

CITY OF SAMPLE

Community Development Dept.
Building & Safety Division
11111 Agency Street
Sample, CA 90000
www.sample.gov
(555) 555-5555

ADDRESS:	123 Main St
APN#:	123 4567 890
CASE NUMBER:	COD2016-00001

NOTICE AND ORDER TO ABATE NUISANCE

September 1, 2019

Property Owner Name
Address
City, CA 91111-1111

CC: Occupants
Address
City, CA 91111-1111

CC: PRLAP Inc., Trustee for Bank of America
Jacksonville Post Closing
Recorded: May xx, 200x, Instrument No. 200x-1xxxxx
9xxx Southside Blvd., Bldg. 7xx, File Receipt Dept.
Jacksonville, FL 3xxxx



Re: Address, City, State, Zip.

Dear: Property Owner:

The City of Sample has received information of violations of the Sample Municipal Code (FMC) existing on your property referenced above. An investigation has been conducted and the violations have been verified.

This is formal notice from the City of Sample to abate the violation(s) on your property. **The included photo(s) is/are intended to be representative only, and is/are not a checklist for of items that need to be corrected. If additional violations are observed during future inspections an amended Notice will be issued.**



<p># 1</p>	<p>Violation:</p>	<p>Mold growth observed on the walls in the master bedroom and its closet to the extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof.</p> <p><i>City housing inspectors are not qualified to provide any health-related advice or assistance. Do not rely on their assessments or this Notice as it relates to health risks or concerns. For health-related mold concerns, consult a medical professional and consider the State Health Department's guidelines. A copy is enclosed.</i></p>
	<p>Code:</p>	<p>California Health & Safety Code § 17920.3(a)(13) (visible mold growth)</p>
	<p>Required Correction:</p>	<p><i>An immediate response and thorough cleaning, drying, and/or removal of water-damaged materials will prevent or limit mold growth. In addition to the requirements described below, follow the guidelines within the enclosed "Mold or Moisture in My Home: What Do I Do?" publication, and also consider the recommended safety practices, and tenant/occupant notification in that document.</i></p> <ol style="list-style-type: none"> 1. Determine the source or cause of water intrusion or moisture condensation that is contributing to the mold growth and take corrective action to eliminate and/or prevent the intrusion or condensation. The underlying moisture problem must be corrected to prevent recurring mold growth. An appropriate building expert may be needed to identify and repair building problems. 2. Clean and thoroughly remove all visible mold. Non-porous materials (e.g. metals, glass, and hard plastics) may be able to be cleaned. Semi-porous and porous structural materials, such as wood and concrete can be cleaned if they are structurally sound. 3. Replace all porous materials containing visible mold that cannot easily be cleaned, such as ceiling tiles, insulation, carpet, and padding.

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| | | <p>4. Replace all water damaged building materials including all drywall containing more than a small amount of visible mold or where mold has penetrated its outer surface. Wallboard must be cleaned or removed at least six inches beyond visually assessed mold growth (including hidden areas) or wet or water-damaged areas. Building permits may be required. Consult with our code enforcement officer on the need to obtain permits once you have located the moisture source and have anticipated the scope of work required for correction.</p> |
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Your compliance date is September 30, 2019. Compliance dates for the violation(s) are set by the code enforcement officer. All violations must be abated/removed prior to this scheduled compliance date unless otherwise instructed by the code enforcement officer.

The owner and/or his/her agent are required to obtain the appropriate permits for all work necessary to legalize and/or demolish any unpermitted work and/or conditions that have been deemed to be unsafe or in disrepair. After the required permits have been obtained, the work to correct any violations will be allowed to proceed. All work is required to be inspected and approved prior to covering it with any type of finish material.

NOTE: It is required to have the property owner(s) and/or their representatives attend the inspection and allow full access to the property per and California Health & Safety Code (HSC) § 17970 (*Inspection*), and California Building Code (CBC) §104.6 (*Right of Entry*). If the dwelling(s) and/or structure(s) are not owner occupied, the property owner(s) are required to notify the tenants of the scheduled inspection. If access is not granted at the scheduled date and time, the City will take further enforcement action(s) to gain access to conduct the inspection.

APPEAL OF THIS NOTICE

You have the right to appeal the determination of nuisance or the specific remedies and administrative orders imposed by this Notice by filing a written appeal with the City clerk (*City of Sample City Clerk's Office, 11111 Agency Avenue, P.O Box 1000, Sample, CA 90000*) within seven (7) calendar days of the date of service of this Notice, pursuant to FMC section 8.60.120.

If you do not file an appeal you waive all right to an administrative hearing on this matter. If you do not abate the nuisance within the date specified in this Notice, the City may act to abate the nuisance at your expense. Abatement expenses will be billed to you and could ultimately become a lien on the property.

If there are any questions, please contact me during normal business hours. **If you would like to meet me in person, you need to arrange an appointment prior to coming in. Appointments can be scheduled by contacting me at (555)555-5555.** We appreciate your cooperation with this matter.

Sincerely,

Name, title
Contact information

BUILDING PERMITS:

Building Permits are required for construction and/or alterations as specified in this Notice. Building permits may be obtained for the legalization of the violation(s) by visiting Development Service Center located at **11111**

Agency Street, Sample, CA 90000 (First Floor), operation hours are 8:00 AM to 4:00 PM Monday through Thursday and 8:00 AM to 12:00 PM on Fridays.

BUILDING INSPECTIONS:

Building Inspections are required to be finalized prior to the compliance date indicated in notice. Once the building permit(s) are obtained you must contact your code enforcement officer to inform them that a permit has been obtained. To schedule a building inspection, it is required to call the City's automated line at (555) 555-5555, one to three days prior to the desired inspection date.

PLEASE NOTE: A building permit expiration date is automatically issued for six (6) months from the issuance, however, the code enforcement officer will establish a timeline for compliance. Failure to follow the correct process of building inspections will result in the permit(s) recorded as invalid.

PENALTIES

Penalties may be issued to the property owner(s) of record or other responsible parties for failure to comply with any Notice by the compliance date. All violation(s) shall be abated and/or corrected prior to the next scheduled inspection (re-inspection/compliance date) stated in this Notice. All partial, incomplete and/or unaddressed violation(s) that continue to exist on the property are subject to Penalties. The Penalties may be administered for each violation not abated and/or corrected. The City may take other administrative actions and/or initiate criminal proceedings until compliance is achieved.

CITATIONS:

Pursuant to FMC § 1.20.140, administrative citations carry maximum penalties for first and subsequent occurrences in the amount **\$100.00**, second occurrence in the amount **\$200.00** and third occurrence in the amount **\$500.00**. Administrative citations can be issued for each day and for each of the violation(s) that continues past the due date specified. However, the issuances of the administrative citations are not the exclusive remedy.

ORDER TO VACATE AND/OR ABATE

An additional order may be issued requiring the building or structure to be vacated where necessary to abate the nuisance or for the protection of human safety pursuant to Under § 17980(b)(2) (Vacation Requirements) of the California Health & Safety Code (HSC), § 54 (Noticing: Nuisances) of California Code of Regulations (CCR), Chapter 4 (Notices and Orders of Building Official) of the Uniform Code for the Abatement of Dangerous Buildings (UCADB) , or § 108 of the International Property Maintenance Code (IPMC).

In conjunction, the Notice may specify that abatement proceedings will be commenced for the correction though demolition, closure, and or repairs of such building or structure. If the City must undertake the abatement of the nuisance, the costs of such process may be recorded as a lien against your property if you fail to pay the costs.

UTILITY REMOVAL NOTICE

If any structure and/or property contains hazardous and/or substandard conditions which have not been abated prior to the compliance date and those conditions pose an imminent hazard to life and property of the general public, then the City of Sample's Building Official has the authority to secure the hazardous conditions and/or substandard conditions. Pursuant to California Residential Code (CRC) § R111.3 (Authority to disconnect service utilities) this authority includes terminating some or all of the utilities services from the structures and/or the property.

Once the utilities are terminated, entry onto the property will be prohibited and the structure must be immediately vacated. The structures shall remain vacant until such time that all violations are corrected and approval is obtained from the building official.

PLACARD:

If structure and/or property is posted with a placard, such as, but not limited to “CAUTION, WARNING, DANGER, DO NOT ENTER, UNSAFE TO OCCUPY, RESTRICTED USE,” it is mandatory to follow the instructions as stated on the placard. Please be advised that once the placard is placed by an officer, the placard cannot be removed until such time as the violation(s) are corrected. **IT IS A MISDEMEANOR FOR ANY PERSON OTHER THAN AN OFFICER TO REMOVE THE PLACARD.** (FMC § 15.45.010 AND § 1.15.010)

REVOCAION OF CERTIFICATE OF OCCUPANCY.

Any structure found to violate applicable laws may be grounds for the building official to revoke the certificate of occupancy pursuant to California Building Code § 111.4 for the structures on the property in conjunction with vacation. If this occurs, structures may not be reoccupied until made safe and a new certificate of occupancy is obtained for the structures.

NOTICE RECORDING:

Buildings or portions thereof that do not meet the minimum safety standards may be declared to be substandard and/or dangerous as per California Health & Safety Code § 17920.3 and/ or Uniform Housing Code § 1001.1. If this is the case with your property, a relevant formal declaration along with a Notice describing the conditions may be filed with the County Recorder’s Office and sent to any lien holders pursuant to the Uniform Code for the Abatement of Dangerous Buildings § 402 (Recordation of Notice and Order)

FOR NON-OWNER OCCUPIED DWELLING

TAX LIABILITY:

Under Revenue & Tax Code § 17274 and § 24436.5, interest, taxes, depreciation or amortization paid or incurred in the taxable year with respect to substandard housing as defined by those statutes may not be deducted if the residential unit has not been brought into a condition of compliance within six months from the date of this notice. If the substandard housing conditions are not corrected within this time, a notification of non-compliance will be sent to the Franchise Tax Board and recorded in the Office of the County Recorder. (Health & Safety Code § 17980(d)).

RETALIATION PROHIBITED.

Civil Code § 1942.5 prohibits a lessor of rental housing from retaliating against a lessee because of the exercise by the lessee of his rights under Civil Code §1940 *et seq.* or making a complaint to an enforcement agency as to the tenability of a dwelling. (Health & Safety Code § 17980.6).

RELOCATION MAY BE REQUIRED.

Pursuant to Health and Safety Code § 17975, an owner must pay relocation benefits to any tenant who is displaced or subject to displacement from a residential rental unit as a result of an order to vacate or an order requiring the vacation of a residential unit by a local enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered. The local enforcement agency shall determine the eligibility of tenants for benefits and the amount of the benefit.

MAY BE UNLAWFUL FOR LANDLORD TO DEMAND OR COLLECT RENT OR ISSUE NOTICE.

Pursuant to California Civil Code § 1942.4(a), a landlord of a dwelling may not demand rent, collect rent, issue a notice of a rent increase, or issue a three-day notice to pay rent or quit pursuant to subdivision (2) of § 1161 of the Code of Civil Procedure, if all of the following conditions exist prior to the landlord's demand or notice:

- The dwelling substantially lacks any of the affirmative standard characteristics listed in § 1941.1 or violates § 17920.10 of the Health and Safety Code, or is deemed and declared substandard as set forth in § 17920.3 of the Health and Safety Code because conditions listed in that exist to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants of the dwelling.
- A public officer or employee who is responsible for the enforcement of any housing law, after inspecting the premises, has notified the landlord or the landlord's agent in writing of his or her obligations to abate the nuisance or repair the substandard conditions.
- The conditions have existed and have not been abated 35 days beyond the date of service of the notice specified in paragraph (2) and the delay is without good cause, and the conditions were not caused by an act or omission of the tenant or lessee in violation of § 1929 or § 1941.2.