

LEGISLATIVE DIGEST

(Substitute Ordinance, 1/26/2016)

[Various Codes - Code Enforcement Procedures]

Ordinance amending the Building, Housing, Electrical, Plumbing, Fire, Health, Planning, and Administrative Codes to clarify and standardize enforcement procedures for violations of Municipal Codes relating to buildings and property, to require departments to report on code enforcement activities, and to direct the City Administrator to coordinate the preparation of standard Citywide forms for code enforcement proceedings; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The City has a number of Municipal Codes that apply to buildings and property, including the Building, Housing, Electrical, Plumbing, Fire, Health, Planning, and Administrative Codes. These Codes include enforcement procedures that may differ from Code to Code.

Amendments to Current Law

The proposal is an ordinance that would amend the Building, Housing, Electrical, Plumbing, Fire, Health, Planning, and Administrative Codes to clarify and standardize enforcement procedures for violations of these Codes as they relate to buildings and property.

The proposal would re-state and clarify the enforcement provisions of the Building Code. [Section 4] It would add a requirement that the building official hold a hearing on a notice of violation, if required, within 30 days of the deadline for correction of the violations, rather than the current 60 days. It would reduce the period of time allowed for correction of violations following an administrative order from 360 days to 180 days from permit issuance. It would reduce the amount of time allowed as an extension of that deadline from 360 days to 90 days. And it would add a provision stating that the City Attorney may go to court for injunctive and monetary relief, including civil penalties, at any time for violations of the Codes, without regard to whether the department has instituted administrative proceedings for those violations or the status of any such proceedings.

The Housing, Electrical, and Plumbing Codes adopt the enforcement provisions of the Building Code. All of these codes are enforced by the Department of Building Inspection. The proposal would amend the Housing, Electrical, and Plumbing Codes to make clear that they incorporate the revised procedures in the Building Code. [Sections 5, 6, and 7, respectively]

The proposal would make changes to the enforcement provisions of the Fire Code and the Health Code similar to those made by the proposal in the Building Code. [Sections 8 and 9, respectively]

The proposal would amend the Planning Code to make explicit that the City Attorney may go to court for injunctive and monetary relief, including civil penalties, at any time for violations of the Planning Code, without regard to whether Planning has instituted administrative proceedings for those violations or the status of any such proceedings. [Section 10] In such cases, the City Attorney would be required to notify the Zoning Administrator or Planning Director of the proceedings, and to collaborate with the department on the case if the department wanted to do so. The proposal would also authorize the Zoning Administrator to recover costs and attorneys fees in administrative proceedings.

The proposal would amend the Administrative Code to add two new requirements related to code enforcement activities by the City. [Section 11] First, the Department of Building Inspection, the Health Department, the Fire Department, and the Planning Department would be required to submit a quarterly report to the Mayor and the Board of Supervisors regarding the department's code enforcement activities, including information specified in the ordinance for each Notice of Violation issued. Second, the proposal would direct the City Administrator, in consultation with the Director of the Department of Building Inspection, the Health Director, and the Fire Chief, to develop standard forms to be used by City departments as part of their code enforcement activities.

If adopted, the proposal would become operative on June 1, 2016.

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