

ORDINANCE NO. 2008-012

Adopted by the Sacramento City Council

March 4, 2008

AN ORDINANCE ADDING CHAPTER 8.120 OF THE SACRAMENTO CITY CODE RELATING TO RENTAL HOUSING INSPECTIONS

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

BACKGROUND

Section 1 Chapter 8.120 is added to the Sacramento City Code to read as follows:

Chapter 8.120 Rental Housing Inspections Code

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Article I. General

8.120.010 Title

This chapter shall be known as the "Rental Housing Inspections Code," may be cited as such, and will be referred to herein as "this chapter."

8.120.020 Purpose and findings

The City Council of the City of Sacramento recognizes that the preservation of existing rental housing stock is of tremendous importance. There are more than 75,000 rental housing units within the City of Sacramento, which is approximately half of all housing units in the City. 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.

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

The public interest demands that all rental housing properties comply with the minimum standards regarding the health and safety of the public. The most effective way to seek universal compliance with the minimum standards is through routine periodic inspections of all rental housing properties. Accordingly, it is the intent of the Sacramento City Council to enact the provisions of this chapter as the basis for establishing a Rental Housing Inspection Program aimed at securing city-wide compliance of rental housing properties with minimum standards. City-wide compliance will prevent blight and ensure that all persons who live in rental housing units are provided decent, safe and sanitary housing.

8.120.030 Definitions

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

“Director” means the employee of the City authorized by the City Manager to supervise the Rental Housing Inspection Division, or his or her designee.

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

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

“Owner” means the owner of record.

“Rental Housing Inspection Division” means the department or division of the City designated by the City Manager to administer the provisions of this chapter.

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

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

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

8.120.040 Exemptions

- A. Unless otherwise specified in this section, the following rental housing units shall be exempt from the requirements of this chapter:
 - 1. Rental housing units that are subject to routine periodic inspections by another government agency, and the frequency and scope of the inspections are to the satisfaction of the Director; or

2. Rental housing units that, within the past five years, either have been issued a certificate of occupancy or have passed final inspection by the City of Sacramento.
- B. A rental housing unit that is determined to be exempt pursuant to subsection A, above, shall become subject to the requirements of this chapter if a notice and order relating to the rental housing property is issued pursuant to the provisions of this code.
 - C. Any rental housing unit subject to the requirements of this chapter pursuant to subsection B, above, shall become exempt from the requirements of this chapter if all of the following circumstances exist:
 1. After the last inspection conducted pursuant to this chapter, the inspector determines that either no violations exist on the property or the violations identified were abated within 30 days; and
 2. The property owner is not delinquent on any payment to the City of fees, penalties, taxes or any other monies related to the property.

8.120.050 Fees established

- A. The following fees are established and imposed pursuant to the provisions of this chapter to finance the cost of the rental housing inspection program:
 1. Rental Housing Inspection Program fee. A fee is established for the administration and implementation of the provisions of this chapter, i.e. the Rental Housing Inspection Program, for a period of five years. The fee shall pay for the costs of all inspections conducted pursuant to this chapter, except those financed by the Re-inspection fee. The fee shall be imposed for each rental housing unit on the date of registration. However, the total amount shall be paid in equal annual installments as billed by the City.
 2. Re-scheduling fee. A fee is established for the administrative costs of re-scheduling an inspection that is cancelled in violation of Section 8.120.100 of this code.
 3. Re-inspection fee. A fee is established for an additional periodic inspection required by the City pursuant to Section 8.120.120 of this code.
- B. The City Council shall establish the amounts of the foregoing fees, and any penalties for delinquent payment of such fees, by resolution.

Article II. Registration and Fee

8.120.060 Registration and fee required

- A. It shall be unlawful for any person to engage in the business of rental housing, unless:
 - 1. Each rental housing unit is registered with the City; and
 - 2. The Rental Housing Inspection Program fee is paid in annual installments for each rental housing unit.
- B. A rental housing unit is registered with the City when the owner of the corresponding rental housing property submits the following to the Rental Housing Inspections Division:
 - 1. A completed registration form, made available by the City, that contains the following information:
 - a. Description of the rental housing property, including, but not limited to, the street address and Assessor's Parcel Number;
 - b. Number and description of all rental housing units on the rental housing property;
 - c. Name and current contact information for the owner of the rental housing property;
 - d. Name and current contact information for the local contact representative as described in Section 8.120.070 of this code; and
 - e. Any other information as reasonably required by the Director.
 - 2. The first annual installment of the Rental Housing Inspection Program fee, and
 - 3. Any outstanding fees that were previously imposed pursuant to this chapter.
- C. It is unlawful for any person to knowingly make a false statement of fact or knowingly omit any information that is required to register a rental housing unit pursuant to this section.
- D. Registration shall be valid for a period of five years or until one of the following circumstances occurs, whichever is sooner:

1. The owner fails to notify the Rental Housing Inspections Division of any change in the information submitted pursuant to subsection B of this section, within 30 days of such change; or
2. The owner fails to pay any annual installments of the Rental Housing Inspection Program fees.

8.120.070 Local Contact Representative

- A. All owners of rental housing properties shall designate a local contact representative with full authority to act on behalf of the owner for all purposes under this chapter, including the acceptance of service of all notices from the City. The owner of the rental housing property may act as the local contact representative.
- B. A local contact representative must establish and maintain a local telephone number and a residence or business address within 35 miles of Sacramento City Hall.

Article III. Inspections

8.120.080 Inspections required

- A. All rental housing properties and rental housing units are subject to routine periodic inspection by the City as provided by this chapter to determine whether they comply with applicable provisions of this code.
- B. If there are multiple rental housing units on a single rental housing property, the inspection shall be made of all common areas, and a random sampling of no less than 10 percent of rental housing units. At least one rental housing unit on each rental housing property shall be inspected. If the inspector determines that one or more violations exist on the property, the inspector may conduct an inspection of additional units up to 100 percent of the units.
- C. The owner or local contact representative, or their designee, shall be present at the rental housing property at the time of the inspection. The time of the inspection shall be the time indicated in the notice issued pursuant to Section 8.120.090 of this code, or the time that the inspection was properly re-scheduled in accordance with Section 8.120.100 of this code. Violation of this subsection may result in the imposition of a re-scheduling fee.

8.120.090 Notice

- A. The City shall serve written notice of the date and time of any inspection to be conducted pursuant to this chapter, by mailing such notice at least 14 calendar days prior to the date of the inspection. Notice shall be mailed to the owner and the local contact representative at their last known address. In the case of multiple owners of the same property, notice to any one of the property owners is sufficient notice.
- B. The City shall also mail a copy of the inspection notice to the rental housing units on the property.

8.120.100 Re-scheduling an inspection

An inspection may be rescheduled once by the owner or local contact representative by giving notice to the Rental Housing Inspection Division at least five calendar days prior to the scheduled inspection date. An inspection may only be rescheduled to a date within 14 calendar days of the previously scheduled inspection date. Violation of this section may result in the imposition of a re-scheduling fee.

8.120.110 Entry

- A. It shall be the responsibility of the owner and the local contact representative to obtain the consent of the occupants to inspect the subject rental housing units or otherwise obtain legal access to the units pursuant to the terms of the applicable lease.
- B. If consent to enter on to any rental housing property or any rental housing unit is refused or otherwise cannot be obtained, the Director is authorized to seek an inspection warrant from a court of competent jurisdiction.

8.120.120 Non-compliance

- A. If, during an inspection conducted pursuant to this chapter, an inspector discovers that the property is in violation of this code or any other applicable law and the owner fails to correct the identified violations within 30 days of the inspection, the City may require an additional periodic inspection of the property in accordance with this chapter, to ensure continued compliance. A re-inspection fee shall be imposed for the additional periodic inspection required pursuant to this subsection.
- B. In addition to requiring an additional periodic inspection pursuant to subsection A, above, the City may commence enforcement action in accordance with any provisions of this code including, but not limited to, chapters 8.96 and 8.100.

8.120.130 Inspection Results

- A. Upon completion of an inspection conducted pursuant to this chapter by the City, the inspector shall provide the owner or local contact person with a copy of the written results of the inspection.
- B. The owner or local contact person shall provide a copy of the results to the occupants of the rental housing unit inspected.

8.120.140 Non-exclusivity

None of the inspection provisions contained in this chapter shall prohibit, condition or otherwise limit any inspection conducted pursuant to any other provision of this code or other applicable law.

Article IV. Self-Certification Program

8.120.150 Qualifications

- A. A rental housing property shall be placed in the Self-certification Program if all of the following circumstances exist:
 - 1. After the last inspection conducted pursuant to this chapter, the inspector determines that either no violations exist on the property or the violations identified were abated within 30 days;
 - 2. The owner and local contact representative are in compliance with all applicable provisions of this chapter; and
 - 3. The property owner is not delinquent on any payment to the City of fees, penalties, taxes or any other monies related to the property.
- B. A rental housing property may be removed from the Self-certification Program if any of the following circumstances occurs:
 - 1. A notice and order relating to the rental housing property is issued pursuant to the provisions of this code;
 - 2. The rental housing property is repeatedly in violation of this code or any other applicable law, even though the violations are abated within 30 days; or
 - 3. Any of the circumstances set forth in subsection A of this section cease to exist.

8.120.160 Self-certification

- A. Owners of rental housing properties that are in the Self-certification Program, or their designees, shall certify each and every rental housing unit on the property at least once every calendar year and upon each change in tenancy. Self-certification shall be accomplished in the manner set forth below:
 - 1. Inspect each rental housing unit for compliance with the requirements of the self-certification form provided by the City;
 - 2. Immediately make any repairs to the rental housing unit that are necessary to achieve compliance with the requirements set forth in the self-certification form;
 - 3. Complete the self-certification form; and
 - 4. Provide a copy of the completed self-certification form to the occupants of the corresponding rental housing unit.
- B. If any rental housing unit cannot be self-certified because necessary repairs cannot or will not be made, the owner shall immediately notify the City.
- C. It shall be unlawful to falsify any material information required on the self-certification form.

8.120.170 Retention of completed self-certification forms

- A. The property's local contact representative shall retain all completed self-certification forms for at least ten years from the date the inspection was made.
- B. The local contact representative shall produce all completed self-certification forms to any inspector upon request.

8.120.180 Random inspection

Rental housing properties in the Self-certification Program, and the rental housing units thereon, may be inspected by the City on a random basis, but not more often than once a year.

8.120.190 Fee reduction

All rental housing properties that are in the Self-certification program shall receive a discount on their Rental Housing Inspection Program fee, as established by resolution of the City Council.

Article V. Enforcement

8.120.200 Penalties

Any person who violates the provisions of this chapter shall be guilty of a misdemeanor. In addition, the city may also impose administrative penalties pursuant to Chapter 1.28 of this code and seek injunctive relief and civil penalties in the superior court for violations of this chapter. The remedies provided for in this chapter shall be cumulative and not exclusive of any other remedies available under any other federal, state or local laws.

8.120.210 Recovery of fees

If any fees imposed pursuant to the provisions of this chapter have not been paid within 45 days of notice thereof, the City may collect the fees, and any penalties for delinquent payment of those fees, in accordance with the provisions of Article IX of Chapter 8.96 of this code; provided that, in lieu of the preparation of a report by the city engineer as required in Section 8.96.320 of this code, the Director shall prepare and file with the clerk, a report specifying the fees and penalties owed, a description of the real property upon which the rental housing unit or units subject to the fee are or were located, and the names and addresses of the persons entitled to notice pursuant to subsection C of Section 8.96.130 of this code. For the purpose of following the procedures specified in Article IX of Chapter 8.96 of this code to collect the fees and penalties imposed pursuant to this chapter, the Director's report shall constitute the report by the city engineer.

Adopted by the City of Sacramento City Council on March 4, 2008 by the following vote:

- Ayes: Councilmembers Cohn, Fong, Hammond, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.
- Noes: None.
- Abstain: None.
- Absent: Councilmember McCarty.



 Mayor Heather Fargo

Attest:



 Shirley Concolino, City Clerk

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