

RENTAL INSPECTION PROGRAM FAQ's



Registration

Question 1: Why was this program created?

- A. The City Council of the City of Barstow finds and declares that there exist in the City of Barstow substandard and unsanitary residential buildings and dwelling units with the physical conditions and characteristics of which violate state and local housing and technical codes and render them unfit or unsafe for human occupancy and habitation, and which are detrimental to or jeopardize the health, safety, and welfare of their occupants and the public. The intent of the program is to promote and verify compliance with life, health, fire, zoning and safety codes in order to provide a safer and more attractive environment for the citizens of Barstow.

Question 2: What types of properties does it apply to?

- A. Any rental property. Multi-unit complexes and Single Family homes.

Question 3: Are any properties exempt?

- A. Exempt properties would include:
- A. Hotel/motels
 - B. Hospitals
 - C. Extended medical care facilities
 - D. Mobile homes/ Mobile home parks
 - E. Single rooms and accessory dwelling units rented from an owner occupied home
 - F. Properties occupied by family members of owner with no rental property income being generated.

Question 4: What am I required to do as a Property Owner?

- A. Property Owners are required to register each rental property within sixty (60) days if a property becoming a rental unit or being converted into a rental unit. New Property Owners must make application within 30 days of taking ownership of a rental property. Register your rental property, schedule an annual inspection, complete the self-inspection verification, and correct any violations found in a timely manner.

First year program fees are as follows:

- Single Family Residence registration = \$100.00
- Multi-Family (including duplexes) = \$100.00 first unit + \$10.00 every additional unit.

Question 5: What services do the fees pay for?

- A. State Law requires the City to maintain certain health and safety standards. Fees collected are used to fund administration of the program, inspections, and response to any violations of those standards.

Question 6: I own more than one rental. Do I need to pay a separate registration fee per property?

- A. Yes. The annual registration fee is per rental property (APN).
- Single Family Residence registration = \$100
 - Multi-Family (including duplexes) = \$100.00 first unit + \$10.00 every additional unit.

Question 7: Why do I need to register my rental property?

- A. The City Council has determined that requiring all properties within the City of Barstow with rental residential units to be registered with the City and inspected serves these legitimate governmental interests per the Barstow Municipal Code [BMC § 5.91.010]. The program will verify compliance with life, health, fire, zoning and safety codes in order to produce safe neighborhoods and enhance citizen's quality of life.

Question 8: What Deductions Can I Take as an Owner of Rental Property?

- A. If you receive rental income from the rental of a dwelling unit, there are certain rental expenses you may deduct on your tax return. These expenses may include mortgage interest, property tax, operating expenses, depreciation, and repairs.

You can deduct the ordinary and necessary expenses for managing, conserving and maintaining your rental property. Ordinary expenses are those that are common and generally accepted in the business. Necessary expenses are those that are deemed appropriate, such as interest, taxes, advertising, maintenance, utilities and insurance.

You can deduct the costs of certain materials, supplies, repairs, and maintenance that you make to your rental property to keep your property in good operating condition.

You can deduct the expenses paid by the tenant if they are deductible rental expenses. When you include the fair market value of the property or services in your rental income, you can deduct that same amount as a rental expense.

You may not deduct the cost of improvements. A rental property is improved only if the amounts paid are for a betterment or restoration or adaptation to a new or different use. See the [Tangible Property Regulations - Frequently Asked Questions](#) for more information about improvements. The cost of improvements is recovered through depreciation.

You can recover some or all of your improvements by using Form 4562 to report depreciation beginning in the year your rental property is first placed in service and beginning in any year you make an improvement or add

furnishings. Only a percentage of these expenses are deductible in the year they are incurred.

Refer to the IRS Website for more information:

<https://www.irs.gov/businesses/small-businesses-self-employed/tips-on-rental-real-estate-income-deductions-and-recordkeeping>

Question 9: Are there reduced fees for properties that remain in compliance?

- A. Properties that have no violation for two (2) consecutive years may be eligible for an automatic extension of their Certificate of Compliance. The annual fee may be reduced by fifty (50) percent.

Inspections

Question 1: Who will be performing the inspections?

A. City Code Department and Building Department staff will perform all scheduled inspections on the exterior of the property.

Question 2: What are you inspecting?

- A. General property maintenance and habitability. This includes an overall inspection of the outside of the property. *Properties will be required to have an interior self-inspection verification completed by the Property Owner.

Question 3: What types of violations are we looking for?

A. Listed below are the most common violations:

- Trash and debris
- Trash receptacles/enclosures overflowing
- Graffiti, broken windows, etc., general property maintenance
- Common area/landscape/pool/playground maintenance
- Mechanical component maintenance (heat/water/sewer/septic)
- Infestations
- Lighting fixtures in disrepair
- Lack of address/unit numbers
- Operational smoke and carbon monoxide detectors

Listed below are the major violations:

- Heating system not fully operating between November and March
- Cooling system not fully operating between May and October
- Hazardous code violation; including but not limited to: exposed electrical wiring, collapsed ceiling or walls, sewage leaks, unsafe structural damage, fire alarm and/or carbon monoxide alarm not operational, and

firewalls damaged or not maintained.

Question 4: Does the Property Owner need to be present for the inspection?

- A. The Property Owner or their designated agent must be present for the exterior portion of the inspection. There is a space on the application to designate a Property Manager or Representative who will be present at the inspection on the property owner's behalf.

Question 5: Can the Property Owner and City Staff enter the property without notice?

- A. No. It is the Property Owners responsibility to give the tenant reasonable notice in accordance with the California Civil Code [CA Civil Code § 1954]. Once reasonable notice is given, a Code Officer or Building Inspector will conduct the inspection with a Property Owner, Property Manager, or Representative present.

Question 6: Will tenants be allowed to attend the inspections?

- A. Yes. Tenants are encouraged to be present during the inspections. Informational exchanges are critical to the success of the program.

Question 7: Will the Tenants privacy be protected?

- A. The purpose of the program is to address common violations (*ref. question #3 under Inspections*) at a rental property. The Code Officer or Building Inspector will be conducting the inspection based on building, life, and safety items. Personal items are encouraged to be stored prior to inspection to protect privacy.

Question 8: What if during an inspection an Inspector observes illegal substances or activities?

- A. It is not the intent of the Code Officer and Building Inspector to impose upon the individual right to privacy of tenants or owners. However, Officers are required to report cases of possible child endangerment or abuse, animal cruelty or neglect, and situations which pose an immediate health and safety risk to the public.

Question 9: When will inspections be done?

- A. Inspections will be conducted on an appointment basis during normal business hours; Monday through Thursday between the hours of 8:00 AM

and 4:30 PM by appointment only.

Question 10: How will the order of inspection be determined?

- A. Each Code Officer or Building Inspector are assigned to a particular section of the City and will inspect rental units in an organized and orderly fashion to inspect all of the rental units in their respective section.

Question 11: What can the Property Owner do to prepare for the inspection?

- A. The Property Owner can prepare for the inspection appointment by downloading the City's inspection checklist here rentalinspections@barstowca.org and making corrections prior to inspection.

Question 12: How long does an inspection take?

- A. Each inspection will vary according to the individual property. However, one should set aside a minimum of a ½ hour for a single family residence and an additional ½ hour for each additional unit.

Question 13: How will I schedule an inspection?

- A. The inspection will be done by appointment. Property Owner is responsible to register the property, then then a City Staff Member will call and schedule an appointment. It will take the Code Department and Building Department approximately one year to inspect every rental unit within the City of Barstow.

Question 14: What happens if I miss my appointment?

- A. If your schedule changes and you are unable to make your appointment please contact us at **(760) 255-5161** or rentalinspections@barstowca.org to reschedule prior to your appointment. If you are a tenant who needs to reschedule, please also communicate this to your landlord/property owner. If you make and miss multiple appointments, you will be subject to a re-inspection fee. The City will allow for one (1) missed appointment and will not charge for a re-inspection. After the initial re-inspection, a fee will be charged based on the City of Barstow's Master fee schedule.

Question 15: What preparations should be made involving animals prior to inspection?

- A. All pets should be confined or restrained in such a way as to prevent any possibility of attack or escape during the inspection process.

Question 16: Do all units require smoke detectors and carbon monoxide detectors?

- A. Installed smoke detectors will be required in each sleeping room, each hallway adjacent to the sleeping rooms, and at each floor level. One Carbon monoxide detector is required to be located just outside hallway leading to the bedrooms.

Question 17: Will the property owner receive documentation of the inspection results?

- A. If there are violations found, the property owner will receive a "Notice of Violation" outlining what needs to be done to correct those violations. If the property has no violations or all existing violations have been corrected, the property owner will receive their "Certificate of Compliance" as verification that they are in compliance.

Question 18: When a property passes an inspection and a complaint is made after the fact, will I have to go through the Residential Rental Inspection Program again?

- A. Complaints received after completion of a successful inspection are referred to the Building Inspector. If a valid internal or external violation surfaces after a "Certificate of Compliance" has been issued, the owner will be required to abate the specific violation in order to remain in compliance.

Question 19: Will my older building be forced to comply with today's more stringent construction codes?

- A. No, your building is required to be maintained at a level consistent with the codes of the period in which it was constructed. However, construction improvements must coincide with the current codes as adopted by the City of Barstow and all State laws that have been enacted that are retroactive (i.e. smoke alarm and carbon monoxide alarms).

Violations

Question 1: What are the penalties for non-compliance?

- A. If you require excessive number of inspections (2 – initial & re-inspection) to gain compliance you will be charged a re-inspection fee. Refusal to register or correct violations found, will make you subject to a (*\$100 page 18 of fee schedule or \$48.41 page 5 of fee schedule*) re-inspection fee per occurrence or promotion to a separate Code Enforcement investigation.

Question 2: What if the property owner ignores their required participation in the program?

- A. Pursuant to the *Barstow Municipal Code*, any person who violates any provision of this Ordinance, or fails to comply with any obligation or requirement of this Ordinance, will be subject to Administrative Citation with fines beginning at \$100.00.

Question 3: How can I avoid penalties?

- A. If your property requires corrections, you will be issued a Notice of Violation and provided ample time to complete those corrections. A correction notice is not a citation and does not come with any fines or inspection fees attached. Our goal is compliance. If your correction requires significant time or expense, staff will work with you to identify a reasonable timeline for completion. If you are having difficulties complying be sure to communicate with your inspector. Fees are only incurred when reasonable timelines for compliance have been exceeded or ignored.

Question 4: Can I report properties or violations?

- A. Yes. You can report unregistered properties, or specific violations.
- Report an unregistered rental property here rentalinspections@barstowca.org
 - Report a specific violation in a house/unit/complex by calling **(760) 255-5161** or rentalinspections@barstowca.org

Question 5: What if I am in the process of eviction?

- A. If an eviction is underway prior to our inspection, we will hold off on the inspection until the eviction is completed. If eviction paperwork is provided showing an eviction is underway, the city will pause the timeframe for the corrections to be fixed, unless the violations are life threatening (i.e. *not limited to* non-operating cooler during the summer months, or non-operating heating during the winter, electrical hazards).

Question 6: Can my landlord retaliate if I report violations in the home/unit I am renting?

- A. In short, no. There are protections under California Civil Code, Protection from Retaliatory Conduct [CA Civil Code § 1942.5]
If the violations do not pose an immediate threat, report the violation to your management/property owner and allow them reasonable time to solve the problem. If they do not resolve the problem, or your situation cannot wait, visit the Building Department webpage here: [Building & Safety | City of Barstow \(barstowca.org\)](http://Building & Safety | City of Barstow (barstowca.org))

The webpage contains Building Department contact information as well as the option to file a complaint online.

Question 7: What if violations are caused by the tenant?

- A. All violations are the responsibility of the rental property owner. If the tenant has caused the violations, the inspector will work with the owner and the tenant to achieve compliance; however, the owner is ultimately responsible to bring the rental property into compliance.