Code Enforcement and Safety
The unknown disaster waiting to happen

Presenters
- Robert Marshall, Fire Marshal, Contra Costa County Fire Protection District
- Jason Crapo, Deputy Director, Conservation & Development, Contra Costa County
- Matthew Silver, Attorney at Law, Silver & Wright LLP

Moderator
- Eric Nickel, Fire Chief, City of Palo Alto | League Fire Chiefs Department, President
Objectives

- Identify current practices and laws
- Understand the process and timeframes to achieve compliance
- Understand the roles of each authority
- Identify important public policy issues
- Discuss key experiences
- Share Best Practices and take-aways

Background & Disclaimer
Process of Code Enforcement

Complaint Received → Case Opened and Assigned → Primary Research

- No Violation Observed → Case Closed
- Compliance Enforcement Timeline Completed → Follow up Site Visit
- Non-Compliance Referral to City Attorney

Site Visit → Investigation Research

Compliance Order → Administrative Citation

Laws Governing Code Enforcement
Code Enforcement Toolbox

I. Administrative
   Citations
   Revoke permits
   Nuisance hearing, etc.
   Inspection warrants
   Abatement

II. Receivership
    See next slides

III. Red Tag
     Building Official
     Standard

IV. Civil

V. Prosecution

Substandard Buildings

- Uniform Code For Abatement of Dangerous Buildings
- Uniform Housing Code
- CA Building Standards Code
  - Building Code
  - Fire Code
  - Electrical Code
  - Plumbing Code
  - IPMC
- Health & Safety Code 17920.3
- Municipal Code
- Unfair Business Practices
Health & Safety Receiverships

- What are they
- How do they work
- When are they best used
- Cost recovery

Receivers Are...

- Court’s agent for enforcing its orders or maintaining the status quo
  - Nominated by parties and appointed by court

- Defining characteristics
  - neutral
  - may not enter into contracts with either party
  - court officer - represents neither party
  - obtains the right of possession of the property, but not title
  - takes over the property or business
  - funds and performs the work
Receiver’s Powers

- Possession/control
- Relocate tenants
- Borrow funds to bring property into compliance
  - Priority vs. equity
- Rehabilitate or demolish
- Receive rents
- Collect debts
- Disperse funds
- Sell property (if necessary)
- Other acts

H&S Receivers

- Substandard building
- Notice & Order to Abate
- Fails to comply within reasonable period

Unfair Business Practices

- Violation of building, zoning laws
- Standing applicable?
Cost Neutral for City

- Attorney’s fees
- Litigation costs
- Enforcement agency costs
Speed to get to Compliance

Expectations → Reality
Code Enforcement &
The General Fund

discretionary spending

Click here to give to the
GENERAL FUND

The Roles of Each Authority

[Images of different authority figures and logos]

[Logos and text: LEAGUE OF CALIFORNIA CITIES, CAL-FIRE, STATE FIRE MARSHAL, CACEO]
Important Policy Issues

Key Experiences
How Occupancies are Discovered

How do we keep up with the Workload?
Best Practices and Take-Aways

Why we do the important work
Discussion | Questions

- What practices work for you?
- What changes will you make based upon what you have learned today?

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