

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING CITY CODE CHAPTER 9.22 of Title 9 (Health and Sanitation) TO
PROHIBIT SUBSTANDARD HOUSING CONDITIONS**

The City Council of the City of Cupertino finds that:

WHEREAS, the State of California has passed Assembly Bill (AB) 838. The Bill expands existing State Housing Law related to buildings used for human habitation with the addition of California Health and Safety Code section 17970.5 and imposes new duties on Cities and Counties;

WHEREAS, AB 838 requires the City respond to and address complaints involving substandard housing conditions, particularly those involving conditions which violate California Health and Safety Code sections 17920.3 *et. seq.*, and 17920.10 *et. seq.*;

WHEREAS, The City is committed to the prevention and elimination of blight and slum conditions. With the passage of AB 838, the City will have the ability to provide additional health and safety services and thus ensure housing conditions remain standardized for its residency.

**NOW, THEREFORE, THE CITY COUNCIL OF THE OF CITY OF CUPERTINO
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Adoption.

The Cupertino Municipal Code is hereby amended as set forth in Attachment A.

SECTION 2: Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted

the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

SECTION 3: California Environmental Quality Act.

This Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The foregoing determination is made by the City Council in its independent judgment.

SECTION 4: Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 5: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on [September 19, 2023] and **ENACTED** at a regular meeting of the Cupertino City Council on [October 17, 2023] by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Hung Wei, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Kirsten Squarcia, City Clerk</p>	<p>_____</p> <p>Date</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p> <p>Christopher D. Jensen, City Attorney</p>	<p>_____</p> <p>Date</p>

Attachment A – An Ordinance of the City Council of the City of Cupertino establishing property maintenance standards and prohibiting substandard housing conditions.

The sections of the Cupertino Municipal Code set forth below are adopted as follows:

9.22.060 Substandard Housing Conditions Prohibited.

(A) No property owner(s), agent(s), lessee(s), responsible party, any other person(s) or entity having control of, or control over the occupancy of any real property (including City property) within the City shall maintain or allow to be maintained any of the following conditions:

(1) Any building, residence and/or structure, or portion thereof, used for human occupancy in substandard condition, as defined by California Health and Safety Code section 17920.3 et. seq.

(2) Any building, residence and/or structure, or portion thereof, used for human occupancy to create a hazardous condition or environment, as defined by California Health and Safety Code section 17920.10 et. seq.

(B) Fees.

(1) Upon receiving a formal notification of any substandard housing violations in accordance with Chapter 1.10, the owner(s), agent(s), lessee(s), responsible party(s), and any other person(s) or entity having control of, or control over the occupancy of any real property shall be jointly responsible to cure the violations by completing any required corrective actions or measures as listed and shall be jointly and severally liable for any liability arising from a violation of this section.

(2) Upon deadline lapse and after one (1) re-inspection after which there was no progress noted, the City Manager or their designee may require a re-inspection fee, which may be established by a resolution of the City Council.

(3) Nothing herein shall preclude the City Council from imposing additional fees to pay the cost of administering this section; provided, however, that no fee shall be charged for the inspection of or any inspection report about any property done or prepared pursuant to this section unless the inspection reveals one or more material violations of Health & Safety Code section 17920.10 or deems and

declares the property substandard pursuant to Health & Safety Code section 17920.3.

- (C) Enforcement. Notwithstanding the provisions of section 9.22.030, any person who violates the provisions of this section shall be subject to enforcement under Chapter 1.10, including but not limited to section 1.10.070 (C), and to prosecution under Chapter 1.12.