RENTAL INSPECTION PROGRAM

Performing Annual Safety Inspections for your Residents

PLUS:
STAGING YOUR RENTAL HOME
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EBRHA OFFICE
3664 Grand Ave., Suite B, Oakland, CA 94610
tel. 510.893.9873 | fax 510.893.2906
www.ebrha.com

EBRHA STAFF
Nathan Durham-Hammer | nathan@ebrha.com | 510.318.8305
ASSOCIATION EXECUTIVE
Rae Schindler | rschindler@ebrha.com | 510.344.6646
MEMBERSHIP AND EDUCATION SPECIALIST

EBRHA OFFICERS
PRESIDENT Wayne C. Rowland
FIRST VICE PRESIDENT Luke Blackledge
SECOND VICE PRESIDENT Irina Geffenbayn
CHAIR, GOVERNMENT ACTION COMMITTEE Arcola Moore
SECRETARY Brent Kernan

EBRHA DIRECTORS
Symon Chang, Jacqueline Jacobs, Brent Kernan, Carmen Madden, Arcola Moore, Fred Morse, Conor Murphy, Joshua Polston, Jack Schwartz, Judy Shaw, Carlon Tanner

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MANAGING EDITOR Nathan Durham-Hammer

ADVERTISING
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NATHAN DURHAM-HAMMER
In February 2019, Nathan Durham-Hammer was unanimously approved by EBRHA’s Board of Directors to become the Association Executive. Born in Berkeley and raised in Oakland, Nathan was a scholar-athlete before entering real estate. He and his partner exemplify a mom-and-pop rental housing provider, having been owner-residents of a fourplex and now building an ADU in their home. Nathan now enjoys spending time with his family. Nathan has repeatedly approached local and state politicians, studied housing issues relentlessly and written about many issues affecting East Bay rental property. He has extensive personal experience with rent board petitions, a background of over ten years in commercial and rental property leasing and sales, and he has worked in property management for over five years. Nathan has a keen eye for fairness in policy and practice - he is delighted to lead EBRHA’s membership and housing communities toward equitable solutions.

RAE SCHINDLER
Rae is the Association Membership and Education Specialist and co-edits the magazine. She teaches RPM 101, fields and researches member questions, creates member resources, and is on the education and forms committee.

PIER PORRINO
Pier Porrino is an award winning Realtor who represents buyers, sellers and property owners in Oakland, Emeryville, Berkeley and beyond.

LARRY BROOKS, BS, MPA
Larry Brooks is the director, Alameda County Healthy Homes Department/Child Lead Poisoning Prevention Program - an education and research organization that provides innovative, multi-disciplinary programs, consultations, case management, technical assistance, and services to promote health and safety in the home.

RON KINGSTON
Ron Kingston is the EBRHA state lobbyist and president of the California Political Consulting Group. He has 30 years of lobbying experience and is one of the original writers of the state’s Costa-Hawkins Act. He grew up in South Lake Tahoe and lives in Carmichael with his wife Sherrie, a financial planner. In his spare time, he cycles, skis and takes international scuba diving trips.

DENNIS PHILLIPS
Dennis Phillips attended undergraduate school at the University of California, Berkeley and law school at the University of the Pacific, McGeorge School of Law in Sacramento, CA and graduated in 2000. He brings to his law practice a wide breadth of knowledge with a focus on Property Owner/Tenant disputes (including cities with Rent Control/Just Cause); Restraining Orders; Personal Injury and General Civil Litigation.
Rental Inspect
Getting Ahead of the Curve.

BY LARRY BROOKS

We know that rental property owners are providing a vital service to our community. Often, while attending a neighborhood watch or town hall meeting, tenants are complaining about substandard conditions in their rental units. When responding to the concerns, I start by asking the question: “How many of you upon leaving your parents’ home became a tenant? I have been a tenant, a homeowner, rental property owner and now again a tenant.”

“In nearly thirty years of working with the rental industry first as a Code Enforcement Officer and in recent years as the director of the Healthy Homes Department, I can say with confidence that the majority of rental property owners, property managers and tenants are doing the right thing and it is a small portion of them that casts a cloud above the entire industry.

So removing that shadow requires pointing some light where it all begins which is at the rental site!

The Problem:

Rental Property Owners or their on-site representative should inspect their properties on an annual basis as standard best practice. Unfortunately, for many in the industry, they can’t and others will not conduct routine inspections for a variety of reasons some understandable and some not so much.

Tenants should also be assessing the maintenance needs and communicating to the property owners/managers on a routine basis (not just during an eviction) but we know that doesn’t happen.

This combination of unforced errors is especially true in many places in the Bay Area. There are a high number of properties owners that do not reside close to their rental property and routine inspections are not conducted because they live far away. Additionally, there are a high number of tenants who do not report substandard conditions because of the current atmosphere of housing affordability, possibility of eviction and perceived risk of deportation.
## Comparison of Proactive Rental Inspection Programs in California Cities

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| Municipal Code Section                           | San Jose MC 17.120.EE of yrs | Sacramento MC 6.120.EE of yrs | Los Angeles City Council Ordinance No. 172,109 | Long Beach MC 18.30.EE of yrs | N/A    |

| Properties Covered                                | 3 or more units equipment buildings Also includes emergency residential shelters, guesthouses, motels, inns, residential care facilities for more than 7 people, residential service facilities and halfway houses | 4 or more units. All units are required to register within 60 days of first inspection. Also includes Boarding houses, B&B's, & Motels. | 4 or more units. All units are required to register within 60 days of first inspection. Also includes Boarding houses, B&B's, & Motels. | All residential rental units in the city | N/A |

| Scenarios 2: Rental Properties 2> Units          | 20-40% of K-12 schools | 7-10% of K-12 schools | 3-5% of K-12 schools | 3-5% of K-12 schools | 3-5% of K-12 schools |

| Eligibility requirements for exemptions from inspection | Owner-occupied units, properties five years older, properties that are only rented for sale or units that are routinely inspected by other local agencies | Owner-occupied units | Owner-occupied units | Only the units that are not inspected in the self-certification program are exempt from inspection | Owner-occupied units |

| Building targeting scheme                        | If a unit fails an inspection while in the self-certification Program, they are automatically inspected. | N/A | N/A | In the self-certification program (but only a sampling of (6) units, will be inspected) | N/A |

| Frequency of inspection                          | 6 year cycle | 6 year cycle | 6 year cycle | 6 year cycle | 6 year cycle |

| San Jose                                          | Sacramento | Los Angeles | Long Beach | Fresno | Oakland |

In Oakland we have a higher child lead poisoning rate than Flint due primarily to aging housing with lead based paint in need of repair. It is part of the reason Oakland and Alameda County sued the paint companies and after appeals all the way to the U.S. Supreme Court, the court ruled the three major paint companies must provide Oakland/Alameda County with approximately $45 million dollars to assist property owners in the remediation of lead paint hazards inside their units.

In California, over 5.2M residents have asthma and its prevalence is 20 - 40% higher among children ages 5 - 17 than among adults. In 2014, 13.7% of children in California were diagnosed with asthma. In Alameda County, approximately 30,000 children suffer from active pediatric asthma, representing nearly 9% of children in the County. Lifetime prevalence of asthma impacts over 46,000 or approximately 14% of children. While these rates represent a slight improvement over years past, Alameda County has among the highest rates of pediatric asthma in the state of California. Asthma attacks are often caused by unhealthy housing issues such as pest infestation, moisture intrusion, mold and dust.

Smoke alarms were present in almost three-quarters (74%) of reported home fires in 2012-2016. Almost three out of five home fire deaths in 2012-2016 were caused by fires in properties with no smoke alarms (40%) or smoke alarms that failed to operate (17%). The risk of dying in reported home structure fires is 54% lower in homes with working smoke alarms than in homes with no alarms or none that worked.2

**The Solution:**
As previously stated, Rental Property Owners and/or Managers should routinely inspect properties and Tenants should not inten-
"Self-Certification is the process by which property owners routinely inspect their properties but are subject to random proactive audits by local building inspection or code enforcement staff."

proactively generate maintenance issues nor should they delay in reporting them. However given that there will be those who fail to inspect or report, some local jurisdictions are adopting routine rental inspection aka ‘proactive’ programs that incorporate self-certifications.

Self-Certification is the process by which property owners routinely inspect their properties but are subject to random proactive audits by local building inspection or code enforcement staff. Many routine rental inspection programs include self-certifications but there are some that do not as seen in this table:

**The Benefits**

As with many public health issues, it is more cost effective to prevent related health problems than to treat them. A rental inspection program may be more effective than complaint-based programs in ensuring safe and healthy housing, preserving housing stock, protecting vulnerable tenants, and maintaining neighborhood property values.

Self-Certification recognizes the reality that like any other industry subject to regulatory codes, there are businesses that operate well and others that require some form of routine oversight. In addition Self-Certification reduces the costs of the program which reduces the financial burden on rental housing business operators and their customers as well as general tax payers.

No matter how many inhalers or medications are provided, a child’s asthma will not stabilize unless substandard conditions in their rental unit are improved. Tenants and property owners are both key partners in creating a healthy home. A rental inspection program with self-certification acknowledges those property owners who maintain a safe and habitable housing unit and ensuring their vital housing service continues to thrive. RH

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Larry Brooks is the director, Alameda County Healthy Homes Department/Child Lead Poisoning Prevention Program – an education and research organization that provides innovative, multi-disciplinary programs, consultations, case management, technical assistance, and services to promote health and safety in the home.

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**Reference**
