



**COUNTY OF SAN MATEO**  
Inter-Departmental Correspondence  
County Manager



**Date:** September 14, 2015  
**Board Meeting Date:** October 6, 2015  
**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** John L. Maltbie, County Manager

**Subject:** Adoption of an ordinance amending sections 1.40.010, 1.40.030, 1.40.040, 1.40.050 of Chapter 1.40 of Title 1 of the San Mateo County ordinance code, relating to the administrative process.

**RECOMMENDATION:**

Adoption of an ordinance amending sections 1.40.010, 1.40.030, 1.40.040, 1.40.050 of Chapter 1.40 of Title 1 of the San Mateo County ordinance code, relating to the administrative process for correcting violations of this code and other county ordinances, previously introduced on September 22, 2015, and waive the reading of the ordinance in its entirety.

**BACKGROUND:**

On August 4, 2015, your Board first considered the recommendation to approve an Augmented Housing Inspection Pilot Program, as part of a group of affordable housing programs to be considered for Measure A funding. After hearing the proposal, the Board directed Environmental Health to work with County Counsel to study whether an ordinance was necessary to provide Environmental Health with additional enforcement tools. The Board also wanted to study the budget and details of the housing pilot program. Environmental Health was directed to provide a subsequent report to the Board September 2015.

**DISCUSSION:**

Pursuant to the Board's direction, staff from Environmental Health and the County Counsel's Office have met to further refine the augmented housing inspection pilot/apartment registry program and to analyze whether additions to the County Ordinance Code are desirable to ensure that Environmental Health has a full range of enforcement tools to ensure the habitability of rental housing that Environmental Health is responsible to inspect.

## **Apartment Registry**

In March 2015, Supervisor Slocum had suggested that the County create a program similar to the City of San Jose's Apartment Registry program, for the unincorporated area of San Mateo County. The City of San Jose tracks and monitors health and safety conditions in apartments through its apartment registry program. San Mateo County presently has a housing inspection program similar to that of the City of San Jose, with an inventory of approximately 3700 complexes with 43,000 units that the County is responsible for inspecting and an electronic inspection program in which inspection and violation data are captured.

The Environmental Health Division of the San Mateo County Health System routinely inspects all multi-family dwellings with four or more units for health and safety violations, with a routine inspection frequency of once every four years. The four year inspection cycle is consistent with similar programs in other counties throughout the state. Additionally, approximately 50% of complexes receive additional, non-routine inspections during the 4 year cycle. These non-routine inspections are triggered by staff follow-up on identified issues, and tenant complaints. Approximately 40% of tenant complaints are about vermin, such as rodents, roaches and bed bugs. About 20% of the complaints are for plumbing/sewage issues followed by complaints about appliances, electrical issues and windows and screens. Ten percent of the housing inventory required at least 4 visits by staff during the last four years. This portion of the housing inventory has had chronic issues that warrant more oversight and education.

Environmental Health proposes to conduct enhanced and more frequent routine inspections over an 18 month period for apartment inventory that required at least 4 visits by staff in the last four years, about 350 complexes. If the routine inspection results in major violations requiring correction, building management will receive additional support from inspection and outreach staff, concurrently with more hands-on assistance to ensure a return to compliance. Outreach support will focus on problem resolution with an emphasis on Integrated Pest Management (IPM), which utilizes a range of mechanical, least toxic, and cultural preventive strategies to deter pests, to address vermin, the most frequently reported complaint. Both tenants and property managers/owners play a critical role in IPM, and their collaboration is key to success. IPM is an important component of healthy housing because it can reduce exposure to chemicals and pests that pose a risk to public health or contribute to allergies, as well as reduce pest management costs.

This strategy will include a combination of enhanced education and outreach to tenants, who must be part of the solution, as well as more active oversight of violation resolution to ensure compliance is reached in a timely manner. This includes more direct

collaboration with local building and fire departments during the entire time that the violations are being corrected, as well as direct contact with pest control companies to ensure adequate treatment, monitoring and documentation is performed.

- Recommended Funding: \$450,000 for an 18 month pilot project which includes 1 additional inspector and a half-time outreach coordinator.

	FY 15-16	FY 16-17	Total
One-time costs	\$7500		\$7500
Salary & Benefits for 1.5 FTEs	\$118,422 (77% of budget)	\$242,637 (82% of budget)	\$361,059 (80% of budget)
Services/Supplies	\$27,306	\$54,135	\$81,441
Total costs:	\$153,228	\$296,772	\$450,000

- Time Line: Pilot project to start in January 2016 with results and next steps considered during FY 2017/19 budget process.

### **Introduction of Amendment to Certain Provisions of Chapter 1.40 of the County Ordinance Code**

In addition to the enhanced inspection, outreach, and education described above, County staff has determined that amendments to Chapter 1.40 of the Ordinance Code, which sets forth administrative remedies for code violations, would facilitate Environmental Health's response to violations of some of the laws that the division is tasked with enforcing when the collaborative approaches described above are not availing.

Chapter 1.40 of the Ordinance Code provides a streamlined administrative process for penalizing and abating violations of County ordinances that County staff can employ without applying for relief from the courts. However, section 1.40.040 of Chapter 1.40 presently provides that administrative penalties and compliance orders may only be sought for violations of the County Ordinance Code and other County ordinances.

Many of the laws that Environmental Health enforces in connection with its apartment inspection program are actually State laws (e.g., certain provisions of the California Health and Safety Code), rather than County ordinances. Therefore, there exists some ambiguity about the extent to which Environmental Health staff may rely on the administrative remedies in Chapter 1.40 in enforcing these State laws. To address this ambiguity, we recommend that Chapter 1.40 be amended to make clear that administrative remedies may be used to address violations of any state laws or regulations that any County department is charged with enforcing at the local level.

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**FISCAL IMPACT:**

The Board of Supervisors tentatively approved an \$11.5 million Measure A allocation for Affordable Housing programs on March 17, 2015 and specifically allocated \$10.5 million when the preliminary budget was adopted in June. The recommended allocation of \$450,000 (\$153,228 for FY 2015-16 and \$296,772 for FY 2016-17) of the remaining \$1 million is for the Augmented Housing Inspection Program Pilot.

If the Board approves the requested funds noted above, the allocations will be included in the September final budget revisions for FY 2015/17.