ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANAHEIM AMENDING CHAPTER 15.70 OF TITLE 15 OF THE ANAHEIM MUNICIPAL CODE RELATING TO THE PRESERVATION OF RENTAL HOUSING AND MOTEL PROPERTIES IN THE CITY OF ANAHEIM TO INCLUDE A CITYWIDE, QUALITY MOTEL INSPECTION PROGRAM

WHEREAS, pursuant to the City’s police power, as granted broadly under Article XI, Section 7 of the California Constitution, the City Council of the City of Anaheim ("City Council") has the authority to enact and enforce ordinances and regulations for the public peace, morals and welfare of the City and its residents; and

WHEREAS, the City Council of the City of Anaheim recognizes that the preservation of the City’s existing rental housing stock is of tremendous importance. Rental housing provides needed housing for many and is a valuable asset that must be preserved and maintained. The City has a significant interest in ensuring that rental housing remains a desirable housing option for its citizens; and

WHEREAS, the Housing Element of the General Plan of the City of Anaheim recognizes that the City’s existing rental housing stock is aging; and

WHEREAS, over time, rental housing often deteriorates because of intentional and unintentional neglect by owners, property managers and lessees. This deterioration often results in substandard conditions that adversely affect the economic values of neighboring structures, and that are hazardous to the public health and safety; and

WHEREAS, the public interest demands that all rental housing properties comply with the minimum standards regarding the health and safety of the public. Accordingly, on March 4, 2014, the Anaheim City Council adopted Ordinance No. 6297 adding Chapter 15.70 to Title 15 of the Anaheim Municipal Code. Chapter 15.70 created what is commonly known as the Quality Rental Housing Program to, among other things, facilitate a dialogue between the City and the owners of rental housing and provide an inspection program aimed at ensuring City-wide compliance of rental housing properties with minimum standards. In adopting Ordinance No. 6297, the City Council determined that the Quality Rental Housing Program will ensure that all persons who live in rental housing units are provided decent, safe and sanitary housing; and

WHEREAS, there are approximately 95 motels throughout City, though there are a concentration of motels on the west side of the City, specifically along Beach Boulevard. "Motels" are distinguished from "hotels" in that outdoor guest parking is typically located conveniently to, and directly accessible from each motel guest room or suite, while hotel rooms and suites typically do not have directly accessible guest parking; and

WHEREAS, a recent Motel Study prepared for the Beach Boulevard Specific Plan confirms that many of the motels along Beach Boulevard are being used for purposes other than transient or guest lodging, such as serving as long-term housing. This fact is consistent with City staff's field observations and Transient Occupancy Tax reports for many of the motels located on
WHEREAS, the City's Certified Housing Element acknowledges that Anaheim has a number of motels that serve as residences (essentially de facto rental housing housing) for individuals and families; and

WHEREAS, because the City's Quality Rental Housing Program does not presently apply to motels, an important segment of persons residing in what is essentially functioning as rental housing is not currently ensured decent, safe, and sanitary housing conditions; and

WHEREAS, to address this condition, the City Council desires, by the proposed ordinance, to amend Chapter 15.70 of the Anaheim Municipal Code to include a Quality Motel Inspection Program with processes and goals similar to the Quality Rental Housing Program to provide for inspections of motels that meet certain criteria; and

WHEREAS, the City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act of 1970, as amended (Public Resources Code Section 21000 et seq.; herein referred to as “CEQA”), pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State of California Guidelines for Implementation of the California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3; herein referred to as the “CEQA Guidelines”), because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a project as defined in Section 15378 of the CEQA Guidelines; and

WHEREAS, the City Council determines that this ordinance is a matter of City-wide importance and necessary for the preservation and protection of the public health, safety or welfare of the community and is in accord with the public purposes and provisions of applicable State and local laws and requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM DOES ORDAIN AS FOLLOWS:

SECTION 1. That Chapter 15.70 of Title 15 of the Anaheim Municipal Code be amended in its entirety and restated to read in full as follows:

“CHAPTER 15.70 PRESERVATION OF RENTAL HOUSING AND MOTEL PROPERTIES

Sections:

15.70.010 Title.
15.70.020 Purpose and Intent.
15.70.030 Definitions.
15.70.040 Application.
15.70.050 Administration.
15.70.060 Responsibility for Maintenance.
15.70.070 Exemptions.
15.70.080 Rental Housing and Motel Registration.

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15.70.010 TITLE.

This Chapter is known as the “Rental Housing and Motel Preservation Ordinance”, may be cited as such, and will be referred to herein as “this Chapter”. (Ord. 6297 § 1 (part); March 4, 2014.)

15.70.020 PURPOSE AND INTENT.

The purposes of this Chapter are to proactively identify substandard conditions on residential housing and motel property and in residential housing units and motel guest rooms and suites located thereon; to ensure the preservation, rehabilitation or abatement of rental housing and motels that do not comply with State and local building and housing laws and with maintenance standards established by this Chapter or are unsafe to occupy; to ensure the health and safety of residents of the City of Anaheim living in rental housing units and motel guest rooms and suites. (Ord. 6297 § 1 (part); March 4, 2014.)

15.70.030 DEFINITIONS.

For the purpose of this Chapter, the following terms, phrases and words shall have the meanings given.

“City Manager” means the chief administrator officer of the City, as defined in Article VI of the Charter of the City of Anaheim.

“Director” means the Director of Planning and Building Department of the City of Anaheim or the Director’s designee, including the Community Preservation Manager and any Community Preservation Officer or staff so designated by either the Director of Planning or the Community Preservation Manager to carry out responsibilities under this Chapter.

“Dwelling unit” is defined in Section 18.92.070 (“D” Words, Terms and Phrases) of Chapter 18.92 (Definitions) of this Code.

“Lessee” means one who has a possessory interest in a rental housing unit under a rental agreement or lease with the owner or the owner’s representative. “Lessee” is synonymous with the terms “tenant” and “occupant”.

“Motel” is defined in Section 18.92.160 (“M” Words, Terms and Phrases) of Chapter 18.92 (Definitions) of this Code. For purposes of this Chapter, “Motel” is further defined as a building, or group of buildings, containing motel guest units where tourists, sojourners or transients do not take access or enter their motel guest unit through a central lobby. “Motel” also includes the
premises upon which a motel guest unit is located, including parking areas, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs, and spas.

“Motel guest” means one who resides in a motel guest unit under an agreement with the owner or owner’s representative.

“Motel guest unit” means a guest room or suite, provided as lodging or sleeping accommodations in a motel, as described in Section 18.92.160 (“M” Words, Terms and Phrases) of Chapter 18.92 (Definitions) of this Code and further defined in this Section 15.70.030.

“Owner” means the owner of record of a rental housing/motel property or a rental housing unit, as that term is defined herein.

“Owner’s representative” means the owner’s agent, property manager or other person who has charge or control over a rental housing/motel property or a rental housing unit on behalf of the owner.

“Rent” means to grant the possession or enjoyment of, in exchange for money or any other consideration.

“Rental housing property” means a parcel of real property, as shown on the latest equalized tax assessment roll as maintained by the assessor of the County of Orange, upon which at least one rental housing unit is maintained. “Rental housing property” includes the premises upon which a rental housing unit is located, including parking areas, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs, and spas. “Rental housing property” does not include a single-family detached dwelling unit.

“Rental housing unit” means a dwelling unit that is being rented or leased, or is intended to be rented or leased. Examples of rental housing units covered by this Chapter include “Dwellings-Multiple Family” (as defined in Section 18.92.070 of this Code), “Dwellings-Single-Family Attached” (as defined in Section 18.92.070 of this Code), dwelling units in apartment buildings, dwelling units in condominiums, dwelling units in townhomes, dwelling units in planned unit developments, and dwelling units in duplexes and triplexes. “Rental housing unit” does not include “Dwellings-Single-Family Detached” (as defined in Section 18.92.070 of this Code). “Rental housing unit” does not include units used for transient lodging such as dormitories, group homes, rooming or boarding houses, hotels, motels, and bed and breakfast facilities.

“Rental/motel property” refers to and includes a motel, a motel guest unit, rental housing property, or rental housing unit.

“Substandard condition” means the presence of any one or more of the following conditions on rental housing/motel property: (i) any condition that constitutes a public nuisance as defined in California Civil Code Sections 3479-3480; (ii) any condition of deterioration or disrepair that creates a substantial adverse impact on neighboring properties; (iii) any condition of deterioration or disrepair that creates a substantial adverse impact on the resident or guest’s ability to reside in decent, safe, sanitary, and secure housing; (iv) any violation of the Anaheim Municipal Code that creates a substantial adverse impact on neighboring properties, such as graffiti or abandoned, wrecked, dismantled or inoperative vehicles (or parts thereof); or (iv) any
condition not in compliance with the Building Standards Codes, as adopted in Chapter 15.03 of this Code, including the building, electrical, plumbing, and mechanical codes, the California Fire Code, as adopted in Chapter 16.08 of this Code, or the State Housing Law (Health and Safety Code Sections 17910 et seq.).—A substandard condition includes, but is not limited to, the following enumerated conditions:

A. Property, whether improved or not, which is not kept substantially clean and free from accumulations including, but not limited to, overgrown vegetation, dead trees, weeds or other vegetation, rank growth, rubbish, junk, garbage, litter, debris, flyers or circulars.

B. Buildings or structures which are unpainted or the exterior paint is substantially worn off; provided, however, that nothing in this section shall be construed to require an owner to paint a building where the architectural style indicates it was intended to be unpainted, such as a brown shingle building.

C. Buildings or structures or significant sections thereof including, but not limited to, awnings, canopies, exterior stairs, roof, foundation, walls, fences, signs, retaining walls, driveways, or walkways which are substantially deteriorated or defaced, or windows which are missing or broken.—For the purposes of this section, “defaced” includes, but is not limited to, writings, inscriptions, figures, scratches, or other markings commonly referred to as “graffiti.”

D. Property which contains, in the outdoor area, any refrigerator, washing machine, sink, stove, heater, boiler, tank or any other household equipment, machinery, furniture, or item, appliance or appliances, boxes, lumber, dirt or debris, trash, garbage or refuse cans, or any items other than those commonly stored outdoors, or any parts of such items.—This subsection does not prohibit machinery installed in the rear setback areas for household or recreational use, furniture designed and used for outdoor activities, trash cans in the front yard during the twenty-four hour period allowed for garbage pick-up, and garbage bins or debris boxes.

E. A motel guest unit(s) in which any or all of the following is present: (i) no hot or cold running water, (ii) no functioning toilet, (iii) carpet that is unsanitary or is worn to the point that portions are missing, (iii) no heat or ventilation; (iv) visible signs of mold, (v) visible signs of bug or rodent infestation, or (vi) any other condition that creates a living environment that is not decent, safe, or sanitary.

Notwithstanding the above definition, public nuisances pertaining to unsafe buildings, structures, or property conditions, as defined by the Building Standards Codes, the California Fire Code, and/or the State Housing Law, shall not constitute a substandard condition for purposes of this Chapter and shall remain within the exclusive enforcement authority of the Building Official to the extent required by state and local law. (Ord. 6297 § 1 (part); March 4, 2014.)

15.70.040 APPLICATION.

A. This Chapter applies to all existing rental housing units, except as provided in Section 15.70.070 (Exemptions).—This Chapter also shall apply to all of the following:

1. All rental housing property and rental housing units in the City.
2. Motels which, within any three consecutive months following adoption of this Chapter: a) have claimed an exemption from payment of transient occupancy tax on ten percent (10%) or more of the motel guest units, or b) have not paid transient occupancy tax as confirmed by City audit, on ten percent (10%) or more of the motel guest units within the motel. This Chapter shall cease to apply to such a motel if two consecutive years have elapsed with no consecutive three month period as described in the preceding sentence.

3. Motels which, within the previous twelve (12) months, have been deemed to constitute a public nuisance after determination and notice is given per Section 6.44.050, or at which there has been persistent and recurring criminal activity as determined by the Chief of Police.

B. The provisions of this Chapter are supplementary and complementary to other provisions of this Code and applicable statutes. 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 but not limited to, provisions of Title 2 and Title 18 of this Code and the provisions of uniform codes adopted by reference in this Code. These provisions include, but are not limited to, the California Building Standards Codes, as adopted in Chapter 15.03 of this Code, including the building, electrical, plumbing, and mechanical codes, and the California Fire Code, as adopted in Chapter 16.08 of this Code, and the State Housing Law (Health and Safety Code Sections 17910 et seq.).

15.70.050 ADMINISTRATION.

This Chapter is administered and enforced as deemed necessary by the Director. The Director may establish procedures implementing this Chapter.

15.70.060 RESPONSIBILITY FOR MAINTENANCE.

A. Every owner or owner’s representative of a rental housing unit/motel property in the City shall:

1. A. Maintain the rental housing unit and the rental housing property on which the rental housing unit is located/motel property so that no substandard condition exists at the rental housing unit or on the rental housing/motel property;

2. B. Correct all substandard conditions before a re-inspection occurs; and

3. C. Be liable for violations of this Chapter regardless of any contract or agreement with any third party concerning the rental housing unit and/or its rental housing property.

15.70.070 EXEMPTIONS.

A. Unless otherwise specified in this section, the following rental housing units shall be exempt from the requirements of this Chapter:
1. Rental housing units that receive funding or subsidies from federal, state or local government when the rental housing units are inspected by a federal, state or local governmental entity at least once every twenty (20) years as a funding or subsidy requirement and the owner of the rental housing unit or the owner’s representative submits information to the Director within sixty (60) days of being notified that an inspection is required that demonstrates the periodic federal, state or local government inspection is substantially equivalent to the inspection required by this Chapter;

2. Rental housing units/motel property that, within the past twenty (20) years, have been newly constructed and either have been issued a certificate of occupancy or have passed final inspection of construction by the City. — The twenty (20) year period begins to run on the earlier of the date of final inspection of construction or the date of issuance of the certificate of occupancy by the Building Division; and

3. Second Units or Senior Second Units, provided that the owner lives in one of the units on the property and an immediate family member lives in the other housing unit on the same property. (Ord. 6297 § 1 (part); March 4, 2014.)

15.70.080 RENTAL HOUSING AND MOTEL REGISTRATION.

A. With the exception of rental housing units/those properties identified in Section 15.70.070 (Exemptions), all rental housing/motel properties containing rental housing units shall be registered with the Planning Department according to the registration deadlines established by the Director. The rental housing/motel property registration or renewal application shall identify all rental housing units or motel guest units on the rental housing property/motel property. Nothing herein shall require the owner or owner’s representative of a rental/motel property to provide a guest registry as part of the registration process.

B. Rental housing/motel properties with rental housing units must be registered according to a schedule established by the Director. — The schedule shall include registration deadlines of not less than sixty (60) days following notice and delivery to the owner or the owner’s representative by the Director of a Management Practices Questionnaire and such other forms as the Director may determine necessary to satisfy the registration requirements of this Chapter; and shall be based on dividing the City into registration areas that are, to the degree practicable, balanced geographically and by rough numbers of properties to be registered in each area.

C. A rental housing/motel property registration shall be valid and used for purposes of complying with the inspection provisions of this Chapter for five (5) years from the date the Director issues a certificate of compliance or until one of the following circumstances occurs, whichever is sooner:

1. The owner or the owner’s representative fails to notify the Planning Department of any change in the information submitted pursuant to this Section 15.70.080 within thirty (30) days of such change; or

2. The owner or the owner’s representative fails to pay any fees established in this Chapter when payment is due; or
2.3. The rental housing/motel property is transferred to a new owner and the new owner fails to submit an application for a rental housing/motel property registration to the Planning Department within ninety (90) days following the date of transfer; or

3.4. The Director determines that the certificate of compliance is no longer valid because a substandard condition or conditions exist at one or more on any portion of the rental housing units/motel property listed in the certificate of compliance.

D. A rental housing unit/motel property is registered with the City when the owner or the owner’s representative of the corresponding rental housing/motel property submits the following to the Planning Department:

1. An application for a rental housing/motel property registration shall be submitted to the Planning Department on forms provided by the Director. The application shall include, but is not limited to, the following information:

   a. Description of the rental housing/motel property, including, but not limited to, the street address and assessor’s parcel number;

   b. A list of all rental housing units or motel guest units on the rental housing/motel property, identified by a means unique to each unit: (e.g., room number, unit number, etc.);

   c. Name, address, telephone number and email address (if any) for the owner of the rental housing/motel property and the owner’s representative (if any);

   d. The name, address, telephone number and email address (if any) of the person or entity that a lessee or motel guest is to contact when requesting repairs to be made to his/her/their rental housing unit/motel property, and the contact person’s business relationship to the owner or the owner’s representative;

   e. A declaration of compliance from the owner or the owner’s representative, declaring that all rental housing units or motel guest units that are or may be available for rent are listed in the rental housing/motel property registration or renewal application and meet or will meet the standards in this Chapter before the units are rented; and

   f. Any other information required by the Director.

E. If, upon approval of an application for registration or a renewal thereof or following an inspection where no violations of applicable laws or ordinances are determined to exist, a certificate of compliance shall be issued by the Director to the owner or the owner’s representative. A certificate of compliance shall be valid until renewal of the registration or revocation of such certificate pursuant to this Chapter.

F. A rental housing/motel property registration must be renewed by submittal of a rental housing/motel property registration renewal application at least sixty (60) days before the current certificate of compliance expires, which application shall contain all of the information
required by subsection D.1. of this Section 15.70.080, above, and be accompanied by a new
declaration as required by subparagraph “e” of subsection D.1. of this Section 15.70.080.

G. If any of the information required by subsection D.1., above, changes during the term
of a certificate of compliance, the owner or the owner’s representative shall update the
information within thirty (30) days of the information changing, on a form provided by the
Planning and Building Department.

H. It is unlawful for any person to knowingly make a false statement of fact or knowingly
omit any information that is required to register a rental housing/motel property unit pursuant to
this section. (Ord. 6297 § 1 (part); March 4, 2014.)

15.70.090 OWNER’S REPRESENTATIVE.

Unless an owner acts as his/her/its own representative for all purposes under this Chapter and so
advises the City on owner’s application for registration or renewal thereof, all owners of rental
housing/motel properties shall designate a representative with full authority to act on behalf
of the owner for all purposes under this Chapter, including the acceptance of service of all
notices from the City. — In other words, the owner of the rental housing property may act as the
owner’s representative.

(Ord. 6297 § 1 (part); March 4, 2014.)

15.70.110 15.70.100 REGISTRATION DENIAL OR CERTIFICATE OF COMPLIANCE
REVOCATION.

A. A rental housing/motel property registration or renewal application may be denied by the
Director for:

1. Submitting an incomplete application; or

2. Submitting an application the owner or the owner’s representative knows or
should have known is false.

B. A certificate of compliance may be revoked for:

1. Failing to comply with a Notice and Order to Comply, as required in this Chapter;
or

2. Submitting a declaration of compliance the owner or the owner’s representative
knows or should have known is false; or

3. Failing to update and deliver registration information as required by Section
15.70.080 (Rental Housing/Motel Property Registration).

C. If the Director denies a rental housing/motel property registration application or revokes
a certificate of compliance, he or she shall notify the owner in writing by mailing the denial or
revocation notice by first-class mail to the addresses of the owner and the owner’s representative (if any) identified in the owner’s current rental housing/motel property registration or renewal application, specifying in detail the reason(s) for the Director’s determination. The owner or the owner’s representative may appeal the denial or revocation by filing an appeal with the Rental Housing and Motel Preservation Appeals Committee in accordance with the procedures applicable to appeals set forth in Section 15.70.130 of this Chapter 15.70.

D. If a rental housing/motel property registration or renewal application is denied or a certificate of compliance is revoked, the registration or renewal application shall not be considered by the Director until all application or housing/motel deficiencies that were the basis for the denial or revocation are corrected. (Ord. 6297 § 1 (part); March 4, 2014.)

15.70.120 15.70.110 INSPECTIONS; NOTICE AND ORDER TO COMPLY.

A. Unless otherwise exempt under this Chapter, every rental housing/motel property and rental housing unit is subject to routine periodic inspection by the City, as provided by this Chapter.

B. Within sixty (60) days following the receipt of an application for a rental housing/motel property registration or a renewal thereof, the Director shall determine if an inspection of the rental housing units/motel property which are the subject of the application is warranted. The Director’s determination shall be based upon one or more of the following criteria:

1. An incomplete or inaccurate application;

2. A negative answer to any of the questions contained in the Management Practices Questionnaire, which is a part of the application; or

3. The Director has reasonable cause to believe that any portion of the rental housing/motel property or any rental housing unit located thereon is substandard; or

4. The rental housing/motel property or any rental housing unit located thereon has been investigated and confirmed for a violation of a substandard condition within the twelve-month period preceding the date of submittal of the application for a rental housing/motel property registration or renewal thereof.

C. Before an interior inspection occurs under this Chapter, a notice of intent to inspect a rental housing unit/motel property will be mailed by first-class mail to the owner and to the owner’s representative (if any) at the owner’s and owner’s representative’s addresses, as they appear on the owner’s current rental housing/motel property registration or renewal application at least fourteen (14) calendar days prior to the date of the inspection. If the owner or the owner’s representative applies in writing to the Director for an extension of time within the original time specified in the notice for an interior inspection, the Director may extend the date and time thereof.

D. The owner or the owner’s representative shall be present at the rental housing/motel property at the time of the inspection. The time of the inspection shall be the time indicated in the notice or the time that the inspection was properly rescheduled in accordance with
subparagraph “H” of this Section 15.70.110. Violation of this subsection may result in the imposition of a re-scheduling fee.

E. The owner or the owner’s representative must notify the individual lessees or motel guests of the date and time of the interior inspection or otherwise obtain legal access to the rental housing unit or motel guest unit (or units) pursuant to the terms of the applicable lease or rental, or guest agreement.

F. If the lessee of a rental housing unit or the motel guest of a motel guest unit does not consent to the entry for inspection, the Director is authorized to seek approval of an inspection warrant from the Rental Housing Preservation Appeals Committee and, if approved by said Committee, the Director is authorized to seek an inspection warrant from a court of competent jurisdiction to cause the inspection to take place. The owner shall not be penalized or fined for the failure of a lessee or motel guest to afford access to a rental housing unit or motel guest unit which is the subject of such an inspection, provided that the owner and/or the owner’s representative cooperates with the Director.

G. If, upon inspection, any substandard condition exists within the rental housing unit or any motel property, the Director will provide the owner or the owner’s representative with a written “Notice and Order to Comply” that describes the substandard condition or conditions and the location of the substandard condition or conditions. The Notice and Order to Comply will specify a reasonable time for correction of the substandard condition or conditions that ranges, depending on the severity of the condition, from an immediate response time to thirty (30) days from the date of said notice. If the owner or the owner’s representative fails to correct all of the substandard conditions within the time specified in the Notice and Order to Comply, the case shall be referred to the Rental Housing Preservation Appeals Committee or to the City prosecutor’s office for appropriate action.

H. If the owner or the owner’s representative applies in writing to the Director for an extension of time within the original correction period, the Director may extend the period for correction of the substandard condition or conditions if the Director determines that the owner or the owner’s representative has established that correction has been diligently pursued but the correction could not be completed within the original correction period.

I. The Notice and Order to Comply will be mailed by first-class mail to the owner and to the owner’s representative at the address of the owner and the owner’s representative (if any) as such addresses appear on the owner’s current rental housing/motel property registration or renewal application.

J. Before initiating any correction of the substandard condition or conditions identified in the Notice and Order to Comply, the owner or the owner’s representative of the rental housing unit/motel property shall obtain all necessary permits and pay all required fees for the permits, including, without limitation, any penalty imposed by this Code by reason of any repair, improvement or maintenance which had been done in the past without a required permit, inspection or final approval.
K. One or more re-inspections will be conducted to verify that the substandard condition or conditions identified in the Notice and Order to Comply have been corrected.— Following the expiration of the correction period and any authorized extensions of time, the owner shall pay a re-inspection fee established by the City Council and arrange with the Director for re-inspection of the rental housing/motel property or rental housing unit (or units) to determine whether the substandard condition or conditions have been corrected.— The owner or the owner’s representative shall provide all required notice to any lessees— or motel guests. If the Director appears at the rental housing unit/motel property for the inspection as scheduled and access is denied by the owner or the owner’s representative, the owner shall pay an additional re-inspection fee, as established by the City Council, for each subsequent scheduled re-inspection Violations not noted on the initial inspection report but discovered on re-inspection must be corrected by the owner or the owner’s representative as set forth in this Chapter.

L. If the Planning and Building Department receives a complaint regarding a rental housing/motel property regulated under this Chapter, the Director may request that an interior inspection of the rental housing unit/motel property identified in the complaint be conducted by a Community Preservation Code Enforcement Officer.— If, after inspecting the rental housing/motel property for which the Planning and Building Department received the complaint, the Community Preservation Code Enforcement Officer determines that a substandard condition or conditions exist at the rental housing unit or on the rental housing/motel property, the Director may require that any other portion of the rental housing unit/motel property covered under the same registration on the property be inspected following the procedures of this Section 15.70.110 for notice, inspection timing and giving notice to lessees.

M. If, during an inspection conducted pursuant to this Chapter, the Community Preservation Code Enforcement Officer discovers that the rental housing/motel property is in violation of this Code or any other applicable law and the owner or the owner’s representative fails to correct the identified violations within thirty (30) days of the inspection, the Director may require an additional periodic inspection of the rental housing/motel property in accordance with this Chapter, to ensure continued compliance. A re-inspection fee shall be imposed for the additional periodic inspection required pursuant to this subsection. In addition to requiring an additional periodic inspection pursuant to this subsection, the Director may commence enforcement action in accordance with any provisions of this Code.

N. The owner or the owner’s representative shall provide a copy of the results of an inspection to the lessees— or motel guests— of the rental housing unit/motel property inspected.

O. None of the inspection provisions contained in this Chapter shall prohibit, condition or otherwise limit any inspection conducted pursuant to any other provision of this Code or other applicable law. (Ord. 6297 § 1 (part); March 4, 2014.)

15.70.130 15.70.120 FEES.

A. The City Council may by resolution establish, modify and amend fees for the implementation, administration and/or enforcement of this Chapter, including, but not limited to, registration and renewal fees, processing fees, inspection and re-inspection fees and penalties for delinquent payment of such fees.
B. If the owner fails to pay any fee established pursuant to this Section, the City shall recover it, plus accrued interest and penalties, utilizing all remedies provided by law, including placing a special assessment lien against the property. If the Director elects to place a lien on the property, the Director shall notify the owner and the owner’s representative of the affected rental housing unit not less than thirty (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 thirty (30) days after said notice, the Director shall take whatever action is required by State law for the amount due to be included in the next property tax bill assessment for the property.

(Ord. 6297 § 1 (part); March 4, 2014.)

45.70.14015.70.130 RENTAL HOUSING AND MOTEL PRESERVATION APPEALS COMMITTEE.

A. In order to provide for final interpretation of the provisions of this Chapter and to hear appeals provided for hereunder, a five (5) member Rental Housing Preservation Appeals Committee is hereby established, consisting of one (1) member who is a regularly employed City employee, one (1) member representing the Neighborhood Council area (as described in subsection .020 of Section 1.04.510 of this Code) within which the rental housing property for which an appeal by an owner aggrieved by an adverse decision of the Director made pursuant to this Chapter is located, and three (3) members from any of the following organizations, each of whom shall be a member of and be recommended for appointment by their respective organization: South Coast Chapter of the California Apartment Association, the Apartment Association of Orange County, the Pacific West Association of Realtors, and the California Association of Realtors (herein referred to as an “Interested Organization”). With the exception of the member who is a regularly employed City employee, none of the members of the Rental Housing Preservation Appeals Committee shall hold any paid office or employment in the City government. The Community Preservation Manager or his or her designated representative shall serve as the liaison to the Rental Housing Preservation Appeals Committee and shall designate an employee of the Planning Department to act as secretary, who shall keep a record of the proceedings and transactions of the Rental Housing Preservation Appeals Committee.

B. If an Interested Organization shall cease to exist or is unwilling or unable to have one of its members serve as a member of the Rental Housing Preservation Appeals Committee and so notifies the Director, the Director shall attempt to locate another similar Interested Organization representing the interests of owners of rental housing property (herein referred to as a “Substitute Interested Organization”) and will solicit a recommendation from such Substitute Interested Organization for appointment of one of its members to the Rental Housing Preservation Appeals Committee by the City Council. In the event that the Director is unable to locate and solicit a recommendation from a Substitute Interested Organization, the City Council may fill such a vacancy from the qualified electors of the City.

C. Upon the recommendation of one or more of the Interested Organizations or Substitute Interested Organizations (as the case may be), the City Council may, in its sole and absolute discretion, appoint alternates recommended by such organizations to serve in the absence of members of the Interested Organizations or Substitute Interested Organizations (as the case may
be) appointed to the Rental Housing Preservation Appeals Committee. An alternate so appointed shall serve and act as a member of the Rental Housing Preservation Appeals Committee on behalf of the Interested Organization or Substitute Interested Organization (as the case may be), with all powers and privileges of membership, only during the absence of the specific member for whom such person was designated as the alternate. Alternates shall be subject to appointment and removal in the same manner as members of the Rental Housing Preservation Appeals Committee. An alternate shall be required to have the same qualifications for membership as the member for whom such person serves as the designated alternate. An alternate shall serve a term or period of service coterminous with the term or period of service of the member for whom such person is designated as the alternate. Alternates may attend any or all meetings of the Committee to see and hear the proceedings but shall neither participate in deliberation nor have any of the powers and privileges of membership except during the absence of the specific member for whom such person was designated as the alternate.

D. With the exception of the one (1) member of the Rental Housing Preservation Appeals Committee who is a regularly employed City employee, the members of the Rental Housing Preservation Appeals Committee shall be appointed by the City Council and shall be subject to removal at any time by motion of the City Council adopted by the affirmative votes of the entire City Council.

E. The one (1) member of the Rental Housing Preservation Appeals Committee who is a regularly employed City employee shall be appointed by the City Manager from time to time upon the recommendation of the Director. As such, the City employee member shall not have a term of office.

F. The City Council shall appoint representatives from the West Anaheim Neighborhood Council, the East Anaheim Neighborhood Council, the Central Anaheim Neighborhood Council and the South Anaheim Neighborhood Council. The representative from the Neighborhood Council within which the rental housing property for which an appeal has been filed by an owner or the owner’s representative aggrieved by an adverse decision of the Director shall serve and act as a member of the Rental Housing Preservation Appeals Committee.

G. Except for the one (1) member of the Rental Housing Preservation Appeals Committee who is a regularly employed City employee, the members of the Rental Housing Preservation Appeals Committee shall serve terms of four (4) years or until their respective successors are appointed and qualified; provided, however, that the initial Committee appointees from the Interested Organizations shall be appointed for terms specifically expiring as follows:

1. Two on the thirtieth day of June of the second year following appointment; and

2. One on the thirtieth day of June of the third year following appointment;
provided, further, however, that the initial Committee representatives from the Neighborhood Councils shall be appointed for terms specifically expiring as follows:

1. For the representative from the South Anaheim Neighborhood Council, on the thirtieth day of June of the first year following appointment;

2. For the representative from the East Anaheim Neighborhood Council, on the thirtieth day of June of the second year following appointment;

3. For the representative from the Central Anaheim Neighborhood Council, on the thirtieth day of June of the third year following appointment; and

4. For the representative from the West Anaheim Neighborhood Council, on the thirtieth day of June of the fourth year following appointment.

A vacancy occurring before the expiration of a term shall be filled by appointment for the remainder of the term.

H. Members of the Rental Housing Preservation Appeals Committee shall have the power and duty to:

A. ___ 1. Conduct In order to allow for appeals provided for hereunder, a three-member Rental Housing/Motel Preservation Appeals Committee is hereby established (the “Appeals Committee”).

Q-B. The Appeals Committee shall be convened on an as-needed basis and shall have the power and duty to conduct hearings, receive evidence, and make final decisions on behalf of the City related to appeals by owners aggrieved by an adverse decision of the Director made pursuant to this Chapter; and.

2. Meet for the purpose of carrying out such advisory functions, if any, as may be assigned from time to time by, and make recommendations to, the City Council relating to matters of rental housing preservation. In such instances, the Director is hereby authorized and directed to select one of the representatives from the Neighborhood Councils, who the Director determines in his or her sole and absolute discretion, may best represent the interests of all of the Neighborhood Councils relating to the matter at hand.

C. ___ I. Meeting dates and times shall be called by the Director in the manner and form required by law. The Rental Housing Preservation Appeals Committee shall comply with the provisions of the Ralph M. Brown Act (commencing at Section 54950 of the California Government Code). A regular meeting time may be established by the Committee. Meetings of
the Committee shall be conducted in accordance with Section 904 of the Anaheim Charter. A majority of the members of the Rental Housing Preservation Appeals Committee shall constitute a quorum. A majority of the quorum present and qualified to vote shall be required to hold any paid office or employment with the City.

D. If either the Apartment Association of Orange County or the Anaheim/Orange County Hotel and Lodging Association shall cease to exist or is unwilling or unable to appoint one of its members serve as a member of the Appeals Committee and so notifies the Director, the Director shall use reasonable efforts to attempt to locate a substitute organization representing the interests of owners of rental housing or motel property, and will approve any action or motion of the Rental Housing Preservation Appeals Committee.

E. Members of the Appeals Committee shall be available to attend all appeals hearings and act in those hearings in an unbiased and impartial manner. To the extent a member of the Appeals Committee is unable or unwilling to fulfill these duties, the City Manager may require their removal from the Appeals Committee, and may request the appointing entity to appoint a replacement member. In the event the members of the Appeals Committee appointed by the Apartment Association of Orange County and the Anaheim/Orange County Hotel and Lodging Association are removed or can no longer serve, a replacement member may be appointed according to the requirements of this Section 15.70.130.

F. The one member of the Appeals Committee who is a regularly employed City employee shall be appointed by the City Manager from time to time upon the recommendation of the Director.

G. Members of the Rental Housing Preservation Appeals Committee shall serve without compensation. (Ord. 6297 § 1 (part); March 4, 2014.)

15.70.150 APPEALS.

A. Any owner aggrieved by an adverse decision of the Director made pursuant to this Chapter may appeal therefrom to the Rental Housing Preservation Appeals Committee within thirty (30) days after notice of said adverse decision by filing with the Director a written notice of appeal, briefly stating the grounds relied upon for such appeal.

B. If an appeal is timely made, the Director shall cause the matter to be set for hearing before the Rental Housing Preservation Appeals Committee within sixty (60) days from the date of receipt of such notice of appeal. The Director shall give not less than fifteen (15) days’ written notice to the owner and the owner’s representative of the time and place of such hearing. Unless special circumstances warrant, the appeal hearings shall be held at Anaheim City Hall located at 200 S. Anaheim Boulevard. Within thirty (30) days after the conclusion of the hearing, the Rental Housing Preservation Appeals Committee shall render a written decision on
the appeal and the Director shall give written notice thereof to the owner and the owner’s representative.

C. Decisions of the Rental Housing Preservation—Appeals Committee shall be made by majority vote. Such decisions are final and conclusive and shall be the final administrative procedure available to the owner.— Any time limits provided in this section may be waived by the mutual agreement of the parties.— In the event no timely appeal is taken from the determinations of the Director, any decision of the Director shall become final and conclusive upon the expiration of the time set herein for filing an appeal.— (Ord. 6297 § 1 (part); March 4, 2014.)

**45.70.16015.70.150 RELOCATION COSTS.**

If any lessee or motel guest is displaced from a rental housing unit/motel property after an order to vacate issued by the Director because a violation is of such a nature that the immediate health and safety of the lessee is endangered, the costs and expenses of relocating the lessee or motel guest from the unit rental/motel property are and shall be the responsibility of the owner to the extent required by State law and in accordance with the terms of the lessee’s or motel guest’s rental agreement, if any. (Ord. 6297 § 1 (part); March 4, 2014.)

**45.70.17015.70.160 ENFORCEMENT.**

The Community Preservation Manager and Community Preservation Officers shall have the duty and authority to enforce this Chapter as set forth in Section 1.01.389 (Enforcement of the Code—Community Preservation Manager—Inspections and Reinspections—Fees) of this Code.

Any person who violates the provisions of this Chapter shall be guilty of a misdemeanor subject to enforcement and penalties as set forth in Section 1.01.370 (Violations of Code—Penalty) of this Code. In addition, the City may also seek injunctive relief and civil penalties in the superior court for violations of this Chapter.

In addition, any violation of this chapter may be subject to the civil fines and the administrative procedures for the imposition, enforcement, collection, and administrative review of civil fines set forth in Chapter 1.20 (Civil Citations). The issuance of any civil citation under this Chapter 15.70 is solely at the City’s discretion and is one option the City has to address a violation of this Chapter 15.70. By adopting this Chapter, the City does not intend to limit its discretion to utilize any other remedy, civil or criminal, including those public nuisance remedies otherwise provided by law.— (Ord. 6297 § 1 (part); March 4, 2014.)”

**SECTION 2. SEVERABILITY**

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have
passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 3. LOCATION OF RECORDS

The documents and materials associated with this Ordinance that constitute the record of proceedings on which the City Council’s findings and determinations are based are located at Anaheim City Hall, 200 South Anaheim Boulevard, Anaheim, California 92805. The City Clerk is the custodian of the record of proceedings.

SECTION 4. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be printed once within fifteen (15) days after its adoption in the Anaheim Bulletin, a newspaper of general circulation, published and circulated in the City of Anaheim.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the ___ day of ____________, 2017, and thereafter passed and adopted at a regular meeting of said City Council held on the ___ day of ____________, 2017, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ANAHEIM

By: _____________________________
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

_________________________________
CITY CLERK OF THE CITY OF ANAHEIM