



Date: January 5, 2016
To: Patrick H. West, City Manager *T.H.W.*
From: Amy J. Bodek, Director of Development Services *A.J.B.*
For: Honorable Mayor and Members of the City Council
Subject: **Code Enforcement Case: Ken Roth / 345 Magnolia Avenue #14**

On December 1, 2015, Ken Roth spoke to the City Council during public comment. Mr. Roth's remarks pertained to property maintenance and vermin in his unit. Mr. Roth indicated that the Code Enforcement Division was not adequately responding to complaints at his unit. This memo includes additional information that was not provided by the speaker and specifies Code Enforcement's extensive efforts to gain compliance.

Mr. Roth presented three property maintenance issues during his comment period. The three issues were (1) overflowing trash receptacles in the alley behind the apartment building, (2) plumbing concerns, and (3) vermin issues within his unit. Mr. Roth's occupancy of this unit began in November of 2014. From November 2014 to present, Code Enforcement staff has responded to complaints from Mr. Roth related to plumbing and vermin issues within his unit. No complaints related to overflowing trash bins at this property were received.

Mr. Roth contacted Code Enforcement to report plumbing issues in his unit, Unit #14. This complaint was assigned to an Inspector, and the unit was subsequently inspected. At the time of inspection, no drainage issues were observed in Mr. Roth's unit. The Inspector also checked for drainage issues at Unit #7, which is located directly below Unit #14, as water drainage issues very frequently impact units that are "downstream" from the source of the complaint. No drainage issues were noted at Unit #7.

During the inspection of Unit #7, the tenant presented an invoice to the Inspector from a plumber who had indicated that the source of the recent plumbing issue was an improperly installed water filter. Mr. Roth installed this water filter in his bathroom without a building permit. The Inspector returned to Mr. Roth's unit and was able to observe water damage and the presence of mold/mildew in the bathroom vanity cabinet which is indicative of improperly installed plumbing. No further plumbing issues were noted within either of these units.

As it appeared that the improperly installed water filter was the cause of the mold and mildew, as is the City's practice, an Administrative Citation Warning

Notice was sent to the property owner. During this time period, staff was working with the property owner to resolve this issue. Subsequently, the Inspector spoke with Mr. Roth, to follow-up on this complaint, and was told that the mold and mildew issues had been corrected. This case was subsequently closed.

During the same phone conversation, Mr. Roth informed the Inspector that he was experiencing rodent issues at his unit. The Inspector returned to Mr. Roth's apartment unit to investigate the vermin issue. The Inspector was able to confirm the presence of vermin in the kitchen sink cabinet, and also noted the cover plate on the electrical outlet was missing. Again an Administrative Citation Warning Notice was sent to the property owner for both of these items.

Staff contacted Mr. Roth to set up a time for a follow-up inspection, which was subsequently conducted. During this inspection, the Inspector noted that the electrical cover plate in the kitchen sink cabinet had been replaced, and foam insulation had been placed in the small holes under the cabinet and near the dishwasher. The holes may have been the entry point for the vermin. Foam insulation is not appropriate for rodent proofing so staff requested these areas be patched with plaster. A follow-up notice was sent to the property owner indicating that the vermin issue required further corrective action.

Staff returned to the property to follow-up on this issue. No further corrective action was observed during this inspection. A final notice of non-compliance outlining the violation was sent to the property owner and the notice required corrective action. Staff contacted Mr. Roth to determine the status of repairs and schedule another inspection. Subsequently, staff inspected the unit and found that the property owner had removed some of the foam insulation from the possible entry holes and repaired these areas with plaster. No further evidence of vermin was found.

Staff received another phone call from Mr. Roth indicating that vermin were still a problem. Staff met with property management repair personnel at Mr. Roth's unit to discuss other possible repairs that could help eliminate rodent entry. Property management made additional repairs to the area under the kitchen sink, adjacent dishwasher, and nearby water heater closet in an effort to correct this problem. No further complaints from Mr. Roth have been received.

Staff received an email from the property management company indicating that Mr. Roth had failed to pay his rent for several months. The property management company was requesting payment from Mr. Roth in the amount of \$8,335 and was pursuing eviction. Code Enforcement had been served with a subpoena in this case for December 15, 2015. However, the case was settled out of court, so it was not necessary for Code Enforcement to testify.

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For further information regarding this matter, please contact Kurt Keating, Code Enforcement Division Officer, at ext. 8-6336.

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CC: Charles Parkin, City Attorney
Douglas P. Haubert, City Prosecutor
Laura Doud, City Auditor
Tom Modica, Assistant City Manager
Arturo Sanchez, Deputy City Manager