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C.29

To: Board of Supervisors
From: Jason Crapo, County Building Official
Date: September 21, 2010



**Contra
 Costa
 County**

Subject: Adopt Ordinance No. 2010-14 Concerning the County's Residential Rental Inspection Program (RRIP), as recommended by the Public Protection Committee

RECOMMENDATION(S):

ADOPT Ordinance No. 2010-14, establishing notice procedures for interior inspections of rental dwelling units and establishing a rental dwelling unit program fee and an inspection fee.

FISCAL IMPACT:

Program participation fees for rental property owners will not increase. The method of fee collection will change from once every five years to annually. The annual program participation fee will be \$36 for the first rental unit on the property and \$6 for each additional rental unit on the property. The annual program participation fee will pay for the costs of administering the program, including informational mailings to property owners, fee collection, and field monitoring of exterior conditions at rental properties.

A new fee will be created for those properties that require interior inspection based on observation of exterior deficiencies described in the Ordinance. The fee for interior inspection of rental properties will be \$250 for the first rental unit on the property and \$100 for each additional unit. These fees will pay for staff time required to schedule and conduct inspections and prepare inspection reports of the individual properties inspected.

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **09/21/2010** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 21, 2010

David J. Twa,

BY: , Deputy

VOTE OF SUPERVISORS

AYES	<input type="text" value="5"/>	NOES	<input type="text"/>
ABSENT	<input type="text"/>	ABSTAIN	<input type="text"/>
RECUSE	<input type="text"/>		

Contact: Jason Crapo (925) 335-1108

FISCAL IMPACT: (CONT'D)

When created, RRIP was intended to be a financially self-supporting program. However, program costs have exceeded the revenues generated from program fees. The proposed changes to RRIP are designed to make the program self-sufficient and operate within budget.

BACKGROUND:

This ordinance was introduced at the Board of Supervisors meeting on September 14, 2010, at which time the Board received public testimony and approved the changes to the Residential Rental Inspection Program recommended by Public Protection Committee. As a procedural matter, A second action is required by the Board of Supervisors to formally adopt the ordinance. Following adoption, the ordinance will become effective after 30 days.

The Contra Costa County Residential Rental Inspection Program (RRIP) was created by the Board of Supervisors in 2005 with the passage of Ordinance No. 2005-17. The program was designed to inspect the County's rental housing stock every five (5) years to improve the health and safety of rental housing and eliminate blight caused by inadequate maintenance and upkeep.

While achieving success in identifying health and safety problems at many rental properties, the current program structure of inspecting every rental unit in the unincorporated area on a 5-year cycle has proven ineffective and an undue burden on rental property owners. Many rental properties are in good condition and do not need to be inspected by the County. County staff time would be better spent by focusing on those properties that show signs of distress. This will allow staff to use their time more effectively and extend services to those properties with the greatest need. The proposed changes to the program recommended by the Public Protection Committee are intended to achieve these goals.

March 4, 2010 Staff Recommendations to Public Protection Committee At the March 4, 2010 meeting of the Public Protection Committee, staff proposed changes to RRIP which would end the current practice of conducting an interior inspection of every rental unit in the unincorporated area and instead only require interior inspection when a property exhibits exterior signs of neglect as observed in the field by Building Inspection staff.

The rental inspection function would be incorporated into the duties of County code enforcement staff. Code enforcement inspectors are assigned to each community in the unincorporated area. These inspectors are very familiar with the communities they serve and are well positioned to efficiently monitor the exterior condition of rental properties in their areas. Interior inspections of rental properties would only occur when exterior conditions on the property fail to meet the standards described in the RRIP Ordinance.

Restructuring the program in this way will decrease the extensive amount of staff time currently required to administer the program, better enabling the program to operate within budget. In its current form, the program requires considerable administrative staff time to prepare and mail notices to rental property owners and schedule inspections, plus time from building inspectors to conduct field inspections of rental properties and prepare reports. The extensive staff time involved in operating the program has prevented staff from serving many areas of the County and has resulted in a program budget shortfall, whereby revenue generated from program fees does not fully cover operational costs. For FY 09-10, the budget deficit for the program was approximately \$400,000.

Direction from Public Protection Committee to Staff at March 4, 2010 Meeting

At the Public Protection Committee meeting on March 4, 2010, Chair Glover and Vice Chair Gioia instructed staff to present the proposed program changes to County's 13 MACs for added community input. During the months of April and May of 2010, staff made presentations to 12 of the 13 MACs regarding the proposed restructuring of the program.

Results of Municipal Advisory Council Meetings

The MACs' reactions to the proposed program changes have been generally positive. In conducting presentations with the MACs, several common questions and concerns arose. The MACs' questions and concerns, as well as staff's responses, are listed below:

1. If the program is modified to only require an exterior survey, the inspectors will miss interior violations. Staff Response: The current program structure results in the inspection of many units that have minimal health and safety problems. The proposed changes will allow staff to focus their attention on properties with the greatest risk. It is true that a small number of properties in need of interior inspection may be missed as the result of these changes, but the vast majority of units with interior health and safety problems will still be identified.

2. Transferring rental inspection duties to code enforcement inspectors will result in more code enforcement cases concerning rental properties. Staff Response: As the program is currently operated, if a Rental Inspector comes across a code violation while conducting an inspection, the violation is incorporated into the rental inspection report. If the violation is not corrected, this will lead to a code enforcement case being opened. If, as proposed, rental inspection duties are transferred to the Code Enforcement Inspectors, they too will incorporate any code violations found into the rental inspection report as is the current procedure. Staff does not anticipate any significant change to how code violations are addressed if rental inspection duties are conducted by Code Enforcement Inspectors.

3. By assigning these duties to Code Enforcement Officers additional responsibilities will be added to an already overburdened group. Staff Response: This is a valid concern. However, transferring rental inspection duties to Code Enforcement Inspectors is the most efficient method to inspect the County's existing rental stock as code enforcement staff are already familiar with the communities they would be inspecting and are often aware of properties with blight or health and safety concerns.

4. How often will the County inspect residences under the new plan? Staff Response: Staff has committed to conducting exterior inspections of each rental unit at least once a year.

5. The County should try to educate property owners on health and safety issues and encourage property owners to make necessary improvements without need for inspection. Staff Response: Staff agrees that property owners should be educated concerning common health and safety issues. With this in mind, staff will include an informational notice with the program enrollment form that describes ways for property owners to improve the health and safety of their property. This will allow property owners to correct existing violations prior to the inspections.

6. Will tenants still be able to file complaints?

Staff Response: Yes. There are no changes proposed to the program that would limit a tenant's ability to report complaints concerning the property they are renting, and staff will continue to respond to such complaints. Staff believes that the proposed changes to the program will lead to safer tenant housing due to the increased frequency of exterior inspections.

June 21 Public Protection Committee Meetings At the June 21, 2010, Public Protection Committee meeting, the Committee received a report from staff (attached) describing the input received from the MACs. The Committee accepted the staff report and directed staff to submit the proposed changes to the program to the Board of Supervisors for consideration.

At the June 21, 2010 meeting the Committee also directed staff to obtain input on the proposed program changes from the Contra Costa branch of the California Apartment Owner's Association. Staff has obtained input from this organization and such input has been reflected in the recommendations of this report. Based on this input, the following elements of the program will remain unchanged:

- The program participation fee charged to rental property owners will remain unchanged. The fee will remain \$180 for the first rental unit and \$30 for each additional unit over a 5-year period. One fifth of this fee will be collected annually.
- Properties that have already participated in the program and received a 5-year certificate will not be reinspected until the end of the 5-year certification.
- Properties with 4 or more rental units can continue to utilize the self-certification option.