



**City of Eastvale**  
**City Council Meeting Agenda**  
**Staff Report**

---

**MEETING DATE: AUGUST 14, 2013**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: CITY ATTORNEY**

**SUBJECT: SINGLE-FAMILY RESIDENTIAL RENTAL REGISTRATION,  
INSPECTION AND CRIME-FREE RENTAL HOUSING  
PROGRAM**

---

**RECOMMENDATIONS: HOLD FIRST READING OF ORDINANCE NO. 2013-13  
ADDING CHAPTER 110.32 TO TITLE 110 OF THE EASTVALE MUNICIPAL CODE  
ESTABLISHING A SINGLE-FAMILY RESIDENTIAL RENTAL REGISTRATION,  
INSPECTION AND CRIME-FREE RENTAL HOUSING PROGRAM**

---

**BACKGROUND:**

The City of Eastvale ("City") is experiencing an increase in the occurrence of substandard maintenance, unsafe conditions, illegal activity and public nuisances in single-family rental property, especially those properties rented by absentee landlords. As of August 1, 2013, there have been approximately twenty (20) single family properties in the City where the Riverside County Sheriff's department has served warrants for indoor marijuana grow houses. These homes are not owner occupied; rather, they are rented by the owners to tenants either directly, or through property management companies. These conditions have precipitated the City Council to direct City staff in taking immediate and proactive action in an effort to curb these conditions and hold owners of single family residential rental property more accountable in the renting of their property within the City.

**DISCUSSION:**

As a result of the increase in the occurrence of substandard maintenance, unsafe conditions, illegal activity and public nuisances in single-family rental property, especially those properties rented by absentee landlords, the City Council proclaimed a "Zero Tolerance" policy to the use of these properties for the purposes described herein. It should be noted that the absentee landlord property owners of these single family residences may not be aware that the tenants or

Occupants of these properties are carrying out these illegal activities or that the lease agreements shift the responsibility or property maintenance to the tenant and the City is not making these allegations. However, it is clear that there needs to be more accountability on the part of the property owners to not only take reasonable and proactive steps to abate these conditions but also to ensure their properties are safe and decent. The renting and leasing of these single family properties is a business; therefore, it is necessary to implement a “Single-Family Residential Rental Registration, Inspection and Crime-Free Rental Housing Program” to alleviate these problems and improve living conditions for renters and protect the general welfare of individuals in affected neighborhoods. Furthermore, it is necessary for the City to defray the cost of the Single-Family Residential Rental Registration, Inspection and Crime-Free Rental Housing Program through the imposition of regulatory fees to cover the actual costs of implementing and enforcing the program.

Breakdown of the material provisions of the Eastvale Single-Family Residential Rental Registration, Inspection and Crime-Free Program:

**Registration:** The registration provisions of this proposed Ordinance fold into the operative requirements set forth in the City’s new Business Registration Certification Program which the City Council has adopted through Chapter 6.72 of the Eastvale Municipal Code. Those requirements are identified in Section 6.72.070 which states in pertinent part:

“In the event that application is made by an owner or agent of single-family residential rental property defined in Chapter 110.32 of this Code, the application shall set forth the following information:

a. Description of each single-family rental housing property, including, but not limited to, the street address(es) and assessor’s parcel number(s),

b. Name and current contact information for the owner(s) of the single-family rental housing property,

c. Name and current contact information for the local contact representative as described in Section 110.32.050 of Chapter 110.32 of this Code.

d. In the event that application is made by an owner that leases or rents more than one single-family rental housing property, a separate business registration certificate is needed for each such property registered.”

The City's earlier Business Registration Program exempted businesses which rented residential units. The new program includes these businesses which will now enable the City to compile a comprehensive inventory of single family rental businesses in the City of Eastvale and more effectively track these properties and identify both the owners and local contact representatives for noticing about code violations that may exist on the properties.

**Crime – Free Lease Addendum:** The proposed Ordinance requires that all lease or rental agreements entered into after September 27, 2013 (effective date of this Ordinance) must contain a Crime-Free Lease Addendum that prohibits the tenant, any member of the tenant's household, any guest or any other person associated with the tenant on the leased premises from engaging in any activity which violates federal, state or City laws and regulations. This addendum gives the property owner a better tool over a tenant's use of the leased property so that the eviction process (should it be necessary) is more defensible.

**Inspection:** After receiving a completed Residential Rental Registration form from an Owner, the City will conduct an exterior and interior inspection of the Residential Rental Dwelling Unit to identify violations of any Applicable Laws. The notice of inspection shall provide a minimum of 14-days notice. Notice shall be mailed to the owner and the local contact representative at their last known address. In the case of multiple owners of the same property, notice to any one of the property owners is sufficient notice. It shall be the responsibility of the owner or local contact representative to provide actual notice to the individual tenant(s) to facilitate access to the Rental Property Unit(s) to be inspected pursuant to the terms of the applicable lease. Failure by the Owner, local contact representative or tenant may result in the City not granting a Business Registration Certificate and authorizes the City Attorney to utilize available legal means, such as an inspection warrant, to inspect the property. After an inspection is completed, the City will either issue the Business Registration Certificate, or notify the owner that there are conditions on the property that are required to be corrected within a stated period of time. Once the corrections are completed, the City will issue the Registration Certificate. Finally, Annual inspections shall be conducted upon renewal of the Residential Rental Registration which the Owner has previously registered with the City. Inspections can also be done pursuant to both voluntary requests and on a complaint basis.

**Self-Certification Program:** In an effort to provide incentives for property owners in keeping their single family rental property well maintained and free from illegal activity, the City would offer a self-certification program whereby qualified owners would be exempt from both annual inspections and the associated inspection fees for as long as the property is in conformance with the self-certification standards listed on the Self-Certification Program's checklist.<sup>1</sup> Any property owner that fails to maintain a rental property to meet all of the standards listed on the Self-Certification Program's checklist, or is found to have caused to allow

---

<sup>1</sup> The Self-Certification Program Checklist will be prepared by the City and presented to the Owner. This checklist will include only those material requirements by the Building Official and Code Enforcement.

conditions, identified in the Crime-Free Addendum to exist, shall immediately be removed from the Self-Certification Program and become subject to annual inspections.

**Enforcement:** The remedies available to the City for violations of this propose Ordinance include the following:

1. Administrative Citations
2. Administrative Abatement, including recovery of attorney's fees
3. Inspection Warrant
4. Civil Action under Health and Safety Code Section 11570

The City Attorney's Office has worked with Mr. Tim Johnson of the California Apartment Association/Greater Inland Empire division who has provide valuable input in revisions to the proposed Ordinance.

**RECOMMENDATION:**

Staff recommends the City Council waive further reading and introduce Ordinance No. 2013-13 adding Chapter 110.32 to title 110 of the Eastvale Municipal Code establishing a Single-Family Residential Rental Registration, Inspection and Crime-Free Rental Housing Program

**FISCAL IMPACT:**

There should be no fiscal impact to the City as this Program operates as a full cost recovery service.

**ATTACHMENTS:**

1. Ordinance No. 2013-13

Prepared by: John Cavanaugh, City Attorney  
Reviewed by: Carol Jacobs, City Manager

**ORDINANCE NO. 2013-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA ADDING CHAPTER 110.32 TO TITLE 110 OF THE EASTVALE MUNICIPAL CODE ESTABLISHING A SINGLE-FAMILY RESIDENTIAL RENTAL REGISTRATION, INSPECTION AND CRIME-FREE RENTAL HOUSING PROGRAM**

THE CITY COUNCIL OF THE CITY OF EASTVALE DOES ORDAIN AS FOLLOWS:

**SECTION 1.** The City Council finds and declares as follows:

1. **WHEREAS**, the City of Eastvale ("City") has experienced an increase in the occurrence of substandard maintenance, unsafe conditions, illegal activity and public nuisances in single-family rental property, especially those rented by absentee landlords; and

2. **WHEREAS**, rental homes are responsible for a disproportionate share of code enforcement and police calls for service that necessitates a disproportionate expenditure of public funds for such properties; and

3. **WHEREAS**, the City Council has mandated a "Zero-Tolerance" policy to illegal activity in the City and hereby determines that these conditions interfere with the health, safety, quality of life, quiet enjoyment and general welfare of the individuals residing near rental homes and may contribute to a decline in the value of surrounding properties; and

4. **WHEREAS**, existing state and local laws have not sufficiently encouraged landlords, particularly absentee landlords, to take reasonable and proactive steps to abate these conditions and to ensure their premises are safe and decent; and

5. **WHEREAS**, it is necessary to implement a "Single-Family Residential Rental Registration, Inspection and Crime-Free Rental Housing Program" to alleviate these problems and improve living conditions for renters and protect the general welfare of individuals in affected neighborhoods; and

6. **WHEREAS**, the City Council has determined that it is necessary to defray the cost of the Single-Family Residential Rental Registration, Inspection And Crime-Free Rental Housing Program through the imposition of regulatory fees which may be set from time to time by Resolution of the City Council to cover the actual costs of implementing and enforcing the program; and

7. **WHEREAS**, the rental and letting of housing is a business and it is necessary and proper to regulate such a business to ensure there is safe and decent housing for persons of all income levels; and

8. **WHEREAS**, through the adoption of this Chapter, the City will implement a new program that is rationally related to encourage upkeep of all single-family rental property for the public health, safety, and welfare of the residents of the City of Eastvale.

**SECTION 2.** CHAPTER 110.32 IS ADDED TO THE EASTVALE MUNICIPAL CODE TO READ AS FOLLOWS:

**"SINGLE-FAMILY RENTAL PROPERTY REGISTRATION, INSPECTION AND CRIME-FREE RENTAL HOUSING PROGRAM**

Sections:

- 110.32.010 - Purpose/scope.
- 110.32.020 - Definitions.
- 110.32.030 - Compliance with Applicable Laws and Regulations.
- 110.32.040 - Rebuttable Presumption.
- 110.32.050 - Local contact representative.
- 110.32.060 - Residential Rental Registration Program.
- 110.32.070 - Inspections.
- 110.32.080 - Inspection Fees.
- 110.32.090 - Appeals.
- 110.32.100 - Self-Certification Program.
- 110.32.110 – Retention of completed Self-Certification Forms.
- 110.32.120 - Complaint-Based Inspections.
- 110.32.130 – Voluntary Inspection Requests.
- 110.32.140 - Enforcement.

110.32.010 - Purpose/scope.

The purpose of this Chapter is to identify Single-Family Residential Rental Dwelling Units in the City of Eastvale, to ensure that such units afford tenants a safe and decent place to dwell, and to require rental housing with substandard conditions to meet and maintain minimum building and housing code standards, exterior maintenance standards, and to reduce criminal activity. The City Council has determined that requiring that all Single-Family Residential Rental Dwelling Units be registered with the City and inspected, and landlords shall use a Crime-Free Rental Housing Addendum, serves these legitimate governmental interests.

110.32.020 - Definitions.

For the purposes of this Chapter, certain words and phrases used in this Chapter are defined as follows:

*"Applicable Laws"* means and includes all federal, state and local statutes, ordinances and regulations that pertain to the condition, habitability and safety of Dwelling Units and residential property. Applicable Laws, include, but are not limited

to, the State Housing Law (California Health & Safety Code, Sections 17910 et. seq.), (California Health and Safety Code, Sections 11570 et. seq.), and the Eastvale Municipal Code, including but not limited to Title 110 (Buildings and Construction), and Title 120 (Planning and Zoning).

*"Building Official"* means an individual(s) who is designated by the City Manager to conduct inspections under the provisions of this Chapter.

*"City"* means the City of Eastvale and its respective departments thereof.

*"Code Enforcement Officer"* means an individual(s) who is designated by the City Manager to enforce Applicable Laws.

*"Crime Free Lease Addendum"* means the lease addendum described in Section 110.32.050.

*"Fair Housing Laws"* means the federal Fair Housing Act, as amended, (42 U.S.C. Sec. 3601 et seq.), the California Fair Housing and Employment Act (Government Code Sec. 12900 et seq.), and the Unruh Civil Rights Act (Civil Code Sec. 51).

*"Local property management company"* shall mean an entity that is responsible for the day-to-day maintenance, upkeep and security of the property and is operated by a person who is licensed with the California Department of Real Estate as a real estate broker.

*"Local property manager"* shall mean a person who is responsible for the day-to-day maintenance, upkeep, and security of the property. The local property manager may be the owner of the property.

*"Occupant"* or *"Tenant"* means any person who occupies a rental property, whether as a tenant or permittee of the Owner.

*"Owner"* or *"Property Owner"* means a single individual, partnership or joint venture or any entity that has any kind of ownership interest in a rental property whether as an individual, partner, joint venture, stock owner, or ownership interest in some other capacity or the owner's designee, which may include a local management company. 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. Owner shall also mean any person having legal title to real property, including all individuals shown as owners on the last equalized assessment roll of the Riverside County Assessor's Office, or an Owner's Authorized Representative.

*"Single-Family Residential Rental Property," "Rental Property" or "Residential Rental Dwelling Unit"* means a dwelling unit as defined in Chapter 120.06 of the City

Planning and Zoning Code, in a single structure, and is occupied or for occupancy by a person(s) other than the owner of the unit and includes the premises on which said rental property is situated and any common areas, including but not limited to parking lots, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs, and spas. For the purpose of this Chapter, the following types of dwelling units or facilities are not considered single-family rental residential rental property:

(a) Multi-family dwelling housing units as defined in Chapter 120.06 of the City Planning and Zoning Code;

(b) Hotels or motels.

(c) 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.

(d) Mobile home parks.

*"This Code"* means the City of Eastvale Municipal Code.

#### 110.32.030 - Compliance with Applicable Laws and Regulations.

Nothing in this Chapter shall be construed to:

1. Excuse, waive, limit, or modify any requirements or obligations in the Applicable Laws;
2. Limit any right of the City to investigate and abate nuisances or to enforce any provisions of the Applicable Laws or any other provision of law; or
3. Conflict with any rights or obligations under the Fair Housing Laws or the Americans with Disabilities Act, as amended.

#### 110.32.040 - Rebuttable Presumption.

For the purpose of this Chapter, if the water bill or electrical bill for a property is in a different name than that of the property owner or if the water bill or electrical bill is in the owner of record's name, but mailed to an address other than the property address, it shall be a rebuttable presumption that the property is a rental property. This presumption can be rebutted by the owner of record providing reasonable documentation to the City that the property is owner occupied or is not being used for rental income.

#### 110.32.050 - Local contact representative.

A. For purposes of this Chapter, all Owners of Residential Rental Property shall designate a local contact 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. The owner of Residential Rental Property may act as the local contact representative.

B. A local contact representative must establish and maintain a local telephone number and a residence or business address within 35 miles of Eastvale City Hall.

#### 110.32.060 - Residential Rental Registration Program.

A. Registration Required. As a condition of exercising the privilege of renting or leasing a Rental Property to any person and/or entity, the Owner of the Residential Rental Property shall register with the City all Residential Rental Dwelling Units owned or operated by the person or entity in conformance with all requirements of the Business Registration regulations identified under Chapter 6.72 of this Code.

1. Contents of Registration and Payment of Fees. The Registration form shall contain all of the information required under Section 6.72.070 of Chapter 6.72 of this Code and shall be accompanied by payment of the registration fee set forth in Section 6.72.110 of Chapter 6.72, the inspection fee required under Section 110.32.080 and a certification, signed by the Owner, that he or she will comply with and enforce the Crime-Free Lease Addendum required by this Section 110.32.060 B.

2. Non-Transferrable. Registration of a Residential Rental Dwelling Unit accepted by the City pursuant to this Chapter is non-transferrable to a new Owner of the Residential Rental Dwelling Unit.

3. Failure to Register. If the Owner of Residential Rental Dwelling(s) fails to register or reregister such units in compliance with this Chapter, the Building Official shall register or reregister said units in the name of the owner and set a date and time for initial inspection of said units, and shall send written notification to the Owner that the property has been so registered and advising of the date and time set for inspection, accompanied with a bill for the registration/processing fee and the total initial inspection fee for each unit, and include information on the self-certification program.

4. Revocation. Registration for a Residential Rental Dwelling Unit may be revoked if the City determines that the Owner has violated paragraph B of this Section or has failed to pay any required registration, inspection, and/or re-inspection fees, or if the Residential Rental Dwelling Unit has been cited by a City or County employee for, or received written notice from a City or County employee of, a violation of the Applicable Laws, and the Owner has failed to remedy such violation within the period of time specified in the citation or written notice. The City shall provide written notice of the revocation to the Owner, which is appealable pursuant to Section 110.32.080.

- B. Crime-Free Lease Addendum. The Owner of a Residential Rental Dwelling Unit shall include a Crime-Free Lease Addendum in substantially the following form in all rental agreements and leases executed after September 27, 2013.

CRIME – FREE LEASE ADDENDUM

IN ADDITION TO ALL OTHER TERMS OF THE LEASE, LANDLORD AND TENANT AGREE AS FOLLOWS:

(a) THE TENANT, ANY MEMBER OF THE TENANT'S HOUSEHOLD, ANY GUEST OR ANY OTHER PERSON ASSOCIATED WITH THE TENANT ON THE LEASED PREMISES:

(1) SHALL NOT ENGAGE IN ANY NUISANCE ACTIVITY AS DEFINED IN CIVIL CODE SECTION 3479 AND/OR ANY CONDITION AS DEFINED IN CHAPTER 8.18 ET SEQ., OF THE EASTVALE MUNICIPAL CODE, OR ANY CONDITION DECLARED AND DEEMED BY THE CITY COUNCIL OF THE CITY OF EASTVALE TO CONSTITUTE A NUISANCE, OR ANY VIOLATION OF THE EASTVALE MUNICIPAL CODE, ANY CRIMINAL ACTIVITY, INCLUDING DRUG-RELATED CRIMINAL ACTIVITY, ON THE LEASED PREMISES. "DRUG RELATED CRIMINAL ACTIVITY MEANS THE ILLEGAL MANUFACTURE, SALE, DISTRIBUTION, USE, OR POSSESSION OF ANY ILLEGAL OR CONTROLLED SUBSTANCE PROHIBITED UNDER FEDERAL LAW.

(2) SHALL NOT ENGAGE IN ANY ACT INTENDED TO FACILITATE NUISANCE OR CRIMINAL ACTIVITY.

(3) SHALL NOT ALLOW THE DWELLING UNIT TO BE USED FOR OR TO FACILITATE ANY NUISANCE OR CRIMINAL ACTIVITY.

(b) THE TENANT, ANY MEMBER OF THE TENANT'S HOUSEHOLD, ANY GUESTS OR ANY OTHER PERSON ASSOCIATED WITH THE TENANT SHALL NOT VIOLATE ANY CIVIL LAW, ORDINANCE, OR STATUTE IN THE USE AND OCCUPANCY OF THE PREMISES.

**(c) ANY ACTIVITY PROHIBITED BY THIS AGREEMENT SHALL CONSTITUTE A SUBSTANTIAL VIOLATION OF THE LEASE, MATERIAL NONCOMPLIANCE WITH THE LEASE, AND GROUNDS FOR TERMINATION OF TENANCY AND EVICTION.**

110.32.070 - Inspections.

A. Annual Inspections. All Residential Rental property located in the City shall be subject to an annual inspection by the City for compliance with applicable laws. The anniversary

date for annual inspections shall be calculated from the date the Owner received the first Residential Rental Registration pursuant to Chapter 6.72 of this Code.

**B. Notice of Inspection and Procedures.**

1. After receiving a completed Residential Rental Registration from an Owner, the City will conduct an exterior and interior inspection of the Residential Rental Dwelling Unit to identify violations of the Applicable Laws.
2. The notice of inspection shall provide a minimum of 14-days notice. Notice shall be mailed to the owner and the local contact representative at their last known address. In the case of multiple owners of the same property, notice to any one of the property owners is sufficient notice. It shall be the responsibility of the owner or local contact representative to provide actual notice to the individual tenant(s) to facilitate access to the Rental Property Unit(s) to be inspected pursuant to the terms of the applicable lease.
3. In the event an Owner, local contact representative or tenant in possession of the property refuses to allow access to conduct the inspection, the City Attorney may use all legal remedies permitted by law to cause an inspection to take place, provided reasonable cause exists to believe that a violation of the Municipal Code or State law exists on the subject property.
4. If the City is not able to obtain the consent of the Owner, a local property management company or occupant of the Residential Rental Dwelling Unit to conduct an inspection, the City may reject the Owner's Residential Rental Registration.

C. City Code Enforcement Officers and/or Building Official will be responsible for conducting the inspections authorized by this Section. However, the City may request that other City departments and/or Riverside County enforcement agencies participate in the inspection process.

D. After completion of the inspection, the City shall send a written report of the inspection to the Owner. The report shall contain:

1. An itemization of any violations of the Applicable Laws identified during the inspection;
2. The period of time for correcting each of the identified violations;
3. A statement that the City will re-inspect the Residential Rental Dwelling Unit at the end of the period of time for correction;
4. The amount of the Re-inspection Fee and the date by which the Re-inspection Fee must be paid; and

5. A statement that if the violations are not corrected within the period of time for correction the City will not issue the Owner's Residential Rental Registration Certificate and the City may pursue legal action as authorized under this Chapter to abate such violations.

E. Annual inspections under this Section 110.32.070 shall be conducted upon renewal of the Residential Rental Registration which the Owner has previously registered with the City as required under Chapter 6.72 of this Code.

#### 110.32.080 - Inspection Fees.

A. Fees for the administration and enforcement of the regulatory program established by this Chapter shall be set by resolution of the City Council and shall not exceed the City's actual cost of providing the services. Fees shall include, without limitation, an initial inspection fee, a re-inspection fee, and a fee to file an appeal. Owners are also subject to the Business Registration fees set forth in Chapter 6.72 of this Code.

B. The Owner of a Residential Rental dwelling unit shall pay an annual inspection fee to the City sufficient to pay the costs of the City's annual inspection pursuant to this Chapter.

C. Owners qualified for the Self-Certification Program under Section 110.32.100 shall pay the annual Inspection fee the first year of participation and thereafter shall not be required to pay the annual inspection fee. If an Owner is removed from the Self-Certification Program he/she shall become subject to annual inspections and annual inspection fees.

#### 110.32.090 - Appeals.

A. Any recipient of an administrative citation may contest the citation by the procedures set forth in Section 1.16.070 of this Code.

B. Any party to an administrative citation hearing may appeal from an adverse ruling in accordance with the procedures in Section 1.16.070 of this Code.

#### 110.32.100 - Self-Certification Program.

A. Well-maintained rental property with no outstanding violations of any Applicable Laws may qualify to participate in the Self-Certification Program. Qualifying properties will not be subject to annual inspections; provided that conditions of the rental property do not deteriorate during that time to the point where the rental property would no longer meet eligibility standards for the Self-Certification Program.

B. To qualify for the Self-Certification Program, a property owner must:

1. Complete the Self-Certification Program application packet provided by the City; and
2. Pay the annual inspection fee and any other fees required by this Chapter; and
3. Conduct a self-inspection of all exterior and interior site conditions of each rental property or properties for compliance with the requirements of the Self-Certification form provided by the City; and
4. Immediately make any repairs to the Residential Rental unit(s) that are necessary to achieve compliance with the requirements of the Self-Certification form; and
5. Complete the Self-Certification form and certify that conditions at the rental property or properties meet the exterior and interior standards listed on the Self-Certification form.
6. Return the completed Self-Certification form to the City.

C. Upon receipt of a completed Self-Certification form the City shall inspect the rental property. If the City determines that the property is qualified to participate in the Self-Certification Program a certificate of compliance will be issued and the property owner will not be subject to annual inspections thereafter. The Owner shall provide a copy of the Self-Certification Program certificate of compliance to the occupants of the corresponding Residential Rental property unit. Recertification in the Self-Certification Program shall be required every year for each Residential Rental Unit and upon each change in tenancy.

D. If the City determines that the property is not eligible to participate in the Self-Certification Program, then the residential rental property shall be subject to inspection and the property owner shall be assessed the annual inspection fee as well as any other applicable fees.

E. At all times, the City shall retain the authority to investigate and address any violation of applicable laws.

F. Any property owner that fails to maintain a rental property to meet all of the standards listed on the Self-Certification Program's checklist, or is found to have caused to allow conditions, identified in the Crime-Free Addendum to exist, shall immediately be removed from the Self-Certification Program and become subject to annual inspections.

G. It is unlawful for any person to knowingly make a false statement of fact or knowingly omit any information that is required on the Self-Certification form.

110.32.110 – Retention of completed Self-Certification Forms.

A. The property's local contact representative shall retain all certificate(s) of compliance for at least three (3) years from the date the certificate of compliance was issued by the City.

B. The local contact representative shall produce all certificate(s) of compliance to the City's Building Official upon request.

110.32.120 - Complaint-Based Inspections.

Nothing contained in this Chapter shall prevent or restrict the City's authority to inspect any 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.

110.32.130 - Voluntary Inspection Requests.

Nothing contained in this chapter shall be construed to prohibit a property owner or occupant from voluntarily requesting an inspection pursuant to this chapter to determine whether the rental property complies with applicable laws.

110.32.140 - Enforcement.

A. **Violations Identified During Inspection.** If, after a report of inspection is issued pursuant to Section 110.32.070D, the Owner fails to correct a violation of the Applicable Codes identified in the report of inspection within the time allowed, the City may issue an administrative citation pursuant to Section 1.16.070 of this Code, issue a notice of intent to abate pursuant to Section 8.10.030 of this Code, or may take any other action authorized by law to enforce the provisions of this Code, including, without limitation, a petition to the Superior Court for the appointment of a receiver over the property.

B. **Failure to Pay Fees.** Should an Owner fail to timely pay the annual inspection fee or any re-inspection fee, the City is authorized to recover it, plus accrued interest and penalties, utilizing any remedies authorized by law.

C. **Violation of Section 110.32.070.** Owners who fail or cause to fail to give consent to inspections required under Section 110.32.070 may be subject to an administrative citation in accordance with Section 1.16.070 of this Code, or may take any other action authorized by law to enforce the provisions of this Chapter.

D. **Strict Liability.** Violations of this Chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this Chapter shall be subject to prosecution under this Chapter, Section

1.01.220 of this Code, and/or Section 11570 et. seq. of the California Health and Safety Code (Drug Abatement).

E. Revenue and Taxation Code. The City may also utilize the provisions of the Revenue and Taxation Code Section 24436.5 to encourage the elimination of substandard conditions in rental housing. The City is also authorized to bring an action under the Business and Professions Code for unfair business practices.

F. Attorneys' Fees. In an action, administrative proceeding, or special proceeding to abate a violation of this Chapter, the prevailing party may recover Attorneys' fees pursuant to Government Code Section 38773.5. Recovery of Attorneys' fees is limited to those individual actions or proceedings in which the City elects, at the initiation of that individual action or proceeding, to seek recovery of its own Attorneys' fees. An award of Attorneys' fees to a prevailing party shall not exceed the amount of reasonable Attorneys' fees incurred by the City in an action, administrative proceeding, or special proceeding.

### **SECTION 3.** Severability.

If any provision, section, paragraph, sentence or word of this Chapter is determined or declared invalid by any final court action in a court of competent jurisdiction or if the application of any provision, section, paragraph, sentence or word of this Chapter is inapplicable to a specific situation by reason of any preemptive state or federal legislation or regulation, the remaining provisions, sections, paragraphs, sentences or words of this Chapter shall remain in full force and effect.

### **SECTION 4.** CEQA Exemption.

The adoption of this Ordinance and the implementation of the regulatory programs of this Ordinance do not require further review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301, in view of the fact that the regulatory programs are hereby enacted, apply to existing structures and buildings and are intended to provide for continuous and appropriate maintenance and protection of such structures and buildings for so long as the structures and buildings may remain unoccupied or vacant.

**SECTION 5.** Effective Date: This Ordinance shall become effective 30 days from the date of its adoption.

**PASSED, APPROVED AND ADOPTED** this 28<sup>th</sup> day of August, 2013.

\_\_\_\_\_  
Ike Bootsma, Mayor

Attest:

\_\_\_\_\_  
Ariel M Hall, Assistant City Clerk

Approved as to form:

\_\_\_\_\_  
John E. Cavanaugh, City Attorney



STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF EASTVALE )

I, Ariel M. Hall, Assistant City Clerk of the City of Eastvale, do hereby certify that the foregoing Ordinance Number 2013-13 was duly and regularly adopted by the City Council of the City of Eastvale at a regular meeting held the 28th day of August, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Assistant City Clerk, Ariel M. Hall, CMC