

What YOU Must Know About Code Enforcement by Narine Agirian

If you own property in the City of Los Angeles, you either have been inspected by the City Code Enforcement Unit or will be very shortly. This is true whether or not your property is rent controlled. The Los Angeles City Code Enforcement unit was set up to make certain that all buildings are free of health and safety code violations. Typically, properties are inspected once every three years. Often, the result of these inspections can hit heavily in the wallet, especially if the property falls into REAP.

REAP is a rent escrow program in which the City of Los Angeles collects rent from residents held in an escrow account until all code violations have been corrected. The only way you can remove your property from REAP is with the approval of the City Council. This process can be long and costly, and you want to avoid it. Here are some steps you can take.

The City will bill you \$201.50 for each re-inspection, after the first two visits.

Prior to the initial inspection date, go through the property and make sure it is free of any health and safety violations. In most cases, when an inspector makes a visit and sees that there are no major violations, they seem to be more lenient on their findings and more cooperative with the owners on any other issues. Here are some things to look for on your pre-inspection "tour."

- Do all units have operable smoke detectors per code?
- Are there any leaks?
- Are all electrical outlets safe and operable?
- Are there any broken windows or cracks?
- What about pest problems?
- Is there any peeling paint?
- Are all tubs and sinks properly caulked?
- Is the building exterior clean without any trash or debris?

On the initial inspection, although the inspector does not need to enter all of the units, you should give all units notices for entry. It is in your best interest if the inspector inspects all the units. The inspector will be able to give you a complete list of repairs they will require because you will fail the follow-up inspection if they cannot get in to the unit or if any of the units not originally inspected have deficiencies.

Pay attention to the details -- as little as one leaky faucet can get you into a big mess. For example, one tenant did not allow anyone to enter his apartment leaving us unable to inspect the unit. On the day of the re-inspection, the tenant opens his door and invites the inspector on a tour. Of course, the inspector found deficiencies causing us to incur follow-up inspections. (The City will bill you \$201.50 for each re-inspection, after the first two visits.)

Another aspect to keep in mind is that it doesn't matter who caused the deficiency -- you are still liable for making repairs. If the tenant has dirty carpet, or broken doors, you can charge the tenant against their security deposit when they vacate, but you must do the work now in order to pass the inspection. For example, we had a tenant who put out his cigarette butts on the carpet. It was very clear that it was tenant negligence, but we were directed to replace the carpet in the tenant's unit anyway.

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Always have someone accompany the inspector during the initial inspection. Take notes on items that must be repaired. If you disagree with a repair issue, address it at that time. Once the inspector puts the item on the compliance list, it is set in stone. Also, reports may be unclear; therefore, it's important to take your own notes.

You must complete the repairs by the re-inspection date. Make sure to go through the building a week prior to the inspection making certain that all repairs are in order and that no new items have appeared. One item, no matter how minor, can stop you from passing. Generally, inspectors will grant one extension...and charge you for it.

What happens if you don't pass? Then you must attend a general manager's hearing and state when the repair items will be complete. At the hearing, the general managers will either give you another inspection date or send your file to REAP. If your file is sent to REAP, your tenant will receive a letter asking them to send their rent checks to the City and in most cases reduce the rental amount. Most likely, you will never recover the rent reduction, even after the property has been removed from REAP and the City returns the rent they've collected. You may file an appeal with REAP, however, in most cases the appeals are denied.

The moral is that if you are selected for an inspection, treat it with the highest priority. Do all in your power to pass the initial inspection. The more often an inspector returns, the greater the repairs you will have and the more work you will have to do. We've based our advice on experience. Heed it and you may save yourself a lot of headaches.

[Editor's Note: Visit www.lacity.org/lahd/code.htm for a complete list of habitability standards, code requirements and your responsibilities as a rental property owner.] Q

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