



# FAIRFAX TOWN COUNCIL MEETING STAFF REPORT

**MEETING DATE:** October 4, 2023  
**PREPARED FOR:** Mayor and Town Council  
**PREPARED BY:** Mark Lockaby Building Official  
**SUBJECT:** Adopt Resolution Declaring the Conditions at 67 Live Oak Road a Public Nuisance and Ordering the Town Manager to Abate the Nuisance APN:001-236-20

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## RECOMMENDATION

Staff recommends the Town Council adopt the attached Resolution declaring the conditions on the property to be a public nuisance and specifically:

1. Order the Town Manager to cause the abatement of the nuisance by hiring a contractor to remove the various debris on and under the carport.
2. Hire a towing company to remove the inoperable Honda Element Automobile
3. Prior to abatement by a contractor and towing company, the owner will be given notice and a final ten-day period of time in which to remedy the listed Code violations on the property. Any abatement will be completed in accordance with applicable law.
4. Town staff will return to Council at a future date to report on the abatement and request the costs of abatement be charged to the property owners as a special assessment lien on the property.

## BACKGROUND

The Town has had issues with this property going back to 2008 when it was brought before the council for an abatement hearing. Prior to the hearing multiple Notice of Violation letters were sent to the property owner, and we spoke with the owner onsite to discuss the issues. The property owner ignored the letters, and verbal requests. About a week before the scheduled abatement hearing the owner started cleaning up the property. By the time the hearing was scheduled the site had been satisfactorily cleaned up.

The property stayed clean for quite a while but slowly over the years items started piling up again, and additionally an inoperable vehicle was abandoned in the driveway.

In August of 2021 we started getting complaints about an infestation of rats in and around the subject property. Neighbors in the area spent considerable funds to hire contractors to construct exclusionary systems to keep the rats from entering their homes. A joint inspection from the public right of way was conducted with Town staff, and a staff member from Marin-Sonoma Vector control. It was confirmed that there was a rat infestation due to multiple harborage points, open food items, water in bowls, and especially the abandoned vehicle.

Since the inspection several notice of violation letters have been sent, and 1 citation. At this time the only changes that have been observed are the removal of the water bowls, and no open food items are visible.

The Marin Housing Authority offers low-cost loans to residents to help them with issues like this. The program handouts have been provided to Ms. Bagan.

On September 22, 2021, Town staff had a joint inspection with a staff member from Marin/Sonoma Mosquito and Vector Control.

On November 3, 2021, a notice of violation was sent to the property owner along with the report from Marin/Sonoma Mosquito and Vector Control.

On February 7, 2022, I inspected the property, and no apparent changes had been made so a second notice of violations was sent to the property owner that included a warning that citations would be issued.

On March 25, 2022, I inspected the property, and no apparent changes were made so a citation in the amount of \$100.00 was issued to the property owner.

On July 7, 2023, I inspected the property, and no changes were made so another notice of violations was sent to the property owner.

## **DISCUSSION**

Town Code Violations:

### **§ 1.12.045 SUBSTANDARD OR DANGEROUS PROPERTY CONDITIONS.**

No occupant shall cause or allow any condition on its property, or on an adjacent sidewalk, which unreasonably increases the risks to public safety or public health, or which results in substantial detriment to the property of others in the immediate vicinity thereof. Such conditions include but are not limited to the following:

(D) A property maintained so poorly that it is out of conformity with community maintenance standards as set forth in this Code or otherwise by the town, and which substantially diminishes the use of neighboring properties.

(F) An accumulation of litter, refuse, rubbish, lumber, debris, salvage materials which are visible from public or private property or otherwise in violation of this Code.

(G) Abandoned, discarded or unused furniture, bedding, appliances, sinks, machinery, toilets, cabinets, or other fixtures or equipment stored in a place visible from public or private property.

(K) The presence of abandoned, dismantled, wrecked or inoperable motor vehicles, motorcycles, recreational vehicles, trailers, campers, boats or parts thereof, except when such vehicles are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property.

(M) Maintenance of any premises in any manner which is unsightly or unsanitary because of the presence of animal excrement.

(P) The accumulation of any kind of combustible material.

Fire Code Violations:

304.1 Waste accumulation prohibited. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety, or welfare.

504.1 Required access. Exterior doors and openings required by this code, or the California Building Code shall be maintained readily accessible for emergency access by the fire department.

Ms. Bagan has ignored the Town's requests to clean up the property and remove the inoperable vehicle. The requests have been in writing by mail, posted at the property, and verbally by Town staff. The conditions on the property are an unfair, ongoing burden on the surrounding property owners, and are in violation of the Town municipal code, and Fire Codes. Staff recommends the Town Council adopt the attached resolution 23-\_\_ declaring the conditions on the property to be a public nuisance.

**FISCAL IMPACT**

The cost to tow the vehicle, and cleanup costs will be borne by Ms. Bagan.

**ATTACHMENTS**

- Attachment A – Proposed Resolution re Nuisance Abatement at 67 Live Oak
- Attachment B – Marin/Sonoma Vector Control Report 10-13-2021
- Attachment C - Fairfax Notice of Violation 11-3-2021
- Attachment D – Fairfax Notice of Violation 2-7-2022
- Attachment E – Fairfax Citation 3-25-2022
- Attachment F – Fairfax Notice of Violation 7-7-2023
- Attachment G – Notice of Hearing 9-25- 2023
- Attachment H – Marin Housing Loan Information
- Attachment I – Fire Code Violations
- Attachment J – Photo 1
- Attachment K – Photo 2
- Attachment L – Photo 3
- Attachment M – Photo 4
- Attachment N – Photo 5
- Attachment O – Photo 6
- Attachment P – Photo 7

**RESOLUTION 23-\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
DECLARING THE CONDITIONS AT 67 LIVE OAK A PUBLIC NUISANCE AND  
ORDERING THE TOWN MANAGER TO ABATE THE NUISANCE**

**WHEREAS**, the California Government Code sections 38771 et seq. and the Fairfax Town Code (“Code”) Chapter 1.12 provide for the declaration of a public nuisance on private property that is being maintained in violation of the Town Code; and

**WHEREAS**, the Town Council may order the Town Manager to abate any public nuisance; and

**WHEREAS**, the property at 67 Live Oak in Fairfax (assessor’s parcel number 001-236-20) is being maintained in violation of provisions of the Town Code, the California Building Code and the California Fire Code; and

**WHEREAS**, the specific violations include the following:

- 1) Town Code sections 1.12.045 D, F, G, K, M, P, 8.12.110, and 8.12.120.
- 2) Fire Code sections 304.1, 304.2, 504.1; and

**WHEREAS**, the nuisance conditions consist of a large amount of accumulated items and debris in a carport area in front of the front entrance to the residence and include, but are not limited to, flowerpots, bowls, planters, wicker baskets, step ladders, battery charger, cast pillar, boxes, flowerpot holders, plastic spools, tarps, soft plastic coolers, heavy plastic shopping bags, paper bags, chairs, garden tools, pet carriers, watering cans, canned food, jarred food, plates, shelves, luggage, magazines, rugs, hose carriers, bins, bamboo blinds, and many other unidentifiable items buried under other items; and

**WHEREAS**, the property owner has been notified of the violations and nuisance conditions and have failed to bring the property into compliance with applicable Codes, and

**WHEREAS**, the property owner was notified of the Town Council hearing on this matter.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Fairfax as follows:

1. The property at 67 Live Oak in Fairfax, assessor’s parcel number 001-236-20, is being maintained in violation of Town Code sections 1.12.045 D, F, G, K, M, P, 8.12.110, and 8.12.120, and Fire Code sections 304.1, 304.2, and 504.1,

2. The listed conditions existing at 67 Live Oak are hereby declared to be a public nuisance.

3. The Town Council authorizes and orders the Town Manager to abate the nuisance by hiring a contractor to remove the accumulation of items from the area of the carport.

4. This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was duly passed and adopted at a Regular Meeting of the Town Council of the Town of Fairfax held in said Town on the 4th day of October 2023 by the following vote, to wit:

AYES:

NOES:

ABSENT:

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Chance Cutrano, Mayor

Attest:

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Michele Gardner, Town Clerk



October 13, 2021

595 Helman Lane  
Cotati, CA 94931  
1.800.231.3236 or 707.285.2200  
707.285.2210 fax  
[www.ms mosquito.com](http://www.ms mosquito.com)

Philip D. Smith  
*District Manager*

**BOARD OF TRUSTEES**

Pamela Harlem,  
President  
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Bruce Ackerman  
*Fairfax*

Julia Ettl  
*Windsor*

Monique Predovich  
*Ross*

Cathy Benediktsson  
*Tiburon*

Veronica Siwy  
*Rohnert Park*

Mr. Mark Lockaby  
Town of Fairfax  
145 Bolinas Road  
Fairfax Ca, 94930

Re: Rodent Inspection at 67 Live Oak Avenue – September 22, 2021

Dear Mr. Lockaby,

Thank you for contacting the Marin/Sonoma Mosquito and Vector Control District and facilitating a rodent inspection for the exterior of the home and property located at 67 Live Oak Avenue, Fairfax on September 22, 2021. This letter will serve as a post inspection report. The resident of 67 Live Oak Avenue was not home during our inspection, so my observations were limited to the exterior of the home. I made the following observations during the inspection:

- There was a large pile of items on the front porch.
- There were several bowls containing water on the ground, at the front left corner of the home.
- There was a car in the front yard. It appeared that the car had not moved or been used for an extended period. There was a substantial amount of rat droppings underneath the car. It is possible that rats are nesting in the car.

My recommendations to achieve source reduction and minimize rodent habitat are the following:

- The pile of items on the front porch needs to be cleaned up to eliminate potential rodent harborage.
- The water bowls at the front of the home need to be removed. If the bowls are in place to provide water for pets, watering stations that require the pet to manually obtain the water should be utilized.
- Abandoned and/or inoperable vehicles can provide excellent harborage for rodents. If the car in the front yard is not planned for use it should be removed or stored in a secure area that would preclude rodent access.
- I recommend a follow up inspection once the issues I have outlined have been addressed.

Information can be obtained from the District's website regarding rodent clean up safety, procedures, and exclusionary work. <https://www.ms mosquito.org/rats>

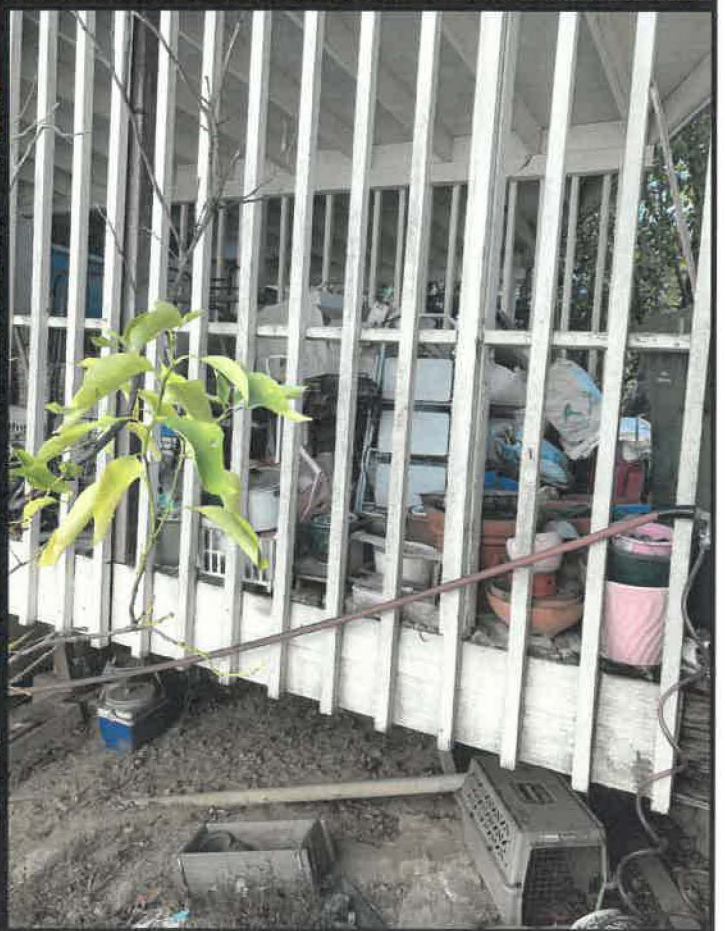
Please feel free to contact me at 707-285-2200 if you have questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Tony" followed by a stylized flourish.

Tony Russo  
Rodent Control Specialist

Encl: Pictures taken during inspection at 67 Live Oak Avenue on September 22, 2021







# **TOWN OF FAIRFAX**

142 Bolinas Road, Fairfax, California 94930  
(415) 453-1584 / Fax (415) 453-1618

November 3, 2021

Certified Letter #7020 3160 0002 3089 8885  
Copy Sent 1<sup>st</sup> Class Mail

Joanne Bagan  
67 Live Oak Avenue  
Fairfax, CA 94930

Re: 67 Live Oak, Substandard Property Conditions

## Notice of Violations

Dear Ms. Bagan,

On September 22, 2021, at the request of numerous area residents, I, and Tony Russo from Marin/Sonoma Vector Control inspected your property located at 67 Live Oak here in Fairfax. The purpose of the inspection was to confirm the presence of rodents. The presence of rodents was confirmed. This condition is a violation of the 2015 International Property Maintenance Code, and the Fairfax Municipal Code. Specifically, sections:

PMC 309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

302.1 Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

302.5 Rodent Harborage. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions must be taken to eliminate rodent harborage and prevent reinfestation.

### § 1.12.045 SUBSTANDARD OR DANGEROUS PROPERTY CONDITIONS.

No occupant shall cause or allow any condition on its property, or on an adjacent sidewalk, which unreasonably increases the risks to public safety or public health, or which results in substantial detriment to the property of others in the immediate vicinity thereof. Such conditions include but are not limited to the following:

ATTACHMENT D

(D) A property maintained so poorly that it is out of conformity with community maintenance standards as set forth in this Code or otherwise by the town, and which substantially diminishes the use of neighboring properties.

(F) An accumulation of litter, refuse, rubbish, lumber, debris, salvage materials which are visible from public or private property or otherwise in violation of this Code.

(K) The presence of abandoned, dismantled, wrecked or inoperable motor vehicles, motorcycles, recreational vehicles, trailers, campers, boats or parts thereof, except when such vehicles are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property.

(M) Maintenance of any premises in any manner which is unsightly or unsanitary because of the presence of animal excrement.

(N) Maintenance of any premises in any manner which is unsightly or unsanitary because of the presence of stagnant water which acts as a mosquito or other insect or disease breeding ground; rotting produce; or a substance which produces a noxious odor; provided, however, that this section shall not be construed to prohibit composting of reasonable amount of yard waste.

(P) The accumulation of any kind of combustible material.

These conditions must be addressed within 30 days from the date of this letter, by removing the items in the driveway area, removing the abandoned car, and removing the water bowls.

If you have questions regarding this matter, or need financial assistance in order to comply, please feel free to contact me.

Sincerely,

Mark Lockaby  
Building Official



# TOWN OF FAIRFAX

142 Bolinas Road, Fairfax, California 94930

(415) 453-1584 / Fax (415) 453-1618

February 7, 2022

Posted Onsite  
Copy Sent 1<sup>st</sup> Class Mail

Joanne Bagan  
67 Live Oak Avenue  
Fairfax, CA 94930

Re: 67 Live Oak, Substandard Property Conditions

## Notice of Violations

Dear Ms. Bagan,

It has been 60 days since you were sent the notice of violations, and I spoke with you in person about the issues. To date no noticeable improvements have been made.

Once again the presence of rodents was confirmed on your property, and in the abandoned vehicle. This condition is a violation of the 2015 International Property Maintenance Code, and the Fairfax Municipal Code. Specifically, sections:

PMC 309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

302.1 Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

302.5 Rodent Harborage. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions must be taken to eliminate rodent harborage and prevent reinfestation.

### § 1.12.045 SUBSTANDARD OR DANGEROUS PROPERTY CONDITIONS.

No occupant shall cause or allow any condition on its property, or on an adjacent sidewalk, which unreasonably increases the risks to public safety or public health, or which results in substantial detriment to the property of others in the immediate vicinity thereof. Such conditions include but are not limited to the following:

(D) A property maintained so poorly that it is out of conformity with community maintenance standards as set forth in this Code or otherwise by the town, and which substantially diminishes the use of neighboring properties.

(F) An accumulation of litter, refuse, rubbish, lumber, debris, salvage materials which are visible from public or private property or otherwise in violation of this Code.

(K) The presence of abandoned, dismantled, wrecked or inoperable motor vehicles, motorcycles, recreational vehicles, trailers, campers, boats or parts thereof, except when such vehicles are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property.

(M) Maintenance of any premises in any manner which is unsightly or unsanitary because of the presence of animal excrement.

(N) Maintenance of any premises in any manner which is unsightly or unsanitary because of the presence of stagnant water which acts as a mosquito or other insect or disease breeding ground; rotting produce; or a substance which produces a noxious odor; provided, however, that this section shall not be construed to prohibit composting of reasonable amount of yard waste.

(P) The accumulation of any kind of combustible material.

These conditions must be addressed within 30 days from the date of this letter, by removing the items in the driveway area, removing the abandoned car, and removing the water bowls. Failure to comply will result in the Town issuing an initial Administrative Citation in the amount of \$100.00, and continued failure to comply will result in fines increasing to \$200.00 on the second citation and then to \$500.00 for each one thereafter. Citations may be issued every day until compliance is achieved. Unpaid fines will be placed as a lien on the property.

If you have questions regarding this matter, or need financial assistance in order to comply, please feel free to contact me.

Sincerely,

Mark Lockaby  
Building Official



**NOTICE OF ADMINISTRATIVE  
CITATION**

CODE ENFORCEMENT  
142 BOLINAS ROAD  
FAIRFAX, CA 94930  
(415) 453-1584

Date: 3-25-2022 Time: 1:15pm  
An inspection of the premises located at 67 Live Oak in the  
Town of Fairfax, revealed a violation(s) of the Fairfax Municipal Code.

Name of owner or business:	<u>Joanne Bagan</u>
Address if different than violation:	_____

- 1<sup>ST</sup>. CITATION \$100.00.....IS NOW DUE AND PAYABLE.**
- THE NEXT LEVEL CITATION IS NOW PENDING AND YOU MAY BE CITED EACH DAY THE VIOLATION CONTINUES. OTHER ENFORCEMENT PENALTIES MAY ALSO RESULT IF COMPLIANCE IS NOT ACHIEVED OR IF YOU CONTINUE TO INGNORE THIS CITATION.**
- 2<sup>ND</sup>. CITATION \$200.00.....IS NOW DUE AND PAYABLE.**
- 3<sup>RD</sup>. CITATION \$500.00.....IS NOW DUE AND PAYABLE.**

**YOU WERE ADVISED AND/OR WARNED OF THIS VIOLATION ON \_\_\_\_\_  
AND YOU HAVE NOT CORRECTED AND/OR RESOLVED THE VIOLATION(S).**

TOWN OF FAIRFAX MUNICIPAL CODE	DESCRIPTION OF VIOLATION(S)
PMC 309.1 Infestation, 302.1 Sanitation, 302.5 Rodent Harborage, TC 1.12.045 Substandard, or Dangerous Property Conditions	

TO CORRECT THIS VIOLATION: Remove items in the driveway area, remove abandoned car, remove water bowls.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

RECEIPT ACKNOWLEDGED by: \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF INSPECTING OFFICIAL: _____	PRINT NAME _____
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VIOLATION CLEARED DATE: \_\_\_\_\_ (DATE INSPECTED).

**Any person aggrieved by the action of an administration official, advisory body, or the commission, in the administration or enforcement of this title, may make verified application to the Town Clerk in the manner prescribed by the Town Council within ten days of this action FTC 17.20.020.**



## **TOWN OF FAIRFAX**

142 Bolinas Road, Fairfax, California 94930

(415) 453-1584 / Fax (415) 453-1618

# **NOTICE OF VIOLATIONS**

### **DELIVERED VIA UNITED STATES MAIL AND POSTED ON THE SUBJECT PROPERTY**

July 7, 2023

Joanne Bagan  
67 Live Oak Avenue  
Fairfax, CA 94930

Re: **67 Live Oak, Fairfax, California – Substandard Property Conditions**

Dear Ms. Bagan,

This letter serves as a Notice of Violation for violations of the 2015 International Property Maintenance Code (“IPMC”), and the Fairfax Municipal Code (“FMC”) on your property located at 67 Live Oak, Fairfax, California (“Subject Property”). Since 2009, the Town of Fairfax (“Town”) has made efforts to coerce your compliance. On March 25, 2022, the Town issued an Administrative Citation to you regarding the Subject Property, which you failed to comply within the compliance deadline. The Town is now issuing this Notice of Violation for nuisance conditions on the Subject Property, specifically, sections:

**IPMC 309.1 [Infestation]**. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

**IPMC 302.1 [Sanitation]**. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

**IPMC 302.5 [Rodent Harborage]**. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions must be taken to eliminate rodent harborage and prevent re-infestation.

**FMC 1.12.045 [Substandard Or Dangerous Property Conditions]**. No occupant shall cause or allow any condition on its property, or on an adjacent sidewalk, which unreasonably increases the risks to public safety or public health, or which results in substantial detriment to the property of others in the immediate vicinity thereof. Such conditions include but are not limited to the following:

ATTACHMENT F

(D) A property maintained so poorly that it is out of conformity with community maintenance standards as set forth in this Code or otherwise by the town, and which substantially diminishes the use of neighboring properties.

(F) An accumulation of litter, refuse, rubbish, lumber, debris, salvage materials which are visible from public or private property or otherwise in violation of this Code.

(K) The presence of abandoned, dismantled, wrecked or inoperable motor vehicles, motorcycles, recreational vehicles, trailers, campers, boats or parts thereof, except when such vehicles are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property.

(M) Maintenance of any premises in any manner which is unsightly or unsanitary because of the presence of animal excrement.

(N) Maintenance of any premises in any manner which is unsightly or unsanitary because of the presence of stagnant water which acts as a mosquito or other insect or disease breeding ground; rotting produce; or a substance which produces a noxious odor; provided, however, that this section shall not be construed to prohibit composting of reasonable amount of yard waste.

(P) The accumulation of any kind of combustible material.

The above-mentioned violations must be corrected within 30 days from the date of this Notice of Violation, by removing the items in the driveway area, and removing the abandoned car. If the aforementioned violations are not corrected within 30 days, the Town will issue an Administrative Citation in the amount of \$100.00. If you continue to fail to comply, subsequent Administrative citations will be issued increasing to a fine amount of \$500.00. Administrative Citations may be issued every day until compliance is achieved.

If you have questions regarding this matter or need financial assistance in order to comply, please feel free to contact me.

Sincerely,

Mark Lockaby  
Building Official  
Code Enforcement Officer  
Town of Fairfax



## **TOWN OF FAIRFAX**

142 Bolinas Road, Fairfax, California 94930

(415) 453-1584 / Fax (415) 453-1618

# **Notice of Hearing to Declare a Public Nuisance and Order Abatement**

September 22, 2023

Joanne Bagan  
67 Live Oak Ave.  
Fairfax, CA 94930

Re: Code Violations on 67 Live Oak Ave. APN. 001-236-20

Posted at: 67 Live Oak September 25, 2023

Please be advised that on **October 4, 2023 at 7:00 p.m.** at the Fairfax Woman's Club, 46 Park Road, Fairfax, CA, the Town Council of the Town of Fairfax will hear evidence that the above listed property is being maintained in violation of applicable provisions of the Town Code. You are hereby notified that you or any other interested person may appear and present evidence or testimony as to why the Town Council should not declare the property a public nuisance, order abatement of the conditions constituting a nuisance, and make the costs of abatement a special assessment lien against the property.

If you have any questions concerning this matter, please contact Mark Lockaby 415-458-2370.

Sincerely,

Mark Lockaby

Building Official





# MARIN HOUSING

*Making Housing More Affordable*

The CalHome Owner-Occupied Rehabilitation Program offers low-interest property improvement loans and technical assistance to lower-income homeowners in Marin County for necessary home repairs.

ATTACHMENT H

 [WWW.MARINHOUSING.ORG](http://WWW.MARINHOUSING.ORG)



## Contact



4020 Civic Center Drive,  
San Rafael, CA 94903



[www.MarinHousing.org](http://www.MarinHousing.org)



[Rehab@MarinHousing.org](mailto:Rehab@MarinHousing.org)



(415) 491-2550

TDD for the hearing impaired

1-800-735-2929

## CalHome Owner-Occupied Rehabilitation Loan Program

[WWW.MARINHOUSING.ORG](http://WWW.MARINHOUSING.ORG)



## STEP BY STEP LOAN PROCESS

- After you complete your application, you are interviewed at your home by a rehab specialist who determines your eligibility. He or she does a preliminary review of the property and explains the program in detail.
- Following consultation with the local building department and/or building professionals, the specialist reviews with you the proposed scope of work and helps you prioritize those items identified for rehab. He/she can also assist you in soliciting bids from building contractors.
- Once the final scope of work has been determined and bids obtained, your loan application must be approved by Marin Housing. Loan documents are then prepared, signed and recorded and the loan funded.
- The loan funds are placed in a construction disbursement account. With assistance from the specialist, you enter into a contract with the parties selected to do the work and apply for a building permit, if required. Once the permit is issued, construction can begin.
- The specialist assists you in monitoring construction and issues payments to the contractors as the work progresses. During this process the local building inspector inspects the work for compliance with building code requirements and finalizes the building permit upon completion.

[WWW.MARINHOUSING.ORG](http://WWW.MARINHOUSING.ORG)

## AM I ELIGIBLE?

To be eligible for the CalHome Owner-Occupied Rehabilitation Loan Program, you must meet the following guidelines:

- You are the legal owner of the property in need of repair.
- The property is your principal residence.
- Your total household annual income is less than the current limits established for Marin County by the Department of Housing and Community Development (CalHCD) as shown below:

<u>Household</u>	<u>Income Limit</u>
1	\$104,400
2	\$119,300
3	\$134,200
4	\$149,100
5	\$161,050
6	\$173,000

effective 5/13/2022

### WHAT ARE THE TERMS OF THE LOAN?

Loans are deferred for 20 years with a 3% simple interest rate - you won't need to make a payment for the life of the loan. If at the end of the 20-year period you are unable to pay, or if paying would cause extreme hardship, then MHA can work with you on a payment schedule at no additional interest. There is no prepayment penalty, and these loans are not assumable.

## ABOUT REHAB LOAN PROGRAM

The Rehab Loan Program provides technical assistance to qualified homeowners and makes low-interest property improvement loans of up to \$90,000 for correction of substandard housing conditions and elimination of health and safety hazards.

Examples of eligible work includes: foundation, termite damage and dry-rot repairs; plumbing, electrical and heating system repairs; roof work; door and window repair; stairs, deck and railing repair; emergency (disaster) repairs; energy conservation measures; and remodeling for wheelchair accessibility.

Loans may be made for the rehabilitation of owner-occupied single-family houses as well as for approved "Accessory Dwelling Units" within these homes.

Loans are also available for houseboats in approved berths as well as mobile homes.

### HOW TO APPLY

Call Marin Housing at (415) 491-2550 or email [rehab@marinhousing.org](mailto:rehab@marinhousing.org) and request and application. Once you have completed the application, call back and schedule an appointment at your home with a Marin Housing Representative.

## **What is the Residential Rehabilitation Loan Program?**

Marin County receives an annual allocation of federal funds to provide assistance to low- and moderate-income residents through housing-related and public service projects. A portion of these funds have been made available to *Marin Housing* for the Residential Rehabilitation Loan Program.

The rehab loan program provides technical assistance to qualified homeowners and makes low-interest property improvement loans of up to \$35,000 (\$25,000 for homes built before 1978) for correction of substandard housing conditions and elimination of health and safety hazards.

Examples of eligible work include: foundation, termite damage and dry-rot repairs; plumbing, electrical and heating system repairs; roof work; door and window repair; stairs, deck and railing repair; emergency (disaster) repairs; energy conservation measures; and remodeling for wheelchair accessibility.

Loans may be made for the rehabilitation of owner-occupied single-family houses as well as for approved "second units" within these homes. Loans are also available for houseboats in approved berths as well as mobile homes.

## **Questions and Answers**

**Q** What are the terms of a rehab loan?

**A** The interest rate on individual rehab loans is 5% per annum, simple interest.

**Q** Who sets the terms of the loans?

**A** Decisions are made on a case-by-case basis taking into account the applicant's income, indebtedness and ability to repay.

**Q** How long will I have to pay off my loan?

**A** The maximum term for amortized repayment is 15 years.

**Q** What if I can't afford monthly payments?

**A** In cases of exceptional hardship, a deferred payment loan may be approved with no monthly payments required. Repayment of the loan is deferred either for a specified period or until the property is sold or the title transferred.

**Q** Can I pre-pay the loan?

**A** A loan may be paid in part or in full, ahead of the maturity date without pre-payment penalties.

**Q** Are these loans assumable?

**A** No. Should the property be sold during the life of the loan, or should the title change for any reason, the outstanding balance will become due and payable.

*--continued on back--*

## **Step-by-Step: What You Do and When**

1 After you complete your application, you are interviewed at your home by a rehab specialist who determines your eligibility. He or she does a preliminary review of the property and explains the program in detail.

2 Following consultation with the local building department and/or building professionals, the specialist reviews with you the proposed scope of work and helps you prioritize those items identified for rehab. He/she can also assist you in soliciting bids from building contractors.

3 Once the final scope of work has been determined and bids obtained, your loan application must be approved by Marin Housing. Loan documents are then prepared, signed and recorded and the loan funded.

4 The loan funds are placed in a construction disbursement account. With assistance from the specialist, you enter into a contract with the parties selected to do the work and apply for a building permit, if required. Once the permit is issued, construction can begin.

5 The specialist assists you in monitoring construction and issues payments to the contractors as the work progresses. During this process the local building inspector inspects the work for compliance with building code requirements and finalizes the building permit upon completion.

--continued from other side--

**Q** Who performs the repair work?

**A** Generally it must be performed by a licensed contractor. The homeowner is responsible for selecting a contractor and entering into a contract. Rehab staff is available to advise the owner on his/her selection and on specific contract terms.

**Q** Can I be my own general contractor?

**A** The owner has the choice of hiring a general contractor or engaging individual subcontractors and coordinating the job himself or herself.

**Q** Can I do some of the work myself?

**A** If authorized by *Marin Housing*, an owner with the requisite skills can perform some or all of the work. In those cases, loan funds can be used to pay for materials, or for outside labor, but not for the owner's own labor.

### How Do I Apply?

- ☑ Call *Marin Housing* at 491-2550 and request a rehab loan application.
- ☑ Complete the application; then call back and schedule an appointment at your home with the rehab specialist

1-800-735-2929

TDD for the hearing impaired  
Para informacion en Espanol,  
llame a 415-491-2532.

### Who Is Eligible?

To be eligible for the Residential Rehabilitation Loan Program, you must meet the following guidelines:

- ☑ You are the legal owner of the property in need of repair.
- ☑ The property is your principal residence.
- ☑ Your total household annual income is less than the current limits established for 2021 for Marin County by the Department of Housing and Urban Development (HUD) as shown below:

Household	Income Limit
1	\$63,950
2	\$73,100
3	\$82,250
4	\$91,350
5	\$98,700
6	\$106,000

effective 4/01/2021



A program offering low-interest property improvement loans and technical assistance to lower-income homeowners in Marin County for necessary home repairs.



4020 Civic Center Drive  
San Rafael, CA 94903  
415 / 491-2550

lons (208 L). Fuel sources or heating elements shall not be allowed as part of a hi-boy.

**303.8 Roofing kettles.** Roofing kettles shall be constructed of noncombustible materials.

**303.9 Fuel containers under air pressure.** Fuel containers that operate under air pressure shall not exceed 20 gallons (76 L) in capacity and shall be approved.

## SECTION 304 COMBUSTIBLE WASTE MATERIAL

**304.1 Waste accumulation prohibited.** Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

*[California Code of Regulations, Title 19, Division 1, §3.07(a)] Clearances.*

(a) *General.* No combustible material shall be placed or stored within 10 feet of any building or structure.

**304.1.1 Waste material.** Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with Chapter 49.

*[California Code of Regulations, Title 19, Division 1, §3.07(b)] Clearances.*

(b) *Ground Clearance.* The space surrounding every building or structure shall be maintained in accordance with the following:

*Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:*

(1) *Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.*

(2) *Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all bush, flammable vegetation, or combustible growth which is located*

*from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the enforcing agency if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.*

(3) *Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.*

(4) *Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building.*

(5) *Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.*

(6) *Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than 1/2 inch in size.*

(7) *Vegetation around all applicable buildings and structures shall be maintained in accordance with the following laws and regulations:*

(A) *Public Resources Code Section 4291.*

(B) *California Code of Regulations Title 14 - Natural Resources, Division 1.5 - Department of Forestry and Fire Protection, "General Guideline to Create Defensible Space."*

(C) *California Government Code Section 51182.*

(D) *California Code of Regulations, Title 24, Part 9.*

**304.1.3 Space underneath seats.** Spaces underneath grandstand and bleacher seats shall be kept free from combustible and flammable materials. Except where enclosed in not less than 1-hour fire-resistance-rated construction in accordance with the *California Building Code*, spaces underneath grandstand and bleacher seats shall not be occupied or utilized for purposes other than means of egress.

**304.2 Storage.** Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.

**304.3 Containers.** Combustible rubbish, and waste material kept within or near a structure shall be stored in accordance with Sections 304.3.1 through 304.3.4.

*[California Code of Regulations, Title 19, Division 1, §3.19(b) and (c)] Housekeeping.*

*Every building or portion of a building governed by California Code of Regulations, Title 19, Division 1 regulations shall be maintained in a neat orderly manner, free from any condition that would create a fire or life hazard or a condi-*

include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

**503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times.

**503.4.1 Traffic calming devices.** Traffic calming devices shall be prohibited unless approved by the fire code official.

**503.5 Required gates or barricades.** The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails or other accessways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

**503.5.1 Secured gates and barricades.** Where required, gates and barricades shall be secured in an approved manner. Roads, trails and other accessways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the owner and the fire code official.

**Exception:** The restriction on use shall not apply to public officers acting within the scope of duty.

**503.5.2 Fences and Gates.** School grounds may be fenced and gates therein may be equipped with locks, provided that safe dispersal areas based on 3 square feet (0.28 m<sup>2</sup>) per occupant are located between the school and the fence. Such required safe dispersal areas shall not be located less than 50 feet (15 240 mm) from school buildings.

*Every public and private school shall conform with Section 32020 of the Education Code which states:*

*The governing board of every public school district, and the governing authority of every private school, which maintains any building used for the instruction or housing of school pupils on land entirely enclosed (except for building walls) by fences of walls, shall, through cooperation with the local law enforcement and fire-protection agencies having jurisdiction of the area, make provision for the erection of gates in such fences or walls. The gates shall be of sufficient size to permit the entrance of the ambulances, police equipment and fire-fighting apparatus used by the law enforcement and fire-protection agencies. There shall be no less than one such access gate and there shall be as many such gates as needed to assure access to all major buildings and ground areas. If such gates are to be equipped*

*with locks, the locking devices shall be designed to permit ready entrance by the use of the chain or bolt-cutting devices with which the local law enforcement and fire-protection agencies may be equipped.*

**503.6 Security gates.** The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

## SECTION 504

### ACCESS TO BUILDING OPENINGS AND ROOFS

**504.1 Required access.** Exterior doors and openings required by this code or the *California Building Code* shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.

*[California Code of Regulations, Title 19, Division 1, §3.05(b)] Fire Department Access and Egress. (Roofs)*

*(b) Roofs. No person shall install or maintain any security barrier such as barbed wire fencing, razor wire fencing, chain link fencing, or any other fencing material, cable, aerial, antenna, or other obstruction on the roof of any commercial establishment in such a manner as to obstruct or render egress or access hazardous in the event of fire or other emergency.*

**Exception:** *Guy wire, rods and aerial antenna masts may be attached to a roof structure having a slope of less than 30 degrees provided there is full clearance of seven feet or more between the roof and said obstruction. Guy wire or rods required to support aerial or antenna masts may be attached to a roof structure a lateral distance from the mast not in excess of one-sixth the height of the mast.*

**504.2 Maintenance of exterior doors and openings.** Exterior doors and their function shall not be eliminated without prior approval. Exterior doors that have been rendered non-functional and that retain a functional door exterior appearance shall have a sign affixed to the exterior side of the door with the words THIS DOOR BLOCKED. The sign shall consist of letters having a principal stroke of not less than  $\frac{3}{4}$  inch (19.1 mm) wide and not less than 6 inches (152 mm) high on a contrasting background. Required fire department access doors shall not be obstructed or eliminated. Exit and exit access doors shall comply with Chapter 10. Access doors for high-piled combustible storage shall comply with Section 3206.6.1.

**504.3 Stairway access to roof.** New buildings four or more stories above grade plane, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3-percent slope), shall be provided with a stairway to the roof. Stairway access to the roof shall be in accordance with Sec-



ATTACHMENT J



ATTACHMENT K



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TOWN OF FAIRFAX  
142 Bellvue Road, Fairfax, California 94930  
(415) 453-1984 / Fax (415) 453-1618

## NOTICE OF VIOLATIONS

DELIVERED VIA UNITED STATES MAIL AND POSTER ON THE SUBJECT PROPERTY.

July 7, 2023

Joanne Bagan  
67 Live Oak Avenue  
Fairfax, CA 94930

Re: 67 Live Oak, Fairfax, California - Substandard Property Conditions

Dear Ms. Bagan,

This letter serves as a Notice of Violation for violations of the 2015 International Property Maintenance Code ("IPMC"), and the Fairfax Municipal Code ("FMC") on your property located at 67 Live Oak, Fairfax, California ("Subject Property"). Since 2009, the Town of Fairfax ("Town") has made efforts to coerce your compliance. On March 25, 2022, the Town issued an Administrative Citation to you regarding the Subject Property, which you failed to comply within the compliance deadline. The Town is now issuing this Notice of Violation for nuisance conditions on the Subject Property, specifically, sections:

**[IPMC 309.1 (Infestation)]** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

**[IPMC 302.1 (Sanitation)]** Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

**[IPMC 302.5 (Rodent Haborage)]** Structures and exterior property shall be kept free from rodent haborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions must be taken to eliminate rodent haborage and prevent re-infestation.

**[FMC 112.045 (Substandard Or Dangerous Property Conditions)]** No occupant shall cause or allow any condition on its property, or on an adjacent sidewalk, which unreasonably increases the risks to public safety or public health, or which results in substantial detriment to the property of others in the immediate vicinity thereof. Such conditions include but are not limited to the following:

ATTACHMENT L





ATTACHMENT N



ATTACHMENT 0



ATTACHMENT P