

MAINTAINING HABITABILITY

Landlord's Responsibilities:

Provide rental units in "habitable" condition (CC 1941.1), including:

- ✓ Effective waterproofing/weather protection roof, exterior walls, incl. unbroken windows and doors
- ✓ Plumbing facilities in good working order, incl. hot and cold running water, connected to a sewage disposal system
- ✓ Gas & Heating facilities in good working order
- ✓ Electrical system, incl. lighting, wiring and equipment, in good working order
- ✓ Clean and sanitary buildings, grounds and appurtenances (e.g. garden/garage) free from debris, filth, rubbish, garbage, rodents and vermin
- ✓ Adequate trash receptacles in good repair
- ✓ Floors, stairways and railings in good repair
- ✓ A working toilet, wash basin and bathtub or shower. The toilet and bathtub/shower in ventilated room that allows for privacy.
- ✓ Kitchen with sink, which cannot be made of absorbent material (e.g. wood)
- ✓ Natural lighting in every room (windows, skylight). Unless there is a ventilation fan, windows must be able to open at least halfway.
- ✓ Safe fire or emergency exits leading to street or hallway. Stairs, hallways and exits must be kept litter free. Storage areas, garages, and basements must be kept free of combustible materials.
- ✓ Operable deadbolt locks on main entry doors and operable locking or security devices on windows
- ✓ Working smoke detectors/carbon monoxide in all units, and common stairwells /hallways

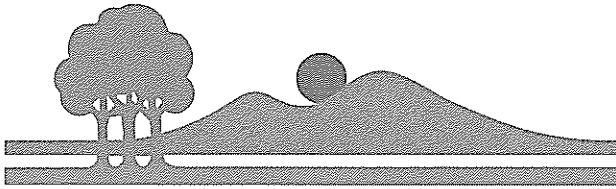
Tenant Responsibilities:

Take reasonable care of rental unit and common areas. And keep in good condition. Tenant is responsible for damage caused by tenant or tenant's guests, children or pets (CC 1941.2) including:

- ✓ Keep premises as clean and sanitary as the condition of the premises permits
- ✓ Use and operate gas, electrical and plumbing fixtures properly
- ✓ Dispose of garbage in a clean and sanitary manner
- ✓ Do not destroy, damage or deface premises, or allow anyone else to do so
- ✓ Do not remove any part of structure, dwelling unit, facilities, equipment or appurtenances, or allow anyone else to do so
- ✓ Use premises as place to live and use for proper purposes
- ✓ Notify landlord when deadbolt locks or windows do not operate properly or repair or maintenance needs to take place

Addressing Habitability Issues

- ✓ Educate tenant on responsibility to take reasonable care of rental unit and common areas and keep areas in good condition and on procedure to report needed repairs.
- ✓ Respond in writing and schedule repairs as soon as feasible. Keep tenant informed. If repairs are going to be delayed offer tenants a rent reduction for time period the habitability issue exists.
- ✓ Keep documentation. Take photos or videos.
- ✓ Learn about your rights by contacting the MV Rental Housing Helpline.
- ✓ Do not lose sight of the long term needed capital improvements of the property.
- ✓ Follow the instructions and guidelines of the Multi-Housing Inspection, scheduled at regular intervals.
- ✓ Use the mediation program to resolve problems with tenants before petition for downward adjustment of rent is initiated.



Multi-Family Housing Inspection Program

This program includes multi-family housing properties with 3 or more units in a building (MVCC Chapter 25)

Total properties: 675 / Total units: Approximately 16,500.

Inspection cycle schedule:

- Properties designated as Serious: every 4 years.
- Properties designated as Non Serious: complaint based or upon change of ownership.

Annual Per Unit Fee: Serious- \$19.00; Non Serious- \$5.00

Reinspection Fee: \$108.00 hour/ 2 hour minimum **after** second re-inspection.

Common serious violations

- Smoke and Carbon monoxide detectors missing or failed during inspection.
- Fire extinguishers requiring annual servicing.
- Combustibles stored too close to wall mounted heater (no closer than 18 inches)
- Exposed electrical wiring, including loose cord connects of Garbage disposals units.
- Holes in fire resistant building systems, Carports, garages attached storage/mechanical rooms.
- Work done without the required building permit(s).
- Water heater missing the required seismic straps.

Common non-serious violations

- Use of grounding adaptor (three-prong) in a non-grounded two-prong electrical outlet.
- Use of extension cords instead of surge protected power stipes.
- Use of a multi-plug adaptor (a surge protected power strip shall be used instead)
- Toilets not securely mounted.
- Dripping faucets/Missing faucet water supply handles.
- Use of non-approved sink drain materials (plastic flex and/or rubber).
- Damaged exterior trim/siding caused by physical impact or water damage.
- Damaged counter tops.
- Sink, bathtub and showers edges requiring caulking.
- Missing window screens.
- Circuit breakers not marked as to what they serve.
- Nonfunctional exterior lights (security, exit, porch, landscape).
- Openings under the sinks(s) where the drain and water supply pipes enter.
- Unlabeled gas and electrical meters.
- No peep hole in exit doors where there is no way to seeing directly outside the door.
- Windows and doors that don't fully close tight and lock.
- Exterior lights not working as designed (security, exit, porch, landscape).

CITY OF MOUNTAIN VIEW

MULTI-FAMILY HOUSING VIOLATION CHECKLIST

This checklist is provided for your convenience and is designed to assist you in understanding inspection and code requirements. This checklist can be used by you on a regular basis to evaluate your property in regards to basic fire, electrical, plumbing, housing, and mechanical code requirements. **Use of this checklist does not replace the City's routine inspection program, but it will help you understand the types of issues the City inspector looks for during the inspection. Items marked with a shaded box are considered serious violations, versus nonserious violations marked with an unshaded box. If used proactively, correcting any serious violations prior to the inspection can reduce the annual inspection fee. This is not an exhaustive or comprehensive list but only provided as a guide.**

Electrical Standards

- The electrical wiring of the garbage disposal must be properly installed. Flexible electrical cords shall be so connected to devices and fittings so that tension will not be transmitted to electrical joints or terminals and labeled on outlet.
- Grounded electrical outlets must be properly wired. Reverse polarity and/or open grounds are not allowed.
- All ground-type, three-prong receptacles must be properly grounded or provided with GFCI protection. All ground-type electrical receptacles wired to nongrounded electrical systems must be replaced with proper two-prong, nonground receptacles to prevent misuse and to protect users from possible injury.
- Circuit breakers or fuses must be legibly and durably marked at the circuit box or subpanel to indicate the circuit it protects. (No voids shall be left in panel.)
- All electrical light switches and receptacles shall be securely attached to the junction box and fit snugly against the wall surface. All faceplates must be solid, unbroken, and secured tightly to the device yoke and flush against the wall.
- To prevent possible injury to the user, pull-chain switches for electrical fixtures must be made of nonconductive material at any point at which the user can make contact.
- Higher-ampere fuses than design and wire gauge are not allowed.
- Flexible electrical cords and cables (such as extension cords, etc.) cannot be used: (1) as a substitute for the fixed wiring of a structure; (2) through holes in walls, ceilings, or floors; (3) through doorways, windows, or similar openings; (4) where attached to building surfaces; (5) where concealed behind building walls, ceilings, or floors; (6) where installed in raceways.
- In locations where electrical equipment could be exposed to physical damage, appropriate enclosures or guards shall be installed to prevent damage to it.
- All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors suitable for the purpose and terminated in the junction box.
- No electrical system, including outlets, permanently wired outlet extensions, and electrical devices, shall be installed or altered unless a separate permit for each building or structure has first been obtained from the Chief Building Official.

Fire Safety Standards

- To maintain required fire separation protection for dwelling units, all holes, gaps, and openings in the ceiling and walls of the carport/garages must be repaired. Finished surfaces must be solid, continuous and sealed around all penetrations. Repairs must be made in the same material as the original construction or of a material with equal fire rating.
- Vegetation overgrowth must not inhibit proper use of required exiting stairways. All encroaching

vegetation must be trimmed or removed to assure safe ingress and egress.

- Every apartment complex is required to have at least one (1) 2-A:10-B:C rated fire extinguisher located within 75' travel distance of the entrance door of each dwelling unit and 50' travel distance of every covered parking stall. In multi-story apartment complexes, extinguishers must be provided and mounted on every floor so that travel on stairways will not be required to reach an extinguisher.
- All fire extinguishers are required to have a minimum 2-A:10-B:C rating. Soda acid and water load extinguishers are inadequate to fight electrical and oil fires and must be replaced.
- Fire extinguishers are required to be serviced, recharged, and tagged by a State licensee at least once a year, after each use, or when pressure gauge shows recharge needed.
- Smoke alarms shall be installed and maintained in full working order at all of the following locations: on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms, in each room used for sleeping purposes, and in each story within a dwelling unit and in enclosed common stairwells of apartment complexes and other multiple-dwelling complexes.
- A carbon monoxide (CO) alarm shall be installed in all dwelling units of multi-unit occupancies having fossil-fuel-burning appliances or attached garages. CO devices should be installed outside each sleeping area. The device manufacturer's installation instructions should also be followed (*Senate Bill 183, also known as the "Carbon Monoxide Poisoning Prevention Act"*).
- Refuse dumpsters/containers with an individual capacity of 1.5 cubic yards or greater stored or placed within 5' of combustible walls, openings, or eave lines, shall be protected by an automatic fire protection (sprinkler) system (keep lids closed).
- Windows, sliding glass doors, and all exiting systems within a dwelling unit shall be obvious, unobstructed, and permit exiting from the building in the case of an emergency.

General Exterior Standards

- The exterior surfaces of the buildings must be maintained, including replacement of broken and cracked windows and doors and providing paint or other approved protective covering for weather-exposed surfaces.
- All crawl space vent openings must be covered with a corrosion-resistant wire mesh with mesh openings of 1/4" in dimension. All screens must seal tightly to prevent infestation.
- Crawlspace shall be provided with a minimum 18" by 24" opening unobstructed by pipes, ducts, crawl spaces, and similar construction with cover.
- Leaking roofs should be repaired or replaced.
- The guardrails and/or handrails of exterior stairways and balconies must be securely attached to the deck or structure.
- The swimming pool or the entire property on which it is located shall be walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. The wall or fence shall be a minimum of 60" high with a self-closing, self-latching device placed no lower than 54" above the ground.
- All required security lighting must be maintained operational at all times. All automatic control devices must be periodically adjusted to assure lighting fixtures will operate from before dusk to after dawn.
- All garbage containers are required to have tight-fitting lids which must be in place at all times in order to promote sanitation and health.
- Property owners shall provide a sufficient number of standard garbage containers with close-fitting covers for receiving and holding all garbage from the premises without leakage or escape of odor.
- Registration shall be current for all vehicles on a property unless vehicles are completely enclosed within a building.
- Fences, walls, hedges, or street plantings shall not exceed 3' in height within the required front yard or street setback.

General Interior Standards

- Surfaces shall be protected by appropriate moisture-resistant wall covering or paint.
- All holes, gaps, cracks, and openings in floors, walls, and ceilings must be patched and sealed, and all baseboards secured in place to prevent insect infestation.
- All water-damaged surfaces must be restored to their original condition.
- All missing, broken, and loose wall and/or countertop ceramic tile must be replaced and/or reattached to create a solid surface. All cracked ceramic tile must be sealed to prevent water entry to the substructure and water damage to the structure.
- All habitable rooms within a dwelling unit shall have a minimum net glazed opening of not less than 8 percent of the floor area of the room served.
- All habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than 4 percent of the floor area being ventilated.
- In lieu of required exterior openings for natural ventilation, a mechanical ventilation system may be provided. Such mechanical ventilation system must be maintained in full operational condition at all times (bathrooms).
- Shower walls shall have smooth, hard, nonabsorbent surfaces such as Portland cement, concrete, ceramic tile, or other approved material to a height of 70" above the drain inlet. All valves, faucets, and shower assemblies provided on these walls shall be installed and sealed in an appropriate manner to protect structural elements from moisture and water damage.
- Water-heating equipment shall be provided with an approved listed, adequately sized pressure relief valve.
- All water heater pressure relief valves installed on water heaters located within a building or structure shall be provided with full-sized drain of galvanized steel or hard-drawn copper piping and fittings. Such pipes shall extend from the valve to the outside of the building, with the end of the pipe not more than 2' nor less than 6" above ground and pointing downward. No part of such pipe shall be trapped, and the terminal end of the drainpipe shall not be threaded.
- An odorizing agent in natural gas has a detrimental effect on copper gas lines, causing deterioration to the inside of the pipe. The International Plumbing Code requires the replacement of all copper gas lines supplying gas-burning appliances with approved materials.
- No drainpipe for any clothes washer shall extend more than 30" nor less than 18" above the trap. Clothes washer drainpipe traps shall be installed not less than 6" and not more than 18" above the floor.
- Clothes washers and similar plumbing appliances shall not be directly connected to the building drainage system in such a manner as to create a back-siphonage due to suction (air break required).
- All floor-mounted plumbing fixtures, such as toilets, shall be rigidly secured to the drainage connection and to the floor and caulked around the base.
- No domestic dishwashing machine shall be directly connected to a drainage system or food waste disposer without the use of an approved dishwasher air-gap fitting on the discharge side of the dishwashing machine.
- All faucets, stop valves, drains, shower heads, and toilet assemblies shall be drip-free and not leak.
- Bathroom sink drain stop valve strainers are required to prevent rodent and vermin migration through the drainage system.
- Gas-burning water heaters shall be securely fastened in place by anchors or strapping to resist horizontal displacement due to earthquake motion. Strapping shall be at points within the upper one-third (1/3) and lower one-third (1/3) of its vertical dimensions. At the lower point, a minimum distance of 4" shall be maintained above the controls with the strapping (100-gallon—4 straps; 75-gallon—3 straps; 40-gallon—2 straps).

- Tub and shower enclosures, as well as sinks and countertops, require caulking, grouting, or sealing to prevent water leaks and damage to substructures.
- The drainage system (including "P-traps" and trap arms) is required to have a smooth and uniform interior waterway with a minimum 1/4" per foot slope and smooth interior surfaces for all drainage pipes and fittings. The use of "corrugated" flexible elbow pipes, traps, and trap arms is not permitted.
- The minimum required total area of combustion air openings in enclosures for gas-burning appliances shall be one hundred (100) square inches each; openings shall be located within the upper 12" of the enclosure and in the lower 12".
- Combustion air openings to attic spaces for gas-burning appliances are to be provided with galvanized sleeves of not less than 26-gauge steel or other approved material extending from the appliance enclosure to at least 6" above the top of the ceiling joist. Such openings must not be covered with screens.
- Domestic clothes dryers must terminate to the outside of the building and must be equipped with backdraft dampers. Ducts used for domestic clothes dryers must be of metal and shall have smooth interior surfaces. Screws are not permitted in ducts.
- No part of the grille for wall-mounted, gas-burning heaters shall be closer than 18" to combustible materials; i.e., couches.
- Dwelling units shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F. at a point 3' above the floor in all habitable rooms.
- Water heaters which depend on the combustion of fuel for heat shall not be installed in a room used or designed to be used for sleeping purposes, bathroom, clothes closets, or in a closet or other confined space opening into a bath or bedroom.
- Warm-air furnaces shall not be located in a room used or designed to be used as a bedroom, bathroom, closet, or in any enclosed space with access only through such room or space.
- Unused openings in a venting system must be closed or capped.
- Heating system and water heater flues must be properly connected. (Single-wall pipe connections shall be secured with three (3) screws.)
- The filter and filter enclosure cover for all furnaces must be maintained in proper position.
- An accessible shutoff valve must exist in the fuel-gas piping outside of each appliance and ahead of the union connection.
- Sliding glass windows shall have both a primary and an auxiliary locking device.
- A vent connector which is part of a gravity-type venting system shall have a continuous rise of not less than 1/4" per foot of length measured from the appliance vent collar to the vent.
- A manager, janitor, housekeeper, or other responsible person shall reside on the premises and shall have charge of every apartment complex in which there are 16 or more dwelling units.
- Openable windows must have screens.
- All window opening/closing devices for casement windows must be operable to allow window operation.
- The apartment complex shall be free of cockroach or rat infestations.
- Locks and latches for exit doors must allow opening from the inside without the use of a key or any special knowledge or effort. Locks, latches, and deadbolts for exiting doors of individual dwelling units must be mounted no higher than 48" above the floor level.



Mountain View Fire Department MEMORANDUM

FIRE SAFETY REGULATIONS FOR BARBECUES ON BALCONIES, PATIOS AND DECKS OF RESIDENTIAL OCCUPANCIES HAVING MORE THAN TWO DWELLING UNITS

The adopted Fire Code contains regulations for the use and storage of barbecues on specified balconies, patios and decks of residential structures having more than two dwelling units. These include apartments, condominiums and townhouses (except for townhouses located on individual parcels).

The following are the applicable sections from the Fire Code:

308.1.4. Open-Flame Cooking Devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10' (3,048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2-1/2 pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

Summary of the above code:

Charcoal Barbecues—It is acceptable to store the barbecue unit on a combustible balcony (i.e., wood) but it is not acceptable to operate it on a combustible balcony or within 10' of combustible construction (which includes the surrounding walls and overhangs above). It is acceptable to operate the barbecue on a balcony if the balcony, deck, overhangs and adjacent walls are of noncombustible construction or if the buildings, balconies, decks and overhangs are protected by an automatic fire sprinkler system.

Liquefied Petroleum Gas (LPG/Propane) Barbecues—It is not acceptable to store or operate an LPG barbecue with a propane fuel container size greater than one pound on a combustible balcony or within 10' of combustible construction (which includes the surrounding walls and overhangs above). It is acceptable to operate the barbecue on a balcony if the balcony, deck, overhangs and adjacent walls are of noncombustible construction or if the buildings, balconies, decks and overhangs are protected by an automatic fire sprinkler system.

Frequently Asked Questions:

When did these new requirements become effective?

Initially in 2007. Effective January 1, 2010 with the adoption of the California Fire Code.

Which municipalities have adopted Fire Code regulations for barbecues?

All municipalities in Santa Clara County have adopted the Fire Code regulations for barbecues.

Can electric barbecues be used on combustible balconies and decks without restriction?

Yes.

Are natural gas-fueled barbecues subject to the same regulations as LPG-fueled units?

Yes. Natural gas-fueled barbecues are prohibited according to the regulations of Section 308.1.4 (shown above) for open-flame cooking devices.

What types of materials are considered combustible construction and what types are considered noncombustible construction?

Wood or vinyl siding, wood decking and fabric awnings are examples of combustible construction. For the purposes of these regulations, stucco-covered walls/ceilings, concrete or tiled floors and wood railings facing the exterior (not between units) will be considered to be noncombustible construction. Note that certain composite deck and railing materials may also be considered noncombustible for the purposes of these regulations. Check with the Fire Department for approval.

Can I store my charcoal barbecue on my combustible balcony as long as I no longer use it?

Yes. However, first check with your building manager/owner as there may be more restrictive rules regarding barbecues for the property.

Can I store my LPG barbecue on my combustible balcony as long as I no longer use it?

Yes, but only if the fuel tank is removed. However, first check with your building manager/owner as there may be more restrictive rules regarding barbecues for the property. Note that the removed fuel tank may not be stored on the balcony, within 10' of combustible construction or inside of any enclosed structure. **TANKS CANNOT BE STORED ON THE INSIDE OF A DWELLING UNIT.**

Can I connect together (manifold) multiple smaller camp stove-size LPG containers to use in place of the larger size LPG tank to fuel my barbecue?

No.

Are there other restrictions I should be aware of regarding the use of propane fuel?

Yes, if your building has more than one dwelling unit above the first floor, you must transport the LPG/propane containers to your unit via an open exterior stairway. It is not acceptable to transport propane containers greater than one pound capacity inside the common building areas, i.e., enclosed interior stairways and elevators.

Who do I call if someone is using their barbecue in noncompliance with these regulations and I want to report it?

Call your building manager/owner to report the incident or contact the Fire Department's Fire Prevention Office during normal business hours (Monday through Friday) to register a complaint.

If I install a fire sprinkler on my balcony, can I use a barbecue?

No, the entire building requires a fire sprinkler system, not just the balcony area.

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