



CITY OF
HAYWARD
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DATE: October 20, 2009
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of an Ordinance Amending Sections of Article 5 of Chapter 9 of the Hayward Municipal Code Relating to the Residential Rental Inspection Ordinance

RECOMMENDATION

It is recommended that the City Council adopts the attached Ordinance.

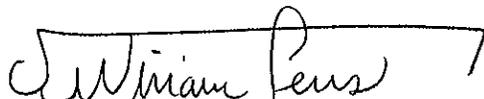
BACKGROUND

The ordinance was introduced by Council Member Zermefio at the October 6, 2009, meeting of the City Council with the following vote:

AYES:	Council Members:	Zermefio, Quirk, Halliday, May, Dowling, Henson
	Mayor:	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

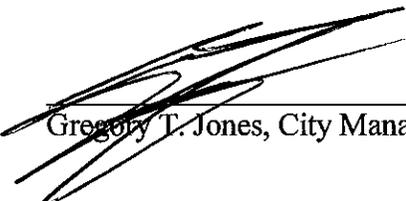
The ordinance was published in the Hayward Daily Review on Saturday, October 10, 2009. Adoption at this time is therefore appropriate.

Recommended by:



Miriam Lens, City Clerk

Approved by:



Gregory T. Jones, City Manager

Attachment: Draft Ordinance

**PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD**

AN ORDINANCE AMENDING SECTIONS OF ARTICLE 5 OF CHAPTER 9 OF THE HAYWARD MUNICIPAL CODE RELATING TO THE RESIDENTIAL RENTAL INSPECTION ORDINANCE

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

Section 1. The last two sentences of the City of Hayward Municipal Code (hereinafter the "Municipal Code") Section 9-5.302, MANDATORY INSPECTION PROGRAM, are hereby amended to read as follows: "Owners, managers and tenants shall allow for the inspection of these units. If an Owner, manager or tenant refuses to permit an inspection, the Enforcement Official is authorized to procure an inspection warrant."

Section 2. Municipal Code Section 9-5.303(a), CAUSE FOR INSPECTIONS, is hereby amended to read as follows: "Complaints from the tenant of a rental housing unit, motel unit or hotel unit that a code violation may exist."

Section 3. Municipal Code Section 9-5.306, ENTRY, is hereby amended to read in full as follows:

"SEC. 9-5.306 NOTICE AND ENTRY. The City shall serve written notice of the date and time of any inspection, including initial inspections and any follow-up inspections, to be conducted pursuant to this code, by mailing such notice at least fourteen (14) calendar days prior to the date of the inspection. Notice shall be mailed to the Owner or the Owner's designated representative at their last known address. In the case of multiple Owners of the same property, notice to any one of the Owners is sufficient. The City shall also mail a copy of the inspection notice to the rental housing units on the property.

It shall be the responsibility of the Owner or the Owner's designated representative to obtain the consent of the tenants to inspect the subject rental housing units or otherwise obtain legal access to the units pursuant to the terms of any applicable lease. If consent to enter on to any rental housing property or any rental housing unit is refused or otherwise cannot be obtained, the Enforcement Official is authorized to seek an inspection warrant from a court of competent jurisdiction.

The Owner or the Owner's designated representative shall be present at the rental housing property at the time of the inspection. The time of the inspection shall be the time indicated in the notice issued pursuant to this code, or the time that the inspection was properly rescheduled in accordance with the provisions of this code. Violations of this paragraph may result in a re-scheduling fee.

An inspection may be rescheduled once by the Owner or the Owner's designated representative by giving notice to the Enforcement Official at least five (5) calendar days prior to the scheduled inspection date. An inspection may only be rescheduled to a date within fourteen (14) calendar days of the previously scheduled inspection date. Violations of this paragraph may result in a re-scheduling fee."

Section 4. Municipal Code Section 9-5.310, NOTICES, is hereby amended to read in full as follows: "The notice informing a property Owner of a mandatory inspection or any follow-up inspection shall be by first class mail. All other notices, including notices of Administrative and Lien/Special Assessment Hearings, shall be provided in accordance with State law. Delivery will be made to the Owner's address as it appears on the last equalized assessment roll or as known to the Enforcement Official. The failure of any person to receive notice properly given shall not affect the validity of any proceedings hereunder."

Section 5. All other provisions of Article 5 of Chapter 9 of the Municipal Code, relating to Residential Rental Inspections, except for those provisions amended pursuant to this ordinance, remain in full force and effect.

Section 6. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 7. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Introduced at a meeting of the Hayward City Council held October 6, 2009, the above-entitled ordinance was introduced by Council Member Zermefio.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on October 20, 2009, at 8:00 p.m., in the Council Chamber, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the office of the City Clerk.

Dated: October 10, 2009

Miriam Lens, City Clerk
City of Hayward