

**Meeting Date:** 8/16/2016

**Report Type:** Consent

**Report ID:** 2016-00777

**Title: Ordinance Related to Dangerous Building and Substandard Housing Codes and the Chief Building Official's Authority (Passed for Publication 08/04/2016; Published 08/09/2016)**

**Location:** Citywide

**Recommendation:** Pass 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.

**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 (Redline)
- 3-Ordinance (Clean)

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**City Attorney Review**

Approved as to Form  
Beau E. Parkhurst  
7/27/2016 5:00:09 PM

**Approvals/Acknowledgements**

Department Director or Designee: Frances Chong - 7/18/2016 10:37:34 AM

## Description/Analysis

**Issue:** The Chief Building Official has authority over building related matters as they pertain to City building codes 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 City Council adopt the proposed ordinance revisions to ensure that proper control and authority is provided for code enforcement.

**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 the California Environmental Quality Act (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:** On July 12, 2016, the Law and Legislation Committee approved and forwarded to the City Council an ordinance amending Chapters 8.96, 8.100, and 15.04 of the Sacramento City Code relating to enforcement.

**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.

ORDINANCE NO. 2016-xxx

Adopted by the Sacramento City Council

xxxx, 2016

**AN ORDINANCE AMENDING SECTIONS 8.96.050, 8.100.070,  
8.100.230, AND 15.04.100; DELETING SECTION 8.100.080; AND  
ADDING 8.96.105 OF THE SACRAMENTO CITY CODE RELATING TO  
THE CHIEF BUILDING OFFICIAL**

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

**SECTION 1**

A. Subsection A of section 8.96.050 of the Sacramento City Code is amended to read as follows:

A. Authority and Administration. The chief 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 8.100.080, except as specifically provided otherwise.~~

B. Except as specifically amended by subsection A above, section 8.96.050 remains unchanged and in full effect.

**SECTION 2**

Section 8.96.105 is added to the Sacramento City Code to read as follows:

**8.96.105 Chief building official.**

A. For purposes of this chapter, the “chief building official” may be referred to as the “building official” and includes his or her assistants as described in section 15.04.100 of the Sacramento City Code, except as specifically provided otherwise.

**SECTION 3**

Section 8.100.070 of the Sacramento City Code is amended to read as follows:

**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, except as specifically provided otherwise.~~

#### **SECTION 4**

Section 8.100.080 of the Sacramento City Code is deleted.

#### **SECTION 5**

A. Section 8.100.230 of the Sacramento City Code is amended to read as follows:

##### **8.100.230 Specific Definitions**

A. “Building official” means chief building official.

B. “Chief building official” means the chief building official of the City of Sacramento and includes his or her assistants as described in section 15.04.100 of the Sacramento City Code, except as specifically provided otherwise.

B. Except as specifically amended by subsection A above, section 8.100.230 remains unchanged and in full effect.

#### **SECTION 6**

Section 15.04.100 of the Sacramento City Code is amended to read as follows:

##### **Section 15.04.100 Chief building official – Assistants.**

The chief building official shall have the following assistants:

- A. Deputy chief building official;
- B. ~~Chief~~Principal building inspector~~(s)~~;
- C. Supervising engineer~~;~~;
- D. Code and housing enforcement chief.

Adopted by the City of Sacramento City Council on \_\_\_\_\_ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

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MAYOR

Attest:

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City Clerk

Passed for Publication:

Published:

Effective:

ORDINANCE NO. 2016-xxx

Adopted by the Sacramento City Council

xxxx, 2016

AN ORDINANCE AMENDING SECTIONS 8.96.050, 8.100.070,  
8.100.230, AND 15.04.100; DELETING SECTION 8.100.080; AND  
ADDING 8.96.105 OF THE SACRAMENTO CITY CODE RELATING TO  
THE CHIEF BUILDING OFFICIAL

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

SECTION 1

A. Subsection A of section 8.96.050 of the Sacramento City Code is amended to read as follows:

A. Authority and Administration. The chief 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.

B. Except as specifically amended by subsection A above, section 8.96.050 remains unchanged and in full effect.

SECTION 2

Section 8.96.105 is added to the Sacramento City Code to read as follows:

8.96.105 Chief building official.

A. For purposes of this chapter, the "chief building official" may be referred to as the "building official" and includes his or her assistants as described in section 15.04.100 of the Sacramento City Code, except as specifically provided otherwise.

SECTION 3

Section 8.100.070 of the Sacramento City Code is amended to read as follows:

8.100.070 Authority.

The chief building official is authorized and directed to administer and enforce all provisions of this chapter.

SECTION 4

Section 8.100.080 of the Sacramento City Code is deleted.

SECTION 5

A. Section 8.100.230 of the Sacramento City Code is amended to read as follows:

8.100.230 Specific Definitions

A. "Building official" means chief building official.

B. "Chief building official" means the chief building official of the City of Sacramento and includes his or her assistants as described in section 15.04.100 of the Sacramento City Code, except as specifically provided otherwise.

B. Except as specifically amended by subsection A above, section 8.100.230 remains unchanged and in full effect.

SECTION 6

Section 15.04.100 of the Sacramento City Code is amended to read as follows:

Section 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;

C. Supervising engineer;

D. Code and housing enforcement chief.

Adopted by the City of Sacramento City Council on \_\_\_\_\_ by the following vote:

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