

Chapter 15.27

CRIME-FREE RENTAL HOUSING PROGRAM

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15.27.010 Purpose

The Crime-Free Rental Housing Program is a part of the City of San Bernardino's overall effort to reduce crime in multi-family rental properties as defined herein. Owners of any multi-family rental property will be required to maintain these units in accordance with all applicable laws.

15.27.020 Applicability

The provisions of this chapter shall apply to all multi-family rental property, as that term is defined herein, within the City. This chapter also applies to the premises on which a multi-family rental property is located, including but not limited to parking lots, driveways, landscaping, accessory structures, fences, and walls.

The provisions of this chapter are supplementary and complementary to other provisions of this code and applicable laws. Nothing in this chapter may be construed to limit any existing right of the City to abate nuisances or to enforce any provisions of applicable law, statute or this Code, including provisions of uniform codes adopted by reference in this Code.

15.27.030 Definitions

For the purpose of this chapter, unless otherwise apparent from their context, certain words and phrases used in this chapter shall have the meanings hereinafter designated. The definitions in this chapter are included for reference purposes only and are not intended to narrow the scope of definitions set forth in federal or state laws or regulations. Words used in this chapter in the singular may include the plural and the plural may include the singular. Use of the masculine shall also mean feminine and neuter.

A. "Applicable Laws" means the City's Municipal Code, the California Fire Code, the California Building Code, the Uniform Housing Code, Uniform Code for the Abatement of Dangerous Building and any other laws or regulations relating to the health or safety of City residents or the general public, as adopted by the City.

B. "City" means the City of San Bernardino.

C. "Director" means the Director of Community Development of the City of San Bernardino or his/her designee.

D. "Occupant" means any person who occupies a multi-family rental property, whether as a tenant or permittee of the owner.

E. "Owner" or "Property Owner" means a single individual, partnership or joint venture or any entity that has any kind of ownership interest in a multi-family rental property whether as an individual, partner, joint venture, stock owner, or ownership

interest in some other capacity or the owner's designee. If more than one person or an entity owns the subject real property, owner or property owner refers to each person or entity holding any kind of ownership interest in the property, and the property owners' obligations in this chapter are joint and several as to each property owner.

F. "Multi-family Rental Housing Unit" or "Unit" means any residential dwelling unit, as defined in Chapter 19.02 of the San Bernardino Development Code, in a single structure, or in a group of attached or detached structures containing two or more such dwelling units on the same parcel of land, and is occupied or intended to be occupied on a rental basis. For the purpose of this Chapter, the following types of dwelling units or facilities are not considered multi-family rental housing units:

a) Hotels or motels

b) Accommodations in any hospital, extended care facility, residential care facility, convalescent home, nonprofit home for the aged, or dormitory that is owned and operated by an education institution

c) Mobile Home Parks

G. "Multi-family Rental Housing Complex" means a multi-unit residential structure consisting of four (4) or more units existing on one (1) parcel of land.

15.27.040 Scope

The provisions of this Chapter shall apply to all multi-family rental housing complexes containing four or more units on a single parcel.

15.27.050 Mandatory Participation

A. All multi-family rental property located in the City shall be subject to an annual inspection by the Director for compliance with the Crime-Free Housing Program standards.

B. All property owners and managers of multi-family rental property shall attend the 8 hour crime free housing course presented by the City within eight (8) months of the passage of this ordinance. If a new owner or manager takes over the property, the new property owner or manager shall complete the 8 hour crime free housing course presented by the City within six (6) months of said ownership or employment.

C. The property owner shall use a crime free lease addendum on every unit rented. The lease addendum shall provide for tenant eviction against tenants that allow or conduct certain prohibited activities (gang, drug, or other specified criminal behavior).

D. The property owner shall provide the City with 24 hour contact information for the property.

15.27.060 Landlord Certification

A. Certification as a Crime Free property is optional. In order for the property owner/ landlord to be certified as a Crime Free property under this program, the property owner/landlord shall complete the following phases:

1. Phase I

a. Owners and onsite Manager(s), where applicable, shall attend an eight-hour crime-free housing course presented by code compliance, police, and fire within one year of notification of the requirement, unless extended by the Director.

b. Property owner shall use a written lease including the City of San Bernardino Crime-Free Rental Housing Lease Addendum.

c. Property owner shall check the criminal background of all prospective tenants.

d. Property owner shall actively pursue the eviction of tenants who violate the terms of the lease and/or crime-free lease addendum.

2. Phase II

a. Property owner shall complete an annual security assessment and security improvement inspection to certify that the rental property has met the security

Property owner shall complete an annual security assessment and security requirements pursuant to the Principles of Crime Prevention through Environmental Design for the tenant's safety.

b. Property owner shall have no unresolved City code violations within the past year.

3. Phase III

a. Property owner shall conduct resident training annually for the residents where crime watch and crime prevention techniques are discussed.

B. Certification may be revoked if there are 10 or more calls for service in a one year period.

15.27.070 Inspection Fees

A. The annual inspection fee shall be set by separate resolution of the Common Council and may be adjusted from time to time by the Common Council to ensure that the fee adequately finances the costs of inspections and enforcement of this chapter.

B. The owner of a multi-family rental property shall pay an annual inspection fee to the City sufficient to pay the costs of the Director's annual inspection pursuant to this chapter.

15.27.080 Notice of Inspection

The Director shall mail written notice of the date and time of the inspection to the owner of the multi-family rental property at least three weeks before the scheduled annual inspection. Such notice shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the owner shall be mailed by regular mail to the owner's last known address as it appears in the records of the County Assessor's Office.

The notice of inspection for the Crime-Free Rental Housing Program shall be combined with the Multi-Family Rental Housing Program notice to the greatest extent possible for the convenience of the property owner.

15.27.090 Violations

A. Whenever the Director determines that a violation of this chapter exists, the Director shall give notice of violation and an order to correct to the property owner. The notice shall be in writing and shall describe with reasonable detail the violation(s) so that the property owner has the opportunity to correct said violation.

B. Any person who fails to comply with any provisions of this chapter after receiving written notice of the violations(s) and being given a reasonable opportunity to correct such violations(s) shall be deemed to be in violation of this chapter.

C. Any owner of a multi-family rental property, who fails to permit the annual inspection by the Director pursuant to this chapter, shall be in violation of this chapter.

D. Any owner of a multi- family rental property who fails to pay any applicable fee(s) established to cover the City's costs pursuant to this chapter shall be in violation of this chapter.

15.27.100 Re- Inspections

A. One or more re-inspections may be conducted to verify that the deficiencies noted by the Director during the annual inspection have been corrected.

B. Violations that were not noted on the initial inspection report, but are discovered on the re-inspection due to subsequent damage or deterioration shall be subject to correction.

15.27.110 Administrative Citations

A. Owners who fail to correct any deficiencies noted during any inspection or re- inspection may be subject to an administrative citation in accordance with San Bernardino Municipal Code Chapter 9.92 until all deficiencies have been corrected to the satisfaction of the Director.

B. Issuance of an administrative citation is in addition to any other administrative or judicial (civil or criminal) remedy established by law which may be pursued to address any violation of the Municipal Code.

15.27.120 Appeals

A. Any recipient of an administrative citation may contest the citation by the procedures set forth in Section 9.92.080 of this Code.

B. Any party to an administrative citation hearing may appeal from an adverse ruling to the Board of Building Commissioners as set forth in Chapter 9. 92. 180 of this Code.

15.27.130 Complaint-Based Inspections

Nothing contained in this chapter shall prevent or restrict the City's authority to inspect any multi-family rental property in response to a complaint alleging code violations or violations of applicable laws and to pursue all remedies permissible under this Code or applicable laws.

15.27.140 Enforcement-Public Nuisance

It shall be considered a public nuisance to have or maintain any multi- family rental properties that fail to comply with any applicable laws. The Director shall have the power to require correction of violations identified through the annual inspection by using the procedure set forth in Chapter 8.30 of the San Bernardino Municipal Code.

15.27.150 Enforcement-Alternatives

Nothing herein shall prevent the enforcement of this chapter by criminal, civil or administrative actions either undertaken individually or in conjunction with other remedies.

The enforcement of this chapter by a criminal, civil or administrative action shall not relieve the property owner of his or her

obligations under this chapter.

15.27.160 Penalties

A. A violation of this chapter shall be considered a misdemeanor and may be punished as such, however, at the discretion of the City Attorney, the violation of any provisions of this article may be filed as an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1. 12.010.

B. Any fees established pursuant to this section which are more than 30 days delinquent shall constitute an assessment against the rental property for the inspection of which the fees were billed. Such delinquent fees shall be a lien on the rental property. The Director shall notify the property owner of the affected rental property not less than 30 days prior to notifying the county that a lien will be placed on the property, and shall state the amount then owed. If full payment is not received within 30 days after said notice, the Director shall take whatever action is required for the amount due to be included in the next property tax bill assessment for the rental property.

15.27.170 Severability

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by a court of competent jurisdiction on its face or as applied, such holding shall not affect the validity of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the City that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provision not been included herein.

(Ord. MC-1351, 6-06-11)