

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

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 18-50, RENTAL HOUSING INSPECTION PROGRAM, TO THE SANTA ROSA CITY CODE

WHEREAS, the City of Santa Rosa is committed to preserving its rental housing inventory; and

WHEREAS, the City of Santa Rosa desires to create a proactive Rental Housing Inspection Program; and

WHEREAS, California Government Code provides that the City Council may set fees for reasonable costs of providing various services; and

WHEREAS, fees are charged for services provided to a resident or group rather than to the public as a whole; and

WHEREAS, the City Council desires this program to be self-funded whereby owners of Residential Rental Property would be required to pay a one-time registration fee, a relocation fund fee, and pay an inspection fee based on the reasonable costs of operating the program; and

WHEREAS, the Council will review the fees during City budget preparation.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

**Section 1.** Chapter 18-50 is added to the Santa Rosa City Code to read as follows:

**“CHAPTER 18-50 RENTAL HOUSING INSPECTION PROGRAM**

**18-50.010 Purpose and findings.**

A. The City Council of the City of Santa Rosa recognizes that the preservation of existing rental housing stock is of tremendous importance. Rental housing provides needed 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.

B. Over time, rental housing may deteriorate for a variety of reasons. This deterioration can result in substandard conditions that adversely affect the economic value of neighboring structures, and that can be hazardous to the public health and safety.

C. The public interest demands that all Rental Housing Properties comply with the City Code and all applicable laws. An effective way to seek universal compliance with the minimum standards is through routine periodic inspections of Rental Housing Properties. Accordingly, it is the intent of the Santa Rosa City Council to enact the provisions of this chapter as the basis for establishing a Rental Housing Inspection Program aimed at securing compliance of Rental Housing Properties with all applicable laws. The purpose of this ordinance is to try to

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ensure that all persons who live in Rental Housing Units are provided decent, safe and sanitary housing.

**18-50.020 Definitions.**

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

"Program Manager" 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 of the Rental Housing Property.

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

"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 Sonoma, 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. "Rental housing unit" also includes residential units that provide for separate sleeping accommodations but toileting or cooking facilities are shared by occupants of more than one unit, such as residential or single room occupancy hotels. "Rental Housing Unit" does not include units used for transient lodging (stays of less than thirty days) such as visitor-serving hotels, motels, and bed-and-breakfast inns.

**18-50.030 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 under the Housing Choice Voucher Program;
2. Rental Housing Units that have been constructed within the previous ten years;

3. Owner-occupied housing where the Owner rents rooms within the dwelling unit.

B. A Rental Housing Unit that is determined to be exempt pursuant to subsection A of this section, shall become subject to the requirements of this chapter if a notice and order of violation relating to the Rental Housing Property is issued pursuant to the provisions of Chapter 1-30 of this Code.

**18-50.040 Fees established.**

A. The following fees are established and shall be imposed upon the Owners of Rental Housing Properties:

1. Registration fee. A fee is established for the cost of registering each Rental Housing Unit. This fee shall be collected at the time of registration.

2. Relocation/Displacement fund fee. A fee is established to provide a fund to assist occupants who may be displaced from a Rental Housing Unit due to code violations within the unit and is at risk of becoming homeless. This fee shall be collected with the Registration fee at the time of registration.

3. Rental housing inspection program fee. A fee is established for the administration and implementation of the provisions of this chapter. This fee shall be imposed at the time the Rental Housing Unit is scheduled for routine periodic inspection pursuant to section 18-50.060. The fee shall also be imposed at the time the Rental Housing Unit is scheduled for inspection pursuant to section 18-50.140 (inspection of self-certified units).

4. Rescheduling fee. An additional fee is established to pay for the costs of rescheduling an inspection. It shall be imposed when an inspection is rescheduled in violation of section 18-50.080.

5. Reinspection fee. A fee is established to pay for the costs of additional inspections conducted pursuant to section 18-50.100. This fee shall be imposed at the time the inspection is conducted.

B. The City Council shall establish the amounts of the fees and any penalties for delinquent payment of such fees by resolution.

**18-50.050 Registration and fee required.**

A. No person shall 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 for each rental housing unit when payment is due.

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 Inspection 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 Property Owner's designee as described in section 18-50.060.C, if any, and
  - e. Any other information as reasonably required by the Program Manager;
2. The Rental Housing Registration fee described in section 18-50.040. A.1;
3. The Relocation/Displacement fund fee as described in section 18-50.040.A.2
4. 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.

**18-50.060 Inspections required.**

A. All Rental Housing Properties and Rental Housing Units are subject to routine periodic inspection by the City once every 5 years as provided by this chapter to determine whether they comply with applicable provisions of this code and all applicable laws.

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 ten percent of the Rental Housing Units. At least one Rental Housing Unit on each Rental Housing Property shall be inspected.

C. The Owner, or his or her designee, and the occupant of the Rental Housing Unit to be inspected shall be present at the time of the inspection. An occupant need not be present by

providing written consent to the inspection. The time of the inspection shall be the time indicated in the notice issued pursuant to section 18-50.070, or the time that the inspection was rescheduled in accordance with section 18-50.080. Violation of this subsection shall result in the imposition of a rescheduling fee, unless good cause exists as determined by the Program Manager.

**18-50.070 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 30 calendar days prior to the date of the inspection. Notice shall be mailed to the Owner or his or her designee at their last known address. In the case of multiple Owners of the same property, notice to any one of the Owners is sufficient notice.

B. The City shall also mail a copy of the inspection notice to the occupant of the Rental Housing Unit.

**18-50.080 Rescheduling an inspection.**

An inspection may be rescheduled once by the Owner or designee by giving notice to the Rental Housing Inspection Division at least 15 calendar days prior to the scheduled inspection date. An inspection may only be rescheduled to a date within 30 calendar days of the previously scheduled inspection date. Rescheduling an inspection more than once or with less than 15 calendar days' notice will result in the imposition of a rescheduling fee. The City shall mail notice of any rescheduling to the occupant of the Rental Housing Unit.

**18-50.090 Entry.**

It shall be the responsibility of the Owner or designee 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.

**18-50.100 Noncompliance.**

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 60 days of the inspection, the City may require additional inspections of the property until compliance with this code and other applicable laws. A reinspection fee shall be imposed for each additional inspection required pursuant to this subsection.

B. In addition to requiring additional periodic inspections pursuant to subsection A of this section, the City may commence enforcement action in accordance with any provisions of this code including, but not limited to, City codes that direct the Code Enforcement Program.

**18-50.110 Inspection results.**

A. Upon completion of an inspection conducted pursuant to this chapter by the City, the Inspector shall provide the Owner or designee with a copy of the written results of the inspection.

B. The Owner or designee shall provide a copy of the results to the occupants of the rental housing unit inspected.

**18-50.120 Nonexclusivity.**

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.

**18-50.130 Qualifications.**

A. A Rental Housing Property shall be placed in the self-certification program if both of the following circumstances exist:

1. The Owner is in compliance with all applicable provisions of this chapter; and
2. The 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 of violation relating to the Rental Housing Property is issued pursuant to the provisions of Chapter 1-30 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 60 days; or
3. Any of the circumstances set forth in subsection A of this section cease to exist.

**18-50.140 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, with the participation of at least one occupant of each and every Rental Housing Unit, 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 this code in accordance 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 this code and other applicable laws in accordance with the requirements set forth in the self-certification form;
3. Complete the self-certification form and provide the form to at least one occupant of each unit, for the occupant's review and acceptance or comment; and
4. Provide a copy of the completed self-certification form to the occupants of the 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.

D. It shall be unlawful to retaliate against any occupant of a Rental Housing Unit for any comment made on a self-certification form, unless such comment is demonstrated to be false.

**18-50.150 Retention of completed self-certification forms.**

A. The Owner or designee shall retain all completed self-certification forms.

B. The Owner or designee shall produce all completed self-certification forms to any Inspector upon request.

**18-50.160 Inspections.**

Rental Housing Properties in the self-certification program, and the Rental Housing Units thereon, will be inspected by the City once every eight years as provided by this chapter, to determine whether they comply with applicable provisions of this code and all applicable laws. Inspections will be conducted consistent with the noticing requirements in this chapter.

**18-50.170 Transfer of ownership.**

If a Rental Housing Property in the self-certification program is transferred to a new Owner, the property shall remain in the self-certification program for the remainder of the year of self-certification, unless it is sooner removed from the self-certification program pursuant to subsection B of section 18-50.140.

**18-50.180 Administrative review and penalties.**

The administrative review and penalty provisions of Chapters 1-28 and 1-30 of this Code shall apply to violations of this chapter.

**18-50.190 Time and penalty waiver.**

For good cause, an Owner may receive additional time to obtain permits and complete repairs, and the City may waive related penalties to allow the Owner to bring existing non-permitted Rental Housing Units into compliance, as determined by the Program Manger.

**Section 2. Environmental Determination.** The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

**Section 3. Severability.** If any provision of this Chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provisions of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

**Section 4. Effective Date.** This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage.

This ordinance was introduced by the Council of the City of Santa Rosa on January 28, 2020.

IN COUNCIL DULY PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Acting City Clerk

APPROVED: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney