

CITY OF SANTA ROSA  
DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT  
CODE ENFORCEMENT DIVISION

DATE: OCTOBER 15, 2025

TO: BOARD OF BUILDING REGULATIONS APPEALS

FROM: CASSIDY ANDERSON  
SENIOR CODE ENFORCEMENT OFFICER

SUBJECT: STAFF REPORT - RESPONSE TO AN APPEAL OF AN  
ADMINISTRATIVE NOTICE AND ORDER TO VACATE FOR  
PROPERTY LOCATED AT 801 TUPPER ST #806, SANTA ROSA, CA  
95404, APN 009-202-048

CASE NO: CE24-1540

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**RECOMMENDATION**

The City of Santa Rosa respectfully recommends that the Board of Building Regulations Appeals, upon reviewing this staff report and considering all relevant testimony and evidence presented during the Appeal Hearing, deny the appeal of tendered by Sally Steinhart and uphold staff's issuance of a Notice and Order to Vacate.

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**INTRODUCTION**

My name is Cassidy Anderson, Senior Code Enforcement Officer for the City of Santa Rosa's Code Enforcement division. My duties include supervising the Code Enforcement division. I am a certified Code Enforcement Officer through the California Association of Code Enforcement Officers and a certified Building Inspector through the International Code Council and possess over 12 years of continuous experience in the code enforcement profession.

I am authorized to investigate, inspect, identify, and act on conditions of violation upon private properties. I am thoroughly familiar with the drafting, adoption, interpretation, and enforcement of municipal codes and other incorporated regulations. I have personal knowledge of the facts stated within this staff report and, if so called, can and will competently testify thereto.

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#### **BACKGROUND/SUMMARY**

801 Tupper St #806 (hereinafter, the "Subject Property") was built in 1970, is a 0.76-acre multi-family high rise apartment building, adjacent to the Burbank Gardens preservation district with a R-3-HD zoning designation. The property is a 14 floor approximately 140-unit senior housing complex. The property is owned by Bethlehem Towers Affordable L.P. A 2013 grant deed conveying ownership from grantor Bethlehem Tower's Inc is recorded under document #2013010683 with the Sonoma County Recorder's Office. The tenant of record during this action was Sally Steinhardt (hereinafter referred to as the appellant).

Since 2018, the Subject Property (unit 806) has been the subject of numerous, recurring Code Enforcement complaints and has a documented history of sanitation, lack of required egress, trash and debris and infestation violations stemming from a chronic failure to adequately maintain the interior of the unit.

On December 2, 2024, Code Enforcement received a complaint stating, "Hoarding and pest infestation."

On December 9, 2024, I sent a Notice of Complaint, Consent to Inspect letter to management and the appellant. (Ref. Attachment 1)

On December 30, 2024 I received a call from Adult Protective Services (APS) worker Emily Arizu and we scheduled a site inspection for December 31, 2024 with the appellant. The inspection was confirmed via email with both the appellant and Ms. Arizu.

On December 31, 2024 Ms. Arizu and I met outside the unit and knocked on the door for several minutes but received no answer. I also attempted to call the appellant but again received no answer. Ms. Arizu and I discussed the matter briefly as we walked out of the building. I told her I would be in touch with the next steps. My goal was to schedule the inspection at a time that was convenient for the appellant but, if necessary, I would request that Bethlehem Tower Management provide me with access to the unit for inspection to verify the complaint.

After the attempted inspection I debriefed with Ms. Arizu and the onsite property manager, Mary Nunez. We discussed what meaningful and substantial progress would look like. Ms. Nunez stated that the appellant had requested sorting bins in the hallway to sort her refuse into trash, compost and recycling; management denied the request. Management offered - in an effort to help the appellant due to her shoulder injury - to clear or haul away one trash bag per day if she left the bag in the hallway. Ms. Arizu stated that APS would be willing to supply garbage bags to the appellant. Later that day

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the appellant contacted me, and we scheduled an inspection for January 15<sup>th</sup> 2025. I reached out to Ms. Arizu and we confirmed the inspection date and time.

On January 15, 2025 I conducted an inspection of the unit along with APS worker Emily Arizu. Immediately upon entering the 8<sup>th</sup> floor hallway from the elevator a foul odor could be detected from the central hallway area. I observed trash throughout the unit, rotting food in the kitchen, the bathroom was filled with items, and the shower was blocked off with a bike and other personal belongings. There was a narrow walkway from the kitchen to the living room with personal items stacked high against the walls, the bedroom was barely accessible with a small clean space where the occupant slept. There were fruit flies, fecal matter from flies or other pests along the ceiling, lights and smoke detectors all throughout. Multiple discarded food storage cartons had been chewed through by rats and there were rat droppings throughout the unit. Staff determined that this was a level 5, severe on the Clutter-Hoarding Scale based on the scale provided by the Institute for Challenging Disorganization (ICD) quick reference guide. (Ref. Attachment 12) and (Ref. Attachment 2)

On January 23, 2025 I sent a Notice of Violation (NOV) letter to both owner and tenant outlining tenant responsibility and owner responsibility. (Ref. Attachment 3)

On February 4<sup>th</sup> 2025 I had a phone conversation with the appellant regarding the NOV received. The appellant stated that the infestation was the owner's responsibility to abate (with which I agreed with her). The appellant was adamant that she had no responsibility in the matter and that she was unable to clean the unit due to her perception of the dangers rats pose to humans from urine, droppings, etc. She stated her shoulder injury/surgery further prevented her from cleaning. After a circular conversation with no common ground achieved, I advised the appellant that I would be requesting that Bethlehem Tower retain the services of a licensed exterminator and provide a report of recommendations to me. I followed up with Bethlehem Tower via phone and email and copied the appellant. I established a one-week timeline with the directive to determine if an infestation exists and, if so, required the following conditions be met:

- 1) Identify the pests/vermin involved;
- 2) Provide recommendations on actions required to abate the violation;
- 3) Provide recommendations on PPE or BMPs required to clear away personal items, rodent harborage etc.;
- 4) Provide recommendations on the prevention of reoccurring infestation(s); and
- 5) Provide any other recommendations from the licensed exterminator.

(Ref. Attachment 4)

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On February 14, 2025 Bethlehem Tower's management forwarded me an exterminator report from Rats to Roaches. The report stated that the infestation was severe and consisted of rats, cockroaches, flies and possibly bed bugs. The report further stated that the unit was extremely unsanitary and that *"In order to perform pest services inside unit #806 all garbage and waste must be completely removed, all doorways and pathways through the unit must be clear. All appliances, electrical outlets, switch plates and sinks must be fully accessible. The floors and surfaces must be clean. No rotting food, filth film, mysterious liquid or foulness of any kind should impede the work of staff or maintenance technicians. All staff, vendors and management should have sanitary space to perform work and inspections."*

Lastly, the report stated: *"Recommendations our company have made to prepare the unit for service have been ignored by the tenant. Requests by staff to improve sanitation within the unit have been met with verbal abuse and raised voices. As far as I can tell the tenant refuses to accept any fault for the current condition of the living space and blames all problems within the unit on the building itself or the incompetence of the building staff or myself."* (Ref. Attachment 5)

On March 3, 2025 I sent a revised NOV letter clarifying owner and appellant responsibilities with the recommendations provided in the extermination report. The notice was sent via regular mail and attached in an email to the property management, owner and appellant with the following revised language and deadline of March 17, 2025.

### Tenant:

1. Comply with recommendations from exterminator report from Rats to Roaches (attached). Ensure all trash is removed, appliances, kitchen, bathroom and outlets are fully accessible.
2. Show substantial progress of removal of trash and debris every two weeks, starting with open containers and rotting food.
3. Remove items from the shower to have a fully accessible shower
4. Schedule recurring compliance inspections to ensure manageable progress.

### Owner:

1. Once substantial progress is made in the unit clearing of debris, rodent harborage and rotting/open food, you are directed to call an exterminator and provide a report to Code Enforcement of recommended extermination plan.

(Ref. Attachment 6)

On May 22, 2025 I conducted an interior inspection of the unit and photographed the conditions. I observed that the unit was substantially worse than the January 23, 2025

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inspection. There was a layer of trash covering the floor in the entryway and spilling out under the door into the hallway. More of a rotting foul smell and odor which could be detected from the 8<sup>th</sup> floor outside of the unit. The bedroom door was harder to move through as personal items were stacked behind it and in order to gain entry into the bedroom, I had to pass my body through sideways and force the door open with my body as the door was incapable of completely opening. I had a brief conversation with the appellant regarding the fact that I would be vacating the unit and what that entailed. I brought a copy of the Order to Vacate to the appellant and personally served her as well as posting the Notice to the door prior to leaving.

On June 5<sup>th</sup> 2025 City staff had a meeting with Bethlehem Tower Management to discuss a long-term collaborative effort in resolving the public nuisance issue and infestation issues affecting the 8<sup>th</sup> floor. Bethlehem Tower Management informed the City that they were pursuing eviction and that they had referred the matter to their legal counsel. The City requested to be kept in the loop on pertinent updates. Later that day I sent an email exchanging contact information for all meeting attendees and requested contact information of the attorney coordinating the eviction.

On June 6<sup>th</sup>, 2025 I received an email with an appeal to the Notice and Order to Vacate from the appellant, indicating that a hard copy was enroute to the City of Santa Rosa. After reviewing the appeal packet the City of Santa Rosa considered the appeal as timely filed and processed for the next available Board of Building Regulations and Appeal (BOBRA) meeting.

On June 9<sup>th</sup>, 2025 I received an email from the appellant with an amended appeal attached which she also stated would be delivered to the front counter at the City of Santa Rosa.

On August 27, 2025 I received a complaint and sent a follow-up email to Bethlehem Tower management requesting a status update. Management replied that the appellant no longer resided at Bethlehem Tower and that the Sheriff lockout occurred on 8/20/2025. They further stated that they were working on arranging a date and time to allow the appellant an opportunity to collect her belongings.

### **RELEVANT CODE SECTIONS**

Santa Rosa City Code ["SRCC"] Title 18, Buildings and Construction, Section 18-04.015 adopts by reference the California Code of Regulations and amends the International Property Maintenance Code ["IPMC"] as if it were set forth within the SRCC in its entirety.

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IPMC Section 18-20.301.2, Responsibility, provides:

“The owner of the premises shall maintain the structures and exterior property in compliance with these requirements (of the IPMC), except as otherwise provided for in this code. **A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter.** Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises they occupy and control.”  
[Emphasis Added]

IPMC Section 18-20.111.1.3, Structure unfit for human occupancy, provides:

**“A structure is unfit for human occupancy whenever the code official finds that such structure** is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, **vermin or rat infested**, contains **filth and contamination**, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or the public.”  
[Emphasis Added]

California Health and Safety Code Section 17920.3(a)(12) provides:

Any building or portion thereof, regardless of zoning designation or approved uses of the building, including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the occupants of the building, nearby residents, or the public shall be deemed and hereby is declared to be a substandard building:

**(a) Inadequate sanitation shall include, but not be limited to, the following:**

**(12) Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.** [Emphasis Added]

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#### **ANALYSIS**

The appellant presents several arguments in their appeal of the Notice and Order to Vacate. Each of these arguments is addressed below, followed by the City's counter-position:

**1. Per Amended Appeal document dated June 9, 2025 indicated as (2) & (3):**

*“(2) and (3) Amended Appeal of Sally Steinhart, the tenant who has resided in apartment 806 since October 2015, on the eighth floor of 801 Tupper St., Santa Rosa, CA 95404, a 14-story apartment building for very low income elderly and disabled adults, also known as Bethlehem Tower, and which building has been infested with rats from the colony living within its walls for an extended period of time with the knowledge of, and due to the active and intentional neglect, and intentional concealment of the infestation from prospective and existing tenants by the owners and managers thereof.”*

- The City of Santa Rosa Code Enforcement Division noticed both the owner and the Appellant on January 25, 2025. The NOV delineated responsibility between both parties. The Appellant was directed to clear trash and debris every two weeks beginning with open containers and rotting food items. Code Enforcement then sent a revised NOV on March 3, 2025 indicating the appellant's responsibility to comply with the recommendations from the exterminator report. The appellant was directed to show substantial progress (reoccurring progress inspections every two weeks) to provide required access for licensed exterminator. The City determined that the appellant was ineligible for relocation benefits due to the fact that the infestation was substantially causing and contributing to an infestation to adjoining units on the 8<sup>th</sup> floor due to rotting food, trash and debris and other rodent harborage throughout unit.
- Regarding the alleged claim of active, intentional neglect and intentional concealment, Code Enforcement has no such knowledge of this claim. Prior conversations with management indicate that Bethlehem Towers responds to complaints from tenants within the unit and has a contract with a licensed exterminator on retainer that provides service once per week once a complaint has been received by management. Bethlehem Tower's has demonstrated compliance and proper documentation to substantiate this.

**2. Per Amended Appeal document dated June 9, 2025 indicated as (4):**

*“(4) Tenant Sally Steinhart does not protest the finding that Bethlehem Tower is a substandard building (CA Health & Safety Code §§17920.3 and 17920.3(a)(12) and the owner is the responsible person, because of a longstanding rat*

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*infestation due to inadequate garbage storage and removal facilities, as disclosed to me by Senior Code Enforcement Officer Cassidy G. Anderson. She told me rats climb up the garbage chute above a large open bin which is full of plastic bags full of garbage, and thereby gain access to the between-apartment air spaces which contain plumbing, electrical and communication wiring, hot and cold water pipes that provide, by gravity, heating and cooling from a boiler and chiller on the roof to each apartment and which pass through openings in the drywall into the apartment, and high voltage wiring that passes through the openings in the drywall to the electric oven/stove."*

*"I do protest the factually unsupported suggestion that I, a tenant, was in any way responsible, or contributed, much less caused or substantially contributed to the rodent infestation anywhere in the building. I have lived on the 8th floor for almost 10 years, during 7 or 8 of which I did not know there were any rats in the building until my tidy neighbor told me that she had found some living in her closet, and put everything in thick plastic containers. We compared notes and realized that the sounds coming from above the ceiling every night were probably rats."*

- As stated previously, unit 806 has a severe rodent, cockroach and fruit fly infestation. After inspections were performed on adjoining units I confirmed evidence of rat infestation. The Notice to Vacate dated May 22, 2025 for unit #806 does not address or have any merit regarding the trash chute or dumpster. This matter has been previously addressed by Code Enforcement staff and continues to be maintained by the retained exterminator. Rat traps and continual sanitation efforts by maintenance staff of the dumpster on the ground floor have been observed by myself as recently as September 2025.

#### **3. Per Amended Appeal document dated June 9, 2025 indicated as (5):**

*"(5) The relief I seek is the removal of any suggestion that I, a tenant who has lived in apartment 806 on the 8th floor of this 14 story apartment building since November 2015 and never had any rodent, bed bug, or cockroach infestation in my one bedroom apartment for eight years was somehow responsible for the rat infestation anywhere in the building."*

*I also seek the reversal of, and that the purported denial of my relocation benefits in the unsubstantiated, unattributed, and factually unsupported conclusion that "Code Enforcement staff has determined based on visual observations that the responsible party has failed to maintain the structure adequately and the tenant is ineligible," be set aside to the extent it refers to me. As the owner is the responsible party for the rat infestation of the entire building according all of the cited laws, and other provisions of California law, particularly the Health and Safety Code, no justification for denial of relocation benefits has been established. Any statements, conclusions, opinions, or other factually*



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*unsupported matters must be, by law, set aside as unjustified because only the owner is at fault, as the person responsible for extermination of any rodent or other pest infestation.* Property owners are responsible for the maintenance of their own properties. This argument is considered diversionary and irrelevant. Furthermore, the appellant's claim of "unsafe conditions" on their property contradicts their initial assertion that the premises are "fine and safe for occupancy."

- This is inaccurate with Code Enforcement cases dating back on the unit in 2022 (CE22-0803), one for pest infestation and a second case in 2018 (CE18-1024) with a water leak as the primary investigation and a second follow-up violation for trash and debris throughout unit. The flooding repairs were resolved under permit B19-3844 which was finalized. The work performed followed all best management practices and City policies.

Lastly, to reiterate the current update is the appellant is legally evicted which is a landlord/tenant issue of which the City is not a party to. Additionally, pest extermination is currently on hold while Bethlehem Tower coordinates a time for the appellant to collect her belongings. To date as recently as September 2025, the unit was still vacated, violations unabated and extermination efforts are unable to be completed until the unit is cleared of all hazards.

In support of the City's counter-positions to the appellant's three points of appeal, please find the following supporting evidence attached to this staff report:

1. **Site inspection photographs (January 15, 2025):** Documenting conditions of unit, trash debris, rat droppings, open containers and rotting food. (Attachment 2)
2. **Notice of Violation letter (January 23, 2025)** Documenting the request for the appellant to clear the trash, debris. (Attachment 3)
3. **Email to Bethlehem Tower (February 4, 2025):** Email to Bethlehem Tower Management requesting an exterminator report. (Attachment 4)
4. **Exterminator report (February 14, 2025):** Exterminator report from Rats to Roaches documenting conditions of unit, identifying pests and extermination directives. (Attachment 5)
5. **Revised Notice of Violation letter (March 3, 2025):** (Attachment 6)
6. **Photographs (May 22, 2025):** Site inspection photographs documenting current and significantly worsening conditions and posting of the Notice and Order to Vacate (Attachment 7)
7. **Notice and Order to Vacate (May 22, 2025):** Documenting the code sections for the unit which deem the unit uninhabitable (Attachment 8)

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#### **SUMMARY**

The attached documentation and images clearly demonstrate that the premises were legally uninhabitable and that the property's condition constituted an unmaintained public nuisance at all times relevant to the case narrative. The code references that have been provided support the City's position that the May 22, 2025 issuance of a Notice and Order to Vacate was both proper and necessary given the facts surrounding the premises.

The City contends that the appellant's arguments are factually incorrect and wholly insufficient to overturn the issuance of the Notice and Order to Vacate and further to change the eligibility or relocation benefit. Lastly, the appellant has been legally evicted and the City is awaiting an update from Bethlehem Tower regarding clearing the debris from the unit before extermination can commence.

In consideration of all of the above, staff requests that the Board of Building Regulations Appeals reject appellant's claims and uphold the action of the City in posting the premises as uninhabitable and deeming the relocation benefits as ineligible.

#### **ATTACHMENTS**

- Attachment 1 - Consent to Inspect/Notice of Complaint letter dated December 9, 2024
- Attachment 2 - Site inspection photographs dated January 15, 2025
- Attachment 3 - Notice of Violation letter dated January 23, 2025
- Attachment 4 - Email to Bethlehem Tower dated February 4, 2025
- Attachment 5 – Exterminator Report from Rats to Roaches, February 14, 2025
- Attachment 6 – Revised Notice of Violation letter dated March 3<sup>rd</sup>, 2025
- Attachment 7 – Site inspection photographs dated May 22, 2025
- Attachment 8 – Notice and Order to Vacate dated May 22, 2025
- Attachment 9 – Appeal submitted on June 6, 2025
- Attachment 10 – Reasonable Accommodation letter submitted on June 6, 2025
- Attachment 11 – Amended Appeal submitted on June 9, 2025
- Attachment 12 – Institute for challenging disorganization quick reference