

# Rental. HOUSING

EAST BAY RENTAL HOUSING ASSOCIATION | MAY 2019

## *RENTAL INSPECTION PROGRAM*

Performing Annual Safety  
Inspections for your Residents



PLUS:

STAGING YOUR RENTAL HOME

DON'T POKE THE BEAR - LESSONS LEARNED  
FROM BIG PHARMA



**EBRHA**  
EAST BAY RENTAL  
HOUSING ASSOCIATION

# Contents

MAY 2019



10  
Staging Your  
Rental Home  
BY PIER PORRINO



14  
Rental  
Inspection  
Program  
BY LARRY BROOKS

18  
Don't Poke the Bear  
BY RON KINGSTON

## Features & Columns

6 NEWS

Legislative Day/Rent Board Increase

8 COMMUNITY OUTREACH

Photos from EBRHA's Involvement in Local Events

BY GEORGIA W. RICHARDSON

22 FEATURE

Criminal Background Checks

BY TOMMY HERBERT

26 FEATURE

For Gen Z, Word of Mouth is Even Louder

BY PAUL R. BERGERON

30 ESQ&A

Camera Shy

BY DENNIS PHILIPS

## Events & Directory

32 COMMUNITY CALENDAR

34 VENDOR DIRECTORY

38 MEMBERSHIP INFORMATION

38 AD INDEX

## East Bay Rental Housing Association

Volume XVI, Number 5 | MAY 2019

### 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 Gelfenbeyn

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,

Carlton Tanner

### PUBLISHED BY

East Bay Rental Housing Association

### PUBLISHER

Wayne C. Rowland

MANAGING EDITOR Nathan Durham-Hammer

### ADVERTISING

Nathan Durham-Hammer | 510.318.8305



**EBRHA**  
EAST BAY RENTAL  
HOUSING ASSOCIATION



**NAA**  
NATIONAL APARTMENT ASSOCIATION

*Rental Housing* (ISSN 1930-2002-Periodicals Postage Paid at Oakland, California. POSTMASTER: Send address changes to RENTAL HOUSING, 3664 Grand Ave., Suite B, Oakland, CA 94610.

*Rental Housing* is published monthly for \$36 per year by the East Bay Rental Housing Association (EBRHA), 360 22nd Street, Suite 240, Oakland, CA 94612.

*Rental Housing* is not responsible for the return or loss of submissions or artwork. The magazine does not consider unsolicited articles. The opinions expressed in any signed article in *Rental Housing* are those of the author and do not necessarily reflect the viewpoint of EBRHA or *Rental Housing*. This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting or other professional services. If legal service or other expert assistance is required, the services of a competent person should be sought. Acceptance of an advertisement by this magazine does not necessarily constitute any endorsement or recommendation by EBRHA, express or implied, of the advertiser or any goods or services offered. Published monthly, *Rental Housing* is distributed to the entire membership of EBRHA. The contents of this magazine may not be reproduced without permission. Publisher disclaims any liability for published articles. Printed by Jostens Printing Co. Copyright © 2019 by EBRHA. All rights reserved.

# contributors

---



## 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



---

---

# Eviction Programs

Getting Ahead of the Curve.

BY LARRY BROOKS

**W**e 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.

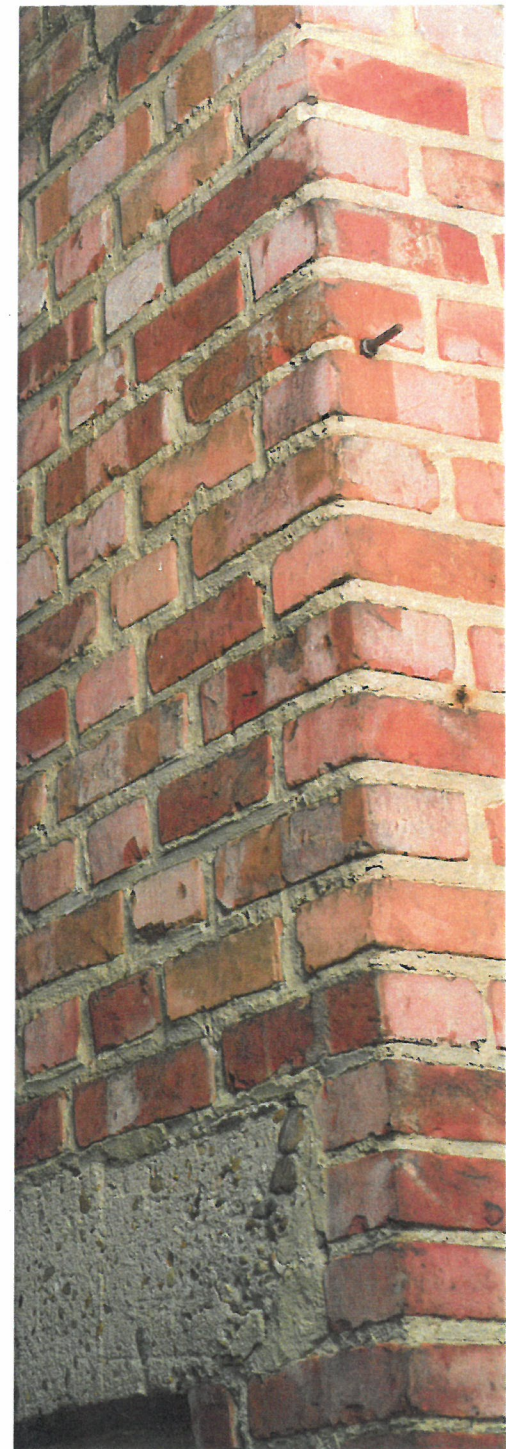
So removing that shadow requires pointing some light where it all begins which is at the rental site!

### **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

	San Jose	Sacramento	Los Angeles	Long Beach	Fresno	Oakland
Program Name	Residency Occupancy Permit Program	Rental Housing Inspection Program (RHIP)	Healthy Housing and Vector Control Program	Proactive Rental Housing Inspection Program	Fresno Proactive Rental Inspection System	Healthy Housing Proactive Rental Inspection Program
Municipal Code Section	San Jose MC 17.20.500 et seq.	Sacramento MC 8.120 et seq.	Los Angeles City Council Ordinance No. 172,109	Long Beach MC 18.30 et. seq.	Chapter 10, Article 16 Ordinance No. 2017-5.	N/A
Properties Covered	3 or more units apartment buildings. Also includes: emergency residential shelters, guesthouses, motels/hotels, residential care facilities for more than 7 people, residential service facilities, and fraternity and sorority houses.	All Residential Rental Properties are covered	All residential rental properties with two (2) or more units	4 or more units. All units are required to register within 60 days of November 1st. Also includes: Boarding Schools, B&B's Hotels & Motels	All residential rental units in the city	Scenario 2: Rental Properties 2+ Units
Eligibility requirements for exemptions from inspection	N/A	Owner-occupied units, properties five years old or less, properties in escrow (for sale) or units that are routinely inspected by other local agencies.	Owner-occupied units	Owner Occupied Units. Buildings with fewer than 4 units	Newly constructed buildings for a period of ten years. Government regulated, subsidized residential units of those with Government-Sponsored Financing—can be reinstated after ten years if first inspection has no violations, and owner does not owe any fees or taxes related to the property.	Owner Occupied; Condominiums; Building built within the last 5 years
Building targeting scheme	N/A	If a unit fails an inspection while in the Self-Certification Program, they are automatically inspected the next year.	N/A	No less than 10% of all units on property are inspected	A property can go in the self-certification program if it is inspected at least once every twelve months, and re-inspected upon change of tenancy by a professional property management company licensed by the State of California. The owner can provide documentation on forms created by the city to prove that the routine inspections took place and what they consisted of. Every year, 10% of the residential rental properties	If a unit fails an inspection while in the Self-Certification Program, they are automatically inspected the next year.
					in the self-certification program (but only a sampling of its units, will be inspected) on a random basis each year. If they pass, they are exempt from random inspections for five years. Properties with violations posing imminent danger of death or serious injury are removed from the program. On self-inspection report, knowingly lying on it results in a \$100 fine per unit for first offense and then \$250 per unit afterwards	
Inspection coverage	Exterior and interior, full inspection. Inspection includes all of the provisions of the state housing law and this Code which are applicable to the proposed use of the building including, but not limited to, provisions relating to construction, maintenance, sanitation, ventilation, use and occupancy of the building, zoning, and fire.	Exterior and interior, full inspection. Inspection includes: premises, exterior walls, ventilation, stairway/landing/treads/risers, roof and ceilings, lighting, electrical, common areas, entry doors, windows, and window locks, heaters, kitchen counters and sink surfaces, floor coverings, plumbing, water heaters, smoke/carbon monoxide detectors.	Exterior and interior, full inspection. Inspection includes: fire and safety code regulations, housing habitability code regulations, building code/electrical code/plumbing code/ heating and ventilation code requirements, health code regulations.	Exterior and interior, full inspection. Inspection includes: fire and safety code regulations, housing habitability code regulations, building code/electrical code/plumbing code/heating and ventilation code requirements, health code regulations	Living Room, Kitchen, Bathroom, Other Rooms Used for Living and Halls, Garages, All Secondary Rooms, Detached Buildings, Building Exterior, General Health and Safety, Heating and plumbing.	Exterior and interior, full inspection. Inspection includes: fire and safety code regulations, housing habitability code regulations, building code/electrical code/plumbing code/heating and ventilation code requirements, health code regulations
Frequency of inspection	6 year cycle	All units every 5 years; Property owners are allowed to opt into Self-Inspection Program after a passed initial inspection; 10% of Self-Certified Units are randomly inspected every year.	4 year cycle listed on ordinance (took 7 years for the first cycle)	"Periodic"	See Self-Certification Program	All units every 5 years; Property owners are allowed to opt into Self-Inspection Program after a passed initial inspection; 10% of Self-Certified Units are randomly inspected every year.

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.<sup>1</sup> 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 healthy 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.<sup>2</sup>

### 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.”**

tionally 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 housing 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**

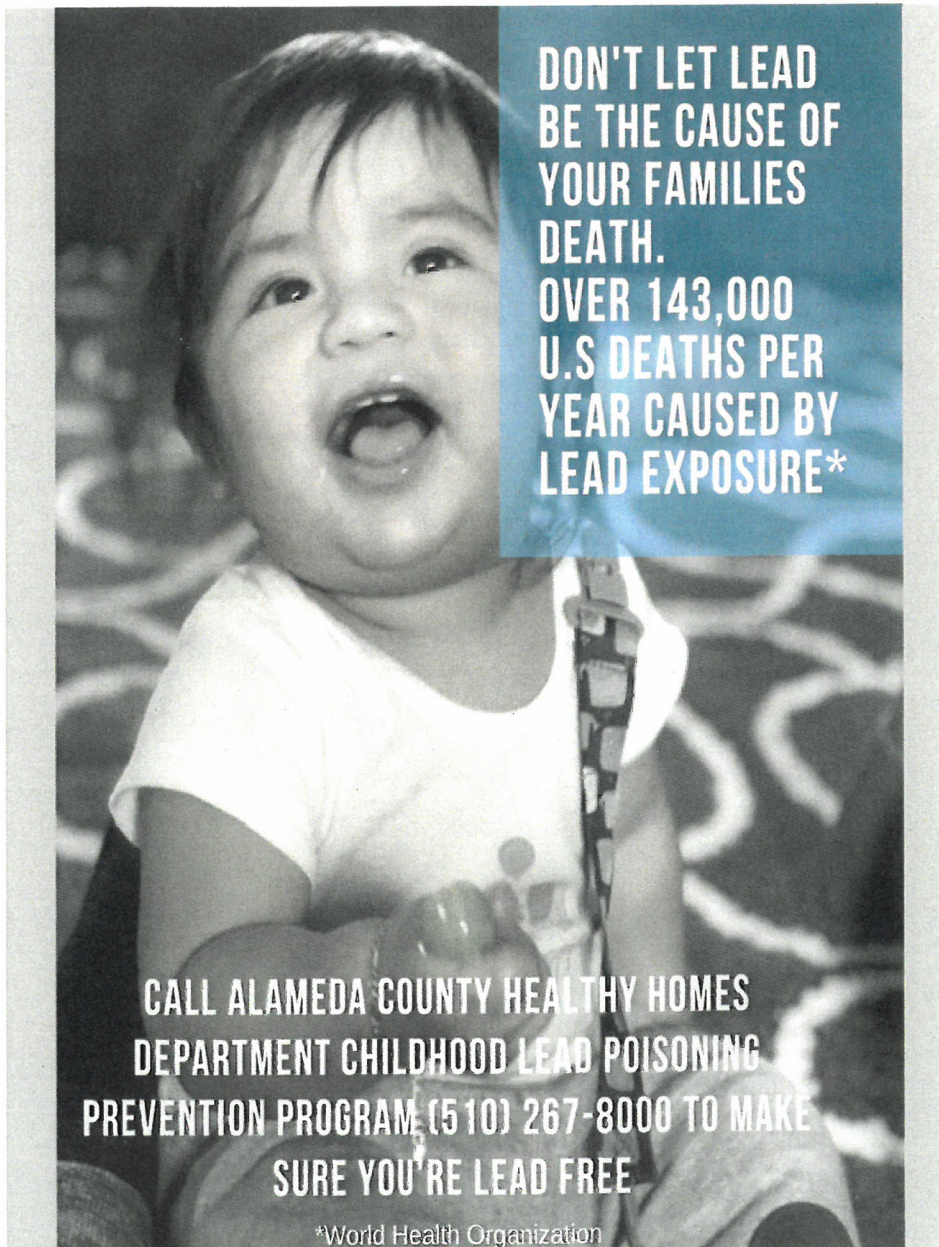
---

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.

---

**Reference**

1. California Breathing Alameda County Profile Active Asthma Prevalence. Available here: <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHIB/CPE/Pages/CaliforniaBreathing-CountyAsthmaProfiles.aspx>
2. National Fire Protection Association Report “Smoke Alarms in U.S. Home Fires” January 2019



**DON'T LET LEAD BE THE CAUSE OF YOUR FAMILIES DEATH. OVER 143,000 U.S DEATHS PER YEAR CAUSED BY LEAD EXPOSURE\***

**CALL ALAMEDA COUNTY HEALTHY HOMES DEPARTMENT CHILDHOOD LEAD POISONING PREVENTION PROGRAM (510) 267-8000 TO MAKE SURE YOU'RE LEAD FREE**

\*World Health Organization