**City of Alameda Policy and Procedure for Compliance with AB 548 (Boerner) - State Housing Law: Inspections for Habitability**
**Effective Date:** January 1, 2025
**Oscar Davalos, Chief Building Official**

**Purpose**

This policy outlines the procedures that the City of Alameda code enforcement officers and building inspectors must follow to comply with AB 548 (Boerner) regarding the inspection of residential buildings with multiple units, where one unit has been identified as substandard or in violation of the State Housing Law. This includes ensuring that defects or violations are addressed in a way that protects public health and safety and prevents similar violations in other units.

**Scope**

This policy applies to all multi-unit residential buildings under the City of Alameda's jurisdiction where an inspector or code enforcement officer determines that a unit is substandard or in violation of the State Housing Law, and where such defects or violations may impact other units. For clarity, multi-unit buildings are defined in the California Building Code as those containing three or more units.

**Policy Statement**

When a housing unit in a multi-unit building is determined to be substandard as defined in section 17920. 3 of the California Health and Safety Code or in violation of any of the provisions the State Housing Law, and there is a reasonable likelihood that the defects, conditions, or violations may affect other units, the following procedures must be followed:

**Procedure**

After staff receives a habitability complaint, the complaint and all pertinent information are entered into the City’s code enforcement software and assigned to an officer for follow-up based on priority. The assigned code enforcement officer or building inspector then handles the complaint in the following sequence:

**1. Initial Inspection and Determination**

* An inspector or code enforcement officer will conduct a thorough inspection of the building, including all affected units, to identify any violations of the State Housing Law.
* If the inspector determines that a unit is substandard or in violation, they will assess whether these violations have the potential to affect other units in the building.
* When the enforcement officer determines that violations of the California Health and Safety Code, State Housing Law, or California Building Codes are present in a building or its part, the officer will track the time spent on the enforcement process and bill the responsible party to recover the associated City staff costs.

**2. Assessment of Potential Impact on Other Units**

* The enforcement officer will determine if the identified violations in one unit could reasonably affect the health, safety, or welfare of occupants in other units within the building.
* When making the determination the enforcement officer shall consider all factors, including, but not limited to, the building type, age, size, type of construction, cause of the substandard condition, and history of violations. Factors for assessment may include, but are not limited to:
	+ Structural integrity (e.g., foundation, roof, walls)
	+ Plumbing, mechanical or electrical systems that serve multiple units
	+ Lead hazards or other health risks that could spread throughout the building
	+ Fire safety violations that could pose a risk to other units
	+ Damaged or faulty waterproofing
	+ Dampness of habitable rooms.
	+ Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.
	+ Visible mold growth, as determined by a health officer or a code enforcement officer, as defined in Section 829.5 of the Penal Code, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.
	+ General dilapidation or improper maintenance.
	+ Any other violations of the CA Health and Safety Code section 17920.3

**3. Notice to Property Owner**

* If the enforcement officer determines that the violations or substandard conditions could reasonably affect other units, written notice will be provided to the property owner or responsible party.
* The notice will include:
	+ A description of the identified violations and substandard conditions.
	+ The determination that the violations may affect other units.
	+ A requirement for the property owner to correct the identified violations.
	+ A request for the property owner to allow a reinspection of the units to confirm compliance.

**4. Reinspection of Units**

* Once the property owner has made corrections, the enforcement officer will conduct a reinspection of the affected unit(s) and any other units that may be impacted by the same issues.
* The reinspection will ensure that all violations have been addressed and that the corrections made to one unit do not create additional violations or hazards in other units.
* If necessary, further corrective actions will be mandated to bring all units into compliance with the State Housing Law.

**5. Documentation and Recordkeeping**

* All inspections, violations, notices, and reinspections will be thoroughly documented.
* Records will include:
	+ The date of the inspection.
	+ The specific violations identified.
	+ The actions taken by the property owner to address the violations.
	+ Results of the reinspection and any follow-up actions required.

**6. Enforcement**

* If a property owner fails to comply with the notice and does not correct the identified violations within the specified timeframe, the enforcement agency will take further legal action as necessary, including issuing fines, penalties, or orders for corrective measures.
* The enforcement agency will work in collaboration with other local authorities, including legal counsel, if the matter requires formal enforcement proceedings or further investigation.

**7. Training and Awareness**

* Enforcement officers shall be trained on the requirements of AB 548 and the importance of identifying and addressing violations that may impact multiple units.
* The training shall include guidance on how to assess the potential impact of violations on other units and how to conduct reinspections effectively.
* Property owners and tenants may be informed about the procedures and requirements through public education materials or notices posted on the City’s website.

**8. Reporting and Compliance Monitoring**

* State law mandates that the City of Alameda (City) implement this policy and procedure by January 1, 2025. The City has established a system to track and report compliance with this policy, as well as other related code enforcement policies and has been performing inspections in multi-unit buildings since January 2024.
* To ensure strict adherence with this policy the code enforcement supervisor and chief building official will regularly review the procedures and ensure they are being followed and that the policy effectively prevents substandard conditions that pose risks to the health, safety, or welfare of occupants.

**Conclusion**

This policy ensures that the City of Alameda complies with the requirements of AB 548, prioritizing the health and safety of tenants in multi-unit buildings. It ensures that identified violations that may affect other units are addressed, corrected, and verified through a structured process that includes inspection, notification, reinspection, and enforcement.