

Proposed Rental Housing Safety Ordinance

Section 1.

To improve the quality and safety of rental housing in Davis, and promote the quality of life in Davis neighborhoods where rental and non-rental housing co-exist, the City Council hereby passes this ordinance, to be known as the “Rental Housing Safety Ordinance.”

Section 2.

Collection of business license tax from those businesses covered in section 19.04.090(l), owners or lessors of single-family dwellings, is hereby reinstated. The suspension of such collection, as described in Section 6 of Ordinance No. 1879, adopted on December 4, 1996, is hereby ended.

Section 3.

The City shall establish and maintain a rental property database containing information about each property where a single-family dwelling (as that term is used in section 19.04.090(l)) or individual rooms in such a dwelling is rented or leased for the purpose of dwelling, sleeping, housekeeping or lodging. The database shall contain, at minimum, the property’s tax assessment number and street address, and the property owner’s name, address for service of notice, and telephone number where the owner or the owner’s designated representative may be reached 24 hours a day, 7 days a week, 365 days of the year in the event of a circumstance requiring the owner’s immediate attention. Unsuccessful attempts to contact the property owner indicating that the property owner is not complying with the telephone number requirement may result in the suspension of the business license until compliance is verified.

Section 4.

Once each year, the City shall send a Rental Housing Safety Program response card to the property owner of each property in the City. The property owner will complete the response card and return it to the City, stating under penalty of perjury, that the property either does or does not contain a single-family dwelling (as that term is used in section 19.04.090(l)), or individual rooms in such a dwelling, which is rented or leased for the purpose of dwelling, sleeping, housekeeping or lodging. If the property owner states that the property does contain such a dwelling or individual rooms in such a dwelling, the property owner shall return the response card to the City with the payment of the business license tax required under section 19.04.090(l). Failure of the property owner to return the response card to the City will result in a fine in an amount to be determined, which shall be disclosed on the response card.

Section 5.

The Rental Housing Safety Program shall be administered by an existing City department, or the City may establish a department to administer the program. One function of the administering department shall be to receive complaints and inquiries from renters and other interested parties concerning possible code violations at a rental property. Tenants will be encouraged to contact the property owner regarding the

possible code violation, if they have not already done so, before making a formal complaint. The administering department shall utilize the rental property database to notify the property owner of the complaint and offer the property owner an opportunity to address the complaint. If the property owner is not responsive, the City shall open an investigation file on the complaint and bill the property owner for the administrative costs of opening the investigation file. The City shall then investigate to determine whether a code violation exists at the property.

Section 6.

The City has the authority to inspect any residential rental property as a “necessary service” under California Civil Code Section 1954(b). The City will give priority to properties where there are indications of code violations. The City’s Code Enforcement Unit will inspect all units where a tenant has made a complaint of suspected code violations. If a City housing inspection takes place and no violations are found, or violations found are cleared upon re-inspection, the City will issue a certificate of compliance. If violations are found, written notice will be given to the owner and tenant and the City will set a time period for compliance and re-inspection. Owners can be cited for failure to bring the property into code compliance after receiving notice of the violation and being given a reasonable time to make repairs.

Section 7.

The City intends to protect the quality of life and safety for all residents in City neighborhoods, and allow citizens who consume “special security services,” as defined in this section, to pay the costs of such services, through adoption of the following sections concerning loud and unruly gatherings in the City.

The following terms used in this Chapter shall have the meanings set forth in this Section.

(a) “Responsible person(s)” shall mean a person(s) with a right of possession in the property on which a loud or unruly gathering is conducted, including, but not limited to, an owner or tenant of the property if the gathering is on private property, or a permittee if the gathering is a permitted gathering on public property, or any person(s) accepting responsibility for such a gathering. “Responsible person” shall additionally include the landlord of another responsible person and the parents and/or legal guardians of responsible persons under the age of 21 years. To incur liability for special security service charges imposed by this Chapter the responsible person need not be present at the loud or unruly gathering resulting in the emergency response giving rise to the imposition of special security service charges. This Chapter therefore imposes vicarious as well as direct liability upon responsible persons.

(b) “Special security services” shall mean the provision of any police, fire or other emergency response service to a loud or unruly gathering within 365 days of a first response as provided in this Chapter.

(c) “Loud or unruly gathering” shall mean a gathering of two or more persons on private property or a permitted gathering of two or more persons on public property whose loud or unruly conduct constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare. This term excludes incidents of domestic violence. A loud or unruly gathering shall constitute a public nuisance.

Section 8.

When a police officer responds to a first loud or unruly gathering at premises in the City with a given address, the officer shall inform any responsible person at the scene that:

- (a) The officer has determined that a loud or unruly gathering exists; and
- (b) Responsible persons will be charged for the cost of any special security services required for subsequent responses to the scene within the next twelve months.

Only one warning will be given pursuant to this Section before the City assesses special security service costs. If a responsible person cannot be identified at the scene, the Police Department may issue a warning to one of the other responsible persons or subsequently return to the scene and issue the warning to a then-present responsible person. Warnings given to responsible persons who do not reside at the premises in question shall be delivered by certified mail.

Section 9.

When the Police Department or Fire Department or other City emergency responder responds to a loud or unruly gathering at premises with a given address in the City within 365 days of a warning given to a responsible person for those premises or while any such warning remains in effect, all responsible persons shall be jointly and severally liable for the City’s costs of providing special security service for that response and all subsequent responses during that warning period.

Section 10.

Charges for special security service shall include a reasonable charge for the emergency responder’s time and actual costs of any equipment used or damaged in connection with the response, together with an additional thirty-three percent of the special security charge for administrative overhead. These charges shall be computed and a bill submitted to the responsible person(s). The Chief of Police shall promulgate notice and billing procedures for this purpose. The bill shall be a debt owed to the City and failure to pay that bill within thirty days is a violation of this Code. If the City is obliged to initiate litigation or other proceedings to recover this debt, the responsible person shall be liable for:

- (a) Costs of suit;
- (b) Attorney’s fees; and
- (c) Costs of collection.

Section 11.

(a) It shall be an infraction for a responsible person to conduct or allow a loud or unruly gathering on premises owned by the responsible person or on premises rented by or to the responsible person. A third or subsequent violation within a 365 day period shall constitute a misdemeanor.

(b) Fines.

(1) A first violation of this Section shall be punishable by a \$250 fine.

(2) A second violation of this Section at a given address in the City within a given 365 day period shall be punishable by a fine of \$500.

(3) A third or subsequent violation of this Section at a given address in the City within a given 365 day period shall be punishable by a fine of \$1,000.

(c) The fines prescribed at subsection (b) are in addition to any special security service charges that may be assessed pursuant to this Chapter.

(d) The second, third or subsequent violation fines prescribed at subsections (b)(2) and (b)(3) are payable whether or not the responsible person at the time of the current loud or unruly gathering is the same person who was the responsible person for any prior loud or unruly gathering at those premises.

(e) The fine schedule prescribed at subsection (b) is a “rolling schedule” meaning that in calculating the fine payable the Police Department or City Attorney shall count backward starting from the date of the most recent loud or unruly gathering to determine how many prior loud or unruly gatherings have taken place at the premises in question during the statutory 365 day period. A warning given shall remain in effect for the premises at a given address until a full 365 day period has elapsed during which there have been no loud or unruly gatherings at those premises.

Section 12.

The City Council hereby finds that the service of alcohol to minors at loud and unruly gatherings and the consumption of alcohol by minors at loud or unruly gatherings has in the past and continues to pose a threat to the health and safety of all persons who reside in the City and also causes significant disruption of City residents’ quiet enjoyment of their households, especially in the City’s residential neighborhoods. In addition, such conduct on behalf of persons who serve alcohol to minors and minors who consume alcohol at loud or unruly gatherings results in the expenditure of a disproportionate percentage of the City’s police, fire and public safety resources which are underwritten primarily by general municipal taxes paid to the City by its taxpayers and residents. It is therefore the policy of the City Council that in responding to loud or unruly gatherings, the City Police Department shall strictly enforce any and all applicable state laws pertaining to the service of alcohol to minors, and the consumption of alcohol by minors, and with respect to minors in possession of alcohol, the Police Department shall establish a “no tolerance” protocol by which the Police Department contacts, or causes the minor’s school to contact, the minor’s parents or legal guardians whenever the minor is found to be in possession of alcohol or narcotics or found to be intoxicated at a loud or unruly gathering. Where the minor’s school has an internal student disciplinary office any such incident shall likewise be reported to that office.