

SUMMARY OF CHANGES TO THE ORDINANCE SINCE OCTOBER 2021

Section	Ordinance Introduced in October 2021	Revised Ordinance	Reason for Change
8501	C. "Effective Date" means the effective date of the ordinance adopting this Chapter.	C. "Effective Date" means sixty (60) days after the effective date of the ordinance adopting of this Chapter	Clarification
8501	N/A	A. "Multifamily Dwelling" shall refer to an existing structure or parcel with three (3) or more dwelling units.	Added definition of Multifamily Dwelling
8502	B. The provisions of this Chapter shall not apply to the following:  1. Rooms rented to single individuals in an owner-occupied single family residence; 2. Hotel or motel units subject to the Transient Occupancy Tax, Title VI, Chapter 3, of this Municipal Code; 3. Units inspected for housing and safety standards by another governmental authority; 4. Mobile home parks; and newly constructed multiple dwelling units (including townhouse dwelling groups and condominiums projects that are rented) for a period of five (5) years from the issuance of Certificate of Occupancy.	B. The provisions of this Chapter shall not apply to the following:  1. Rooms rented to single individuals in an owner-occupied single family residence; 2. Hotel or motel units subject to the Transient Occupancy Tax, Title VI, Chapter 3, of this Municipal Code; 3. Units inspected for housing and safety standards by another governmental authority; 4. Mobile home parks; 5. Newly constructed dwelling units (including townhouse dwelling groups and condominiums projects that are rented) for a period of five (5) years from the issuance of the Certificate of Occupancy.	Clarification
8502	A. Every Owner or Operator shall register each Residential Rental Dwelling Unit with the Residential Rental Inspection Program on a form provided by the City's Building Division. Initial registration applications shall be due on a date established by the Director, which shall be set no less than sixty (60) days after the Effective Date of this Chapter. Newly created Residential Rental Dwelling Units shall be registered no later than sixty (60) days after the Owner first acquires or creates the Residential Rental Dwelling Unit.	A. Every Owner or Operator shall register each RDU with the RRIP on a form provided by the City's Building Division. Initial registration applications shall be due within six (6) months after the Effective Date of this Chapter. Newly created RDUs shall be registered no later than sixty (60) days after the Owner first acquires or converts the RDU.	Clarification
8502.1	A. Every Owner or Operator shall register each Residential Rental Dwelling Unit with the Residential Rental Inspection Program on a form provided by the City's Building Division. Initial registration applications shall be due on a date established by the Director, which shall be set no less than sixty (60) days after the Effective Date of this Chapter. Newly created Residential Rental Dwelling Units shall be registered no later than sixty (60) days after the Owner first acquires or creates the Residential Rental Dwelling Unit.	A. Every Owner or Operator shall register each RDU with the RRIP on a form provided by the City's Building Division. Initial registration applications shall be due within six (6) months after the Effective Date of this Chapter. Newly created RDUs shall be registered no later than sixty (60) days after the Owner first acquires or converts the RDU.	Clarification
8502.1	1. Owners or Operators with primary residence or business addresses located 35 miles or more away from Arcata City Hall must designate a Local Representative.	1. Owners or Operators with a primary residence or business address located outside of Humboldt County limits must designate a Local Representative. Exceptions may be made at the discretion of the Director.	Working Group recommended greater flexibility for property owners who regularly travel to Arcata.
8502.2	During the first three (3) years after the Effective Date ("Initial Phase") or as soon as feasible, compliance inspections by City inspectors will be conducted on all Residential Rental Dwelling Units or a minimum of twenty percent (20%) of units in multi-family complexes with over 40 units on a single parcel.	During the first three (3) years after the Effective Date ("Initial Phase") or as soon as feasible, initial inspections by City inspectors will be conducted on all RDUs not exempt from the RRIP.	Staff confirmed that the Arcata Fire Department conducts Health and Safety inspection on all multi-family complexes. City still will not conduct inspections on multi-family complexes.
8502.3	1. If a Residential Rental Dwelling Unit is not enrolled in the Self-Certification Program, an annual fee for registration in the Residential Rental Dwelling Unit Inspection Program and inspection, in the amount established by resolution of the City Council, will be required. The fee shall include the non-refundable costs of the annual registration and one inspection every three (3) years.	1. If a RDU is not enrolled in the Self-Certification Program, an annual registration fee and inspection fee shall be required, in the amounts established by resolution of the City Council. The fees shall cover the non-refundable costs of the annual registration and one inspection every three (3) years.	Clarification

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8502.3	2. If the Owner fails to correct violations of any applicable Building, Housing and Sanitation Code or Ordinance later than the first compliance re-inspection, the Owner shall pay a re-inspection fee for the second and any subsequent compliance re-inspections in the amount established by resolution of the City Council.	2. If the Owner fails to correct violations of any applicable Building, Housing and Sanitation Codes or Ordinances past the first compliance re-inspection, the Owner may be required to pay an hourly re-inspection fee for the second and any subsequent compliance re-inspections in the amounts established by resolution of the City Council.	Clarification
8502.3	3. If a Residential Rental Dwelling Unit is enrolled in the Self-Certification Program, the Owner is required to pay a non-refundable self-certification administrative fee once every five (5) years in addition to the annual registration fee, in the amount established by resolution of the City Council.	3. If a RDU is enrolled in the Self-Certification Program, the Owner is required to pay a onetime self-certification administrative fee in addition to the RRIP annual registration fee, in the amount established by resolution of the City Council.	Clarification
8502.3	B. Annual Residential Rental Inspection Program fees shall be levied for the calendar year and each applicant must pay the full fee for the calendar year upon submission of the application for that year's Residential Rental Dwelling Unit registration.	B. Annual RRIP fees shall be levied for the calendar year and each applicant shall pay for the full calendar year upon registration.	Clarification
8502.3	N/A	C. A fee for any missed inspections may be charged by the Director as appropriate in the amount as established by resolution of the City Council.	The missed inspection fee was not clearly defined in the previous version of the Ordinance.
8502.3	C. For Residential Rental Dwelling Units which become subject to this Chapter after July 1 of any calendar year, Residential Rental Inspection Program fees shall be reduced by one-half.	D. For RDUs which become subject to this Chapter after July 1 of any calendar year, the annual registration fee shall be reduced by one-half for that calendar year.	Clarification
8502.3	D. Owners or Operators may recover up to 50% of the fees required by this Chapter from their tenants. Fees assessed to tenants on a per parcel basis must be divided evenly amongst the Residential Rental Dwelling Units situated on the parcel.	N/A	This provision was removed based on feedback from the Working Group and Public Comment. There was concern around difficulty with implementation and accountability.
8502.4	In accordance with the requirements of this Chapter, the City shall be authorized to periodically conduct an inspection of Residential Rental Dwelling Units to assure compliance with all applicable Building, Housing and Sanitation Codes and Ordinances. Owners shall provide access to all required areas of a Residential Rental Dwelling Unit and Property for inspection within twenty-one (21) calendar days of an inspection request from the City's Building Division. This time period may be extended upon the approval of the Director or their designee. If the Residential Rental Dwelling Unit is legally occupied by a tenant or other occupant, the Owner shall notify the tenant or occupant and request that the tenant or occupant allow the inspection. The Owner shall not be in violation of this Chapter if the tenant or occupant refuses to allow the inspection.	In accordance with the requirements of this Chapter, the City shall be authorized to periodically conduct an inspection of RDUs to assure compliance with all applicable Building, Housing and Sanitation Codes and Ordinances. Owners shall provide access to all required areas of a RDU and Property for inspection within thirty (30) calendar days of an inspection request from the City's Building Division. This time period may be extended upon the approval of the Director or their designee. If the RDU is legally occupied by a tenant or other occupant, the Owner shall notify the tenant or occupant, in accordance with applicable law, and request that the tenant or occupant allow the inspection. The Owner shall not be in violation of this Chapter if the tenant or occupant refuses to allow the inspection.	Period for scheduling an inspection was extended from 21 calendar days to 30 calenday days based on feedback from the Working Group.

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<p>8502.5</p>	<p>A. Initial Inspections.</p> <p>1. It is the intent of the City that all Residential Rental Dwelling Units will receive one (1) initial inspection as outlined in this Chapter. After the initial inspection Residential Rental Dwelling units that are not eligible for the Self-Certification Program will receive an inspection every three (3) years, subject to the twenty-one (21) day notice required by Section 8502.4, commencing on the anniversary of the first year of the Effective Date.</p> <p>2. Residential Rental Dwelling Units eligible to participate in the Self-Certification Program will have a reduced inspection schedule as set forth in Section 8503 for a period of five (5) years; provided that, the Residential Rental Dwelling Unit's condition does not deteriorate during that time to the extent that the Residential Rental Dwelling Unit no longer satisfies the Self-Certification Program eligibility standards set forth in Section 8503.</p> <p>3. New Residential Rental Dwelling Units shall receive an inspection within ninety (90) days of the date of registration unless they are eligible and enrolled in the Self-Certification Program.</p>	<p>A. Initial Inspections. It is the intent of the City that all RDUs shall receive one (1) initial inspection as outlined in this Chapter. After the initial inspection RDUs that are not eligible for the Self-Certification Program will receive an inspection once every three (3) years, subject to the thirty (30) calendar day notice required by Section 8502.4.</p> <p>1. RDUs eligible to participate in the Self-Certification Program shall have a period of five (5) years to schedule an inspection; provided that, the RDU's condition does not deteriorate during that time to the extent that the RDU no longer satisfies the Self-Certification Program eligibility standards set by the Director.</p> <p>2. Owner-Occupied properties converted to RDUs shall receive an inspection within ninety (90) calendar days of the date of registration unless they are eligible and enrolled in the Self-Certification Program.</p>	<p>Updated to match the extended period to schedule an inspection. Clarification on "New Residential Rental Dwelling Units" to refer to properties converted from owner-occupied to a RDU. New construction is exempt for a period of 5 years.</p>
<p>8502.5</p>	<p>B. Subsequent Inspections. If during the initial inspection or any subsequent inspection there are Building, Housing, or Sanitation Code or Ordinance violations, or permit violations, on the Property which prevent the City inspector from issuing a rental housing inspection certification, one or more re-inspections of the Property may be required before a rental housing inspection certification is issued.</p>	<p>B. Subsequent Inspections. If during the initial inspection or any subsequent inspection there are Building, Housing, or Sanitation Code or Ordinance violations, or permit violations, on the Property which prevent the City inspector from issuing a rental housing inspection certification, one or more re-inspections of the Property may be required before a RDU is considered to be in compliance.</p>	<p>Clarification</p>
<p>8502.6</p>	<p>A. An Owner or Operator may request an inspection of a Residential Rental Dwelling Unit at any time outside of the scheduled inspection calendar. The Owner or Operator shall be required to pay the inspection fee in the amount established by resolution of the City Council.</p>	<p>A. An Owner or Operator may request an inspection of a RDU at any time outside of the scheduled inspection calendar. The Owner or Operator may be required to pay the inspection fee in the amount established by resolution of the City Council.</p>	<p>Clarification</p>
<p>8502.6</p>	<p>B. A tenant of a Residential Rental Dwelling Unit may request an inspection of a Residential Rental Dwelling Unit at any time outside of the scheduled inspection calendar after making documented and reasonable attempts to work with the Owner or Operator to remedy the potential violation. Upon Receipt of a tenant's request to inspect, the following shall apply:</p> <p>1. The Owner will be notified by the City via certified mail of the inspection request and will be given seven (7) calendar days to respond.</p> <p>2. If the Residential Rental Dwelling Unit has deteriorated to the point where the health and safety of the tenant are in danger, the inspector may conduct an emergency inspection pursuant Section 8504(E) of this Chapter.</p>	<p>B. A tenant of a RDU may request an inspection of a RDU at any time outside of the scheduled inspection calendar.</p>	<p>The state legislature passed AB 838, which provides guidance to local jurisdictions on how to handle tenant initiated rental inspections. This provision was simplified to avoid any conflicts.</p>

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8502.8	Upon the successful completion of an inspection, subsequent inspection or re-inspection of the Residential Rental Dwelling Unit establishing that the Property and its occupancy are in compliance with all applicable Building, Housing and Sanitation Code or Ordinance requirements, the City shall issue to the Owner or Operator a rental housing inspection certification verifying Building, Housing and Sanitation Code or Ordinance compliance and specifying the time period during which the certification will remain valid. During such time period, the Residential Rental Dwelling Unit shall not be subject to a subsequent inspection. Notwithstanding the foregoing, a rental housing inspection certification shall not preclude enforcement or investigation if a potential violation is reported to the City or otherwise lawfully discovered by the City.	Upon the successful completion of an inspection, subsequent inspection or re-inspection of the RDU establishing that the Property and its occupancy are in compliance with all applicable Building, Housing and Sanitation Code or Ordinance requirements, the City shall issue to the Owner or Operator a rental housing inspection certification and report verifying compliance and specifying the time period during which the certification will remain valid. During such time period, the RDU shall not be subject to a subsequent inspection. Notwithstanding the foregoing, a rental housing inspection certification shall not preclude enforcement or investigation if a potential violation is reported to the City or otherwise lawfully discovered by the City.	Clarification
8503	A. The number of City inspections will be limited to no less than twenty percent (20%) of the total units on each Property.	N/A	With AFD conducting inspections on properties with 3 or more dwelling units there is no longer a need for percentages.
8503	B. Properties consisting of three (3) units, including multiple single family dwellings at separate locations, will be limited to an inspection of one Residential Rental Dwelling Unit total for a period of five (5) years, provided that the Residential Rental Dwelling Unit's condition does not deteriorate during that time to the extent that the Property would no longer meet the Self-Certification Program eligibility standards set forth in Section 8503.1.	A. Properties will be limited to one inspection for a period of five (5) years, provided that the RDU's condition does not deteriorate during that time to the extent that the Property would no longer meet the Self-Certification Program eligibility standards set forth in Section 8503.1.	Clarification
8503	E. Owners or Operators of Properties enrolled in the Self-Certification Program shall pay both the non-refundable annual registration fee as well as the Self-Certification administrative fee.	D. Owners or Operators of Properties enrolled in the Self-Certification Program shall pay the non-refundable annual registration fee as well as the onetime Self-Certification administrative fee, in the amounts established by the City Council.	Clarification
8503.1	A. Properties with no existing violations of Building, Housing and Sanitation Codes or Ordinances and no past violations of Building, Housing and Sanitation Codes or Ordinances within the previous three (3) year period may qualify to participate in the Residential Rental Inspection Self-Certification Program, as determined by the Director.	A. Properties with no existing violations of Building, Housing and Sanitation Codes or Ordinances and no past violations, depending on severity as determined by the Director, within the previous three (3) year period may qualify to participate in the Self-Certification Program.	The Working Group recommended adding more flexibility to the language.
8503.1	B. If the Director determines that any one Residential Rental Dwelling Unit is not eligible to participate in the Self-Certification Program, then all the Residential Rental Dwelling Units on the same Property shall be inspected and the Owner shall be assessed the full annual registration fee and inspection fee established by resolution of the City Council.	B. If the Director determines that any one RDU is not eligible to participate in the Self-Certification Program, then all the RDUs on the same Property shall be inspected and the Owner may be placed back on the regular inspection calendar.	Makes it clear that a property owner may be placed back in the regular inspection cycle and removes conflicting language around fees.
8503.2	B. The Owner or Operator shall maintain a copy of the signed and dated Self-Certification Program Checklist for each Residential Rental Dwelling Unit for the five (5) year period and provide said Checklist within seventy-two (72) hours upon request by the Director or his/her designee. Failure to maintain complete signed Checklists may result in disqualification from the Self-Certification Program for all Residential Rental Dwelling Units owned by that Owner for a period of up to three (3) years.	B. The Owner or Operator shall maintain a copy of the signed and dated Self-Certification Program Checklist for each RDU for the five (5) year period and provide said Checklist within seven (7) calendar days upon request by the Director or their designee. Failure to maintain complete Checklists may result in disqualification from the Self-Certification Program for all RDUs on the same Property owned by that Owner for a period of up to three (3) years.	The Work Group recommended extending the turn around time for producing the Self-Certification checklist to make it more feasible for operators to comply.
8503.2	C. A copy of the signed and dated Self-Certification Program Checklist shall be provided to the tenant(s) of each Residential Rental Dwelling Unit at the time of self-inspection.	C. A copy of the signed and dated Self-Certification Program Checklist shall be available to the tenant(s), if the dwelling unit is occupied, of each RDU at the time of self-inspection.	The Working Group pointed out that most inspections generally occur between tenancies.

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8503.3	A. The Director may remove any Property from the Self-Certification Program at any time for up to three (3) years if that Property fails to meet all of the interior and exterior standards designated on the Self-Certification Program Checklist or fails to meet Building, Housing and Sanitation Codes or Ordinances.	A. The Director may remove a Property from the Self-Certification Program at any time for up to three (3) years if that Property fails to meet the minimum interior and exterior standards designated on the Self-Certification Program Checklist, as determined by the director, or fails to meet Building, Housing and Sanitation Codes or Ordinances.	The Working Group recommended adding more flexibility to the language, providing the Director some discretion.
8504	A. Failure to Pay Annual Fee. In addition to any remedies the City may elect to pursue pursuant to Title I, Chapter 3 of this Code for failure to pay the annual Residential Rental Dwelling Unit program fee when due, the Director shall add a penalty of twenty percent (20%) of the fee on the first day of the month following the due date and ten percent (10%) for each month thereafter while the fee remains unpaid; provided that the amount of the penalty shall not exceed fifty percent (50%) of the amount of the fee due.	A. Failure to Pay Annual Fee. The Director shall add a penalty of twenty percent (20%) of the fee on the first day of the month following the due date and ten percent (10%) for each month thereafter while the fee remains unpaid; provided that the amount of the penalty shall not exceed fifty percent (50%) of the amount of the fee due.	Simplifies the language for the penalty.
8504	D. Missed Inspection Appointments. Missed inspection appointments not rescheduled within seven (7) calendar days of the appointment date are subject to a fee in the amount established by resolution of the City Council.	D. Missed Inspection Appointments. If a previously scheduled inspection is missed, the Owner shall contact the City's Building Department to reschedule within seven (7) calendar days of the appointment date or be subject to a fee in the amount established by resolution of the City Council.	Clarifies how missed inspections will be handled. A missed inspection is not expected to be rescheduled for within 7 calendar days but the intent is for the operator to contact the City within those 7 calendar days.
8504.3	Whenever a tenant enters into an agreement with an Owner or Operator for the rental of a residential dwelling unit, the Owner or Operator shall distribute information to the tenant about substandard housing and the tenant's legal rights. Such information shall be developed by the Director. The Owner or Operator shall obtain the tenant's signature on copies of such information, indicating the tenant's receipt thereof, and keep such signed copy on file available for the Director's review upon request.	Whenever a tenant enters into an agreement with an Owner or Operator for the rental of a residential dwelling unit, the Owner or Operator shall distribute information to the tenant about substandard housing and the tenant's legal rights.	The Working Group informed staff that most operators in the city use rental agreements that satisfy the intent of the previous text. Language was simplified to avoid redundancy.
8504.4	When ownership of a Residential Rental Dwelling Unit changes, either the prior Owner shall notify the Director of this event prior to the consummation of the sale or recordation of an instrument of conveyance with the Humboldt County Recorder's office or the new Owner shall notify the Director of the sale no later than sixty (60) days after consummation of the sale or recordation of an instrument of conveyance with the Humboldt County Recorder's office. If the Director is not so notified, the existing rental housing inspection certification for the Residential Rental Dwelling Unit shall automatically terminate and be null and void. The new Owner will not have to pay the program fees until the following calendar year provided all current fees were paid by for the Residential Rental Dwelling Unit.	When ownership of a RDU changes, the RDU seller shall notify, or cause the notification to, the Director of the change of ownership no later than sixty (60) calendar days after consummation of the sale. If the Director is not so notified, the existing rental housing inspection certification for the RDU shall automatically terminate and be null and void. The new Owner will not have to pay the program fees until the following calendar year provided all current fees were paid by for the RDU.	The Working Group recommended making the responsibility of the Sellers clearer.
8504.5	A. Any determination by the Director or a City inspector that a Residential Rental Dwelling unit is in violation of a Building, Housing or Sanitation Codes or Ordinances is appealable to the City Manager. The appeal must be in writing and filed with the City Manager within ten (10) calendar days from the date of notification of the determination together with the appeal fee established by resolution of the City Council. The appeal shall specifically identify the determination that is the subject of that appeal and the reasons why, in the appellant's opinion, the determination is erroneous. Failure of the City Manager to receive a timely notice of appeal constitutes a waiver of the right to contest any such determination.	A. Any determination by the Director or a City inspector that a RDU is in violation of a Building, Housing or Sanitation Codes or Ordinances is appealable to the City Manager. The appeal must be in writing and filed with the City Manager within ten (10) calendar days from the date of notification of the determination. An appeal fee established by resolution of the City Council, shall be applied if the appeal finds in favor of the City. The appeal shall specifically identify the determination that is the subject of that appeal and the reasons why, in the appellant's opinion, the determination is erroneous. Failure of the City Manager to receive a timely notice of appeal constitutes a waiver of the right to contest any such determination.	The Working Group pointed out that requiring an appeal fee to be deposited at the beginning of the process could be a barrier for some operators. The language was changed to have that fee be levied at the end of the appeal if the City's determination is upheld.