Complaint Handling Process for Occupied Premises Holding a Certificate of Occupancy

Prior to Construction Advisory Board Hearings

This procedure is intended to ensure that if a complaint is made regarding a building code violation, that the City has sufficient information to form the basis of a complaint, the complainant and builder or contractor have attempted to resolve the concerns informally, and the builder or contractor, after notice by the City, has a reasonable opportunity to resolve any concerns that affect health, safety or welfare before a hearing is held by the City.

1. This procedure will be followed when the City receives a verbal or written complaint from an owner or duly authorized representative of an occupied premises alleging violations of the City’s building code.

2. The Chief Building Official or his/her designee ("CBO") shall direct the complainant to submit correspondence to the CBO that, to the extent possible, identifies or outlines, as applicable:
   a. the builder or contractor that is the subject of the complaint;
   b. the code provisions at issue and the facts supporting each of the alleged violations;
   c. whether any third party inspection occurred or report exists regarding the alleged violations (include any report as an attachment);
   d. any notice provided by complainant to the builder of the alleged code violations;
   e. any efforts made by the parties to resolve the alleged code violations;
   f. repairs made by builder at the complainant's request, including alleged code violation repairs; and
   g. the complainant's address to which all correspondence on this matter will be directed.

3. The CBO shall inspect the premises to confirm the existence of any alleged material code violation that the CBO finds adversely and directly or indirectly affects the health, safety or welfare of the public or the complainant within 15 calendar days of the submission of the complete correspondence required above. If no such code violations exist, the CBO shall notify the complainant at the complainant’s address.

4. The CBO shall, to the extent possible, confirm the identity of the builder or contractor that is the subject of the complaint and confirm that such builder performed the work upon which the alleged code violations are based or that such builder was otherwise responsible for such work.

5. The CBO shall provide written notice to such builder or contractor by U.S. Mail postage prepaid to such contractor’s or builder’s principal business address listed on the relevant license application or listed with the secretary of state of any material code violation confirmed by the CBO that adversely and directly or indirectly affects the health, safety or welfare of the public or the complainant.

6. Such notice shall provide the builder with an opportunity to respond within 10 calendar days from the date of mailing of the City’s written notice, and shall further require the builder to achieve compliance with the building code within 45 calendar days from such mailing or such other date as may be deemed reasonable by the CBO based upon the nature of the code violation.
7. The CBO, by written notification to the parties, may extend the time for the contract or builder to make repairs to achieve compliance with the building code based upon the contractor's or builder's good faith efforts to achieve the same or due to delays beyond the control of the contractor or builder.

8. The CBO designee shall provide written notice to the complainant at the complainant's address of any confirmed material code violation that adversely and directly or indirectly affects the health, safety or welfare of the public or the complainant, and of the complainant's required cooperation to permit repairs to achieve compliance with the building code and to provide testimony in the event of a hearing on the matter.

9. If the contractor or builder does not make all repairs to achieve compliance with the building code within the time provided herein, the CBO shall direct the complainant to commence the process for a hearing before the Construction Advisory Board (CAB) pursuant to City Code Section 15.30.130, or the CBO shall commence such process.

10. The CBO may enter into a settlement agreement with a contractor or builder, if the CBO finds that the contractor or builder has substantially complied with the building code regarding confirmed code violations; in such case the complainant shall not be heard before the CAB regarding such code violations.

Adopted this 26th day of May, 2016

William D. Cahill, City Manager

APPROVED AS TO CONTENT:

Brett Limbaugh, Director of Development Services

John Schumacher, Chief Building Official