

ORDINANCE NO. 02-25 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
AMENDING CHAPTER 6.40 OF THE RICHMOND MUNICIPAL CODE RELATING
TO RESIDENTIAL RENTAL DWELLING UNIT INSPECTIONS, MAINTENANCE,
AND HABITABILITY**

WHEREAS, Section VII of Article XI of the California Constitution provides that a City may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws;

WHEREAS, on August 2, 2005, the City of Richmond (City) adopted an ordinance (34-05 N.S.) establishing a procedure for Residential Rental Dwelling Unit Inspection and Maintenance, adding a new Chapter 6.40 to the Richmond Municipal Code (RMC);

WHEREAS, on January 20, 2015, the City adopted an ordinance (03-15 N.S.) amending the procedure for Residential Rental Dwelling Unit Inspection and Maintenance, adding and tailoring key provisions as they relate to expanding the rental inspection program to all residential rental properties;

WHEREAS, the purpose of Chapter 6.40 of the RMC, Residential Rental Dwelling Unit Inspections and Maintenance, is to ensure the availability of affordable and safe residential rental units within the City through a program of regularly scheduled, comprehensive inspections intended to identify and require correction of substandard conditions and ensure habitability for the City's residents living in residential rental dwelling units;

WHEREAS, the intent of this Chapter 6.40 of the RMC is to proactively identify blighted and deteriorated rental housing stock and to ensure the rehabilitation or elimination of rental housing that does not meet minimum building code and housing code standards, exterior maintenance standards, and site maintenance standards, or is otherwise not safe to occupy;

WHEREAS, Chapter 6.40 of the RMC, Residential Rental Dwelling Unit Inspection and Maintenance, sets forth regulations and enforcement provisions for the City's Residential Rental Inspection Program (RRIP);

WHEREAS, due to the success of the RRIP and City's desire to further expand enforcement, staff hereby proposes amendments to the current ordinance to add key amendments relating to shortening inspection cycles, removing the self-certification inspection process, ensuring all units are inspected, removing exemptions from inspections for certain subsidized housing options, studying necessities for bringing administration of the RRIP in-house after a phased period, and clarifying standards for habitability;

WHEREAS, these proposed amendments to Chapter 6.40 of the RMC shall serve as the initial phase of amendments to the RRIP as the City desires to bring forward additional amendments and enhancements after implementation including the addition of standards geared toward energy efficiency, modernization, and decarbonization of rental units throughout the City, which would be incentivized via City, State, and/or Federal programs;

WHEREAS, said amendments to the RMC are permitted by law, including the California Constitution, Government Code, and Civil Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND
HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The above recitals are true and correct and are incorporated herein.

SECTION 2: Chapter 6.40 of the Richmond Municipal Code is hereby amended and is to read in its entirety as follows:

Sections:

- 6.40.010 - Purpose and intent.**
- 6.40.020 - Reserved.**
- 6.40.030 - Definitions.**
- 6.40.040 - Scope.**
- 6.40.050 - Exemptions.**
- 6.40.060 - Inspections; compliance with applicable codes and standards.**
- 6.40.070 - Registration, application and implementation.**
- 6.40.080 - Notification of inspection and procedures.**
- 6.40.090 - Registration/processing fee.**
- 6.40.100 - Inspection fee and compliance re-inspection fees.**
- 6.40.110 - Violations.**
- 6.40.120 - Enforcement; penalties.**
- 6.40.130 - Relocation of tenant.**
- 6.40.140 – Reserved.**
- 6.40.150 - Appeal.**
- 6.40.160 - Retaliatory eviction prohibited.**
- 6.40.170 - Recovery of attorneys’ fees.**
- 6.40.180 - Delinquent fees; late fee penalties.**
- 6.40.190 - Effective date.**
- 6.40.200 - Review by City Council.**

Chapter 6.40 - RESIDENTIAL RENTAL DWELLING UNIT INSPECTION, MAINTENANCE AND HABITABILITY

6.40.010 - Purpose and intent.

The purpose of this chapter is to safeguard and preserve the housing stock of decent, safe and sanitary residential rental dwelling units within the City and to protect persons entering or residing in them by providing for a regular and comprehensive system of inspection of residential rental dwelling units and, through such inspections, identifying and requiring the correction of substandard conditions. Additionally, City Council finds that the safety of rental housing properties is increased through the participation of owners, tenants, the City, and the community.

The intent of this chapter is to proactively identify blighted and deteriorated rental housing stock and to facilitate the rehabilitation of rental housing that does not meet minimum building, housing, and health and safety code habitability standards, exterior maintenance standards, site maintenance standards, or is unsafe to occupy. It is further intended to preserve and enhance the quality of life for residents of the City living in those residential rental dwelling units.

After implementation, the City desires to bring forward additional amendments and enhancements including the addition of standards geared toward energy efficiency, modernization, and decarbonization of residential rental units throughout the City, which are to be incentivized via City, State, and/or Federal programs.

6.40.020 - Reserved.

This section is reserved for development and adoption of provisions relating to implementation of standards geared toward energy efficiency, modernization, and decarbonization of residential rental units throughout the City, which are to be incentivized via City, State, and/or Federal programs.

6.40.030 - Definitions.

As used in this chapter:

"City" means the City of Richmond.

"Inspection fee" means the amount charged per unit to be inspected at the beginning of every three (3) year cycle.

"Inspector" means the Building Official, vested with the authority to enforce this Code or otherwise delegate the implementation, administration, and enforcement of the provisions of this Code to housing inspectors, building inspectors, technical officers and employees, or other designees, all which shall have the powers as delegated by the Building Official.

"Nuisance" shall have the same meaning as set forth in California Civil Code Section 3479 and/or any condition as defined in Chapter 9.22 et seq., this Code, or any condition declared and deemed by the City Council to constitute a nuisance, or any violation of the Richmond Municipal Code.

"Owner" means the person identified and listed as having title to the residential rental dwelling unit indicated by the latest property tax assessment roll maintained by the Contra Costa County Assessor and any authorized agent, trustee, or legal representative thereof.

"Person" means an individual, corporation, partnership, association, or other entity.

"Property" means any real property interest or estate which may be granted or devised by deed. The term "property" shall also include: tracts, lots, easements or parcels of land, and any and all improvements thereon.

"Registration/processing fee" means the flat rate, based on the legal property owner, that is payable each and every year by property owners of residential rental properties within the City or payable on a predetermined schedule.

"Residential rental dwelling unit" means a residential dwelling unit, including single family dwellings, or residential units within duplexes, triplexes or multi-family (4-units or more) residential buildings, which is not an owner-occupied unit, including rooming houses, boarding houses and single room occupancies (as defined by this Code).

"Substandard dwelling" means any condition which is defined as constituting a substandard building or dwelling as defined by California Health and Safety Code Section 17920.3 et seq. or as defined by the California Building Code.

"Tenant" means a tenant, subtenant, lessee, sublessee, or any other person entitled under the terms of a rental housing agreement to the use or occupancy of any residential rental dwelling unit.

"This Code" means the Richmond Municipal Code.

6.40.040 - Scope.

(a) The provisions of this chapter shall apply to all existing residential rental dwelling units located within the City limits including parking lots, driveways, landscaping, accessory structures, and fences.

(b) The provisions of this chapter shall be supplementary and complementary to all of the provisions of this Code, State law, and any law cognizable at common law or equity, and nothing herein shall be construed, read, or interpreted in any manner so as 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 codes, including, but not limited to, any building, housing, property maintenance and public nuisance ordinances.

6.40.050 - Exemptions.

(a) Mobile Home Parks. Mobile home parks shall be exempt from this chapter.

(b) Vacant Properties. Any residential rental dwelling unit(s) in a building that is properly registered as "vacant property" under Chapter 6.38 of this Code shall be exempt from this chapter. As required by Chapter 6.38 of this Code, the owner shall provide the City written notice when the property is to become occupied. Upon the City's receipt of written notice of upcoming occupancy, the inspector shall conduct an

inspection of the property pursuant to the standards in this chapter before the property is occupied.

(c) Transient Lodging. Transient lodging as defined in section 15.04.104.020 of this Code shall be exempt from this chapter.

(d) Newly Constructed Buildings or Accessory Dwelling Units (ADUs). Newly constructed buildings or ADUs shall be exempt from this chapter for a period of five (5) years, unless a complaint of substandard or illegal conditions has been received. That five (5) year period begins to run on the date the certificate of occupancy for the dwelling was issued by the Building Regulations Division.

(e) Units Occupied by Housing Choice Voucher (Section 8) Tenants. All residential rental dwelling units occupied by Housing Choice Voucher Tenants (Section 8) shall be exempt from this chapter provided that these residential rental dwelling units receive housing quality inspections by the administering agency and in accordance with the inspection schedule set by the administering agency. These units are subject to complaint-based inspections as set forth in section 6.40.070(d) of this chapter.

Nothing in this chapter, including the above-listed exemptions, shall be construed or interpreted as limiting the City's authority to investigate and compel the abatement of any violation of this Code and/or the California Code of Regulations or other duly enacted law.

6.40.060 - Inspections; compliance with applicable codes and standards.

(a) Inspections. The inspector is authorized to inspect all residential rental dwelling units, both internally and externally, and their associated property to determine whether such residential rental dwelling units comply with State law, applicable provisions of this Code, and with all previous conditions of approval and agreements. Applicable provisions of this Code may come from and include, but are not limited to, the California Code of Regulations and California Codes (including the building, housing, fire, plumbing, mechanical, and electrical codes), Chapter 9.22 of this Code regulating public nuisance standards, and the standards set forth in this chapter. Interior areas of all residential rental dwellings units shall be determined by the inspector to be compliant with the regulations set forth herein including but not limited to: all bedrooms and living areas must be habitable, doors and locks must be installed and equipped with locking mechanisms, windows, window panes, and window screens must be in good condition with proper locking devices, there must be no visible mold, insects, rodents, or other pests, light switches must be functional, GFI's must be properly installed and in working condition, all smoke detectors must be in working order and installed in all hallways and sleeping rooms, a carbon monoxide detector must be installed on each level within the residential rental unit, and all kitchen appliances must be in good working order.

After the effective date of this ordinance and before a second inspection cycle has been completed, the City shall have evaluated, assessed feasibility, and determined all requirements and procedures necessary to bring this residential rental inspection program in-house such that all inspections are conducted by City employees rather than third-party contactors. At this time, the City shall use the information gathered from the evaluation period and determine whether to implement the residential rental inspection program in-house, which may include a phase-out period where a portion of the inspections are still conducted by third-party contractors. Once the residential rental inspection program is conducted exclusively by City employees, this ordinance shall be amended accordingly.

(b) Compliance with Codes and Standards. When inspections are made under this chapter, the residential rental dwelling unit(s) 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 dwelling unit(s) was constructed, altered, remodeled, erected, or converted, except for any additional requirements mandated by this Code or State law. Any inspection performed or approvals provided under this chapter, shall not be construed to provide approval, authorization, permitting, or otherwise grandfather in any nonconforming use or unpermitted construction, addition, or modification present in any residential rental unit.

(c) Additional Exterior Standards. In addition to the codes and standards described above, all residential rental dwelling units shall meet the following exterior maintenance standards:

(1) Residential rental dwelling units and all portions thereof, shall have exterior walls that are weathertight, watertight, and kept free of deterioration, holes, breaks, or loose boards or coverings. Roof structures shall be watertight such that there are no defects that will allow water to enter into the residential rental dwelling units;

(2) The exterior finish of all residential rental dwelling units shall be maintained. If the exterior finish of a residential rental dwelling unit is paint or stain, the residential rental dwelling shall be repainted or re-stained prior to a time when the exterior finish has substantially deteriorated;

(3) All architectural projections such as cornices, moldings, lintels, sills (and similar projections) shall be maintained in good repair and free of defects;

(4) All chimneys, antennas, vents, gutters and downspouts, and similar projections or building accessories shall be maintained in a structurally sound condition and be in good repair. Such projections shall be properly secured, when applicable, to an exterior wall or roof;

(5) Windows and exterior glazing shall be soundly and adequately glazed, and free from loose and/or broken glass and cracks that could cause physical injury or allow the elements to enter the structure. Exterior doors shall be maintained in a weathertight, watertight and rodent-proof condition. Exterior doors of residential rental dwelling units shall be solid core or the equivalent and be provided with a locking device that tightly secures the door;

(6) All residential rental dwelling units and exterior property shall be maintained free of rodent, insect or vermin infestation, which creates an unsafe or unsanitary environment on the subject or adjacent properties or buildings;

(7) All accessory structures shall be maintained in a state of good repair or removed from the property or residential rental dwelling unit(s). Such structures shall include, but not be limited to, clubhouses, offices, maintenance buildings, carports, retaining walls, fences, garages, swimming pools, spas, hot tubs and miscellaneous sheds;

(8) All parking areas on the property, if dedicated for use by the tenant(s) of the residential dwelling unit(s), shall be kept free of potholes, cracks or other deterioration. Parking areas must comply with City and State regulations. All striping and signage for multi-family (4 or more dwelling units) residential units, including parking signage and fire lane or access signage, shall be maintained in good condition and clearly legible; and,

(9) All landscaped areas serving the residential dwelling unit(s) shall be maintained in compliance with Chapter 9.22 of this Code and free of public safety hazards. Landscape areas are defined as the general landscaping area, rights-of-way and detention or pond areas. Driveways, hardscape parking areas, patios or walks are not included as landscape areas.

(d) An inspector shall not opine on who is at fault (i.e. tenant, landlord, or property owner) for any substandard condition.

6.40.070 – Registration, application and implementation.

(a) It shall be the responsibility of all owners of residential rental dwelling units within the City to register such residential rental dwelling units with the Building Regulations Division and submit the registration/processing fee and the inspection fee. Payment of the registration/processing fee and inspection fee shall take place within thirty (30) days of the date on which written notification is mailed to the owner of such residential rental dwelling unit(s) by the Building Regulations Division.

(b) If the owner of the residential rental dwelling unit(s) fails to register or reregister such units in compliance with this chapter, the inspector shall register or reregister said units in the name of the owner and set a date and time for initial cycle inspection of said units, and shall send written notification to the owner that the residential rental dwelling units

have been so registered and advising of the date and time set for inspection, accompanied with a bill for the registration/processing fee and the total initial inspection fee for each unit.

(c) Frequency of Periodic Inspection Cycle. The owner shall permit an inspection of all residential rental dwelling units once every three (3) years by the inspector, in order to determine whether any substandard conditions exist within such residential rental dwelling unit(s) or on the premises of the property.

(d) Complaint Based Inspections. Additional inspections of any residential rental dwelling unit may occur on a complaint basis or if the inspector has reasonable cause to believe any unit is substandard. The inspector may assess various factors to establish reasonable cause including but not limited to:

- (1) The extent and seriousness of the previous or current violations observed and any reasonably anticipated effect on the tenants;
- (2) The history of the residential rental dwelling unit during the past three years, including whether the residential rental dwelling unit has been the subject of orders issued by other agencies concerning health and safety violations or involvement in nuisance abatement actions;
- (3) The age of the residential rental dwelling unit;
- (4) The record in the past three years of the persons or entities who own, manage, or control the residential rental dwelling unit(s) with respect to health or safety violations at the premises or other properties and whether the violations have been subject to enforcement action;
- (5) Whether the residential rental dwelling unit(s) have delinquent fees imposed under this chapter;
- (6) Whether there are tax defaults on the residential rental dwelling unit(s);
- (7) If master-metered residential rental dwelling unit(s), whether there are any delinquent utility bills in excess of two months; and,
- (8) Any other criteria determined by the Buildings Regulations Division to be indicative of the existence of health or safety violations.

(e) The existence of periodic inspections and availability of additional inspections shall not affect an inspector's duty to respond to complaints concerning habitability of any residential rental dwelling unit. The City shall not charge any tenant for any inspection based on a complaint of State Housing Law habitability violations made by the tenant or any other person.

6.40.080 - Notification of inspection and procedures.

(a) A notice of inspection stating the date and time of the inspection shall be provided to the owner as well as to the address of the residential rental dwelling unit, which shall be sufficient to provide any tenants and occupants of the residential rental dwelling unit notice of the date and time of the inspection. The failure of either the owner or any tenants or occupants to receive notice does not affect the validity of the notice.

(b) The notice of inspection shall provide a minimum of 30 days' notice. It shall be the responsibility of the owner to provide actual notice to the individual tenants to facilitate access to the residential rental dwelling units to be inspected.

(c) If an inspection is canceled or rescheduled by the inspector, a notice shall be mailed to the owner as well as the address of the residential rental dwelling unit at least three days prior to the rescheduled inspection date stating the date and time of the new inspection.

(d) If an inspection is canceled or rescheduled by the owner or the tenants of the property, the new inspection date must be within 14 days of the originally scheduled inspection date. The inspection date and time may be rescheduled once per request by the owner or collective tenants of the residential rental dwelling unit. Any additional request to be rescheduled must be for good cause and

approved by the inspector.

(e) In the event an owner or tenant in possession of a residential rental dwelling unit refuses to allow access to conduct the inspection, the City may use all legal remedies permitted by law per section 6.40.120 of this chapter, including issuance of a warrant to cause an inspection to take place, provided reasonable cause exists to believe that a violation of this Code or State law exists on the residential rental dwelling unit. Inspections for the purpose of this chapter are a "necessary service" and for which entry by the owner, upon proper notice, is allowed per Civil Code 1954.

(f) Upon arrival at a noticed inspection, it shall be the duty of the inspector to ensure that each individual attending the inspection identifies themselves by first and last name and provides their title to any tenants and occupants. A tenant or occupant may refuse entry to any individual who refuses to identify themselves.

6.40.090 - Registration/processing fee.

Owners of all residential rental dwelling units subject to inspection under this chapter shall pay a registration/processing fee on a pre-determined schedule in the amount set forth in the Master Fee Schedule (resolution establishing fees and charges for various municipal services). The fee will be used to finance the cost of processing and maintaining current ownership and property information and program records by City staff. If the owner fails to pay the required fee, the City shall recover it, plus accrued interest and penalties, utilizing all remedies provided by law, including placing a special assessment lien against the residential rental dwelling unit. This fee shall be known as the residential rental unit "registration/processing fee."

6.40.100 - Inspection fee and compliance re-inspection fees.

Upon a periodic or complaint-based inspection, the inspector may require the owner of a residential rental dwelling unit to perform work, take action, or refrain from an action to ensure compliance with applicable codes. The initial periodic inspection fee includes the cost of the initial periodic inspection and the first (1st) compliance re-inspection and/or the below described affidavit in lieu of the first (1st) compliance re-inspection. In those cases where the inspector has determined (based on violations designated as minor on the inspection checklist) that the violations are of a minor nature, in lieu of the compliance re-inspection, the owner shall submit a sworn declaration attesting to the repair of all listed violations within the specific time frame provided in the notice. If the owner fails to correct the violations by the second (2nd) compliance re-inspection, or fails to submit a sworn declaration attesting to repair of the minor violations within the time provided, the owner shall pay a re-inspection fee for that second (2nd) compliance re-inspection and for each additional re-inspection thereafter, as set forth in the Master Fee Schedule. If the owner fails to pay the required fee, the City shall recover it, plus accrued interest and penalties, utilizing all remedies provided by law, including placing a special assessment lien against the residential rental dwelling units.

6.40.110 - Violations.

(a) Notice of Violation.

(1) Content. Whenever it is determined by the inspector that a violation of this chapter exists, the inspector shall issue a written notice of violation. The notice shall contain a description of the violation, the specific action required to correct the violation and a demand that the violations be corrected within the specific time period listed in the notice. The notice shall contain the scheduled re-inspection date and time, or in the event the violations are minor as designated on the inspection checklist, the notice shall contain a date by which the owner must provide the inspector with a sworn declaration (attached to a copy of the checklist showing the violations), that each minor item has been repaired as directed. If an inspector orders a notice to vacate, certain imminently dangerous life-safety violations are observed, or if the tenant believes that the repairs affect habitability, the relocation procedures set forth in section 6.40.130 of this chapter apply.

(2) Time for Correction. The notice shall provide a reasonable time for correction, the time shall depend on the inspector's opinion of the time it would take a reasonably diligent person to complete the required action, the potential harm to the public welfare, health and safety, the harm to the tenant or nearby

properties and the extent of the corrections required. The inspector may grant a one-time extension of the initial time to abate the violations upon written request of the owner, if (1) substantial work has been satisfactorily completed (at least 85% of the violations identified in the notice of violation); and (2) the violation is not a life safety issue. In no event shall the initial time to correct exceed one hundred twenty (120) days, nor shall any extension of time exceed sixty (60) days. Certain imminently dangerous life-safety violations may require immediate correction and are not subject to an extension of time to correct and are subject to the relocation requirements of section 6.40.130 of this chapter.

(3) Service of Notice on Owner. The notice of violation may be served personally on the owner or, if the owner is not present, a copy of the notice may be posted on the property and/or by deposit in the United States mail, in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address as the same appears in the public records of the City or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office. It is unlawful and a misdemeanor for any person to remove, deface or cause the removal or defacing of any notice of violation posted on premises pursuant to this chapter. The owner's failure to receive the notice does not take away from the validity of the notice.

(4) Service of Notice on Tenants and Occupants. Any notice of violation shall also be mailed via United States mail, postage prepaid, to the residential rental dwelling unit address subject to the violations contained in the notice of violation. The notice shall contain a cover page, which states in bold text the following information:

The residential rental dwelling unit you are currently occupying has been found to have violations of the Richmond Municipal Code relating to habitability. The violations cited in this notice are to be remedied by the owner of the residential rental dwelling unit. If you are required to move out, you will receive an eviction notice or order from the City of Richmond. If you believe that the conditions cited in the notice substantially affect the habitability of your residential rental dwelling unit, you may be entitled to a rent reduction or relocation benefits as specified in the Richmond Municipal Code. Upon receipt of an eviction notice or order, belief that you are entitled to a rent reduction, or have any other questions concerning your rights as a tenant, please contact Richmond's Rent Program at: 510-234-RENT or, <http://www.ci.richmond.ca.us/3364/Richmond-Rent-Program>.

(5) Compliance Re-inspections. Compliance re-inspections shall be conducted to verify that the violations identified in the notice of violation have been abated, unless the violations are minor in nature (as designated by an asterisk on the inspection checklist), and the owner has submitted a sworn declaration of repair. Violations that were not noted on the initial notice of violation but are discovered during any re-inspection due to subsequent activities, damage or deterioration, shall be subject to correction.

6.40.120 - Enforcement; penalties.

If, after a notice of violation has been issued, the owner fails to abate the violations, the City may proceed with all remedies available under this Code to compel compliance, including, but not limited to, issuing administrative citations, abatement proceedings, civil action, civil injunction and/or criminal prosecution, or any combination of remedies.

The City may also utilize the provisions of the Revenue and Taxation Code Section 24436.5 to encourage the elimination of substandard conditions in rental housing. The City is also authorized to bring an action under the Business and Professions Code for unfair business practices.

6.40.130 - Relocation of tenant.

If any residential rental dwelling unit is found to be unsafe to occupy, or is unfit to occupy

pursuant to Health and Safety Code Section 17920.3, or the unit is posted by the Building Official with an order not to enter or occupy as authorized by the California Code of Regulations, Title 24, or the Uniform Code for Abatement of Dangerous Buildings, the costs and expenses of relocation of any tenant from that unit shall be the responsibility of the owner pursuant to applicable State and Federal law including but not limited to Chapters 11.100 and 11.102 of this Code. All procedures, evaluations, and decisions relating to relocation shall be exclusively handled pursuant to Chapters 11.100 and 11.102.

A tenancy is not terminated when an inspector orders the tenants to vacate the residential rental dwelling unit due to unsafe conditions. If a tenant chooses to vacate before reoccupying, the tenant’s move shall be presumed, absent evidence to the contrary, to not be “voluntary.” The owner must rent to any subsequent tenants at the same rate as the prior tenant, to the extent allowable by the Costa-Hawkins Rental Act.

6.40.140 - Reserved.

This section is reserved for development and adoption of provisions relating to implementation of a tenant habitability plan.

6.40.150 - Appeal.

The owner of a residential rental dwelling unit or a party with a legal property interest in the dwelling unit may appeal to the City's code enforcement appeals hearing officers in the manner provided in the California Building Code for any decision by an inspector that the residential dwelling unit is in violation of habitability standards, except that all appeals must be submitted (1) in writing; and (2) provide a factual statement as to why the owner believes the inspector's determination of a violation is incorrect. The appeal must be filed within ten calendar days from the date of the decision. Failure to timely file submit a notice of appeal constitutes a waiver of the right to contest any such decision.

6.40.160 - Retaliatory eviction prohibited.

It is unlawful for an owner or landlord to recover possession of a residential rental dwelling unit or take any act against a tenant, including but not limited to, unlawful harassment in violation of Civil Code Section 1942.5 or Chapter 11.103 of this Code in retaliation against a tenant for exercising his or her rights pursuant to State or local law.

6.40.170 – Recovery of attorneys’ fees.

In any action, administrative proceeding, or special proceeding to abate a nuisance or a violation of this Code, the prevailing party may recover its reasonable attorneys' fees pursuant to Government Code Section 38773.5 unless the City elects at the outset of that action or proceeding not to seek or allow the recovery of attorneys' fees. An award of attorneys' fees to a prevailing party shall not exceed the amount of reasonable attorneys' fees incurred by the City in that action, administrative proceeding, or special proceeding. The procedures provided in this chapter are in addition to all other remedies and cost recovery options available to the City by law or in equity, including, but not limited to, those provided in Chapter 1.14 of this Code.

6.40.180 - Delinquent fees; late fee penalties.

The registration/processing fee shall be collected by an invoice sent to each owner on a pre-determined schedule. Inspection fees shall be collected once every three years by an invoice sent to the owner. If an owner of a residential rental dwelling unit subject to inspection under this chapter fails to pay either fee within thirty (30) days of the date of the invoice, the owner shall be required to pay a penalty. The penalty shall be calculated as follows:

Failure to Pay Registration/Processing Fee and/or Inspection Fee After Due Date Penalty	Penalty
31—60 days after due date	20% of the balance due
61—90 days after due date	40% of the balance due
91 days or more after due date	50% of the balance due

6.40.190 – Effective date.

This Ordinance shall become effective thirty (30) days following its adoption.

6.40.200 - Review by City Council.

After this chapter has been in effect for one year, the City Council shall review the administration of this chapter in order to determine and assess whether it has achieved its stated purpose and intent. The Building Official shall refer this matter to the Council for its review within a reasonable time after the chapter has been in effect for one year and thereafter annually for the next four years.

SECTION 3: Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase.

SECTION 4: CEQA.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) because the Ordinance does not qualify as a “project” under CEQA and because the Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, section 15060, subd. (c)(2), (3).) Section 15378 of the State CEQA Guidelines defines a project as the whole of an action, which could potentially result in either a direct physical change, or reasonably foreseeable indirect physical change, in the environment. Here, the Ordinance will not result in any construction or development, and it will not have any effect that would physically change the environment. The Ordinance therefore does not qualify as a project subject to CEQA.

SECTION 5: Effective Date.

This Ordinance shall become effective thirty (30) days following its adoption.

First introduced at a regular meeting of the City Council of the City of Richmond held on December 17, 2024, and finally passed and adopted at a regular meeting held on January 7, 2025, by the following vote:

AYES: Councilmembers Bana, McLaughlin, Robinson, Willis, Zepeda, Vice Mayor Jimenez, and Mayor Martinez.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

EDUARDO MARTINEZ

Mayor

Approved as to form:

DAVE ALESHIRE
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 02-25 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on January 7, 2025.

Pamela Christian, Clerk of the City of Richmond