



CODE ENFORCEMENT MULTIPLE UNIT INSPECTION POLICY

ASSEMBLY BILL 548 (AB 548) BACKGROUND

AB 548 (Statutes of 2023) requires local enforcement agencies to develop policies and procedures for inspecting a property with multiple residential units whenever an inspector or code enforcement officer has determined that (1) a unit is “substandard,” as defined in Health and Safety Code Section 17920.3, or in violation of Section 17920.10 (regarding lead hazards); and (2) the defects or violation have the potential to affect other units at the property.

SCOPE

This policy:

1. Sets forth criteria for the Building Official, or their designee such as Building Inspectors (Inspector) or Code Enforcement Officers (Officer), to use in determining whether the substandard condition(s) could reasonably affect other units, including but not limited to assessment of the property’s age, type, and size; the cause(s) of the substandard condition(s); and the history of violations;
2. Sets forth procedures to reasonably attempt to inspect additional units at the property.
3. Explains the criteria and responsibility of the owner to pay relocation benefits to tenants displaced when a violation so extensive and of such a nature that the immediate health and safety of the tenant is endangered and establishes the appeal procedures for an order to pay relocation benefits.

PURPOSE

The purpose of this policy is to facilitate inspections of additional units in a multi-unit building where a violation has been reported or identified in a single unit, which may also be affecting other units in the building. Merely notifying other residents in the building of a violation in one unit may not be enough to prompt such residents to submit additional inspection requests that would uncover the full scope of the problem. Therefore, this policy establishes processes and procedures to identify and address unreported problems before they worsen.

INSPECTION PROCEDURES

INITIAL INSPECTION AND DETERMINATION

Upon receiving a complaint regarding a residential rental unit in a substandard condition, the Building Official, or an Officer), Inspector or other designee, will inspect the unit in a timely manner. If the

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Building Official or their designee finds the unit is “substandard,” as defined in Section 17920.3, or in violation of Section 17920.10 (regarding lead hazards), and if the unit is part of a multi-unit building, the Building Official or their designee will make a determination as to whether the defects or violation have the potential to affect other units at the property. The criteria of the assessment to inspect neighboring units shall focus primarily on, but not be limited to:

- Interconnected Systems - such as plumbing, electrical, and HVAC.
- Potential for Spread – such as mold, pest infestation, or structural instability.
- History of Violations – such a frequency of similar violations in the past, or if there have been recurring complaints from multiple tenants.
- History of widespread work performed without building permits.

The assessment will consider factors such as building type, age, size, construction type, cause(s) of the substandard condition(s), and building history.

ADDITIONAL UNIT INSPECTIONS

The Building Official, or their Officer, Inspector or other designee, shall reasonably attempt to inspect additional units at the property by leaving inspection request notices on the doors of at least the units adjacent to, above, and below the unit where the defect or violation was located. The inspection request notice shall inform the tenant that a defect or violation has been found in a neighboring unit, and inform the tenant of the City's wish to confirm if the condition is affecting additional units.

If the defect or violation is severe, and/or if additional defects or violations are found in other units, the inspection may extend to all units on the premises. Property owners shall be responsible for inspection fees as outlined in the Inspection Fees section of the City’s adopted Fee Schedule.

INSPECTION FEE

Property owners are required to pay for all inspections related to substandard conditions identified in their units. The current fee structure is as follows:

- Inspection Fee: Section H. Other Fees, Section 20. Fees for Services Not Listed in this Fee Schedule.
- This fee will be applied to each additional unit inspections and all reinspections, including for the original unit.
- The property owner is responsible for paying inspection fees for all units where substandard conditions are found or suspected.

The fees are designed to cover the costs associated with enforcing housing regulations and ensuring the safety and habitability of multi-unit buildings. Property owners will be billed for these fees separately from any administrative penalties or citation costs.

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ENFORCEMENT

Upon determining that a substandard condition in a unit could reasonably affect other units, the Building Official, or an Officer, Inspector or other designee shall issue a Notice of Violation which includes a notice or order to repair or abate within a reasonable time after the inspection has been completed; and can issue administrative citations to responsible parties for violations of housing regulations. Service of administrative citations shall be attempted through mail or posting. The Building Official or their designee shall advise the owner or operator of each known violation and of each action required to remedy the violation and schedule a reinspection to verify correction of the violation. Reinspection of the affected units shall be conducted to verify correction of the violations. The City may also exercise other remedies provided by Municipal Code and/or state law.

ORDERS TO VACATE AND RELOCATION BENEFITS

In the event of severe violations, the Building Official, or an Officer, Inspector or other designee, may issue an order to vacate a unit. Pursuant to California Health and Safety Code Sections 17975 through 17975.10, any tenant displaced from a rental unit due to this order is entitled to relocation benefits from the owner as a result of a violation so extensive and of such a nature that the immediate health and safety of the tenant is endangered, unless the tenant substantially contributed to the conditions necessitating the order to vacate, or unless the conditions were caused by a natural disaster such as a fire, earthquake, flood, or other event beyond the control of the owner or the designated agent and the owner or designated agent did not cause or contribute to the condition. Building Official, or an Officer, Inspector or other designee will provide notice and a written summary of applicable provisions of state law to both the owner and the tenant, including the statutory requirement that relocation benefits are the responsibility of the owner, pursuant to Article 2.5 (Tenant Relocation Assistance) of the California Health and Safety Code.

An owner may appeal any order for payment of relocation benefits by the Building Official and/or their designee by filing an appeal with the City's Board of Appeals pursuant to Section 112 of the City of Seal Beach Building Code. The owner has the right to appeal the substantive basis upon which the order is determined, and the relocation benefit amount.

DOCUMENTATION AND REPORTING

The Building Official and/or their designee shall document all inspections and notifications related to AB 548 compliance. The documentation will include:

- Detailed descriptions of the substandard conditions or violations found,

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- Justification for determining the potential impact on other units,
- Copies of notices or orders issued to the property owner,
- Records of additional units inspected and their conditions,
- Record of the written summary of relocation benefits provided to property owner and tenant,
and
- Verification of corrected violations during reinspections.

Reports summarizing AB 548 inspections, violations, and compliance status shall be maintained for review upon request, in redacted form as appropriate in accordance with State law.