

Meeting Date: 7/12/2016

Report Type: Consent

Report ID: 2016-00665

Title: Ordinance Related to Dangerous Building and Substandard Housing Codes and the Chief Building Official's Authority

Location: Citywide

Recommendation: 1) Review an Ordinance amending Sacramento City Code sections 8.96.050, 8.100.070, 8.100.080 and 15.04.100 to clarify the Chief Building Official's responsibilities, amendment of the Chief Building Official's assistants and the Code and Housing Enforcement Chief's role related to enforcement of the Substandard Housing and Dangerous Building codes; and 2) pass a Motion forwarding to City Council for approval.

Contact: Bridgette Williams, Senior Development Project Manager, (916) 808-8053; Winfred Deleon, Chief Building Official, (916) 808-5475, Community Development Department

Presenter: None

Department: Community Development Dept

Division: Building

Dept ID: 21001211

Attachments:

1-Description/Analysis

2-Ordinance

City Attorney Review

Approved as to Form

Beau E. Parkhurst

6/29/2016 4:55:49 PM

Approvals/Acknowledgements

Department Director or Designee: Frances Chong - 6/23/2016 2:20:54 PM

Description/Analysis

Issue: The Chief Building Official has authority over building related matters as they pertain to City building code while the Code and Housing Enforcement Chief has operational authority over code enforcement matters related to substandard housing and dangerous buildings. A 2010 performance audit of the Community Development Department recommended clarity of the Chief Building Official's responsibilities related to housing and code enforcement to ensure that proper control and authority is provided.

The proposed ordinance would amend the City Code to clarify that the Chief Building Official shall authorize his or her representative and/or designee, the Code and Housing Enforcement Chief, to enforce the City's Dangerous Building and Substandard Housing Code. Staff is requesting that the Law and Legislation Committee approve and forward the proposed ordinance changes to City Council for adoption.

Policy Considerations: The purpose of this amendment is to improve accountability for enforcement of the Dangerous Buildings and Substandard Housing Codes.

Economic Impacts: Not applicable.

Environmental Considerations: This action is not a project subject to CEQA because it involves only general policy and procedure making and does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment. (CEQA Guidelines §§ 15378, 15061(b)(3).)

Sustainability: Not applicable.

Commission/Committee Action: None.

Rationale for Recommendation: These ordinances will amend the City Code to authorize the Chief Building Official to include the Code and Housing Enforcement Chief as his or her authorized representative and/or designee as defined in Section 15.04.100 as an assistant to enforce the City's Dangerous Buildings and Substandard Housing Code. The Chief Building Official would continue to be responsible for all building code and permitting decisions. Only the powers detailed in Sacramento City Code Chapters 8.96 and 8.100 related to enforcement of these codes would be provided to the Code and Housing Enforcement Chief. These amendments address the audit recommendation of 2010 to consider the Chief Building Official's responsibilities related to housing and code enforcement to ensure that proper control and authority is provided.

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.

8.96.050 Generally.

A. Authority and Administration. The chief building official, referred to hereinafter as the “building official,” is authorized and directed to administer and enforce all provisions of this chapter, including, but not limited to, the classification of buildings as dangerous or immediately dangerous. As used herein, the term “building official” shall include his or her authorized representatives and/or designee as defined in Section 15.04.100, except as specifically provided otherwise.

B. Inspections. The county health officer, the city fire marshal, and the building official are authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

C. Right of Entry. Those persons entitled to make inspections may enter on premises to make inspections to the extent authorized by law.

8.100.070 Authority.

The chief building official, referred to hereinafter as the “building official,” is authorized and directed to administer and enforce all provisions of this chapter.

As used herein, the term “building official” shall include his or her authorized representatives and/or designee as defined in Section 15.04.100, except as specifically provided otherwise.

15.04.100 Chief building official—Assistants.

The chief building official shall have the following assistants:

- A. Deputy Chief Building Official;
- B. Principal Building Inspector(s);
- C. Supervising Engineer;
- D. Code and Housing Enforcement Chief.