

ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, AMENDING CHAPTER 15.27 OF TITLE 15 OF THE SAN BERNARDINO MUNICIPAL CODE, REGARDING RENTAL HOUSING PROGRAM MAINTENANCE STANDARDS

WHEREAS, the proper maintenance of multi-family residential rental housing facilities can reduce nuisance conditions and improve the safety and security of residents; and

WHEREAS, the proper maintenance of multi-family residential rental housing facilities can be encouraged by educating property owners, operators and managers as to the risks of substandard maintenance, unsafe conditions, and nuisance activity; and

WHEREAS, the negative effects of substandard maintenance, unsafe conditions, and nuisance activity on rental housing have broader impacts on the public health, safety, and welfare of the City's residents and the community at large; and

WHEREAS, based upon the negative effects of substandard maintenance, unsafe conditions, and nuisance activity at certain residential rental housing facilities, other neighboring properties have experienced enduring nuisance conditions and reductions in property values; and

WHEREAS, the education and inspections pursuant to this Ordinance address the negative impacts of substandard maintenance, unsafe conditions, and nuisance activity by providing the City's Code Enforcement officers with authority to inspect multi-family residential rental housing facilities, educating property owners, and fining violations that do not accord with the principles of this Ordinance; and

WHEREAS, the City Council has determined that the negative impacts of substandard maintenance, unsafe conditions, and nuisance activity interfere with the public health, safety, quiet enjoyment, quality of life, and general welfare of the individuals residing in or near dwelling units that will be subject to this Ordinance; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA DO ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. Chapter 15.27 of Title 15 of the San Bernardino Municipal Code is hereby amended in its entirety to state as follows:

“Chapter 15.27 Rental Housing Program Maintenance Standards

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15.27.010 Purpose

The Rental Housing Maintenance Program is a part of the City of San Bernardino's overall effort to maintain high property standards for maintenance of multi-family rental properties as defined herein. Owners of any multi-family rental property will be required to maintain these units in accordance with all applicable laws.

15.27.020 Applicability

The provisions of this Chapter shall apply to all multi-family rental property, as that term is defined herein, within the City. This Chapter also applies to the premises on which a multi-family rental property is located, including but not limited to parking lots, driveways, landscaping, accessory structures, fences, and walls.

The provisions of this Chapter are supplementary and complementary to other provisions of this Code and applicable laws. Nothing in this Chapter may 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, including provisions of uniform codes adopted by reference in this Code.

15.27.030 Definitions

For the purpose of this Chapter, unless otherwise apparent from their context, certain words and phrases used in this Chapter shall have the meanings hereinafter designated. The definitions in this Chapter are included for reference purposes only and are not intended to narrow the scope of definitions set forth in federal or state laws or regulations. Words used in this Chapter in the singular may include the plural and the plural may include the singular. Use of the masculine shall also mean feminine and neuter.

A. "Applicable Laws" means the City's Municipal Code, the California Fire Code, the California Building Code, the Uniform Housing Code, Uniform Code for the Abatement of Dangerous Building and any other laws or regulations relating to the health or safety of City residents or the general public, as adopted by the City.

B. "City" means the City of San Bernardino.

C. "Director" means the Director of Community, Housing, and Economic Development of the City of San Bernardino or his/her designee.

D. "Manager" means the person(s) who is responsible for the day-to-day maintenance, upkeep, and security of the rental property. "Manager" does not mean those who only physically perform the day-to-day maintenance, upkeep, and security functions of the rental property, such as but not limited to groundskeepers, craft workers, and security guards. Rather, the "manager" is the person(s) who makes the decisions concerning, and who directs and controls those who execute, the day-to-day maintenance, upkeep, and security of the rental property.

E. "Occupant" means any person who occupies a multi-family rental property, whether as a tenant or permittee of the owner.

F. "Owner" or "Property Owner" means a single individual, partnership or joint venture or any entity that has any kind of ownership interest in a multi-family rental property whether as an individual, partner, joint venture, stock owner, or ownership interest in some other capacity or the owner's designee. If more than one person or an entity owns the subject real property, owner or property owner refers to each person or entity holding any kind of ownership interest in the property, and the property owners' obligations in this chapter are joint and several as to each property owner.

G. "Multi-family Rental Housing Unit" or "Unit" means any residential dwelling unit, as defined in Chapter 19.02 of the San Bernardino Development Code, in a single structure, or in a group of attached or detached structures containing two or more such dwelling units on the same parcel of land, and is occupied or intended to be occupied on a rental basis. For the purpose of this Chapter, the following types of dwelling units or facilities are not considered multi-family rental housing units:

a) Hotels or motels

b) Accommodations in any hospital, extended care facility, residential care facility, convalescent home, nonprofit home for the aged, or dormitory that is owned and operated by an education institution

c) Mobile Home Parks

H. "Multi- family Rental Housing Complex" means a multi-unit residential structure consisting of four (4) or more units existing on one (1) parcel of land.

15.27.040 Scope

The provisions of this Chapter shall apply to all multi-family rental housing complexes containing four or more units on a single parcel.

15.27.050 Mandatory Participation

A. All multi-family rental property located in the City shall be subject to an annual inspection by the Director for compliance with the Rental Housing Program Maintenance Standards.

B. All property owners and managers of multi-family rental property shall attend the 8 hour rental housing course presented by the City within eight (8) months of the passage of this Ordinance. If a new owner or manager takes over the property, the new property owner or manager shall complete the 8 hour rental housing course presented by the City within six (6) months of said ownership or employment.

C. Any oral or written communication in the form of educational manuals, guidance, inspection materials, memoranda, reports, worksheets, and writings used by the City and its employees and/or agents used in the rental housing course and/or annual inspection shall refrain from referring to the Rental Housing Program Maintenance Standards as a crime-free program or crime reduction program. The course and inspection materials shall refrain from pejoratively or derogatorily describing persons with criminal histories. The course and inspection materials shall not instruct property owners and managers to rely upon or use any criminal history information in housing admissions and housing termination of housing decisions that is prohibited by fair housing state and federal laws and regulations, including guidance from applicable state and federal enforcement agencies, which may be amended from time to time.

D. City sworn law enforcement shall not be involved in conducting the rental housing course or in conducting the annual exterior inspections or re-inspections. City code enforcement officers may be involved in conducting the rental housing course and in conducting the annual exterior inspections and re-inspections as a lawful exercise of their duties, including but not limited to enforcement responsibilities under California Civil Code section 1941 et seq. and Health and Safety Code sections 17920.3 and 17975 et seq.

15.27.060 Notice of Inspection

The Director shall mail written notice of the date and time of the inspection to the owner of the multi-family rental property at least three weeks before the scheduled annual inspection. Such notice shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the owner shall be mailed by regular mail to the owner's last known address as it appears in the records of the County Assessor's Office.

The notice of inspection for the Rental Housing Maintenance Program shall be combined with the Multi-Family Rental Housing Program notice to the greatest extent possible for the convenience of the property owner.

15.27.070 Violations

A. Whenever the Director determines that a violation of this Chapter exists, the Director shall give notice of violation and an order to correct to the property owner. The notice shall be in writing and shall describe with reasonable detail the violation(s) so that the property owner has the opportunity to correct said violation(s).

B. Any person who fails to comply with any provisions of this Chapter after receiving written notice of the violation(s) and being given a reasonable opportunity to correct such violation(s) shall be deemed to be in violation of this Chapter.

C. Any owner of a multi-family rental property who fails to permit the annual inspection by the Director pursuant to this Chapter shall be in violation of this Chapter.

15.27.080 Re-Inspections

A. One or more re-inspections may be conducted to verify that the deficiencies noted by the Director during the annual inspection have been corrected.

B. Violations that were not noted on the initial inspection report, but are discovered on the re-inspection due to subsequent damage or deterioration shall be subject to correction.

15.27.090 Administrative Citations

A. Owners who fail to correct any deficiencies noted during any inspection or re-inspection may be subject to an administrative citation in accordance with San Bernardino Municipal Code Chapter 9.92 until all deficiencies have been corrected to the satisfaction of the Director.

B. Issuance of an administrative citation is in addition to any other administrative or judicial (civil or criminal) remedy established by law which may be pursued to address any violation of the Municipal Code.

15.27.100 Appeals

Any recipient of an administrative citation may contest the citation by the procedures set forth in Chapter 9.94 of this Code.

15.27.110 Severability

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by a court of competent jurisdiction on its face or as applied, such holding shall not affect the validity of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the City that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provision not been included herein.”

SECTION 3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4. The City Council finds this Ordinance is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 5. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

SECTION 6. Notice of Adoption. The City Clerk of the City of San Bernardino shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under section 36933 of the Government Code of the State of California.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this ____ day of _____, 20____.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Ordinance No. MC-1620, introduced by the City Council of the City of San Bernardino, California, at a regular meeting held the XX day of _____, 2023. Ordinance No. MC-____ was approve passed and adopted at a regular meeting held the XX day of _____, 2023 by the following vote:

| <u>Council Members:</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-------------------------|-------------|-------------|----------------|---------------|
| SANCHEZ | _____ | _____ | _____ | _____ |
| IBARRA | _____ | _____ | _____ | _____ |
| FIGUEROA | _____ | _____ | _____ | _____ |
| SHORETT | _____ | _____ | _____ | _____ |
| REYNOSO | _____ | _____ | _____ | _____ |
| CALVIN | _____ | _____ | _____ | _____ |
| ALEXANDER | _____ | _____ | _____ | _____ |

WITNESS my hand and official seal of the City of San Bernardino this ____ day of _____ 2023.

Genoveva Rocha, CMC, City Clerk