a reasonable time to correct these violations and shall provide a date for completion and a time for re-inspection to ensure compliance. Failure to correct the violations within the time provided may subject the residential rental unit to participate in the City of Sacramento Mandatory Residential Rental Property Inspection Program.

## **8.116.110 City of Sacramento Mandatory Residential Rental Property Inspection Program**

### Units Inspected

Any residential rental unit subject to a Notice and Order to Correct a Violation may be inspected under the City of Sacramento Mandatory Residential Rental Property Inspection Program.

At the time and place of an inspection to verify a Notice and Order to Correct a Violation, the city inspector will, to the best of his or her ability, make a determination as to the cause or fault. If cause or fault of the violation, whether by commission or omission, was that of the tenant, the report shall clearly identify the tenant as such. In such a case, the residential rental owner is not required to participate in the City of Sacramento Mandatory Residential Rental Property Inspection Program.

Any finding written on the inspection document shall not be conclusive or determinative for purposes of an unlawful detainer lawsuit.

Every Notice and Order to Correct a Violation shall be issued in accordance with current City procedures, timelines and regulations including the issuance of a prior warning and a reasonable time for the residential rental property owner to correct the violation.

### Individual Conducting Inspection

For purposes of this section, the City shall perform the inspection.

### Areas Inspected

For purposes of this section, a mandatory inspection may be conducted of the interior and exterior of the residential rental unit subject to the Notice and Order to Correct a Violation.

If the City is unable to conduct an interior inspection of the unit for reasons including but not limited to:

- refusal of entry by the tenant;
- failure by the tenant to be present; or
- other good cause,

the City shall at least conduct an exterior inspection of the residential rental unit consisting of those areas which may be observed from any common area and right of way.

### Frequency of Inspections

The City shall inspect the residential rental unit subject to the Notice and Order to Correct a Violation at least once annually.

The unit shall be inspected until it has successfully passed an inspection.

For purposes of this section, a residential rental unit shall successfully pass inspection whenever the City does not identify a violation that substantially endangers the life, limb, health, property, safety, or welfare of the public or the tenants as set forth in Sacramento City Code Section 8.100.550.

### Inspection Document

The inspection shall be recorded using an inspection document.

Upon completion of the inspection, the inspection document shall be signed and dated by the City representative responsible for performing the inspection.

The City shall provide a signed copy of the inspection document to the residential rental owner and to the tenant within ten (10) calendar days from the date the inspection was completed.

#### Legal Entry

For purposes of conducting an interior inspection under this section, the City shall be responsible for obtaining legal entry to the residential rental unit including, but not limited to, proper notice to the residential rental property owner and tenant of the residential rental unit to be inspected and ensuring proper entry.

#### Owner or Agent of Owner Present During Inspection

Any owner and/or any authorized agent of the owner including the owner's authorized property manager or other person may be physically present and accompany the inspector during the inspection process.

#### Change in Ownership

If a change of ownership occurs to a residential rental unit subject to the City of Sacramento Mandatory Residential Rental Property Inspection Program, the new owner(s) shall continue to participate in the program until such time as the unit subject to the program successfully passes inspection.

#### Certificate of Compliance

The City shall send the residential rental property owner a certificate of compliance indicating that the unit(s) successfully passed the City of Sacramento Mandatory Residential Rental Property Inspection Program. The certificate shall be signed by the Director and contain the effective date of completion. The certificate shall be sent within ten (10) calendar days from the date of completion.

#### Additional Education

For purposes of this section, the City may require additional education for the individual who had primary management responsibility when the unit became subject to the City of Sacramento Mandatory Residential Rental Property Inspection Program.

This education requirement would be in addition to the education required under Section 8.116.090.

The City shall provide written notification to any person required to complete this education requirement by first class mail. Every person responsible for completing this education component shall complete the education within ninety (90) days of receiving written notification from the City.

#### Qualifications of Instructor

The education program shall be taught by any of the following:

- a representative of a rental housing trade association;
- a licensed property manager;
- a residential real estate broker;
- a residential real estate agent;
- an attorney with at least ten (10) years of substantial landlord/tenant litigation or teaching experience in landlord/tenant law; or
- a residential rental property owner

#### Time to Complete

The time to complete the education program shall be no more than fifteen (15) hours in length.

#### Education Content

The content of the education program shall include, but is not limited to:

- rights and responsibilities of rental owners, property managers and tenants;
- residential rental property maintenance;
- screening, selecting and moving in new tenants;
- providing service to tenants during the tenancy; and
- lawful means of ending the tenancy.

#### Completion Certificate

Every individual who completes this education component shall obtain a Certificate of Completion indicating the provider of instruction and date of completion.

### **8.116.120 Code Enforcement Advisory Committee**

#### Creation of Advisory Committee

The Sacramento City Council shall establish and appoint members to a Code Enforcement Advisory Committee within six (6) months of the effective date of this ordinance.

### Composition of Committee

The committee shall consist of no more than four (4) members including the following:

- a representative of the trade association representing the rental housing industry;
- an individual who is a renter or a representative of a renter organization;
- a representative of the City; and
- an individual who is a homeowner or a representative of a homeowners association.

### Meeting Frequency

The committee shall meet at least once annually.

### Committee Duties

The committee shall be responsible for the following:

- reviewing and analyzing the programs established by this ordinance;
- reviewing the actions and activities of code enforcement regarding the implementation and administration of the program;
- reviewing data regarding the number and type of housing code violations;
- reviewing the cost associated with the programs; and
- making recommendations to the City Council on ways to improve the program.

### Annual Report

City staff, with the advice and input of the committee, shall submit an annual report to the City Council on the Residential Rental Property Registration and Inspection Program.

### **8.116.130 Fees**

#### Annual Residential Rental Property Registration Fee

An annual Residential Rental Property Registration Fee shall be assessed on every residential rental property and paid to the City by the residential rental property owner(s).

The fee shall be set by a separate resolution of the City Council and shall not exceed the reasonable costs to administer the requirements for residential rental property registration,

residential rental property inspection, tenant information, residential rental property management education, and compliance audits.

City of Sacramento Mandatory Residential Rental Inspection Program Fee

All residential rental property owners who have a unit or units subject to the City of Sacramento Mandatory Residential Rental Property Inspection Program shall pay all fees associated with the program.

The fees shall be set by a separate resolution of the City Council and shall not exceed the reasonable costs to administer the City of Sacramento Mandatory Residential Rental Property Inspection Program.

For purposes of this section, once the residential rental unit has successfully passed the mandatory inspection, the residential rental owner shall not be required to pay further fees associated with the City of Sacramento Mandatory Residential Rental Property Inspection Program.

**8.116.140 Violations and Penalties**

Prohibited Acts

Any person who violates any provision of this Chapter or who fails to comply with any directive by the City shall be subject to the penalty provisions provided in this Chapter.

Notice of Violation

The City shall provide any person who has violated or failed to comply with any directive of this Chapter written notice of the alleged violations and a reasonable time to comply prior to imposing any penalties.

Specific Violations

Failure to comply with any of the following requirements shall constitute a violation of this Chapter:

- registering all residential rental dwellings within the applicable time allowed;
- paying the registration fee;
- providing the City with any changes, modifications or updates to the registration form;
- performing an inspection of every residential rental unit required under this Chapter;
- providing the resident information required under this Chapter;

- providing proof of compliance with the provisions of this Chapter when requested by the City pursuant to an audit.

### Penalties

#### *First violation*

Any person violating the provisions of this Chapter shall be subject to an administrative penalty.

The penalty shall be set by a separate resolution of the City Council.

#### *Second violation*

Any person violating the provisions of this Chapter shall be subject to an administrative penalty.

The penalty shall be set by a separate resolution of the City Council.

#### *Third and subsequent violations*

Any person violating the provisions of this Chapter shall be subject to an administrative penalty. The penalty shall be set by a separate resolution of the City Council.

Any person having three (3) violations of the provisions of this Chapter within any two (2) year calendar period also shall have his/her units subject to an audit under Section 8.116.080.

### **8.116.150 Appeals**

The City shall adopt and appeals process for purposes of this Chapter that is consistent with the existing process as set forth in Sacramento City Code Section 8.96.170.

#### Form of Appeal

Any person entitled to service under Sacramento City Code Section 8.96.130(C) or (D) may appeal from any notice and order or any action of the building official under this chapter by filing with the building official's office, a written appeal containing:

A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.

The signatures of all parties named as appellants, and their official mailing addresses.

A declaration under penalty of perjury of at least one appellant setting forth the truth of the matters stated in the appeal.

### Processing of Appeal

Upon receipt of any appeal filed and the appeal fee pursuant to this section, the building official shall transmit said appeal to the secretary of the housing board who shall calendar it for hearing as follows:

If the appeal is received by the building official not later than fifteen (15) days prior to the next regular meeting of the board, it shall be calendared for hearing at said meeting.

If the appeal is received by the building official on a date less than fifteen (15) days prior to the next regular meeting of the board, it shall be calendared for hearing at the next subsequent meeting of the board.

### Noticing Appeal for Hearing

Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, by certified mailing addressed to the appellant at his or her address shown on the appeal.

### Appeal Fee

The building official may collect and require an appeal fee to be paid at the time the written appeal notice is filed pursuant to Sacramento City Code Section 8.100.760. The appeal fee shall be set by resolution of the city council. The fee shall be calculated to recover the total city costs incurred in the appeal including, but not limited to, staff time to process and handle the appeal, housing board compensation, preparation and service of notices and staff appearance at the appeal hearing. No appeal shall proceed without payment of the fee at the time the appeal is filed, and sufficient proof that the notice of appeal documentation was properly mailed to all

legally required parties pursuant to the time frames specified herein. The building official may waive the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with the notice and order, and other factors indicating good faith attempts to comply with the order(s). (Prior code § 50.05.501)

#### Failure to Appear

Failure of any person to file an appeal in accordance with the provisions of Section 8.96.170 of this chapter shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the building official's order, or any portion thereof, subject only to review pursuant to California Code of Civil Procedure Section 1094.5. (Prior code § 50.05.502)

#### Scope of Appeal

Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered in the hearing of the appeal. (Prior code § 50.05.503)

#### **8.116.150 Severability**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Chapter or any part thereof is for any reason to be held unconstitutional or invalid or ineffective by any court of competent jurisdiction, which decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have passed section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that anyone or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

#### **8.116.160 Effective Date**

This ordinance shall become effective sixty (60) days after its passage by the City Council of the City of Sacramento.

**ATTACHMENT C**

<p>SCC</p>	<p><b>RENTAL HOUSING INSPECTION PROGRAM COMPARISON</b> Revised 1/11/06</p> <p>(N/A = not addressed)</p>	<p><b>RESIDENTIAL RENTAL HOUSING INSPECTION PROGRAM ORDINANCE *</b></p> <p>(*The official staff version being presented to the Law and Leg Committee for adoption)</p>	<p><i>12/21/05 ORDINANCE PREPARED BY RHA**</i></p> <p><i>(**Red italicized text denotes newly added provisions)</i></p>	<p><b>PILOT PROGRAM - Not an ordinance</b></p> <p>Enhancements such as registration and training would require adoption of an ordinance</p>
<p><b>TOPIC: COUNCIL PURPOSE AND FINDINGS FOR ORDINANCE</b></p>				
<p>8.116.010</p>	<p><i>Provides that with more than 75K residential rental units, City has an interest in ensuring standards are met</i></p>	<p>Yes</p>	<p><i>Yes, but says that accurate data regarding number of residential rental properties and types not available.</i></p>	<p>Yes</p>
<p>8.116.010</p>	<p><i>Purpose of ordinance is to be able to contact owners in case of fire or emergency.</i></p>	<p>No</p>	<p><i>City needs contact information in the event of an emergency such as fire or safety</i></p>	<p>N/A</p>
<p>8.116.010</p>	<p><i>Purpose of ordinance is to ensure owners and managers are trained in managing their rental property</i></p>	<p><i>No, purpose of ordinance is to ensure that all rental units meet minimum health and safety standards (a training component is included in the ordinance)</i></p>	<p><i>Yes, rental housing is complicated business requiring knowledge of laws and lack of training leads to problems at the property. Although overwhelming majority of owners are good, small percentage allow their properties to decline.</i></p>	<p>N/A</p>
<p>8.116.010</p>	<p><i>Finds that a stakeholder partnership is critical to success of the program</i></p>	<p>No</p>	<p><i>Yes, calls for the establishment of an advisory committee including reps from the rental housing industry, tenant advocates, city agencies and elected officials</i></p>	<p>No</p>
<p><b>TOPIC: GENERAL PERMIT PROGRAM REQUIREMENTS</b></p>				
<p>8.116.030</p>	<p><i>Does not apply to: (1) Mobile homes or mobile home parks; (2)vacant units; (3) on-campus housing owned by college; (4)residential property that is bought and becomes owner-occupied w/in 6 months.</i></p>	<p>N/A</p>	<p>Yes</p>	<p>N/A</p>

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8.116.040	<i>Redefines Residential Rental Property as referring only to the parcel of land upon which a unit sits and not the individual units.</i>	No.	Yes	No
8.116.040	<i>Defines "Inspection"</i>	No	<i>Yes, as act of examining areas w/in exterior &amp; interior of unit to identify compliance w/codes</i>	No
8.116.060	Requires application and registration for all rental units, including renewal	Yes, every 4 years	<i>Does not require a permit application. Requires registration only of property parcel (not individual units) every year</i>	N/A
8.116.060	<i>Restrictions on use of Registration information</i>	N/A	<i>Yes, can only be used by code/law enforcement for legitimate reasons related to conditions of the property</i>	N/A
8.116.060	Requires a Residential Rental Housing Permit for every rental unit before it can be rented.	Yes	<i>No permit required.</i>	N/A
8.116.060	Requires payment of a Registration fee	No; classified as a permit fee	Yes	N/A
8.116.060	Requires payment of a permit fee	Yes	<i>No. No permit required.</i>	No
8.116.060 (C)(3)	Requires local contact information as a condition of operating	Yes	No.	No
8.116.050	Requires Mandatory Training for all rental property owners	Yes, or Local Contact representative	No.	N/A
TOPIC:	<b>INSPECTION OF UNITS</b>			
8.116.060	Mandatory, regular (4 yr.) inspection for all rental units by City code officers	N/A	No.	No

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8.116.070 (A)	Regularly scheduled City inspections require providing advance notice to Owner and tenant	Yes	<i>For Compliance Audit inspections only - City provides 30 day advance notice. (8.116.100)</i>	No
8.116.070 (C)	Owner and tenants may attend regularly scheduled mandatory city inspections	Yes	No	Yes
Alt.- 8.116.070	Owner required to annually conduct self-inspection of all rental units	No; City conducts every four years unless units authorized to self-certify. Those persons permitted to self-certify must use persons approved by Director	<i>In addition to owners, following persons deemed qualified to inspect: property managers; employees of owners; agents of owners; licensed general contractors; real estate brokers; real estate agents; persons who have received training; City enforcement officers; licensed property managers</i>	No
8.116.070	<i>Inspection of every residential rental unit to take place within 10 calendar days after inception of every tenancy and at least annually.</i>	No	Yes	No
8.116.080	<b>Tenant Information Required</b>	No	<i>Yes, owner, manager or agent provides information to tenant at inception of tenancy and annually thereafter regarding rights and responsibilities; importance of rental inspections; habitability standards; restrictions on retaliation; how to file a code complaint w/City</i>	No

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Alt.- 8.116.070 (A)(3)	If owner cannot conduct interior inspection, exterior inspection will be conducted from common area or right of way	N/A because Inspection includes entire rental unit	<i>Yes, if unable to conduct interior inspection, person conducting inspection must indicate reason on inspection record and conduct inspection from common area and public right of way.</i>	Yes
Alt. - 8.116.071	Annual random audits of no less than 5% of self-certified rental units conducted by City	N/A	<i>No. Creates "Compliance Audit" (see below)</i>	No
8.116.100	<i>Compliance Audit conducted by City of selected properties</i>	No	<i>Yes. Beginning 1 year after program adopted, City conducts compliance audit inspection of no more than 5% of rental properties; using objective criteria such as: ensure greater likelihood that those properties selected have been subject of previous Notice and Orders or have high calls for service where violation was confirmed. No property shall have more than 1 every 2 years unless Notice and Order was issued in previous year.</i>	N/A
8.116.100	<i>Compliance Audit procedures</i>	N/A	<i>City examines inspection document, interviews tenant, proof of completion of required training, proof of registration and payment, proof of distribution of tenant information, &amp; inspection of exterior and interior of unit</i>	N/A

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8.116.100	<i>Compliance Inspection</i>	<i>N/A because City is responsible to inspect upon receipt of a complaint without limitation</i>	<i>Yes, authorized Compliance Inspections of rental property when necessary due to: Tenant provides written verification that the inspection was not performed; (2) Tenant provides written verification that they didn't receive tenant information; (3) Tenant verifies that the inspection was not accurate; (4) Tenant does not respond to City's notice; (5) Tenants report one or more serious violation to City; or (6) Owner does not provide information requested by the City as part of compliance audit.</i>	Yes, in pilot areas
8.116.110	<i>City can conduct exterior inspection only</i>	<i>No, because City has authority to pursue legal entry to interior when necessary</i>	<i>Yes, city's inspection can be from common area or right of way if city unable to conduct interior we: (1) refusal by tenant; (2) tenant not present; or (3) other good cause.</i>	No, because City has authority to pursue legal entry to interior when necessary
8.116.100	<i>Redefines Legal Entry by City</i>	<i>N/A because tenants can grant legal access</i>	<i>Yes, City required to informed property owner before making entry into a rental property</i>	No
8.116.070	For multi-unit properties, a small specified % over the base will be inspected by City as part of mandatory inspection	Yes	N/A	N/A

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8.116.090	If violations found during City inspection - Notice of Corrections issued giving P/O time to correct as part of permit application	Yes	<i>No, requires that City prepare an inspection document. Minor violations to be completed in a reasonable time; Major violations to be corrected in a reasonable time and failure to correct may subject the property to mandatory monitoring. City continues to inspect the property until the violations are cleared.</i>	Yes
Alt. - 8.116.070 (A)	Every change of tenancy triggers an inspection by the Owner	N/A	Yes	N/A
<b>TOPIC:</b>	<b>ENFORCEMENT</b>			
8.116.140	Rental housing permit is revocable	Yes; can be appealed	No. No permit required	N/A
8.116.130	Rental housing permit can be denied	Yes; can be appealed	No. No permit required	N/A
8.116.150	Retaliatory action against tenants prohibited	Yes, refer to Civil Code prohibitions	N/A	Yes
8.116.150	Tenants can be relocated at owner's expense	Yes, per current code	N/A	Yes
Alt - 8.116.071	Units that fail audit inspection or are issued Notice and Orders are not able to self-certify and are placed on mandatory monitoring	No; all units inspected except for those that are authorized to self-certify	<i>No. Only those units whose violations were not caused by the tenant, as determined by the code enforcement officer are subject to mandatory monitoring; thereafter, inspections continue until violations cleared; City must provided a signed copy of the inspection document to the owner and tenant with 10 days of completion of inspection.</i>	N/A

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Alt-8.116.070 (B)	Requires payment of a Mandatory Monitoring Fee	N/A	Yes; upon successfully passing compliance inspection, no fees required	N/A
8.116.190	All current administrative remedies/enforcement option available against all violations	Yes	<i>No, creates remedies as follows:</i> 1. 1 <sup>st</sup> violation subject to administrative penalty set by Council. 1. 2 <sup>nd</sup> violation subject to administrative penalty set by Council. 3. 3 <sup>d</sup> violation subject to administrative penalty set by Council AND any person that has 3 violations in any 2 year period shall also have their units subject to a compliance audit.	Yes
8.116.110	Additional education may be required of those property owners subject to a mandatory monitoring compliance inspection	N/A	Yes. City can require additional training, to be completed w/in 90 days of getting notice from the city. Instructor should be a rental housing trade rep, licensed property manager, real estate broker, real estate agent, landlord/tenant attorney; or rental property owner. Training no more than 15 hours and includes rights and responsibilities of owners, managers and tenants, rental property maintenance, screening, tenant service, & lawful means of ending tenancy. Issued a certificate upon completion.	N/A
<b>TOPIC:</b>	<b>SELF- CERTIFICATION</b>			
8.116.120	Self-certification of the rental unit(s) is available	Yes, for units that meet specified standards	Yes, for all except rental property that is on mandatory monitoring	N/A

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Alt.- 8.116.070 (A)(2)	Owners must provide records of their self-inspection checklist to tenant	N/A	Yes	N/A
Alt.- 8.116.060 (C)(4)	Self-certification requires annual inspection, with copy of inspection checklist certificate submitted to City city upon new or renewal of registration	N/A	<i>No requirement that inspection checklist be provided to City.</i>	N/A
<b>TOPIC:</b>	<b>MISCELLANEOUS</b>			
Alt. - See Section 2 of Ordinance amending SCC 3.104.050	Repeals business operating tax on any residential rental property	N/A	Yes	Not recommended
Alt. - 8.116.200	Appointment of a Code Enforcement Advisory Committee to annually oversee program and Code enforcement activity and report to Council	No	Yes, with at least 1 rep from rental housing, 1 rep from tenants, 1 rep from the City and 1 rep from <b>homeowners</b> ; <i>Committee analyzes programs; reviews actions and activities of code enforcement; reviews data regarding housing code violations; reviews costs associated with the program and makes recommendations to Council on ways to improve the program by submitted an annual report t report.</i>	N/A
8.116.070	Public housing inspections accepted in lieu of city inspection	Yes	Yes	Yes