

Notification to Tenants of Substandard Conditions

PURPOSE

The intent of this policy is to provide a clear procedure to determine when notification to tenants of substandard housing conditions is required. This policy applies to all rental housing but shall not apply to rental housing under the jurisdiction of California Housing and Community Development (HCD). HCD jurisdiction includes occupied recreational vehicles and mobile homes manufactured after 1972.

GENERAL

Historically, dwellings were posted to notify the public of hazardous conditions only during Rapid Evaluation Safety Assessments (RESA) or after completion of a Notice and Order. Staff informally notified tenants of the substandard conditions while performing an inspection. Recent changes to Section 17980 of the Health and Safety Code requires tenants to be notified of conditions that affect the health and safety of the occupants.

For this policy, a roommate subletting a bedroom in a single family dwelling shall not be considered a tenant.

AUTHORITY

Section 17980 Health and Safety Code, section 1941.1 California Civil Code and the Uniform Housing Code.

PROCEDURE

1. When responding to complaints of substandard conditions, staff shall note if the dwelling unit under investigation is a rental or owner occupied. If staff cannot determine if the dwelling under investigation is owner occupied, it shall be assumed the dwelling is being used as rental housing.
2. If conditions are found that may cause immediate death or injury, such as imminent structural failure or uninsulated, exposed and energized conductors, the structure shall be immediately posted with the "DANGER Unsafe for Human Occupancy" poster. A Notice and Order shall be written by Code Enforcement staff, sent to the owner of record certified mail, return receipt requested and tracked in the Permits Plus database.
3. Substandard conditions shall be determined per chapter 10 of the Uniform Housing Code (UHC). Staff shall not use UHC sections 1001.2 (11) dampness of habitable rooms and section 1001.2 (12) infestation of insects, vermin and rodents as the sole reason for determining the dwelling as a health and safety risk. If conditions are found that affect the

health and safety of the occupants, but may not cause immediate death or injury, a “Notice to Tenants” shall be posted. Code Enforcement staff shall follow up the posting with a “Notice of Violation” or “Notice and Order” sent to the property owner. The violation shall be prioritized and monitored for compliance.

4. If staff identifies substandard conditions but the structure cannot be posted, then Code Enforcement staff shall send a NOTICE TO TENANT letter via regular mail, and addressed to “occupant” at the affected property address.
5. Construction without permits shall be assumed to be owner occupied unless staff has direct knowledge that a tenant occupies the structure. A STOP WORK order may be posted in accordance with policy 7-0-1.
6. During declared emergencies, posting of the Rapid Evaluation Safety Assessments (RESA) yellow tags shall serve as the equivalent of the “Notice to Tenants” posting. RESA red tags shall serve as the equivalent as the “DANGER Not for Human Occupancy” posting.

ATTACHMENTS

- A. NOTICE TO TENANTS poster
- B. NOTICE TO TENANTS letter

Approved by:

/s/ Pete Parkinson

Pete Parkinson, Director

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