

Code 101



*Planning, Building and
Code Enforcement*

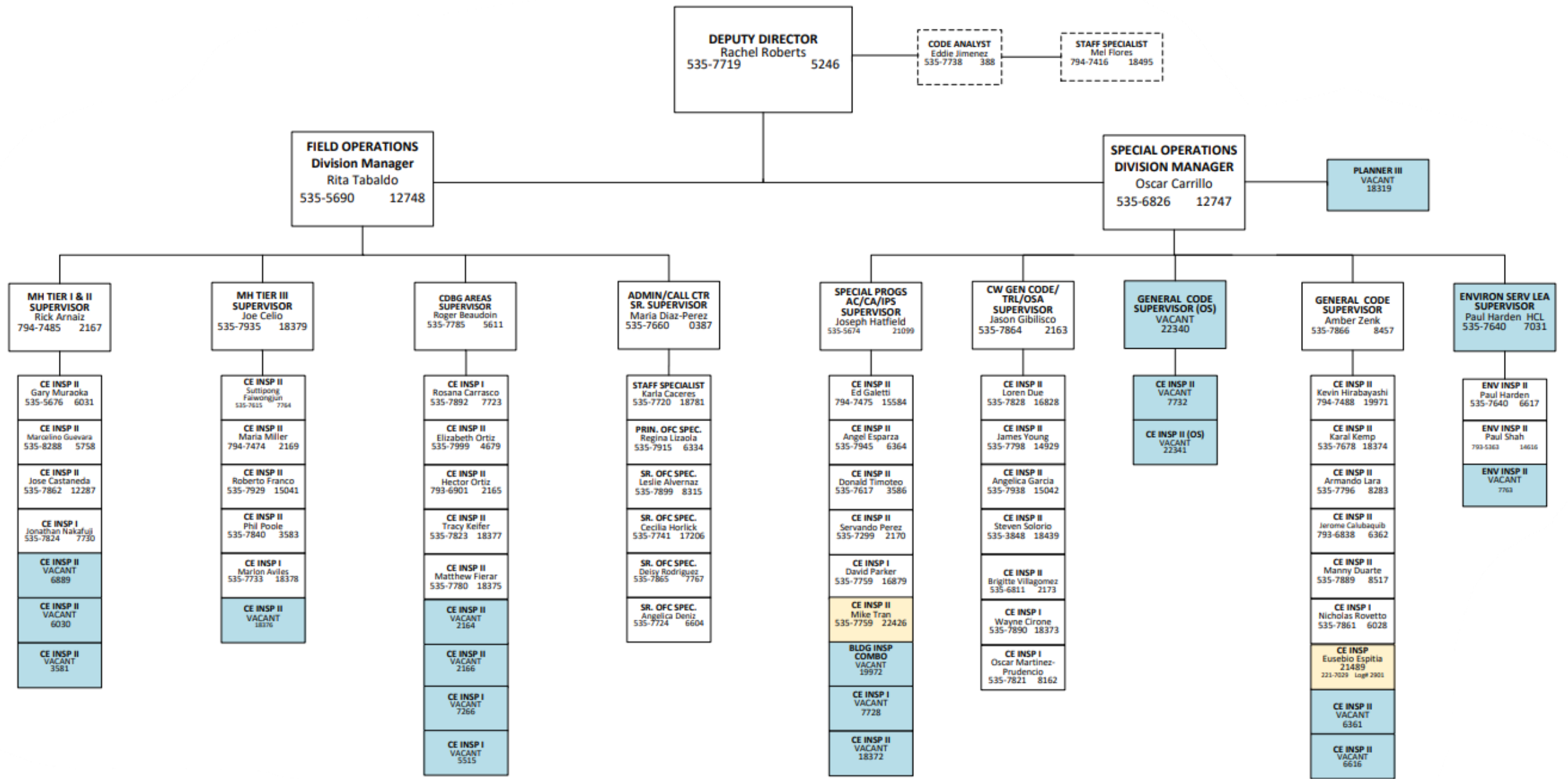
Presentation Overview

- Overview of Programs
- Case Priorities
- Inspections
- Enforcement Tools

Our Mission

To work in partnership with the people of San Jose to promote and maintain a safe and desirable living and working environment.

- Education/Outreach in the community
 - Proactive inspections
 - Complaint investigation
-
- 73 FTE
 - 11.7M Budget (Fees and General Fund)
 - 12 Programs (Multiple Housing and General Code-Core Services)



Multiple Housing Program

Apartments, hotels, motels, fraternities, sororities, emergency shelters, residential care facilities with seven or more persons, and residential service facilities (properties with three units or more)

San Jose Municipal Code Chapter 17.20 – HOUSING CODE

The purpose of the housing code is to provide for decent housing by safeguarding life, safety, health, property and public welfare by setting minimum standards for buildings used for human habitation...

Multiple Housing Program

Background of the Multiple Housing Program Residential Occupancy Permit (ROP)

- In 1988 the City initiated inspections of the Multiple Housing stock in the downtown area. There were other inspections performed within the City through the Community Improvement Program CIP in key areas such as Santee.
- In 1991 the proactive routine inspections were expanded to the 10 districts.
- In 2015 based on direction from City Council and recommendation from the City Auditor's office – the tier service delivery model was implemented. Prior to the tier system all MH properties paid the same ROP fee for each unit and were inspected on a 5–6-year cycle.

MH Proactive Inspections

- Proactive inspections are based on a tier system.
- Tiers determine
 - Frequency of proactive inspections
 - Percentage of units inspected
 - Per unit fees
- Tier 1
 - Average less than one minor violation per unit
 - Lowest fee per unit
 - 10% of self-certified units are audited on a six-year cycle
- Tier 2
 - Five-year inspection cycle
 - 25% of units inspected
 - Can move up to Tier 1 or down to Tier 3 based on inspection results
- Tier 3
 - Three-year inspection cycle
 - 50% of units inspected
 - Must average less than two minor violations per unit to qualify for tier 2



MH Complaint Response

- MH inspectors respond to complaints on properties with an ROP. Some examples include;
 - Housing violations
 - Substandard plumbing, mechanical, or electrical
 - Infestations
 - Building/zoning violations
 - Work without permits
 - Dangerous balconies/stairways
 - Exterior changes
 - Blight/Misc.
 - Improper storage of items/garbage
 - Tree removal
 - Fire damage response





Varied Conditions

6,759 Permits

- 33,059 Tier 1 Units
- 46,183 Tier 2 Units
- 23,991 Tier 3 Units

CODE CONNECTION

NEWS & TIPS FROM THE MULTIPLE HOUSING PROGRAM

JANUARY 2016

Know your carbon monoxide alarm requirements

Proper installation can save lives, prevent lawsuits

Cars running in an enclosed garage aren't the only place where odorless, deadly carbon monoxide can become a problem. If you manage a multi-family property that utilizes gas-powered furnaces, boilers, water heaters, or fireplaces, and the equipment and ventilation aren't properly permitted, inspected, and maintained, it's possible for carbon monoxide to pool in the room where that equipment is located – and then seep into adjacent spaces.



"It's a very small investment that goes a long way to protecting lives and your livelihood."

This happened at a Burlingame, California hotel with the tragic consequence of causing brain damage to a hotel guest. It was a chain of events that no one foresaw, but that amplified the first mistake: installing a boiler in a pool equipment room without securing a building permit and associated inspection. The room configuration was subsequently modified, affecting the ventilation, and the gas began to intensify in the room. One night, the hotel guest who checked into the room above this space, was subjected to poisonous levels of carbon monoxide.

The man survived, barely, and faces life-long brain damage. The hotel faces multi-million dollar criminal and civil lawsuits.

Carbon monoxide alarms cost \$20 and up. Add some labor costs for the installation, and it's a very small investment that goes a long way to protecting lives and your livelihood.

Here's what all multi-family dwelling property managers should know and do:

- Carbon monoxide alarms are required in buildings that have gas-powered heaters, appliances, fireplaces, or attached garages. (If an enclosed parking garage is ventilated in accordance with the California Mechanical Code, it is exempted.)

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We're improving our building permit information, making it easier to understand. Check out the Handouts and Forms page at www.sanjoseca.gov/building.



Learn How to Prepare for an Inspection on February 24, 2016

Time: 6:45 p.m. – 7:45 p.m.

Location: San José City Hall

Wing Rooms 119-120

Validated parking is available at the 6th St. garage under City Hall.

To RSVP send an email to MHProgram@sanjoseca.gov



Dispose of Household Hazardous Waste for free!

It's easy! Make an appointment at hww.org to schedule a drop-off of pesticides, cleaning products, paint and more. It typically takes less than 5 minutes, and you don't need to get out of your car. Select the new San José location when you visit hww.org for greatest convenience.



Save time, save \$40 get your permit online

First register at www.sjpermits.org.

Be prepared to provide:

- property address
- email address
- credit card for payment

Contractors must provide:

- state license number
- City of San José business license number

Once you log in, the system will guide you as you select the desired permit.

sjhp-communit@sanjoseca.gov/COLLATERAL CODE ENFORCEMENT
printed on recycled paper

Multiple Housing Program Resources for Property Owners/Managers

Handouts



Department of Planning, Building and Code Enforcement

Preparing for a Multiple Housing Inspection

Property owners and managers often ask what they can do to prepare for a routine inspection. This checklist identifies some of the most common violations that are identified during routine inspections of multifamily rental property.

Before the Inspection

- Conduct a self-assessment using this checklist.
- Give tenants notice of the upcoming inspection. "Reasonable Notice" is at least 72 hours.
- Buy batteries for battery operated smoke detectors & carbon monoxide devices. Bring them to the inspection so that they can be installed immediately.

General Premises Checklist

- ✓ Landscaping – no bare dirt areas in the parkstrip and front yard, trim any overgrown vegetation, eliminate weeds and maintain the decorative materials and live plants in good condition
- ✓ Blight – remove any discarded household items, rubbish, trash, debris, tires, wood, broken concrete, metal, furniture that is not designed for outdoor use, etc.
- ✓ Graffiti – any tags should be removed promptly
- ✓ Exterior paint – should be in good condition, not peeling
- ✓ Remove any abandoned or inoperable vehicles
- ✓ Garbage bins/containers – no overflow, no storage in the street, no open lids
- ✓ Vent screens – replace any missing screens and secure loose screens
- ✓ Downspouts – repair or replace any downspouts that are loose, deteriorated, missing or disconnected
- ✓ Exterior walls – must be maintained in good condition without any holes, missing sections or deterioration
- ✓ Stairway/landing/treads/risers – must be in good condition without wood rot, missing sections or deterioration
- ✓ Guardrails/handrails – must be well secured, must not be loose or deteriorated
- ✓ Crawlspace cover – must be proper fitting to seal space
- ✓ Existing screens on windows and doors – must be intact, no rips or holes
- ✓ Fire extinguishers – must be recharged and date tagged annually
- ✓ Exterior lighting – all lights must function and have proper covers
- ✓ Infestation – roaches and rodents must be eliminated using an exterminator

- Preparing for a MH Inspection
- Common Projects Exempt from a Building Permit
- Tenants' Rights

- FAQs
- Webinars
- Tenant Resources



Community Development Block Grant (CDBG)

- The U.S. Department of Housing and Urban Development provides the Community Development Block Grant funding which is Administered by the Housing Department. Code Enforcement receives an allocation of CDBG funds to conduct inspections.
- The CDBG funds are utilized to perform Enhanced Housing Inspections in the Multiple Housing Program to eliminate substandard housing conditions and arrest the decline of deterioration in low –moderate income level neighborhoods.
 - Work is performed within the “Project Hope” areas
 - Inspect 100% of units in Tier 3 properties
 - 50% of units in Tier 2 properties.

Weed Abatement



- Code Enforcement staff manage the program while County staff handle inspection of the parcels that have been declared a public nuisance.
- There are 253 vacant parcels on the weed abatement program.
- Inspections are conducted and abatement completed when properties are found in violation of the program.



Special Programs

- Off Sale Alcohol (OSA)
 - Annual inspections of businesses that sell alcohol to go.
- Tobacco Registration Licensing (TRL)
 - Licenses required for businesses that sell tobacco.
- Vacant Buildings and Storefronts
 - Downtown mandatory registration area
 - Monthly monitoring of neglected vacant buildings and storefronts
 - Board up unsecured buildings
- Abandoned Shopping Carts
 - License retailers with 26+ shopping carts
 - Ensure businesses are keeping track of their carts and doing pickups.



Special Programs

- Cannabis
 - Annual inspections of legal businesses
 - Enforcement on illegal businesses
 - Follow up on residential grow complaints
- Massage
 - Ensure compliance with zoning and massage program regulations
- Vehicle Abatement/Tow Contract Administration
 - Enforces vehicle related violations on private property
 - Voluntary and involuntary tows on private property
 - Annual dismantler facility inspections
 - Assist with tow contract compliance

Building Code Compliance Inspector

- All communication with the Building Division goes through the BCC Inspector
- Enters violations into the permitting system
- Assists inspectors with difficult or complicated building related cases
- Assists property owners with preparing and submitting plan sets
- Reviews plan sets to ensure scope of work addresses all violations





General Code

- The GC program is responsible for enforcing the San Jose Municipal Code on all properties that do not fall under the purview of another program.



General Code

- Common violations
 - Construction without permits
 - Blight
 - Improper occupancy
 - Substandard Housing
 - Land use

The goal is voluntary compliance through education and outreach .



Case Priority

- **Emergency**
 - Imminently hazardous housing or building conditions
 - Unsecured swimming pools or refrigerators
 - Vacant unsecured buildings
- **Priority**
 - Substandard housing
 - Construction in progress without permits
 - Hazardous conditions
- **Routine**
 - Blight
 - Zoning
 - Non-urgent or transitory violations





Inspections

- For complaints, most initial inspections are unscheduled “knock and talks”
- For certain violation types virtual inspections are an option.
- If an inspection is denied a case may be closed for lack of evidence or a warrant may be pursued.
- Some programs require annual inspections as part of the licensing.



Enforcement Tools

- Warnings
 - Pre-citation warning notice
 - Inspection Notice
- Citations
 - Escalating penalties for repeat violations
 - Appeals
- Compliance Orders
 - Appeals Hearing Board
- Abatements
- Legal remedies (Injunctions, warrants, receiverships)

Complaints

- 3826 open General Code cases
- Violation type
 - 1649 Building violations
 - 447 Blight violations
 - 625 Substandard Housing
- Where do they come from?
 - Mostly from the public via phone call
 - Other Departments or Divisions
 - San José Police Department
 - Outside Jurisdictions



General Code Challenges

- Resources
 - 10 Inspectors
 - Additional 3 Inspectors borrowed from Special Programs
 - 2 part-time retire-rehires
- Vacancies
 - 5 General Code Inspectors
- Timelines
 - Building violations: 6 months – 1 year
 - Zoning violations: 6 months – 2 years
 - Blight: 30-60 days
 - Housing: 3-6 months

