

Housing Advisory Commission

COUNCIL CONSENT

October 15, 2002

To: Honorable Mayor and  
Members of the City Council

From: Housing Advisory Commission

Subject: ADOPTION OF THE 2001 CALIFORNIA FIRE CODE

RECOMMENDATION:

Approve the City Manager recommendation to adopt the proposed 2001 California Fire Code as amended except for the exclusion of the language contained in Section 1006.2.9.3.1.1. which reads:

Nothing in this section shall preclude a rental or lease agreement from providing that a tenant has the responsibility for repair or maintenance of smoke alarms.

BACKGROUND

The above recommendation was unanimously approved by the Housing Advisory Commission on October 3, 2002 (MSC Turitz/Bowman. Yes: Commissioners Bowman, Kavanagh, Matthews, Stein, Thagard, Turitz, and Chairperson Rossi. Absent: Commissioners Migdal, Vega.).

The HAC deliberated to recommend exclusion of the above language because it is not required by the State, is confusing, and appears to be in contradiction to other City requirements. Ultimately the City holds the owner responsible for ensuring that units have properly functioning smoke alarms but the language could be construed to mean that the City could also hold the tenant responsible. Although the owner can have an agreement with the tenant as to who is responsible for maintenance, that agreement is between the tenant and the owner and not the City. Therefore, having the language in the fire code obfuscates the owner's responsibility. Moreover, the proposed language appears contradictory with the City's recently adopted Rental Housing Safety Program whereby it is clear that it is the owner's responsibility to have the unit be in compliance with applicable codes and that such a responsibility cannot be delegated to the tenant.

The City Manager concurred with the HAC recommendation and, accordingly, the language to be deleted is no longer contained in the proposed fire code submitted to Council for adoption.

ADOPTION OF FIRE CODE

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FINANCIAL IMPACT:

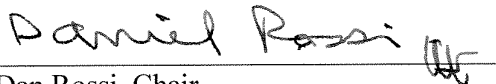
None.

CONTACT PERSON:

Dan Rossi, HAC Chair, 559-8751

Oscar A. Sung, Secretary, 981-5410

Approved by:

Handwritten signature of Daniel Rossi in cursive, followed by a horizontal line and a small mark.

Dan Rossi, Chair  
Housing Advisory Commission

Ref: G:/ppmb/council/hacfirecode.doc