

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

DATE: JULY 15, 2026

TO: BOARD OF BUILDING REGULATIONS APPEALS

FROM: JENNY MARQUEZ  
CODE ENFORCEMENT OFFICER II

SUBJECT: STAFF REPORT - RESPONSE TO AN APPEAL OF AN  
ADMINISTRATIVE NOTICE AND ORDER TO VACATE FOR 2371  
CORBY AVE #15, SANTA ROSA CA 95407, APN: 043-053-055

CASE NO: CE26-0133

**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 submitted by Greenberg Property Investments LP and uphold staff's issuance of the Notice and Order to Vacate.

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**INTRODUCTION**

My name is Jenny Marquez, Code Enforcement Officer II for the City of Santa Rosa's Code Enforcement Division. My duties include enforcing the Santa Rosa City Codes (SRCC). I am a certified Code Enforcement Officer through the California Association of Code Enforcement Officers and have been continuously engaged in the code enforcement profession for approximately five years.

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**

On February 5, 2026, the City of Santa Rosa Code Enforcement Division received a complaint regarding no heating, humidity and black mold on the walls, and cockroach and rat infestation and generated Code Enforcement case CE26-0133 for the property located at 2371 Corby Ave #15. On February 6, 2026, I conducted an inspection with Code Enforcement Technician Nanci Reyes-Hernandez who helped with translation, I observed that the following violations existed:

1. Stairs leading to the unit are deteriorating.
2. All three bedrooms have high moisture levels and visible black mold on the walls, baseboards, and windows.
3. All bedroom windows and bedroom floors have visible condensation.
4. First bedroom is missing the insect screen.
5. Wall texture is peeling in middle bedroom around the door.
6. The living room has high moisture levels and visible black mold.
7. Failed caulking around the interior bedroom windows which allows moisture intrusion.
8. Heat sensor head in the kitchen needs securing.
9. Kitchen light is inoperable.
10. Kitchen sink is leaking, also flex piping is not an approved plumbing material.
11. Live cockroaches and rodent feces in the unit.
12. Holes in the walls, behind the stove, the living room, and the hallway ceiling.
13. The wall heater is inoperable, wires hanging from the bottom.
14. Smoke detectors are missing and required in every room.
15. Bathroom fans require cleaning.
16. Broken floor tiles throughout in multiple locations.

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### **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.

**California Health and Safety Code Section 17975**, provides:

"Any tenant who is displaced or subject to displacement for a residential rental unit as a result of an order to vacate or an order requiring the vacation of a residential unit by a local enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered, shall be entitled to receive relocation benefits from the owner as specified in this article. The local enforcement agency shall determine the eligibility of tenants for benefits pursuant to this article."

**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 and the code under which the building was constructed, except as otherwise provided for in this code. The *owner* or owner's agent shall be responsible to ensure that any repairs, additions or alterations to the building or portion thereof are performed or constructed in accordance with the *International Building Code, International Residential Code* or *International Existing Building 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."

**IPMC Section 18-20.109.1.3, 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

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the location of the structure constitutes a hazard to the occupants of the structure or the public.”

**California Health and Safety Code Section 17920.3**, 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:**

- (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
- (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
- (3) Lack of, or improper kitchen sink.
- (4) Lack of hot and cold running water to plumbing fixtures in a hotel.
- (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

**(6) Lack of adequate heating – wall heater is inoperable.**

- (7) Lack of, or improper operation of required ventilating equipment.
- (8) Lack of minimum amounts of natural light and ventilation required by this code.
- (9) Room and space dimensions less than required by this code.
- (10) Lack of required electrical lighting.

**(11) Dampness of habitable rooms – high moisture readings in all bedrooms and the living room.**

**(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**

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**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 – roaches and rodent infestation found.**

(13) Visible mold growth, as determined by a health officer or a code enforcement officer, as defined in Section 829.5 of the Penal Code, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.

(14) General dilapidation or improper maintenance.

(15) Lack of connection to required sewage disposal system.

(16) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal facilities can be determined by a code enforcement officer as defined in Section 829.5 of the Penal Code.

(b) Structural hazards shall include, but not be limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

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- (8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
- (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (c) Any nuisance.
- (d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
- (e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.
- (f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.
- (g) Faulty weather protection, which shall include, but not be limited to, the following:
  - (1) Deteriorated, crumbling, or loose plaster.
  - (2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
  - (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
  - (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (i) All materials of construction, except those that are specifically allowed or approved by this code, and that have been adequately maintained in good and safe condition.

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(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

Substandard building includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

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#### **ANALYSIS**

The appellants present 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:

#### **Per Appeal document dated February 25, 2026:**

1. Appeal of Greenberg Property Investments LP is disputing the extent of such conditions required issuance of the Notice and Order to Vacate.
- The City of Santa Rosa Code Enforcement Division conducted an inspection of the unit on February 6, 2026, and observed the following health and safety violations:
  1. An inoperable wall heater with wires hanging loosely from the bottom of the heating unit, constituting an electrical hazard. The thermostat was checked, but the unit did not respond. Heating is a required element of a habitable structure.
  2. A grayish black discoloration observed on the walls in all three (3) bedrooms and the living room. Moisture readings were taken using a General Tools MM8 Professional Digital Pinless Moisture Meter with backlit LCD, which showed elevated moisture levels. The moisture meter was used according to manufacturer's instructions and calibrated before use.
  3. Presence of live cockroaches and rodent feces within the interior of the unit constituting a hazard to the occupants.
  4. Substandard conditions throughout, which show a lack of maintenance required by the property owner. These substandard conditions in their totality have contributed to the Notice and Order to Vacate however the above-mentioned conditions are the primary reason for the City's Notice and Order to Vacate. The appellant alleges that the tenants have failed to notify them of deficiencies in the unit. Code Enforcement maintains that is a landlord tenant dispute and is not a consideration in the Notice and Order to Vacate.

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2. Appeal of Greenberg Property Investments LP, is disputing the determination that the tenant(s) is eligible for relocation benefits pursuant to California Health & Safety Code sections 17975, et seq.
- The City of Santa Rosa Code Enforcement Division maintains that the tenant is eligible for relocation due to structural components and hazards which are required to be maintained by the property owner including:
  1. Lack of required caulking and weatherproofing surrounding failed windows allowing for moisture intrusion in multiple points of the unit.
  2. Lack of required exclusionary controls to prevent rat and rodent infestation within the unit. The appellant states that the tenants have refused entry for pest control treatments is a landlord tenant dispute and is not a consideration when issuing a Notice and Order to Vacate or determining eligibility.
  3. Lack of heating is an essential component in habitability, and maintaining a functional heater is the responsibility of the landlord. The heater had loose hazardous wires at the bottom of the unit and the thermostat was non-functioning. Lack of proper heat within a unit can contribute to conditions that promote moisture buildup and potential mold growth.

In conclusion, the City of Santa Rosa Code Enforcement Division has determined that the aforementioned structural hazards and deficiencies warranted the issuance of a Notice and Order to Vacate. Additionally, the tenant is eligible for relocation assistance in accordance with the City of Santa Rosa Code and applicable law.

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

1. **Site inspection photographs (February 6, 2026):** Documenting conditions of the unit (Attachment 1)
2. **Notice and Order to Vacate (February 6, 2026):** Documenting the code sections for the unit which deem the unit uninhabitable (Attachment 2)
3. **Notice of Violation letter (February 13, 2026):** Documenting all violations observed at the time of inspection (Attachment 3)

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4. **Mold Report by Bay Cities Mold Inspection Services (March 6, 2026):**  
Documenting air samples and probable mold growth observations  
(Attachment 4)
5. **Notice of Appeal (February 25, 2026):** Appeal of Greenberg Property Investments to Notice and Order/Notice to Vacate (Attachment 5)

### **SUMMARY**

The attached documentation and images clearly demonstrate that the premises are legally uninhabitable and further that tenant is eligible for relocation benefits. The references that have been provided support the City's position that the February 6, 2026, issuance of the Notice and Order to Vacate was both proper and necessary given the facts pertaining to the premises.

The City contends that the appellants' arguments are factually incorrect and insufficient to overturn the issuance of the Notice and Order to Vacate and further to change the eligibility or relocation benefit.

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

### **ATTACHMENTS**

1. Attachment 1 – Site inspection photographs dated February 6, 2026
2. Attachment 2 – Notice and Order to Vacate dated February 6, 2026
3. Attachment 3 – Notice of Violation letter dated February 13, 2026
4. Attachment 4 – Mold Report by Bay Cities Mold Inspection Services dated March 6, 2026
5. Attachment 5 – Notice of Appeal of Greenberg Property Investments to Notice and Order/Notice to Vacate dated February 25, 2026