



STAFF REPORT

Date: September 15, 2014

To: Bryan H. Montgomery, City Manager *for*

From: Troy Edgell, Code Enforcement Coordinator

Subject: An Ordinance Amending Title 4, Chapter 30 of the Oakley Municipal Code (OMC) regarding the City's Rental Inspection Program

Approved and Forwarded to City Council:

Kevin Rodini

Bryan Montgomery, City Manager

Summary and Recommendation

Staff recommends the City Council adopt the Ordinance amending Title 4, Chapter 30.

Fiscal Impact

It is anticipated the fiscal impact will be neutral. Despite proposed reduction in current Rental Inspection Fee, use and application of existing software program at no additional cost along with increased compliance should offset costs associated with the anticipated increased workload.

Background and Analysis

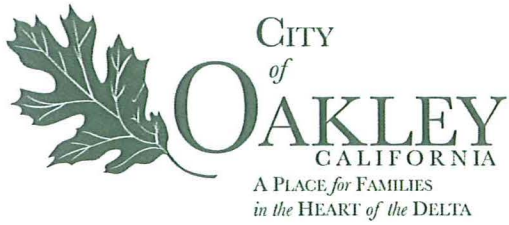
In 2008 the City Council approved the creation of Oakley's Rental Inspection Program. The purpose of the program was to identify blighted and deteriorated rental housing stock harmful to the health and safety of the public, ensure the rehabilitation or abatement of housing not in compliance with state and local building and housing laws, and preserve and enhance the quality of life for residents of the City living and around rental dwelling units.

It has been determined the current Rental Inspection Program is lacking the desired compliance and understanding. To remedy this deficiency, it is proposed the OMC be amended to reflect a more up-to-date, user-friendly Rental Property Inspection Program that takes advantage of existing information technology at no additional cost to the City.

The major proposed changes are the following:

- a. Improve compliance by reducing the current annual rental inspection fee from \$167 to \$100. This change is a more accurate reflection of the time expected to administer and inspect each property and the lower cost should encourage greater compliance. A resolution will be presented to the City Council for consideration upon the second reading and adoption of the Ordinance.
- b. Designate Code Enforcement as the Office of Primary Responsibility for the program with administrative support from Building Permits
- c. Increase compliance and user-friendliness by providing a Self-Inspection Checklist and Frequently Asked Questions document to all Property Owners

The amendment and proposed fee schedule were drafted using the "best practices" of Rental Inspection Programs in cities similar in size and demographics to Oakley.



Conclusion

Staff recommends the City Council adopt the Ordinance amending Title 4, Chapter 30 of the Oakley Municipal Code.

Attachments

- 1) Proposed Ordinance for Adoption
- 2) Red-Line Version of Existing Title 4, Chapter 30
- 3) Proposed Complete Version of Title 4, Chapter 30
- 4) Rental Application and Property Use Verification Affidavit containing Proposed Fee Schedule
- 5) Frequently Asked Questions
- 6) Self-Inspection Checklist

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY
AMENDING VARIOUS SECTIONS IN TITLE 4, CHAPTER 30 OF THE
OAKLEY MUNICIPAL CODE, DEALING WITH RENTAL DWELLING UNIT
INSPECTION PROGRAM**

Section 1. Section 4.30.102 of the Oakley Municipal Code is hereby amended to read as follows:

4.30.102 Purpose.

The purpose of this Chapter is to establish a proactive rental property inspection program to protect the public health, safety and welfare through the identification, prevention, and correction of substandard housing conditions that adversely affect the quality of life for residents living in and around rental dwelling units.

Section 2. Section 4.30.202 of the Oakley Municipal Code is hereby amended to read as follows:

4.30.202 Definitions.

For purposes of this Chapter, the following words and phrases shall have the meanings set forth below:

- a) "City" means the City of Oakley, California;
- b) "Director" means the City Manager or his/her designee;
- c) "Deficiency" means any failure of a rental property subject to this Chapter to comply with applicable laws;
- d) "Enforcement Officer" means a code enforcement officer or other employee designated by the Director to issue notices of violations and administrative citations for violations of applicable laws;
- e) "Property Owner" means any person, persons, corporation, partnership, limited liability company, or any other entity holding fee title, ownership or control of the rental property, and shall include:
 - 1) The above person(s) or entities who own, as shown on the last equalized assessment roll, the property where the violation(s) exist;
 - 2) The above person(s) or entities who have management control of the property where the violation exists;
- f) "Rental property" means any building or portion of a building in the City which is hired, rented or leased by a person or persons within the meaning of Civil Code Sec. 1940. A "rental dwelling unit" includes a single family dwelling, either attached or unattached, a unit in a multifamily or multipurpose dwelling, or a unit in a condominium or cooperative housing project, or any room or group of rooms located within a dwelling forming a single unit with facilities that are used or intended to be used for living, sleeping, cooking or eating. This definition applies whether or not the unit is legally permitted.

Section 3. Section 4.30.208 of the Oakley Municipal Code is hereby amended to read as follows:

4.30.208 Administration.

This Chapter shall be administered and enforced by the City Manager.

Section 4. Section 4.30.210 of the Oakley Municipal Code is hereby amended to read as follows:

4.30.210 Registration.

Every owner of real property not exempted by this Chapter who offers property for rent shall register the rental property with the City by submitting a Rental Application and Property Use Verification Affidavit annually and pay the accompanying Rental Registration Fee. It shall be unlawful to rent or lease a rental property without registering the rental property with the City on an annual basis. The Rental Registration Fee shall be established from time to time by the City Council's adoption of a Resolution.

Section 5. Section 4.30.304 of the Oakley Municipal Code is hereby amended to read as follows:

4.30.304 Site Maintenance Standards.

All rental properties shall be in compliance with all provisions of the Oakley Municipal Code, including adopted uniform housing and building codes, at all times. Additionally, the City Manager shall promulgate, from time to time, a compliance checklist, listing the standards for site maintenance for rental properties. All rental properties shall also be in compliance with the then-current adopted checklist.

Section 6. Section 4.30.402(a) of the Oakley Municipal Code is hereby amended to read as follows:

- (a) Unless otherwise exempt under this Chapter, every rental property shall be subject to periodic inspection to determine whether any substandard condition exists at a rental dwelling or its premises, to determine whether there is a violation of this Code or the Checklist, and to ensure compliance with the requirements described in this Chapter.

Section 7. California Environmental Quality Act (CEQA) Finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

Section 8. Severability.

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 9. Effective Date and Publication.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2014 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Randy Pope, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

CHAPTER 30 RENTAL DWELLING UNIT INSPECTION PROGRAM

Article 1 Purpose and Findings

4.30.102 Purpose.

The purpose of this Chapter is to establish a proactive rental property inspection program to protect the public health, safety and welfare through the identification, prevention, and correction of substandard housing conditions that adversely affect ~~This Chapter sets forth rules, regulations and specifications to proactively identify blighted and deteriorated rental housing stock; ensures the rehabilitation or abatement of housing that does not comply with state and local building and housing laws or with maintenance standards established by this Chapter, or is unsafe to occupy; and preserves and enhances~~ the quality of life for residents ~~of the City living in~~ and around ~~in~~ rental dwelling units.

4.30.104 Findings.

The City Council hereby finds that this Chapter is necessary to preserve the health, safety and general welfare of the community. Rental housing sometimes experiences a lack of adequate maintenance, or is allowed to create public nuisances, due to the fact that owners may not inspect the property often, may not make repairs or abate nuisances as necessary, or because tenants are not concerned with property conditions that may adversely affect property values. These regulations are also necessary to protect the right of tenants to safe and decent housing when the owner does not take reasonable steps to inspect, repair or maintain rental housing and to maintain the quality of life for residents of the surrounding neighborhood.

Article 2 General Provisions

4.30.202 Definitions.

For purposes of this Chapter, the following words and phrases shall have the meanings set forth below:

(a) ~~Community Development Director or Director. The Director of the Community Development Department, or his/her designee.~~ "City" means the City of Oakley, California;

(b) "Director" means the City Manager or his/her designee;

(c) "Deficiency" means any failure of a rental property subject to this Chapter to comply with applicable laws;

(d) "Enforcement Officer" means a code enforcement officer or other employee designated by the Director to issue notices of violations and administrative citations for violations of applicable laws;

~~(eb) "Property Owner": A person, means any person, persons, corporation, partnership, limited liability company, or any other entity holding fee title, ownership or control of the rental property, and shall include:~~

~~1) The above person(s) or entities who own, as shown on the last equalized assessment roll, the property where the violation(s) exist;~~

~~2) The above person(s) or entities who have management control of the property where the violation exists;~~

~~to the subject real property. If more than one person or entity owns the subject property, "property owner" refers to each person or entity holding any portion of the fee interest, and the property owners' obligations under this Chapter are joint and several as to each.~~

~~(fe) "Rental Dwelling Unitproperty" means a. Any building or portion of a building in the City that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, which is hired, rented, or leased by a person within the meaning of Civil Code Sec. 1940. A "rental dwelling unit" includes a single family dwelling, either attached or unattacheddetached, or a unit in a multifamily or multipurpose dwelling, or a unit in a condominium or cooperative housing project, or any room or group of rooms located within a dwelling forming a single unit with facilities that are used or intended to be used for living, sleeping, cooking or eating. This definition of rental dwelling unit applies whether or not the unit is legally permitted.~~

~~(d) Substandard Condition. A dwelling unit or its premises that is:~~

~~1) Not in compliance with the California Building Standards Codes as adopted and amended by this Municipal Code; the State Housing Law; or the City's Neighborhood Preservation Ordinance, Section 4.29.102, et seq, of this Municipal Code or Title 7 (Building and Housing Regulations) of this Municipal Code; or~~

~~2) Unsafe to occupy pursuant to the Uniform Housing Code, as modified from time to time; or~~

~~3) Is in violation of any other provision of this Municipal Code, including but not limited to Chapter 22 of Title 4 (Residential Property and Littering Nuisances), Chapter 7 of Title 4 (Abandoned Vehicles), Chapter 23 of Title 4 (Weeds and Refuse), and Chapter 6 of Title 1 (Abatement of Nuisance).~~

4.30.204 Application of Chapter.

(a) This Chapter applies to all existing rental dwelling units, including units owned, operated and/or subsidized by public agencies. This Chapter also applies to premises on which these units are located, including parking lots, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs and spas.

(b) The provisions of this Chapter are supplementary and complementary to other provisions of this Code and applicable statutes. Nothing contained in this Chapter shall be construed to limit any existing right of the City to abate nuisances or to enforce any provisions of applicable law, statute, or this Code.

4.30.206 Exemptions.

The following types of rental dwelling units are exempted from the application of this Chapter:

(a) All mobile homes, manufactured homes, recreational vehicles, and other dwelling units located in a mobile home park.

(b) Hotels and motels.

(c) Units that are unavailable for rent as indicated by a statement that the property owner has submitted to the Director that the unit is not available for rent, and that prior to offering the unit available for rent, the property owner will notify the Director and register the units as described in this Chapter.

4.30.208 Administration.

This Chapter shall be administered and enforced by the ~~Community Development Director. The Director may establish administrative procedures for implementing this Chapter.~~ City Manager.

4.30.210 Registration.

~~In order to assist the Director to identify the rental dwelling units located within the City of Oakley that are subject to this Chapter, every owner of rental dwelling units real property not exempted by this Chapter who offers property for rent shall register the rental dwelling unit property with the Director, City by submitting a Rental Application and Property Use Verification Affidavit annually and pay the accompanying Rental Registration Fee, providing the owner's name and address, the address of the rental dwelling unit, and the number of units existing at that address. The Property Owner shall register with the Director all rental dwelling units within the City of Oakley no later than July 1, 2008. It shall be unlawful to rent or lease one or more rental dwelling units a rental property without registering such unit(s) with the Director, the rental property with the City on an annual basis. The Rental Registration Fee shall be established from time to time by the City Council's adoption of a Resolution. Any rental dwelling unit acquired by a property owner after July 1, 2008 must be registered by the property owner within thirty (30) days of the date of offering the unit for rent or lease or from the date of a tenant or lessee assuming occupancy.~~

Article 3 Standards

4.30.302 Responsibility for Property Maintenance.

Every property owner of a rental dwelling unit located in the City of Oakley shall:

(a) Maintain the unit and the site on which it is located so that no substandard condition or violation of this Code exists at the unit or site;

- (b) Correct all substandard conditions identified during a City inspection, before re-inspection occurs; and
- (c) Be liable and responsible for violations of this Code irrespective of any contract or agreement with any third party concerning the rental dwelling unit and/or its premises.

4.30.304 Site Maintenance Standards.

~~(a) Rental dwelling units and premises shall comply with the general nuisance standards for all properties within Oakley as specified in Section 1.6.103 of this Code, as it may be amended from time to time.~~

~~(b) Rental dwelling units shall not be kept in a substandard condition and, in addition, shall meet the following site maintenance conditions:~~

~~(i) All rental dwelling units and their premises must be clear of weeds, vegetation, junk (including but not limited to abandoned, unused or non-operational appliances, equipment, vehicles, machinery, or household furnishings), dead organic matter, debris, garbage, stagnant water, combustible materials, and similar materials or conditions that constitute fire, health, or safety hazards.~~

~~(ii) In the case of multiple dwelling units on one site, all parking areas must be clear of potholes, cracks or other deterioration. All striping and signage, including parking signage and fire lane or access signage, must be clearly legible and maintained in good condition.~~

~~(iii) All landscaped areas must be maintained so as not to constitute a public safety hazard and all dead, severely damaged, or overgrown plant materials shall be removed.~~

~~(iv) If upon inspection, the inspector reasonably determines that landscape areas in a multi-family rental dwelling unit constitute a public health, safety or welfare hazard, the property owner shall submit a landscape plan to the Community Development Department for approval. If a rental dwelling unit and premises are in a land use district requiring a development plan, the landscape plan must conform to the development plan initially approved by the City. All other landscape plans must provide for the replacement of all dead or severely damaged plant material with plant material equivalent to that removed. Landscape areas include right-of-way and detention or pond areas. Driveways, hardscape parking areas, patios or walks are not included as landscape areas.~~

~~(v) In the case of multiple rental dwelling units on one site, refuse enclosures, if required, must be installed and maintained. All refuse must be kept inside the enclosure. Oversized trash that will not fit within the refuse enclosure, or designated receptacles, must be removed from the property or premises. All rental properties shall be in compliance with all provisions of the Oakley Municipal Code, including adopted uniform housing and building codes, at all times. Additionally, the City Manager shall promulgate, from time to time, a compliance checklist, listing the standards for site maintenance for rental properties. All rental properties shall also be in compliance with the then-current adopted checklist.~~

Article 4 Enforcement

4.30.402 Inspections of Rental Housing Units.

(a) Unless otherwise exempt under this Chapter, every rental ~~dwelling unit~~property shall be subject to ~~an annual exterior periodic~~ inspection ~~by the Director or designee~~ to determine whether any substandard condition exists at a rental ~~dwelling~~ dwelling unit or its premises, to determine whether there is a violation of ~~this Chapter or of~~ this Code ~~or the Checklist~~, and to ensure ~~determine~~ compliance with the requirements ~~as~~ described in this Chapter.

~~(b) If a rental dwelling unit or its premises fails to pass an inspection, the Director or designee will provide the Property Owner with written notice of any deficiencies noted during the inspection and/or re-inspection of the dwelling unit or its premises.~~

~~(c) A rental dwelling unit shall be subject to re-inspections as frequently as necessary to ensure that all deficiencies are corrected.~~

~~(d) Inspections by the City pursuant to this program shall be exterior inspections only, unless an interior inspection is authorized by the owner or tenant. Nothing herein shall prevent the City from obtaining an inspection warrant for an interior inspection without the consent of the owner or tenant, nor from conducting an emergency inspection under exigent circumstances. Nothing herein shall prevent the City from conducting any other property inspection or taking any other enforcement action authorized by federal, state, or local law.~~

4.30.404 Notice and Order to Correct.

(a) If any substandard condition or violation exists, the Director or designee may provide the property owner with a written "Notice and Order to Correct" that describes the substandard condition or violation. The notice will provide a reasonable period of time for correction, depending on the severity of the condition, from 24 hours to 60 days from the date of the notice.

(b) If the property owner applies in writing to the Director for an extension within the original correction period, the Director may extend the period for correction if the Director determines that the property owner has established that the correction has been diligently pursued but could not be completed within the original correction period.

(c) The Notice and Order shall be mailed first class mail to the property owner at the property owner's last address as it appears on the latest equalized tax assessment roll of Contra Costa County.

4.30.406 Permits.

Before beginning any correction of the substandard condition or violation, the property owner shall obtain all necessary permits and pay all required fees for the permits, including, without limitation, any penalty imposed by this Code by reason of any repair, improvement, or maintenance which had been done in the past without a required permit, inspection or final approval.

4.30.408 Re-Inspections.

One or more re-inspections may be conducted to verify that the substandard condition(s) or violation(s) identified in the Notice and Order have been corrected. Following the expiration of the correction period and any extensions, the property owner shall pay a re-inspection fee and associated penalties, if any, and arrange with the Director for re-inspection of the property. If the owner does not contact the Director, the City may cause a re-inspection to be made at its own discretion. The property owner shall pay any re-inspection fees and/or costs, including attorneys' fees for the City if legal services were utilized, for the re-inspection(s). Any substandard condition or violation not discovered in the initial inspection but discovered during a re-inspection may be the subject of a subsequent Notice and Order.

4.30.410 Relocation of Tenants.

If it becomes necessary in the opinion of the Director to vacate any rental dwelling unit because of an unsafe or unsanitary condition, or to carry out the correction of any Notice and Order, the costs and expenses of any tenant shall be the responsibility of the property owner. The owner may appeal such costs and expenses to the City Manager, whose decision shall be final.

4.30.412 Remedies.

Failure to correct the substandard condition or violation after a Notice and Order within the time specified in the Notice and Order, may result in the issuance of administrative citations, abatement of any nuisances using any remedy allowed under this Chapter, this Municipal Code, uniform codes adopted by reference, state law, a proceeding in equity, criminal and/or civil penalties, recordation of a notice of pending action, and/or any other enforcement method permitted by law. Remedies may include the

City notifying the state Franchise Tax Board of the Property Owner's noncompliance for the purposes of disallowing state income tax deduction of interest, depreciation, taxes or amortization deductions, pursuant to California Revenue and Taxation Code Sections [17274](#) and [24436.5](#), and related statutes. Conducting the business of renting dwelling units in violation of this Chapter or without making corrections shall also constitute an unfair business practice subject to enforcement provisions authorized by state law.

4.30.414 Appeals.

The Property Owner may appeal any determination of the Director or designee in the same manner as an appeal is taken from the issuance of an administrative citation as described in this Code.

Article 5 Licenses, Fees and Costs

4.30.502 Annual Fee.

All Property Owners of residential rental units subject to a rental dwelling unit inspection shall pay a fee in an amount established by resolution of the City Council. The fee shall represent the estimated average time and the actual cost and expense of maintaining the rental dwelling units and providing the annual inspection, and will be used to finance the cost of the Rental Dwelling Unit Inspection program. Should the property owner fail to pay the required inspection fee, the City will recover it, in addition to accrued

interest and penalties, utilizing any remedies provided by law including, but not limited to, nuisance abatement or municipal tax lien procedures established by Ordinance or state law. Penalty amounts shall be as designated by the Council by resolution and, for Building Code violations, shall reflect penalty amounts contained in the Uniform Building Code for violation of that Code.

4.30.504 Re-Inspection Fee.

Upon inspection, the [Community Development](#) Director or designee may instruct the owner to perform work, take action, or refrain from action to verify compliance with said codes. If the [Community Development](#) Director or designee discovers upon re-inspection that the work, action, or inaction requested was not performed, the cited party shall be charged a re-inspection fee in an amount established by Resolution of the City Council. Should the cited party fail to pay the required re-inspection fee, the City will recover it, in addition to accrued interest and penalties, utilizing any remedies provided by law including nuisance abatement or municipal tax lien procedures established by Ordinance or state law.

**CHAPTER 30
RENTAL DWELLING UNIT INSPECTION PROGRAM**

Article 1 Purpose and Findings

4.30.102 Purpose.

The purpose of this Chapter is to establish a proactive rental property inspection program to protect the public health, safety and welfare through the identification, prevention, and correction of substandard housing conditions that adversely affect the quality of life for residents living in and around rental dwelling units.

4.30.104 Findings.

The City Council hereby finds that this Chapter is necessary to preserve the health, safety and general welfare of the community. Rental housing sometimes experiences a lack of adequate maintenance, or is allowed to create public nuisances, due to the fact that owners may not inspect the property often, may not make repairs or abate nuisances as necessary, or because tenants are not concerned with property conditions that may adversely affect property values. These regulations are also necessary to protect the right of tenants to safe and decent housing when the owner does not take reasonable steps to inspect, repair or maintain rental housing and to maintain the quality of life for residents of the surrounding neighborhood.

Article 2 General Provisions

4.30.202 Definitions.

For purposes of this Chapter, the following words and phrases shall have the meanings set forth below:

- (a) "City" means the City of Oakley, California;
- (b) "Director" means the City Manager or his/her designee;
- (c) "Deficiency" means any failure of a rental property subject to this Chapter to comply with applicable laws;
- (d) "Enforcement Officer" means a code enforcement officer or other employee designated by the Director to issue notices of violations and administrative citations for violations of applicable laws;
- (e) "Property Owner" means any person, persons, corporation, partnership, limited liability company, or any other entity holding fee title, ownership or control of the rental property, and shall include:
 - 1) The above person(s) or entities who own, as shown on the last equalized assessment roll, the property where the violation(s) exist;

2) The above person(s) or entities who have management control of the property where the violation exists;

(f) "Rental property" means any building or portion of a building in the City which is hired, rented, or leased by a person within the meaning of Civil Code Sec. 1940. A "rental dwelling unit" includes a single family dwelling, either attached or unattached, a unit in a multifamily or multipurpose dwelling, or a unit in a condominium or cooperative housing project, or any room or group of rooms located within a dwelling forming a single unit with facilities that are used or intended to be used for living, sleeping, cooking or eating. This definition applies whether or not the unit is legally permitted.

4.30.204 Application of Chapter.

(a) This Chapter applies to all existing rental dwelling units, including units owned, operated and/or subsidized by public agencies. This Chapter also applies to premises on which these units are located, including parking lots, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs and spas.

(b) The provisions of this Chapter are supplementary and complementary to other provisions of this Code and applicable statutes. Nothing contained in this Chapter shall be construed to limit any existing right of the City to abate nuisances or to enforce any provisions of applicable law, statute, or this Code.

4.30.206 Exemptions.

The following types of rental dwelling units are exempted from the application of this Chapter:

(a) All mobile homes, manufactured homes, recreational vehicles, and other dwelling units located in a mobile home park.

(b) Hotels and motels.

(c) Units that are unavailable for rent as indicated by a statement that the property owner has submitted to the Director that the unit is not available for rent, and that prior to offering the unit available for rent, the property owner will notify the Director and register the units as described in this Chapter.

4.30.208 Administration.

This Chapter shall be administered and enforced by the City Manager.

4.30.210 Registration.

Every owner of real property not exempted by this Chapter who offers property for rent shall register the rental property with the City by submitting a Rental Application and Property Use Verification Affidavit annually and pay the accompanying Rental Registration Fee. It shall be unlawful to rent or lease a rental property without registering the rental property with the City on an annual basis. The Rental Registration Fee shall be established from time to time by the City Council's adoption of a Resolution.

Article 3 Standards

4.30.302 Responsibility for Property Maintenance.

Every property owner of a rental dwelling unit located in the City of Oakley shall:

- (a) Maintain the unit and the site on which it is located so that no substandard condition or violation of this Code exists at the unit or site;
- (b) Correct all substandard conditions identified during a City inspection, before re-inspection occurs; and
- (c) Be liable and responsible for violations of this Code irrespective of any contract or agreement with any third party concerning the rental dwelling unit and/or its premises.

4.30.304 Site Maintenance Standards.

All rental properties shall be in compliance with all provisions of the Oakley Municipal Code, including adopted uniform housing and building codes, at all times. Additionally, the City Manager shall promulgate, from time to time, a compliance checklist, listing the standards for site maintenance for rental properties. All rental properties shall also be in compliance with the then-current adopted checklist.

Article 4 Enforcement

4.30.402 Inspections of Rental Housing Units.

(a) Unless otherwise exempt under this Chapter, every rental property shall be subject to periodic inspection to determine whether any substandard condition exists at a rental dwelling or its premises, to determine whether there is a violation of this Code or the Checklist, and to ensure compliance with the requirements described in this Chapter.

4.30.404 Notice and Order to Correct.

(a) If any substandard condition or violation exists, the Director or designee may provide the property owner with a written "Notice and Order to Correct" that describes the substandard condition or violation. The notice will provide a reasonable period of time for correction, depending on the severity of the condition, from 24 hours to 60 days from the date of the notice.

(b) If the property owner applies in writing to the Director for an extension within the original correction period, the Director may extend the period for correction if the Director determines that the property owner has established that the correction has been diligently pursued but could not be completed within the original correction period.

(c) The Notice and Order shall be mailed first class mail to the property owner at the property owner's last address as it appears on the latest equalized tax assessment roll of Contra Costa County.

4.30.406 Permits.

Before beginning any correction of the substandard condition or violation, the property owner shall obtain all necessary permits and pay all required fees for the permits, including, without limitation, any penalty imposed by this Code by reason of any repair, improvement, or maintenance which had been done in the past without a required permit, inspection or final approval.

4.30.408 Re-Inspections.

One or more re-inspections may be conducted to verify that the substandard condition(s) or violation(s) identified in the Notice and Order have been corrected. Following the expiration of the correction period and any extensions, the property owner shall pay a re-inspection fee and associated penalties, if any, and arrange with the Director for re-inspection of the property. If the owner does not contact the Director, the City may cause a re-inspection to be made at its own discretion. The property owner shall pay any re-inspection fees and/or costs, including attorneys' fees for the City if legal services were utilized, for the re-inspection(s). Any substandard condition or violation not discovered in the initial inspection but discovered during a re-inspection may be the subject of a subsequent Notice and Order.

4.30.410 Relocation of Tenants.

If it becomes necessary in the opinion of the Director to vacate any rental dwelling unit because of an unsafe or unsanitary condition, or to carry out the correction of any Notice and Order, the costs and expenses of any tenant shall be the responsibility of the property owner. The owner may appeal such costs and expenses to the City Manager, whose decision shall be final.

4.30.412 Remedies.

Failure to correct the substandard condition or violation after a Notice and Order within the time specified in the Notice and Order, may result in the issuance of administrative citations, abatement of any nuisances using any remedy allowed under this Chapter, this Municipal Code, uniform codes adopted by reference, state law, a proceeding in equity, criminal and/or civil penalties, recordation of a notice of pending action, and/or any other enforcement method permitted by law. Remedies may include the

City notifying the state Franchise Tax Board of the Property Owner's noncompliance for the purposes of disallowing state income tax deduction of interest, depreciation, taxes or amortization deductions, pursuant to California Revenue and Taxation Code Sections 17274 and 24436.5, and related statutes. Conducting the business of renting dwelling units in violation of this Chapter or without making corrections shall also constitute an unfair business practice subject to enforcement provisions authorized by state law.

4.30.414 Appeals.

The Property Owner may appeal any determination of the Director or designee in the same manner as an appeal is taken from the issuance of an administrative citation as described in this Code.

Article 5 Licenses, Fees and Costs

4.30.502 Annual Fee.

All Property Owners of residential rental units subject to a rental dwelling unit inspection shall pay a fee in an amount established by resolution of the City Council. The fee shall represent the estimated average time and the actual cost and expense of maintaining the rental dwelling units and providing the annual inspection, and will be used to finance the cost of the Rental Dwelling Unit Inspection program. Should the property owner fail to pay the required inspection fee, the City will recover it, in addition to accrued interest and penalties, utilizing any remedies provided by law including, but not limited to, nuisance abatement or municipal tax lien procedures established by Ordinance or state law. Penalty amounts shall be as designated by the Council by resolution and, for Building Code violations, shall reflect penalty amounts contained in the Uniform Building Code for violation of that Code.

4.30.504 Re-Inspection Fee.

Upon inspection, the Director or designee may instruct the owner to perform work, take action, or refrain from action to verify compliance with said codes. If the Director or designee discovers upon re-inspection that the work, action, or inaction requested was not performed, the cited party shall be charged a re-inspection fee in an amount established by Resolution of the City Council. Should the cited party fail to pay the required re-inspection fee, the City will recover it, in addition to accrued interest and penalties, utilizing any remedies provided by law including nuisance abatement or municipal tax lien procedures established by Ordinance or state law.

3231 Main Street, Oakley, CA 94561

Residential Rental Inspection Program

(925)625-7005, rental-inspections@ci.oakley.ca.us

RENTAL APPLICATION AND PROPERTY USE VERIFICATION AFFIDAVIT

This form is used to verify status of the property as it pertains to the Residential Rental Inspection Program. It is a requirement to register all rental properties with the City of Oakley. Please check the box that pertains to your property and return this form along with any required documentation within **15 days** of the date of the enclosed letter. Thank you for your prompt response & cooperation. Please print clearly.

I, _____, hereby declare the property at
_____, Oakley, CA

(Please make only one selection)

Is currently being **RENTED** or is intended to be a rental within 6 months of today's date.

Your Rental Registration fee is based on your Gross Rental Income for the prior year. Enter your Gross Rental Income in the box to the right. Calculate your fee due from the table below and enter your fee due in the next box to the right. For a new rental property, which has no gross rental income history, the applicant is required to estimate the gross rental annual income.

Gross Rental Income Equal To:	Fee Due Is:
\$000,000 to \$333,333	\$100 (Minimum Fee)
\$333,334 to \$500,000	\$.30 per \$1,000 of Gross Rental Income
\$500,001 to \$1,000,000	\$150 + \$.25 per \$1,000 in excess of \$500,000
\$1,000,001 & up	\$275 + \$.15 per \$1,000 in excess of \$1,000,000

\$ _____

Enter Fee based on Gross Rental Income

Was **SOLD** on (date required) _____

Is currently **OWNER OCCUPIED** and is not intended to be a rental within 6 months of today's date.
As verification that I occupy this property, I have attached a copy of my most recent utility bill. The bill is in my name (owner) & the service address (property address) is the mailing address.

Is **OTHER** than the options above. Explain below.

Property Owner Address: _____

(If different than above)

Property Owner Phone Number: _____ Mobile # _____

SIGNED _____ DATE _____

Under penalty of perjury I declare that all of the above statements are true

Return signed application to above address and make check payable to *City of Oakley Attention: Rental Inspection Program.*

Rental Inspection Program FAQ's

Why did I receive this letter for my property?

According to our research of public records, this property may be a rental and subject to the requirements of this ordinance.

What does Code Enforcement check at the time of inspection?

Please see the Rental Inspection Program Checklist.

How did you get my name/address?

From a variety of sources including the Contra Costa County tax records.

How does the City know my property is a rental?

Information obtained through our review of public records indicates that this property may be rented and thus subject to the requirements of this ordinance. If it is not a rental property, when filling out The Rental Application and Property Use Verification Affidavit, check the appropriate box and submit without payment.

I'm already paying income taxes on the rental income, how can you tax me again?

The City of Oakley ordinance requires payment of a Business Fee. This is not a tax. It is a fee to cover the cost associated with the administration and inspection of your rental property.

How is the Rental Inspection Fee being used?

The Rental Inspection fee is general fund revenue which is used to fund such vital services as police and code enforcement.

Is this Rental Inspection fee new?

The Rental Inspection ordinance is not new; it has been in place since 2008.

What are you doing about the abandoned/foreclosed properties or bank owned properties which are not being maintained?

The City of Oakley has a Neighborhood Preservation Ordinance which requires all properties to be maintained. Code Enforcement handles all complaints for properties not being maintained. If you would like to file a complaint, [contact Code Enforcement](#).

How can the City just decide to do this without any input from the community?

Community Members have continuously expressed their concern regarding the maintenance of rental properties, absentee landlords, and the adverse impact on the value of surrounding properties when tenants or property owners disregard property maintenance standards. This program has been in effect since 2008.

I have other questions regarding this program and/or requirement, who can I call?

For information about the Rental Inspection Program, please call (925) 625-7031 or 625-7009 or email code-enforcement@ci.oakley.ca.us. For information about the Rental Inspection Fee, please call (925) 625-7005 or email rental-inspections@ci.oakley.ca.us.

How do I pay the annual fee?

Payment is accepted by check, cash or credit card. Cash or credit card payments can be made in person at 3231 Main St., Oakley, CA 94561. If paying by check make payable to City of Oakley. Please include rental property address on check. Mail payment to 3231 Main St., Oakley, CA 94561, Attention: Rental Inspection Program.

Rental Inspection Program Self-Inspection Checklist

Properties must be in compliance with all applicable City of Oakley Municipal Codes. Though not all inclusive, the majority of these requirements can be found in Title VI, Chapter 4: Neighborhood Preservation. **Please conduct a self-inspection of the property to ensure the following violations are not present.** We encourage you to share this checklist with the tenant and keep a copy for future reference.

- Garbage Service Established. (Every owner is responsible for acquiring Garbage Service, not the Tenant. Service can be obtained by calling 925-757-7660)
- Unsecured building or structure including broken or missing windows, screens, or doors
- Buildings in disrepair including roof coverings, lack of weather protection, infestation, deterioration, boarded up windows or peeling paint
- Address numbers clearly posted on building
- Attractive nuisances dangerous to children and/or adults such as: abandoned, broken, or neglected equipment, machinery, appliances and unsecured pools, ponds, or hot tubs
- Unmaintained front or side yard landscaping (I.e. overgrown grass, vegetation, weeds)
- Dead landscaping
- Inoperative vehicles (cars, boats, trailers, or RV's) on private property (all vehicles MUST be operative—Vehicles registered "Non-Operable" must still appear operable)

- Parking of vehicles (cars, boats, trailers, or RV's) on unimproved surface
- Parking/storing of commercial vehicle. (No commercial vehicles are allowed unless permitted by a Home-Based Business. Commercial vehicles are defined by California Vehicle Code Section 15210)
- Basketball Hoop or other structure encroaching placed upon the street or sidewalk
- Storing/depositing or accumulating for longer than 30 days dirt, sand, or other construction materials within public view
- Broken fence, gate, window, or other condition that is blight upon the neighborhood
- Graffiti (All graffiti must be removed within 72 hours)
- Vector nuisances on property which would support the development, attraction, or harborage of vectors (animals and/or insects harmful to humans)