

ORDINANCE NO. 639

AN ORDINANCE ADDING CHAPTER 8.50 TO TITLE 8 OF THE MUNICIPAL CODE OF THE CITY OF WOODLAKE ADDING A RENTAL HOUSING POLICY.

THE CITY COUNCIL OF THE CITY OF WOODLAKE DOES ORDAIN AS
FOLLOWS:

Section 1. PURPOSE. The provisions of this ordinance are intended to safeguard and preserve the housing stock of decent, safe and sanitary residential rental units within the city and to protect persons residing in them by providing for a regular and comprehensive system of inspection and, through such inspections, identify and require the correction of substandard conditions. The purpose of the ordinance is to identify substandard housing violations through an effective pro-active and re-active inspection program to ensure rental housing units in the city meet minimum health and safety standards required by the State of California and are safe to occupy.

Section 2. CODE ENACTMENT. Section 17.48.07 and Section 17.48.08 within Title 17, Chapter 17.48 of the Woodlake Municipal Code is hereby enacted to read in its entirety as follows:

Sections:

Chapter 8.50 – Rental Housing Policy

8.50.010 - Definitions

This ordinance shall be known as the "Rental Housing Policy".

For purposes of this article, unless the particular provision or the context otherwise clearly requires, the definitions in this section shall govern the construction, meaning and application of words and phrases used in this article:

- A. "Director" shall mean the Community Development Director or his or her designee
- B. "City" shall mean the City of Woodlake and/or any agent hired to implement this article.
- C. "Health and Safety Standards" shall mean the standards set forth in California Civil Code 1941.1.
- D. "Owner" means the person or entity identified and listed as having title by the latest property tax assessment roll, maintained by the Fresno County

Assessor.

- E. "Property" or "Residential Rental Property" means any lot or parcel of land containing Residential Rental Units, and all improvements thereon, including common areas.
- F. "Residential Rental Unit" means any structure or part of a structure that is used or may be used by one or more persons as a home, residence, dwelling, or sleeping place for longer than thirty days, including single family dwellings, duplexes, triplexes, or multi-family (four units or more) residential buildings, which is not an owner occupied unit, including rooming houses, boarding houses, apartment units, condominium units, and single room occupancies, but excluding:
 - 1. hotels, motels, and bed and breakfasts used for transient lodging
 - 2. any rental units in a state licensed hospital, hospice, community care facility, intermediate care facility, or nursing home
 - 3. rental housing units owned, managed or operated by an educational, religious, or medical institution, or by a third party for an educational, religious, or medical institution, when units are used for the sole purpose of housing employees, students, clergy, patients, or others directly related to the institution.
- G. Tenant's Affirmative Obligations" shall mean the standards set forth in California Civil Code 1941.2. An Inspector's determination that a tenant is or is not in substantial violation of Tenant's Affirmative Obligations, or the cause of the existence of a dilapidation or violation or interferes substantially with the Owner's obligation to effect necessary maintenance or repairs is not intended as evidentiary proof of the condition of the unit, and shall be used only for purposes of implementing and enforcing this article.

Section 8.50.020 - Scope

The provisions of this article shall apply to all Residential Rental Units located within the city. Provisions of this article shall be supplementary and complementary to all of the provisions of this Code, and any local, state or federal law. Nothing herein shall be construed or interpreted to limit any existing right or power of the city to abate and prosecute any and all nuisances or to enforce any other conditions in violation of state or local laws, including but not limited to any building, housing, property maintenance and public nuisance laws.

Section 8.50.030 – Inspections, compliance with applicable codes and standards

- A. Baseline Inspection: All Residential Rental Properties in the city shall be subject to a baseline inspection upon application for a City business license. The Director, or his or her designee, hereinafter referred to as the Inspector, is authorized to inspect all

Residential Rental Units upon application, to determine whether such Residential Rental Units meet minimum Health and Safety Standards. If violations are found during the initial inspection, the owner is given 30 days to make the corrections. If all violations are not corrected before the 30-day progress inspection, a business license shall not be issued. A reasonable fee may be charged for inspections, as set forth in the Fee Schedule. The City will give a 72-hour notice to tenant prior to inspections.

B. Compliance with Codes and Standards: Residential Rental Units shall be required to be in conformance and maintained in accordance with the code standard that was in effect at the time the Residential Rental Unit was constructed, substantially altered, or remodeled, erected, or converted, except for any additional requirements mandated by this Code or state law. Tenants have the right to request an inspection by the Inspector to determine compliance.

Section 8.50.040- Enforcement and penalties

If, after a correction notice has been issued, the Owner fails to abate the violations, the City may proceed with all remedies available under law to compel compliance, including but not limited to issuing administrative citations, abatement proceedings, civil injunction, and/or criminal prosecution, or any combination of remedies, so long as violations are not caused by tenant's breach of Tenant's Affirmative Obligations. In any action or proceeding brought by the City to enforce this article, the City shall be entitled to recover its attorney's fees when it is the prevailing party. The City Attorney may, at his or her discretion, charge any violation of this ordinance as either an infraction or a misdemeanor.

Section 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on the environment]. In addition to the foregoing general exemption, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Woodlake, or any official, employee or agent thereof.

Section 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending

in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Woodlake hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

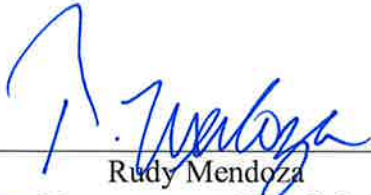
Section 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Woodlake Municipal Code as amended by this ordinance are substantially the same as provisions in the Woodlake Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 8. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Sun-Gazette, a newspaper printed and published in the City of Woodlake, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Woodlake, State of California, on November 8, 2021 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

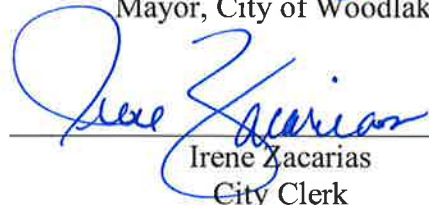
AYES: Mendoza, Ortiz, Martinez & Valero
NOES: Guerra
ABSTAIN:
ABSENT:





Rudy Mendoza
Mayor, City of Woodlake

ATTEST:



Irene Zacarias
City Clerk