

7-0-5 NOTIFICATION TO TENANTS OF SUBSTANDARD CONDITIONS

PURPOSE

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 mobile home parks and special occupancy parks that are under the jurisdiction of California Housing and Community Development (HCD).

GENERAL

Section 17980 of the Health and Safety Code require tenants to be notified of conditions that exist within any building or portion thereof that endangers the life, limb, health, property, safety, or welfare of the public or the occupants.

AUTHORITY

California Health and Safety Code Section 17980
California Civil Code Section 1941.1

PROCEDURE

- A. 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.
- B. 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 Do Not Enter Unsafe To Occupy” poster. A Notice & Order shall be written by Code Enforcement staff, posted on the property, and sent to the owner of record via certified mail, return receipt requested, as well as via USPS, and tracked in the Permit Sonoma permitting database.
- C. Substandard conditions shall be determined per Section 17920.3 of the California Health and Safety Code (H&S). Staff shall not use H&S Sections 17920.3(a)(11) and (12) relating to dampness of habitable rooms and 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 and a Notice & Order shall be posted. Code Enforcement staff shall follow up the posting with a Notice & Order sent to the property owner. The violation shall be prioritized and monitored for compliance.
- D. 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 Code Violations Encountered by Staff.

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- E. 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 to the “DANGER Do Not Enter Unsafe To Occupy” posting.

ATTACHMENTS

None

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