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Chapter 5.72 - RENTAL HOUSING BUSINESS LICENSE AND INSPECTION PROGRAM [3]

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5.72.010 - Title.

This chapter shall be known as the rental housing business license program of the City of Hesperia, may be cited as such, and will be referred to herein as "this chapter."

5.72-020 - Purpose.

It is the purpose of this chapter to implement a rental housing business license program to provide a stable, more satisfied tenant base; increase demand for rental units with a reputation for active management; lower maintenance and repair costs; increase property values, and improve the personal safety for tenants, landlords, and managers.

It is also the purpose of this chapter to identify the existence of substandard and unsanitary residential rental properties and rental units and to cause the owner thereof to cure such defects.

5.72.030 - Scope.

- A. The provisions of this chapter shall apply to all residential rental properties in the City of Hesperia as defined by this code, and all accessory uses thereon, including parking lots, driveways, landscaping, accessory structures, fences, walls, interior and exterior common areas, swimming pools, hot tubs, and spas. This chapter shall not apply to:
1. Housing accommodations in hotels, motels, inns, or tourist homes. This exception does not apply to single room occupancy hotels or hotels in which more than 51% of the rooms are offered for habitation for a duration of longer than 30 consecutive days.
 2. Housing accommodations in any hospital; convent, monastery, or other facility occupied exclusively by members of a religious order; extended medical care facility; asylum; on-campus fraternity or sorority houses; or on-campus housing accommodations owned, operated or

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managed by an institution of higher education, a high school, or an elementary school of occupancy by its students.

3. Mobilehomes, or mobilehome parks, or recreational vehicles as defined in Section 799.24 of the California Civil Code, or recreational vehicle parks.
 4. Single family homes, which are owner-occupied and in which a single room is rented to a single person.
 5. Accessory Dwelling Units which are part of a single family residence occupied by the owner.
- B. The provisions of this chapter are supplementary and complementary to this code. Nothing in this chapter may be construed to: (i) excuse or modify any requirement or obligation in the Code or in any other laws or regulations, (ii) waive, limit or modify any prohibition thereof, or, (iii) limit any existing right of the city to abate nuisances or to enforce any provisions of applicable law, statute, or this code, in any manner allowed by law.

5.72.040 - Fair housing.

Rental housing operators shall comply with federal fair housing laws and grant persons with disabilities the ability to make reasonable accommodation requests for equal opportunity use and enjoyment of a dwelling. The rental housing operator shall not refuse residency to persons with disabilities, or place conditions on their residency, on the basis of those persons requiring reasonable accommodation.

5.72.050 - Rental housing business license required.

- 1) Any person(s) intending to rent for any monetary or service in-kind any residential property as defined by this code shall register and obtain a rental housing business license within sixty days of acquiring the property or within sixty days of the adopted date of this code. That the property or portions of the property or any unit may be vacant from time to time shall have no bearing on the requirement to register or maintain registration. Registration shall be completed annually.

5.72.060 – Sale of Rental Property

1. Should the owner intend to sell any residential rental property, and during the process of sale, the registration for the rental property is due, the owner shall pay the registration fees and allow for the inspection if required. Should the sale occur, and the owner can provide factual proof of the sale of the property, a prorated refund of the rental registration business license fees shall be issued after a request in writing from the owner. Inspection fees are not refundable, if an inspection has taken place.
 - i. The new owners of the residential property may prove to the city that they intend to use the dwelling as their primary dwelling in a form approved by the director, and shall be exempt from the program after approval of the property for removal from the program. Any future use of the dwelling as a rental property requires registration and inspection.
 - ii. If the new owners intend to use the property as rental property, they shall register and pay all fees and allow for an inspection of the property.
2. Apartments and duplexes shall not be eligible for Section 5.72.060.1(i).

5.72.070 – Registration Requirements

- B. Each owner or operator, on behalf of the owner, shall submit an application for a rental housing business license on a form provided by the director. Applications shall be subject to verification by the director. Any person who makes a false statement in the application shall be guilty of a misdemeanor.
1. Contents of Application. The application shall contain or be accompanied by the following information:

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- a. The type of ownership of the proposed residential rental property, i.e., whether by individual, partnership, corporation, or otherwise;
- b. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation and the names and residence addresses of each of its current officers and directors, and each stockholder holding more than five percent of the stock of that corporation. If one or more of the officers, directors, or stockholders is a corporation, the provisions of this section pertaining to a corporate applicant shall apply;
- c. If the applicant is a partnership, the application shall set forth the name and residence of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply;
- d. If the applicant is a limited liability company, the application shall set forth the name of the company exactly as shown in its articles of organization or operating agreement, together with the names and residence addresses of each of its officers, directors, and each member along with a description of the relative interests of each member. If one or more of the officers, directors, or members is a corporation, the provisions of this section pertaining to a corporate applicant shall apply;
- e. If the applicant is the operator, then the application shall set forth or attach the information required by subsections (B)(1)(b) through (B)(1)(d) of this section with respect to the owner and shall be accompanied by evidence satisfactory to the director that the operator is authorized by the owner to submit the application;
- f. The address of the residential rental property;
- g. The name, address and telephone number for the operator or designated responsible person for the premises and any other person designated to be contacted in the event of emergency at the premises;
- i. Authorization for the city, its employees and agents to seek information and conduct an investigation, including, but not limited to, a criminal background check, to verify the information contained within the application;
- j. Authorization for the city, its employees and agents to inspect the property in accordance with this chapter;
- l. Any application for a rental housing business license shall also accompany proof of current registration in the Hesperia Crime Free Housing Program as prescribed in Chapter 8.20 of this Code.
- m. Such other identification and information as the director may require in order to discover the truth of the matters herein specified and as required to be set forth in the application.

5.72.080- Rental Housing Business License

- A. A rental housing business license shall be issued for all residential rental units only upon completion of the following:
 - 1) All fees have been paid in full, including any inspection or re-inspection fees.
 - 2) The residential rental unit(s) and property has been fully inspected and approved by the director as required by this code, if required.
 - 3) Any existing violations have been corrected and/or repaired with all required permits, approvals and inspections.
 - 4) A properly completed and accepted self-certification for renewal of the business license has been received and approved.
 - 5) A property with more than one set of duplexes shall comply with 5.72.110(6).

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- C. Issuance of a rental housing business license shall not constitute a guarantee or warranty of the habitability or complete compliance with the city's housing and property maintenance standards or with the applicable codes, and the occupant of any residential rental unit shall not rely on the issuance of a business license as such a guarantee or warranty. The license shall contain a notice to this effect. The city shall not assume any liability to any person by reason of the inspections required by this chapter or the issuance of a rental housing business license. Rental Registration business licenses shall expire on the expiration date shown on the certificate and shall be renewed prior to the expiration date.

5.72.090- Rental housing business license fee.

- A. The application for a rental housing business license including any renewal shall be accompanied by a nonrefundable fee in an amount established by a resolution of the city council
- B. The rental housing business license fee shall be for the license year and each applicant must pay the full fee for the license year upon submission of the application for the rental housing business license.
- C. A separate residential rental inspection fee in the amount established by resolution of the city council shall be paid with the application at the same time as the license fee.
- D. Penalty.
 - 1. Failure to Pay Fee. Failure to pay all required fees shall be considered a public nuisance.
 - 2. Failure to Obtain License. Failure to obtain a license shall be considered a public nuisance.

5.72.100 – Crime Free Program

- A. Hesperia's Crime Free Program was receded and made voluntary with the exception of registering the property. Any person(s) renting or intending to rent residential property within the City of Hesperia shall also register the property in the Crime Free Rental Housing Program as required by Chapter 8.20 of this code. Failure to maintain both a rental housing business license and compliance with Chapter 8.20 shall constitute a public nuisance and grounds for withholding of the issuance of a rental business license.

5.72.110 – Maintenance requirements

All rental properties within the city shall be maintained with a standard of maintenance including, but not limited to:

- 1. Property is maintained and kept in a neat, habitable condition, including the absence of trash and debris as defined by this code.
- 2. All trash receptacles are emptied on a basis frequent enough to prevent spillage and a contract for disposal is maintained with the city's franchise waste hauler. Trash receptacles and enclosures are maintained and free of defects.
- 3. Graffiti, broken windows, fencing, and any other broken or unmaintained property component is repaired within 72 hours of notification to the owner or agent.
- 4. Parking areas are maintained and adequate parking is provided to discourage street parking or off-property parking
- 5. Common areas are maintained in a clean manner and residents are informed of rules designed to maintain the reasonable enjoyment of the property by all residents.
- 6. Residential rental properties with four (4) or more residential rental units shall have a sign showing the owner or management company name, address, and phone number posted in the on-site manager unit or management office, if any, which shall be identified by a notice at the front entrance to the property and shall be posted in a manner approved by the director.

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7. Landscape is maintained, is not dead, and is kept in a neat, orderly manner to add to the enjoyment and aesthetics of the property, including the proper care and trimming of any trees or bushes on the property. The removal of landscape without replacement is not considered maintenance.
8. Pools, spas and hot tubs are maintained pursuant to requirements of the San Bernardino County Department of Public Health.
9. Play yards, playgrounds, and other amenities are maintained and free from trash, debris, and broken components.
10. Mechanical components, including but not limited to, heating, screening, water and sewer or septic tank maintenance or service, and other required components is kept in working order.
11. Sidewalks and walking paths are maintained and are in good repair.

5.72.120 – Crime Prevention through Environmental Design (CPTED) Requirements

1. All newly constructed rental properties shall incorporate CPTED design into the plan for development as required by the city.
2. Any rental property deemed by the city to perpetuate criminal activity, receive an inordinate number of calls for service, or present a threat to public health and safety may be required to submit a revised site plan and incorporate elements of CPTED modifications to their property for the purpose of creating a safe environment, identifying criminal activity or persons perpetuating criminal activity and lowering the likelihood of continuing criminal activity at the property. The cost for review of the plan and all modifications shall be the responsibility of the owner.
3. Failure to incorporate CPTED design if required, or modify the property as directed by the city is considered a public nuisance and may result in abatement measures as allowable by law.
4. All new multi-family construction with more than eight (8) units will be required to install a recorded video surveillance system for the complex. The system data will be maintained for at least one (1) month. The cameras must cover common areas, parking areas as well as vehicles entering and exiting the complex. Cameras should not cover or view areas that would be considered private such as inside individual units. The data and video are the sole property of the owners or operators. If law enforcement needs access to the video, the city highly encourages the owners or operators to assist. Existing multi-family complexes with more than eight (8) will have two (2) years to install and operate the same system described in this section.

5.72.130 – Rental Housing Business License Renewal

A. Renewal of rental housing business licenses shall include at a minimum:

1. Payment of all fees.
2. A completed and approved inspection if required by this chapter.
3. A completed and accepted self-certification.
4. Update of any information, including ownership, partnership, change in board of directors or mailing address of owner.
5. Update of any property manager or agent information.
6. Proof that the updated property manager information has been posted at the property as required by this chapter.

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- B. Residential rental properties found to be kept in a substandard condition, receive a complaint of lack of maintenance, which are not properly self-certified, or which receive a disproportionate number of calls for service shall be subject to an inspection.

C. Self-Certification

- A. Annually, at the time of the rental housing business license renewal, each owner or agent shall complete a renewal form in a form approved by the director, and supply to the City updated contact information for all owners, and agents, and managers, as defined by this chapter.
- B. The renewal shall include the requirement to self-certify to the City that the property is maintained in good order, has met all the requirements of this code and any other applicable state or local codes, and shall include photographs of good quality showing the frontage of the property, all side yards, parking areas, common areas, and any other areas that would normally be inspected as part of the annual maintenance inspection program. The photographs shall be taken during daylight hours, be time and date stamped and shall show all areas in context with enough physical landmarks to prove that the property is the property in question and eligible for renewal.
- C. The renewal shall also include any renewal fees, paid in full at the time of self-certification.
- D. Should the city review the self-certification and find deficiencies in quality of the photos, information provided or any other material fact, or deem the property to be a public nuisance, or not maintained according to the requirements of this code, the city shall, at its sole discretion, contact the owner or agent for more information, or perform an inspection of the property to confirm that the property is in compliance with all requirements of this chapter.
- E. The city may request additional photographs or information at their sole discretion in order to properly self-certify the property.
- F. Any inspection performed by the city shall be paid for in full by the owner prior to issuance of a renewal license.

5.72.140- Inspections.

- A. Owners shall allow the city to conduct an inspection of their residential rental properties for compliance with all applicable codes and the city's housing and property maintenance standards. The director, in his or her discretion, may include inspections by other city departments including, but not limited to, fire, building and safety, code enforcement or public health.
- B. Upon completion of the inspection, if no violations are identified, the director shall proceed with the issuance of a rental housing business license. If one or more violations are identified, then the director shall issue a notice of correction to the owner describing the violation and setting forth a time within which such violations shall be corrected. The owner shall pay a re-inspection fee in an amount established by resolution of the city council for each re-inspection following the issuance of notice of correction.

5.72.150 – Interior Inspections

- A. In accordance with this intent of this chapter, should the city determine that a property presents a public health risk, is improperly maintained, or has significant health and safety issues, the city may inspect the interior of any unit of the rental property, any interior common area or any other part of the property, and the owner shall fully cooperate in the process of gaining rightful access to the unit or property common area to facilitate the city's inspection.
- B. The owner or agent shall accompany the city during the inspection and receive copies of all formal reports of violations.

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- C. Violations found during interior inspections shall be corrected in accordance with the notice by the city. Any permits, fees or costs required to abate violations and bring the property into compliance shall be the sole responsibility of the owner.

5.72.160- Complaints and violations.

Upon receipt of a complaint of violations of the housing and property maintenance standards, the code enforcement officer shall inspect the pertinent unit(s) and/or area(s) of the residential rental property. All violations shall be fully corrected with all city required permits, approvals and inspections and re-inspected within the time specified on the notice of the code enforcement officer in order to maintain a current Rental Registration Business License for a residential rental property.

Non-compliance with a notice to correct violations existing at the rental property shall constitute a public nuisance.

5.72.170 - Certificate of rental inspection compliance—Effect on remedies.

- A. This chapter is not intended to, and shall not be construed to limit, in any way, the remedies available to the city to prosecute persons for violations of law or to abate public nuisances

5.72.180 - Enforcement and penalties.

If, after notification of a violation, a property owner fails to correct a violation of the within the time allowed, the city may seek code compliance by any remedy allowed under this code or any other remedy allowed by law.

5.72.190 - Public nuisance.

Any residential rental property operated, conducted, or maintained contrary to the provisions, requirements, and regulations of the code shall be, and the same is declared to be harmful to the public health and safety, unlawful and a public nuisance.

5.72.200 Conflicts.

If the provisions, requirements, or regulations of this chapter conflict with or contravene any other provision, requirement, or regulation of the code, the provisions, requirements, or regulations of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.