

Sally Steinhart, Esq.

P.O. Box 4651, 730 2nd St., Santa Rosa, CA 95402
salogan@gmail.com

June 6, 2025

Lou Kirk, Senior Chief Building Official
Cassidy G. Anderson, Senior Code Enforcement Officer
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404

Email: cganderson@srcity.org
Re: 801 Tupper Street 806, Santa Rosa, CA
Case No. CE24-1540
APN: 009-202-048

Request for Reasonable Accommodation in Response to Notice to Vacate

Dear Mr. Kirk and Ms. Anderson:

I am writing on my own behalf regarding the above-referenced matter. Although I promptly **consulted with the attorneys at CRLA, they lacked the time or staffing to represent me under the very brief time constraints imposed by the Notice to Vacate. But Alicia Roman did speak to me on the phone and provided me with the RA suggestion and materials. As you know I am open to discussion and amicable resolution of this very painful, frightening, and difficult situation that has been exacerbated by the owner/manager's refusal to assist or cooperate and long-term neglect of the rodent infestation that is well known to you.**

This will confirm that I seek an accommodation based on my disabilities pursuant to the Americans with Disabilities Act (ADA) that:

- (1) I be afforded sufficient additional time to seek the owners' and managers' compliance with their statutory duties to exterminate and prevent the return of the pests infesting the entire building which render it substandard and untenable under California law for *all* tenants, not just me. In light of the owners' failure and refusal to meaningfully or effectively carry out that duty, and the likely event that they will continue to refuse without a court order compelling such compliance I intend to pursue that goal in the courts, as necessary. The owner's recent practice of only providing a few snap traps baited with peanut butter when the entire building is infested with tree rats does not constitute compliance with the requirements of the law cited in the Notice. Hiring a licensed exterminator to provide the traps is not compliance with law when full extermination from the structure is required. Nor is the practice of the owner's management team of blaming tenants and shooing them out of the office when they complain of rats in their apartments in this 14-story building**

Attachment 10

Reasonable Accommodation

come even close to complying with the law.

During that time I will also seek their cooperation in moving me into another apartment with, hopefully, no active rodent infestation, and which has been appropriately rodent-proofed against invasion, and not on the 1st, 2nd, 8th, or 9th floor, which appear to have the most virulent rodent colonies living within the walls, which air space provides the only ventilation, other than, possibly, open windows or doors, which “ventilation” brings with it the filth and disease of that long-standing colony.

(2) I am willing to authorize periodic compliance inspections on reasonable notice.

(3) I be afforded additional time in order to obtain some help with the onerous job of removing the property and other materials damaged and soiled by the rats from apartment 806. I have a person in mind who has offered such help who I understand can be paid from adult protective services, who abandoned me entirely and did not return my subsequent telephone call asking for help.

(4) Any assessment of fees, including any fee for my Appeal, be placed on hold pending the owner’s compliance and my efforts within the apartment with assistance appropriate to my disabilities, and

(5) The City waive any and all fees, costs and penalties associated with this action.

More specifically, I seek a time frame of no fewer **than** two (2) months in order to allow **the owner to** exterminate the entire building, and for me to reduce the accumulation of objectionable stuff within the apartment in line with CDC recommendations concerning doing it with appropriate sanitation and protective gear. Every surface in the apartment has been soiled by the rats that began entering the apartment through openings in the walls created during the Reiner superficial refurbishment in 2012. During this proposed compliance time, **I** propose that periodic inspections of the property take place at times agreeable to the management and me. I will survey tenants informally to add to my accumulated information about rat activity and apartment invasions during this time in order to allow the City to verify **the owner** is making reasonable progress toward full compliance.

I have both mental and physical disabilities that have made it difficult for me to attempt to make some progress while battling the continually growing and increasingly aggressive rat population on my own with no help from owner or management, sometimes hand to hand. I have had to learn to kill them by many various means. The symptoms of my mental disabilities include difficulty in organizing, anxiety and depression because of the oppressive living conditions. These symptoms negatively impact my ability to perform and execute planning tasks and organizing.

Further complicating my ability to address the clutter are my physical disabilities. Because of surgery on my right shoulder after I fell in an elevator in the building filled with an invisible layer of water May 21, 2023, and overuse injury to my left arm during my recovery and rehabilitation I was unable to do anything requiring lifting or carrying anything over a pound. And then my apartment was invaded by the rats that, unknown to me, had been living within the walls of the building and entering other apartments for years with absolutely no attempt by owner/manager to exterminate them. My

Attachment 10

Reasonable Accommodation

physical disabilities include the limitations related to: weakened physical ability **to lift or move more than a few heavy objects at a time**. As a result of these conditions, I must rely on the assistance of others to be able to complete the work needed. Moreover, I have limited financial resources to be able to hire assistance with my clean-up efforts. I will seek assistance in this regard from APS and management.

Under the ADA, a person is considered to have a disability, and therefore is entitled to reasonable accommodations, if they have a mental or physical impairment that substantially limits one or more major life activities. 42 U.S.C.S. § 12102(1). Based on the foregoing, I am a qualified person with disabilities as defined by the ADA.

The ADA imposes an "affirmative duty" on public agencies to reasonably accommodate disabled individuals by modifying administrative rules and policies, including municipal zoning and land use ordinances. *McGary v. City of Portland*, 386 F.3d 1259, 1265-1266 (9th Cir. 2004) (involving Plaintiff subject to municipal abatement action).

This accommodation request is reasonable and necessary in order to allow me to do what is necessary to hopefully move to another apartment and to continue to clean up apartment 806. Your assistance will be of great help in convincing owner/manager that It is in their best interest to assist and cooperate with me instead of merely harassing me, and to actually exterminate the rats living within walls of the structure. It should further be pointed out that there is no allegation or finding that the conditions on the property constitute an imminent health and safety threat.

I have demonstrated that I have a disability-related need for the requested accommodations. Therefore, as discussed above, a failure to grant my request or to engage in the interactive process will likely constitute a violation of the Fair Housing Act. As we work to resolve this matter and reach an appropriate accommodation, **we request that you refrain from proceeding to** taking any negative action against my right-to-housing interests without an appropriate hearing that complies with due process. You can reach me at (707) 694-5569 or by email at salogan@gmail.com

I look forward to working with you to resolve the issue raised by the Notice to Vacate. Thank you for your time and attention to this matter.

Sincerely,



Sally Steinhart