

Overview of Code Enforcement Responsibilities and Actions

Presented by Chris Gale, CBO
City of East Palo Alto

HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 - 19997]

(Division 13 enacted by Stats. 1939, Ch. 60.)

PART 1.5. REGULATION OF BUILDINGS USED FOR HUMAN HABITATION [17910 - 17998.3]

(Part 1.5 added by Stats. 1961, Ch. 1844.)

CHAPTER 5. Administration and Enforcement [17960 - 17992]

(Chapter 5 added by Stats. 1961, Ch. 1844.)

ARTICLE 1. Enforcement Agencies [17960 - 17967]

(Article 1 added by Stats. 1961, Ch. 1844.)

17960.

The building department of every city or county shall enforce within its jurisdiction all the provisions published in the State Building Standards Code, the provisions of this part, and the other rules and regulations promulgated pursuant to the provisions of this part pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings.

(Amended by Stats. 1979, Ch. 1152.)

17970.

Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part which the enforcement agency has the power to enforce.

(Amended by Stats. 1979, Ch. 1152.)

17971.

The owner, or authorized agent of any owner, of any building or premises may enter the building or premises whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part.

(Amended by Stats. 1979, Ch. 1152.)

17972.

No person authorized by this article to enter buildings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the dwelling, nor enter any dwelling in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

(Added by Stats. 1961, Ch. 1844.)

17995.

Any person who violates any of the provisions of this part, the building standards published in the State Building Standards Code relating to the provisions of this part, or any other rule or regulation promulgated pursuant to the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment not exceeding six months, or by both such fine and imprisonment.

(Amended by Stats. 1983, Ch. 1092, Sec. 162. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)

19170.

Any person who violates, or causes or permits another person to violate, any provision of this chapter is guilty of a misdemeanor.

(Amended by Stats. 1941, Ch. 301.)

19150.

Every building or structure and every portion thereof shall be designed and constructed to resist stresses produced by lateral forces as provided in the State Building Standards Code. In areas where the Division of Codes and Standards of the Department of Housing and Community Development is the enforcement agency, plumbing and electrical equipment and installations shall be subject to building standards published in the State Building Standards Code and the other rules and regulations adopted pursuant to Sections 17921 and 17922 of this code.

(Amended by Stats. 1979, Ch. 1152.)

19130.

No person shall construct a building subject to this chapter unless he has obtained a written permit for that purpose from the appropriate enforcement agency.

(Added by Stats. 1941, Ch. 301.)

19135.

The enforcement agency may revoke any permit if the permittee refuses, fails, or neglects to comply with any provision of this chapter, or if it finds that any false statement or misrepresentation was made in the application, plans, or specifications filed by the permittee.

(Added by Stats. 1941, Ch. 301.)

19136.

The work authorized by a permit shall be performed only in accordance with the application, plans, and specifications filed by the permittee.

(Added by Stats. 1941, Ch. 301.)

19137.

The issuance of a permit does not constitute approval of any violation of any provision of this chapter.

(Added by Stats. 1941, Ch. 301.)

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(Amended by Stats. 1979, Ch. 1152.)











Building and Planning Fee Estimate (Not For Budgeting Purposes)

The following estimate is based on a construction value of \$200,000.00 project

**COSTS MAY VARY UP OR DOWN BASED ON
PROJECT DETAILS.**

Building Fees

For Illustration Purposes Only

APPLICANT: EAST PALO ALTO CITY
1960 TATE ST
EAST PALO ALTO, CA 94303
COMBO RES NEW/RESIDENTIAL

Permit No: CRW-PERMIT

Parcel No: 063665020

Description: ---CRW PLACE HOLDER - DO NOT US

Valuation: \$200,000.00

Fee Description	Account	Fee Amount
<u>BLD - VALUATION</u>		
BUILDING PERMIT/INSPECTION	010-42200-4221	\$2121.00
PROCESSING	010-42200-4221	\$264.00
STANDARD PLAN CHECK	010-43300-4343	\$2520.00
BLD - BSASRF FEE	010-42200-4221-B01	\$8.00
BLD - SMIP CATEGORY 1	010-42200-4227	\$26.00
TECHNOLOGY FEE	208-43300-4355-D06	\$246.55

Total Fees Due:

\$5,185.55

Date Printed: 06/23/2017

CUSTOMER

General Development Fees

500 sq. ft. Unit

For Illustration Purposes Only

Category	Fee	Total
School Impact Fee	\$3.20 per square foot	\$1,600
Sewer Fees	\$125 inspection \$800 review \$3,625 connection	\$4,550
Fire Review Fees	\$241 site review \$740 - \$981 sprinklers	\$1,222
Engineering Fees	\$1,968 water connection \$4,274 encroachment permit	\$6,242
Planning Fees	\$1,500	\$1,500
TOTAL		\$15,114

Cost Estimates and Fees

- The California Building and Residential Codes require that the Building Department assess the value of proposed construction. This is based on market value, “what it should cost” not what the applicant states the costs to be. Generally staff estimate construction costs at \$165.00 per square foot. The actual costs are generally \$300.00 if a licensed contractor does the work (recommended).
- * Note, just the concrete and framing materials generally cost \$30.00 a square foot delivered and not installed.



The Code Enforcement Process for unsafe dwellings

This isn't applicable to all cases. This excludes:

- Police actions, fires or local disasters, cars or trees damaging building structures, or hazardous materials or utility problems.

Normally we will only respond to complaints but based on case law (previous court decisions), if we see something that is manifestly unsafe we are required to do something about it to safeguard the public.

We generally have no idea what we will walk into and identify until we arrive on the site

Suggestions we have heard:

1. We should have the Service Agencies with us for “Red Tags.”
2. We need to have services available for displaced tenants during inspection.

Reality:

1. Not feasible to bring along Service Agencies to all inspections.
 2. We may schedule a small single-family dwelling inspection and find 20+ tenants but we only anticipated 3 or 4 tenants.
 3. Or...we may anticipate 20 tenants and there are only 3.
- Staff doesn't know what the case will be until the inspection is conducted.
 - Service Providers' resources are limited and called upon as needed.

When we arrive on site we look at the condition of the exterior of a building and then we enter to assess the current conditions.

We look for a multitude of things because, unlike most enforcement divisions of government, we have multiple codes to enforce, while other Agencies/Officials enforce one or two codes.

Code Enforcement & Police Department

- ❑ Code Enforcement and Building Departments enforce laws related to buildings and property.
- ❑ Law Enforcement and Police Departments enforce different laws.
- We are there to protect you and your tenant from unsafe and unhealthy conditions.
- We do not have any contact with immigration or any other federal agents.

What happens when we find a major safety issue?

1. The first thing we do is document the issues.
2. We will then explain to the property owner what the violations are and inform them of the process to cure:
 - a) Agree with owner/landlord on a timeline to correct
 - b) Owner submits application & plans, staff review & approve
 - c) Schedule necessary inspections through final approval
3. We let the tenants (if any) know what is happening.

The property owner and tenants are the only people who have a right to this information.

How can a property owner / landlord legalize his second unit?

1. First, meet with Planning (1960 Tate St.) for land use regulations, i.e., lot size, setbacks, etc.
 2. Second, if Planning requirements met, meet with Building Division to meet Building code, etc.
 3. Submit plans to Building, get plans approved and schedule inspections.
 4. Hire a licensed contractor, build improvements.
 5. Have improvements inspected and approved.
- **No penalties have been levied to applicants that come forward and apply to legalize a second unit.**
 - **36 units have been built since 2014.**

Planning and Building efforts to educate and incentivize legalization of 2nd Units

1. Soliciting feedback, ideas, holding Task Force meetings
2. Will issue RFP to provide displacement services
3. Staff training in de-escalation / conflict resolution (PCRC)
4. Public meetings and Informational Workshops to educate community about 2nd Unit + Garage conversions
 - A Workshop was held on June 12, 2017
 - Next Workshop will be held on July 20, and every 3rd Thursday
5. Will develop a Second Unit Technical Guidebook.
6. Collaborative partnerships (Rebuilding Together, FIA, SMCo.)
7. Adding scope to Affordable Housing Strategy
 - Survey of Policies & Best Practices to support 2nd units

We may or may not “tag” the
property with a Green Tag
(Nuisance)

An Orange “tag” which means
(Substandard)

Or

A “Red” tag which means
(Unsafe to occupy)

What if the property is “tagged”

If you are a legal tenant you may be eligible for relocation benefits paid for by the property owner, including:

- Two (2) months’ rent for another dwelling
- Utility deposits
- Transportation, moving expenses, other.

It is a legal right of the tenant and a legal responsibility for the owner of the property.

How much are relocation benefits and how can they be collected?

Landlords are responsible for relocation benefits for tenants in unpermitted or substandard units.

- Relocation fees can range depending on tenancy and housing market costs.
- In San Mateo County a lien can be recorded against the property to collect relocation benefits from an owner.
- City may pay relocation and collect from owner and lien the property if benefits not paid.

If displacement happens and no relocation benefits are provided... What Happens?

- Staff provides the tenants a list of service providers and resources.
- These service providers may be able to help with food, shelter or jobs but...
- The demand for assistance for Social Service agencies far exceeds their capacity.
- We are trying to find additional service organizations but most are already at full capacity serving those with dire needs.

What really needs to happen?

- We need to educate and inform landlords and hold them accountable.
- Tenants are paying high rents for safe housing.
- Landlords should provide safe housing.
- City is obligated to protect tenants' rights.

The Ghost Ship building owner profited from those in need.

At the Oakland Ghost Ship many tenants tragically died. Some who illegally modified and resided in the building are getting arrested.





- After the violations are remedied and everything is safe people will be allowed to reoccupy.
Unless, construction is so poorly done or so damaged by rot (or trees) the building will have to be removed.
- Tenants should always feel free to call Community Legal Services (CLS) for legal advice.
- Tenants can also call the City's Rent Stabilization Administrator to protect their rights under the City's Just Cause for Eviction Ordinance.
- Residents in East Palo Alto are protected against arbitrary, discriminatory, or retaliatory evictions.







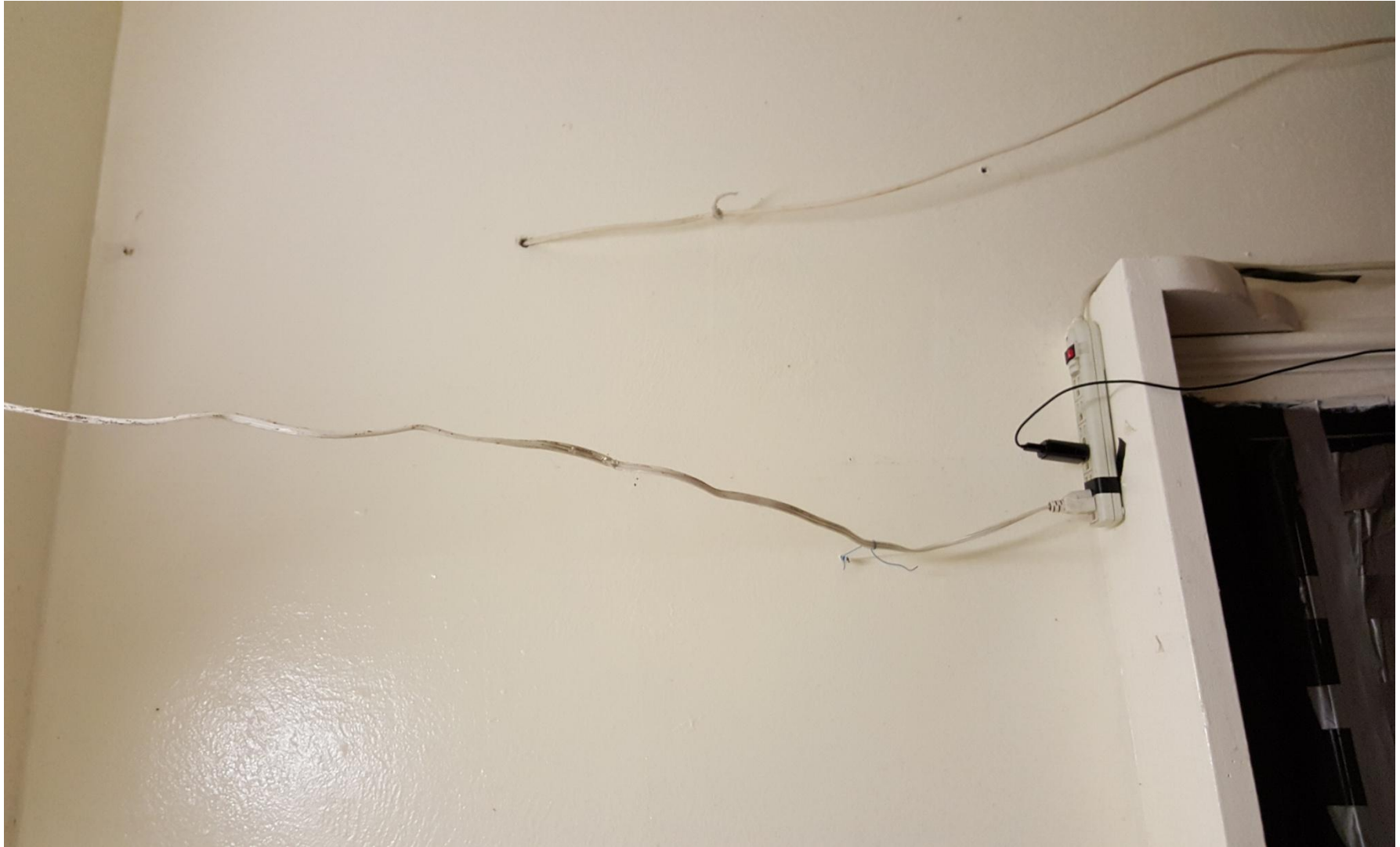
What is an “imminent Hazard”?



















Terry



