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# Multiple Unit Substandard Housing Inspections & Enforcement

## 5.1 PURPOSE AND SCOPE

This policy directly correlates with *Policy and Procedures #4 – Substandard Housing Inspections* and shall be implemented when substandard conditions are discovered during a substandard housing inspection, AND the investigating officer determines the substandard condition(s) likely impact adjacent units of a multiple unit housing structure. This policy establishes the guidelines for satisfying the requirements specified in Health & Safety Code (“HSC”) Section 17970.7 by members of the Mendocino County Code Enforcement Division (“the Division”). This policy is intended to be used in conjunction with all other adopted Policy and Procedures and to guide the Division’s investigation and/or enforcement officers on the appropriate procedures to ensure compliance with HSC Section 17970.7.

Upon determination of one or more substandard conditions impacting adjacent units of a multiple unit housing structure, the investigating officer shall make every effort to inspect all additional units subject to such impact. Division staff shall perform a complete inspection of each applicable unit utilizing the approved Substandard Housing Inspection Report form and provide copies to the affected tenant and all other likely affected tenants within the same multi-unit structure(s).

Substandard conditions determined to impact more than one unit of a multiple unit structure shall require corrective actions by the owner, legally interested parties, or responsible party. The Division shall require corrective actions to remediate all identified substandard conditions through available and authorized regulatory enforcement tools, to include but not limited to: Issuances of a Notice of Violation (“NOV”), Notice of Order to Repair (“NOTR”), or Notice of Order to Abate (“NOTA”), Administrative Citations (“AC”), etc.

## 5.2 BACKGROUND

In addition to the passing of Assembly Bill – 838 (“AB-838”), supplemental legislation has been passed via Assembly Bill – 548 (“AB-548”), which expands requirements of local jurisdiction agencies to develop policies and procedures for inspecting a building with multiple units if an inspector or code enforcement officer has determined that a unit is substandard or is in violation of State Housing Law, and the inspector or code enforcement officer determines that the defects or violations have the potential to affect other units of the building, as specified. As a result, HSC Section 17970.7 has been created and requires the following:

- (1) Include criteria that inspectors or code enforcement officers shall use to determine if the substandard condition could reasonably affect other units, taking into account factors including, but not limited to, the building type, age, size, construction method, cause of the substandard condition, and history of violations.
- (2) Require the inspection of additional units at the property, including at least units adjacent to, above, and below the unit in which the defect or violation was found.
- (3) Allow for the inspection of all of the units on the premises if severe, building wide defects or violations are found.

Furthermore, the law requires that upon determining that a substandard condition in a unit could reasonably affect other units, the local enforcement agency shall provide the property owner with a notice or order to repair or abate within a reasonable time after the inspection is completed. The local enforcement agency shall advise the owner or operator of each known violation and of each action required to remedy the violation and schedule a reinspection to verify correction of the violations.

### **5.3 PROCEDURES**

The initial complaint requiring inspection by the Code Enforcement Division shall be consistent to the procedures noted in *Policy #4 – Substandard Housing Inspections and Reports*. If during the initial substandard housing inspection of a multiple unit housing structure it is determined additional units likely are impacted by a confirmed substandard condition, the Division shall also carry out the following procedures in order to meet the requirements of HSC Section 17970.7.

#### ***Meeting Requirements for HSC Section 17970.7 – Substandard Housing Inspections of a Multiple Unit Housing Structure with a Confirmed Substandard Unit***

##### **Investigation**

In circumstances where the inspected housing unit is part of a multiple-unit housing structure (including duplexes, apartments, townhouses, hotel rooms, other structure used for multi-unit housing, etc.) AND the housing conditions are determined to be substandard pursuant to HSC Section 17920.3 and/or HSC Section 17920.10, the Investigating Officer shall take the following steps:

- 1) Determine if the substandard conditions could reasonably affect other units, taking into account factors, including, but not limited to, the building type, age, size, type of construction, cause of the substandard condition, history of violations, or other relevant information as determined by the Division. Examples of this include: non-permitted and substandard structural modifications to the overall structure spanning across multiple units (including plumbing, electrical, mechanical), infestation of insects/vermin/rodents, mold growth, etc.
- 2) Reasonably attempt to schedule and carry out inspections of potentially impacted additional units at the property, including at least the units adjacent to, above, and below the unit in which the substandard defect or violation was found. The investigating Officer shall document their efforts and attempts to inspect the additional units within the initial substandard housing inspection complaint. If determined to be necessary, the Division may seek an Inspection Warrant, if consent to inspect cannot be obtained.
- 3) Follow the same steps outlined in the section noted as *Policy and Procedures #4 - Substandard Housing Inspections and Reports*, Steps (1) through (6), for each unit to be inspected.
  - a. Allow for the inspection of all of the units on the premises if severe, building-wide defects or violations are found of multiple units determined to be likely impacted and/or maintaining substandard defects or violations.
  - b. Complete a new Substandard Housing Inspection Report form to be attached to the original substandard housing complaint for each additional unit determined to potentially maintain one or more substandard defects or violations defined by HSC Section 17920.3 and/or HSC Section 17920.10.
  - c. Provide each tenant, resident, or occupant of an adjacent unit that has been inspected for substandard conditions with a free copy of the inspection report, as required under HSC Section 17970.5.

##### **Enforcement**

For confirmed substandard conditions impacting more than one unit of a multiple housing structure, the complaint shall be transferred to an Enforcement Officer for formal enforcement action for noticing. The Enforcement Officer shall adhere to all standard practices and appropriate timelines typical for the enforcement role, as outlined in *Policy & Procedures #1: Case Management Structure Policy*. This officer shall ensure that Section (d) of 17970.5 HSC is complied with in the event any notices, including administrative citations, are issued.

In addition to traditional enforcement tools offered by the Case Management Structure, the Enforcement Officer shall determine if the violations associated with substandard conditions require the issuance of a Notice of Order to Repair (NOTR) and/or a Notice of Order to Abate (NOTA). An additional inspection, with the support of the Chief Building Official or their designee may be appropriate to support the issuances of such notices, so adequate details of health and safety concerns, applicable codes, and corrective actions can be properly described within the notices.

##### **Notice of Order to Repair (NOTR) of Substandard Conditions**

If applicable to the findings of the inspection(s), the Enforcement Officer shall complete and issue a Notice of Order to Repair (NOTR) as soon as possible to the responsible party. The NOTR shall include all conditions determined to be substandard in the Substandard Housing Inspection Report form(s) regardless of it pertaining to one or several units

within the same multiple housing unit. The NOTR shall provide supporting state and local codes, including but not limited to: California Residential Code (CRC), California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), etc.

- a. Standard Timeline for Repair on Notice: 30 days

**Notice of Order to Abate (NOTA) of Substandard Building**

Pursuant to Section 18.23.050 of the Mendocino County Code (MCC) – Abatement of Substandard Buildings, all structures or portions thereof which are determined to constitute a substandard building shall be declared a public nuisance and shall be abated by repair, rehabilitation, or removal in accordance with HSC Sections 17980 through 17995.

In the event that the conditions of the multiple unit housing constitute a substandard building, the Enforcement Officer shall take the following steps:

- (1) Declare the determined substandard building a public nuisance and immediately post a “Declaration of Public Nuisance” at the subject property in a visible location affixed to the substandard building.
- (2) The Enforcement Officer shall, as soon as possible, issue a Notice of Order to Abate (NOTA) of Substandard Building, to include all conditions determined to be substandard in the Substandard Housing Inspection Report form(s) regardless of it pertaining to one or several units within the same multiple housing unit. The NOTA shall provide supporting state and local codes, including but not limited to: California Residential Code (CRC), California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), etc.
  - a. Standard Timelines for Repair/Abatement on Notice: 30 days
  - b. Exigent Timeline for Repair/Abatement (HSC Section 17980): Officer Discretion for less than 30 days, if deemed necessary by the officer to prevent or remedy an immediate threat to the health and safety of the public or occupants of the structure.
- (3) Provide copies of the NOTA to the property owner, legally interested parties, and/or responsible parties, and all known tenants for each of the affected residential units within the substandard building, consistent to the requirements of HSC Section 17980.6.
- (4) The Enforcement Officer shall follow-up on the status of the NOTA and corrective actions no later than the last day provided on the notice to determine if the responsible party has taken appropriate action to resolve the violations on the NOTA. Reasonable extensions for compliance may be granted in limited circumstances, with the requirement that the immediate health and safety concerns are addressed first.
- (5) If the Enforcement Officer determines that insufficient decisions and actions have been taken to resolve the NOTA within the timelines provided, the Enforcement Officer may seek alternative resolutions (including summary abatement, receivership, litigation, etc.) with the approval of the Director of Planning and Building Services (through the Code Enforcement Manager).

**5.4 INTERPRETATIONS AND CONFLICTS**

This policy and procedures have been created due to requirements placed upon local government jurisdictions by the State of California. Therefore, the Director of Planning and Building Services, or their approved designee, shall have the authority for the interpretation, modification, and ultimate discretionary decisions of the Division’s implementation of this policy in the event there is an identified conflict.

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