



C A L I F O R N I A

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SENT VIA EMAIL AND CERTIFIED U.S. MAIL

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RE: City of Merced's Code Enforcement Program

Dear City Attorney Cornwell:

Thank you for speaking with the California Attorney General's Office's Bureau of Environmental Justice about the City of Merced's code enforcement program as it relates to the requirements established by Assembly Bill (AB) 838 (2022) and AB 548 (2023), as respectively codified in the State Housing Law at Health and Safety Code sections 17970.5 and 1797.07.¹ During our meetings, you informed us that the City had prepared a draft Resolution Establishing Inspection Procedures for Multi-Unit Substandard Buildings Policy, as well as a draft ordinance containing tenant relocation assistance policies, and requested that we provide you with feedback on these draft policies by the end of March 2026. We are aware that the City Council considered and voted to adopt a modified Resolution Establishing Inspection Procedures for Multi-Unit Substandard Buildings Policy (Multi-Unit Inspection Procedures Resolution or Resolution) on March 17, 2026. We also understand that, at the same meeting, the Council considered, but did not adopt, a draft Repeat Housing Code Violators Program Ordinance (draft Ordinance), which includes certain provisions relating to tenant relocation assistance.

This letter provides the City with feedback on the Resolution and the draft Ordinance's tenant relocation assistance provisions in light of the City's duties under AB 548 and the State Housing Law's tenant relocation assistance provisions set forth in sections 17975, et seq. While we appreciate the City's efforts to develop the Multi-Unit Inspection Procedures and draft Ordinance, they do not satisfy the State Housing Law's requirements. This letter explains the ways in which the Resolution and draft Ordinance fall short of the requirements set forth in AB 548 and sections 17975, et seq. It also provides our Office's recommendations about how the City can revise its code enforcement policies to comply with those requirements and ensure that all tenants enjoy their rights to safe and healthy housing. Additionally, this letter requests that the

¹ All statutory references are to the Health and Safety Code, unless stated otherwise.

City provide us with certain documents so our Office can continue to assess the City's code enforcement program and its compliance with the State Housing Law.

As reported by the City of Merced, tenants make up 60 percent of the City's population.² The City is home to several neighborhoods that are among the most greatly impacted by housing-related lead hazards in California. Many tenants also endure multiple other substandard housing conditions that can jeopardize their health. For these reasons, the City's compliance with its code enforcement mandates under the State Housing Law is crucial. We strongly encourage the City to directly and meaningfully engage the Merced community, especially tenants and vulnerable populations, to develop policies and procedures that satisfy those duties. Doing so will allow the City to develop policies and procedures that not only meet the law's requirements but also achieve the law's intent of ensuring that tenants enjoy safe, healthy, and dignified housing conditions.

I. The State Housing Law's Prohibitions on Substandard Housing Conditions

The State Housing Law requires that property owners maintain rental housing in conditions that support the health, safety, and well-being of tenants and the public. (§§ 179720.3, 17920.10.) Section 179720.3 enumerates a wide range of conditions—from inadequate heating, unsafe electrical wiring, and structural hazards to dampness, visible mold growth, and general dilapidation³—that may render a building substandard.⁴ (*Id.*) Further, Section 179720.10, prohibits lead hazards in housing. Prohibited lead hazards include deteriorated lead-based paint, lead-contaminated dust and soil, and disturbing lead-based paint (i.e., such as during renovation) without implementing required containment protocols. (§ 179720.10.) Property owners that maintain housing in any substandard condition are subject to civil and criminal penalties.⁵ (*See* §§ 17995-17995.5.)

The Legislature adopted the State Housing Law's prohibition on substandard housing conditions in order to protect the health and safety of tenants and other occupants of buildings.⁶ Exposure to substandard housing conditions is associated with a wide range of adverse health outcomes, with lower-income households, children, people of color, older adults, people with disabilities, and other vulnerable populations facing heightened risks.⁷ For example, faulty

² City of Merced, Analysis of Impediments to Fair Housing Choice, 2020 Update (2020 AIFH), pp. 102, <https://www.cityofmerced.gov/business-and-development/housing/reports-and-plans/analysis-of-impediments-to-fair-housing-choice>.

³ The named conditions are only examples of substandard conditions and are not an inclusive list of the housing conditions prohibited by the State Housing Law. In addition, other local, state, and federal laws establish habitability requirements that may apply to a property based on its location, type, ownership, financing, and other factors.

⁴ The State Housing Law Regulations establish additional detail about the habitability standards that housing must meet under the State Housing Law. (*See* 25 Code of Reg. Reg. § 1, et seq.)

⁵ As used herein, "substandard housing conditions" refers to the substandard conditions described in Section 179720.3 and lead hazards as defined in Section 179720.10.

⁶ *See* Cal. Dept. of Housing & Urban Development (HCD), State Housing Law Program, <https://www.hcd.ca.gov/building-standards/shl>.

⁷ James Krieger & Donna Higgins, Am. Jour. Pub. Health, May 2002, <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.92.5.758>; Centers for Disease Control and Prev. & U.S. Dept. of Housing & Urban Development (U.S. HUD), Healthy Housing Reference Manual (CDC Healthy Housing Reference Manual), 2006, <https://stacks.cdc.gov/view/cdc/21748>; Kate Mason, et al., Housing Affordability and

electrical systems can lead to house fires and electric shock and place older adults and people with physical disabilities at particular risk.⁸ Pest infestations and mold in housing can cause and worsen allergies, asthma, and skin irritation, especially among children.⁹ Further, childhood exposure to lead is linked to irreversible cognitive impairments and multiple serious health conditions among people of all ages. Lead hazards in housing are the most significant source of lead exposure among children.¹⁰ Accordingly, landlords' maintenance of rental units in conditions that satisfy the State Housing Law's habitability requirements is essential to the health and safety of tenants.

II. Substandard Rental Housing Conditions in Merced

Lead hazards and other substandard housing conditions in Merced are well-documented.¹¹ Children who live in Downtown, South Merced, and Southeast Merced neighborhoods (collectively, South Merced) experience higher rates of elevated blood lead levels compared to the national average. Alarming, while 2.5 percent of children tested in the U.S. have blood lead levels that exceed the blood lead reference value (3.5 µg/dL), more than three times that share – 8 percent of children – exhibit elevated blood lead levels in one South Merced census tract. The rate of children with elevated blood lead levels exceeds the national average in several other South Merced neighborhoods.¹² Children in South Merced neighborhoods face among the highest risks of exposure to lead paint in housing in the state.¹³ Two South Merced census tracts score in the 98th percentile for children's lead risk in housing, according to the California Environmental Protection Agency's (CalEPA) CalEnviroScreen 4.0 tool. Multiple other South Merced neighborhoods score in the 88th percentile and above for this risk indicator.¹⁴

Health in People with Disability: A Scoping Review, *Epidemiologic Reviews*, Mar. 2026, p. 5, <https://academic.oup.com/epirev/advance-article/doi/10.1093/epirev/mxag004/8512140>; Joint Center for Housing Studies of Harvard University, *America's Rental Housing*, 2026, https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_Americas_Rental_Housing_2026.pdf.

⁸ U.S. Dept. of Homeland Security, FEMA, *Civilian Fire Injuries in Residential Buildings (2017-2019)*, Jul. 2021, Vol. 21, Issue 4, p. 9, <https://www.usfa.fema.gov/statistics/reports/who-fire-impacts/civilian-fire-injuries-residential-buildings-v21i4.html>.

⁹ Cal. Dept. of Pub. Health (CDPH), *Mold and Dampness*, <https://www.cdph.ca.gov/Programs/cls/dehl/eh1/Pages/AQS/Mold.aspx#HealthEffects>; U.S. Env. Prot. Agency (U.S. EPA), *Mold Exposure and Respiratory Conditions in Young Children*, updated Aug. 13, 2025, <https://www.epa.gov/children/mold-exposure-and-respiratory-conditions-young-children#Impacts%20on%20Children%20s%20Health>; Changlu Wang, et al., *Survey of Pest Infestation, Asthma, and Allergy in Low-income Housing*, *J. Community Health*, Vol. 33 (2008), <https://link.springer.com/article/10.1007/s10900-007-9064-6>.

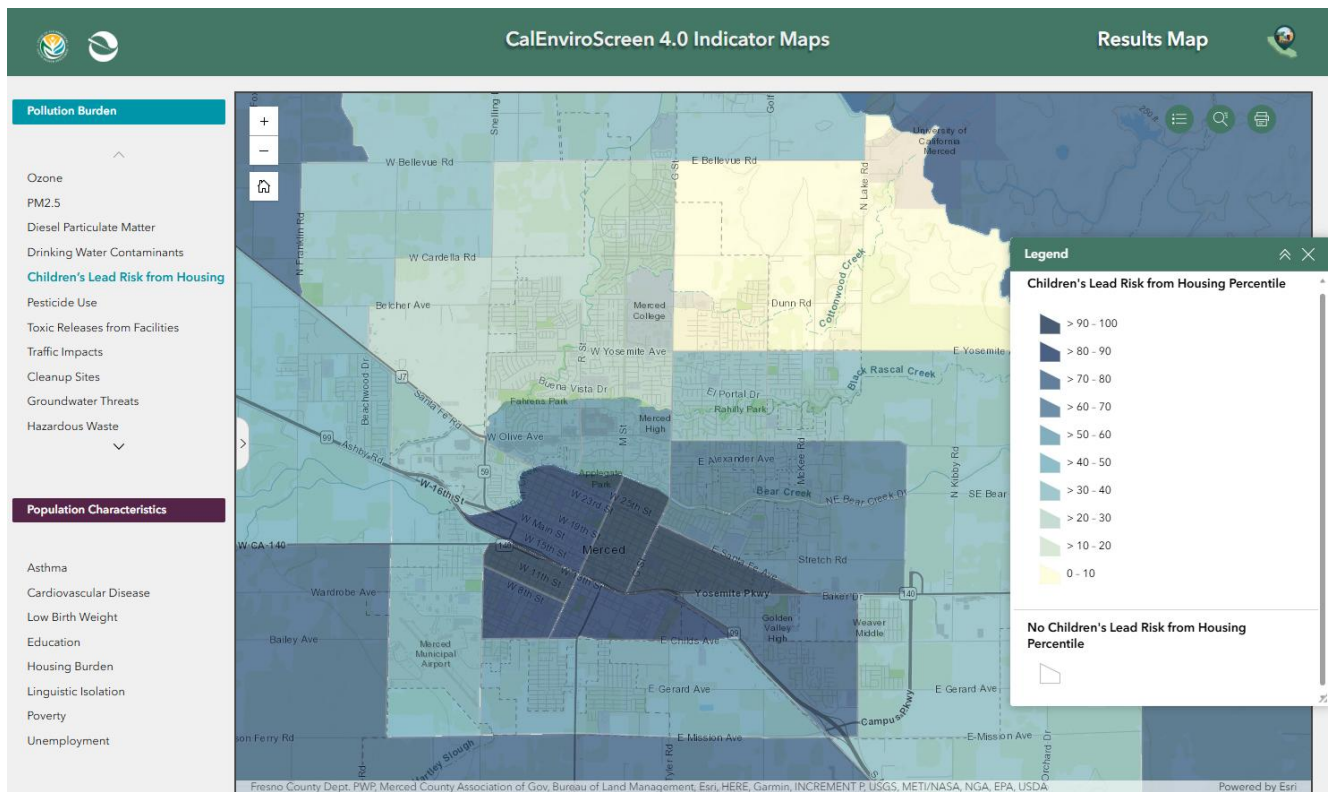
¹⁰ Cal. Off. of Env. Health Hazards, *Children's Lead Risk from Housing*, <https://oehha.ca.gov/calenviroscreen/indicator/childrens-lead-risk-housing>; U.S. EPA, *What are Some of the Health Effects of Lead?*, Feb. 4, 2026, <https://www.epa.gov/lead/what-are-some-health-effects-lead>.

¹¹ 2020 AIFH, p. 19.

¹² CDPH, *Percent of Children with a Blood Lead Level (BLL) of 3.5 mcg/dL or Greater, in Descending Order, by Census Tract, 2018-2022*, <https://www.cdph.ca.gov/Programs/CCDPPP/DEODC/CLPPB/Pages/data.aspx>.

¹³ See CalEnviroScreen 4.0 Excel and Data Dictionary PDF, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>.

¹⁴ The census tracts that score in the 98th percentile for children's lead risk from housing include Census Tract 6047001502 and 6047001401. Other census tracts which score in the 88th percentile and above for lead risk in housing include Census Tracts 6047001503, 6047001601, 6047001301, 6047001302.



CalEnviroScreen 4.0 Indicator Map, Children's Lead Risk from Housing Percentile

Additional substandard conditions besides lead also impact rental housing units in Merced.¹⁵ According to the City's 2020 Analysis of Impediments to Fair Housing, approximately 63 percent of the City's house stock is potentially in need of repair and improvements based on its age, and tenants have repeatedly expressed concerns to the City about the prevalence of substandard housing conditions.¹⁶ Public statements by City officials indicate that the City consistently receives complaints about unsafe and unhealthy rental housing conditions ranging from a lack of heat or running water and plumbing and electrical system failures to rodents and vermin infestations.¹⁷ Local news, non-profit organizations, and tenants have also raised concerns about ongoing substandard rental housing conditions in Merced.¹⁸ This includes concerns raised by tenants and local organizations during the City Council's consideration of the

¹⁵ City of Merced, 2024-2032 Merced County Multi-Jurisdictional Housing Element Update, Appendix G: City of Merced, Draft, Dec. 2025, p. G3-30, https://mercedmjhe.com/wp-content/uploads/2025/12/City-of-Merced-2024-2032-Housing-Element_PRD.pdf.

¹⁶ Analysis of Impediments to Fair Housing Choice, 2020 Update, pp. 83-84.

¹⁷ City of Merced, City Council Meeting Video, Mar. 3, 2025, Agenda Item K.1. 25-177, starting at 52:12, https://cityofmerced.granicus.com/player/clip/877?view_id=1&redirect=true.

¹⁸ Alma Villegas, Residents at this Merced Apartment Complex are Banding Together to Preserve Affordable Housing, The Merced Focus, Oct. 31, 2025, <https://themercedfocus.org/residents-at-this-north-merced-complex-are-banding-together-to-preserve-affordable-housing/>; U.S. HUD, Notice of Technical Default, Merced Gardens, Aug. 6, 2024, https://journaliststudio.google.com/pinpoint/document-view?collection=aef0dff89cf8bd0&docid=b2c0329b42d6de0f_aef0dff89cf8bd0&page=1&dapvm=2; Leadership Counsel for Justice and Accountability, Letter to City Manager McBride, City of Merced's Failure to Comply with State Laws, Feb. 27, 2026.

Multi-Unit Inspection Procedures Resolution and the draft Ordinance on March 17, 2026, where individuals described mold, vermin, failed appliances, and other uninhabitable conditions in rental housing. The recognized presence of lead hazards and other serious substandard housing conditions in Merced underscores the importance of a local code enforcement program that meets the requirements of state law.

III. Local Code Enforcement Agencies' Duties to Facilitate Safe and Healthy Housing for Tenants Under AB 838, AB 548, and Section 17975, et seq.

City and county code enforcement agencies play a vital—and mandatory—role in ensuring that landlords maintain rental housing in habitable conditions and, thereby, protecting the health, safety, and wellbeing of tenants.¹⁹ Local code enforcement agencies must diligently enforce the State Housing Law's habitability provisions. (*See* §§ 17920, subd. (e); 17960.) Pursuant to AB 838 (2021), after receiving a habitability complaint, a city or county must conduct an inspection of the housing areas that may be subject to a substandard condition, document any violations that would be discovered based upon a reasonably competent visual inspection, and identify any building or portion thereof intended for human occupancy that is determined to be substandard. (§ 17970.5, subd. (a).) The city or county must conduct the inspection at least as promptly as it conducts an inspection in response to a request for a final inspection for construction work requiring a permit under the Building Code. (§ 17970.5, subd. (b); *see* Building Code § 110.) Second, the city or county must advise the owner or operator of the housing of each violation identified and of each action that is required to be taken to remedy the violation and schedule an inspection to verify correction of the violations. (§ 17970.5, subd. (a)(3).) Third, the city or county must provide free, certified copies of an inspection report and any citations issued for the correction of a substandard housing condition to the tenant who made the complaint and any other tenants potentially affected by a substandard condition. (§ 17970.5, subd. (d).) The inspection report must include documentation of any violations identified. (§ 17970.5, subd. (a).) A city or county may not impose any unreasonable conditions on performing an inspection or providing an inspection report to a tenant, such as by requiring a tenant to be current on rent.²⁰ (§ 17970.5, subd. (g).)

AB 548 (2023) compliments AB 838 by supplementing a complaint-based inspection system with additional inspections to address conditions affecting multiple units. Under AB 548, cities and counties must, by January 1, 2025, develop policies and procedures for inspecting multi-unit residential buildings where a code enforcement officer identifies substandard conditions in one unit that may affect other units.²¹ (§ 17970.7, subd. (a).) The policies and

¹⁹ Code enforcement programs' duties under AB 838 extend to tenant complaints about substandard conditions in any building used for human habitation, regardless of the zoning designation or approved use of the building. (§§ 17920, subd. (n); 17920.3, 17970.5, subd. (a).)

²⁰ Other unreasonable conditions prohibited by AB 838 include that the tenant first make a demand for correction upon the property owner and that the tenant not be involved in a legal dispute with the property owner. (§ 17970.5, subd. (g).) In addition, a city or county must not unreasonably refuse to communicate with a tenant or occupant of rental housing regarding any matter covered by AB 838. (§ 17970.5, subd. (h).)

²¹ Cities and counties are subject to other duties in the State Housing Law and other legal authorities to enforce habitability requirements contained in Sections 17972.3 and 17920.10 and other state, federal, and local laws and are also responsible for complying with those duties.

procedures must meet specific requirements. (§ 17970.7, subd. (b).) First, they must include criteria that code enforcement officers must use to determine if a substandard condition could reasonably affect other units, taking into account certain factors, including but not limited to the building type, age, size, and type of construction, the cause of substandard condition, and any history of violations. (§ 17970.7, subd. (b)(1).) Second, the policies and procedures must require code enforcement officers to reasonably attempt to inspect additional units at the property, including at least units adjacent to, above, and below the unit, in which a violation is found. (§ 17970.7, subd. (b)(2).) Third, the policies and procedures must allow for the inspection of all units on the premises if severe building-wide violations are found. (§ 17970.7, subd. (b)(3).) Finally, AB 548 requires a city or county, upon determining that a substandard condition in a unit could reasonably affect other units, to provide a property owner with a notice or order to abate a violation within a reasonable time, advise the property owner of each known violation and action required to remedy the violation, and schedule a reinspection to verify correction of the violations. (§ 17970.7, subd. (c).) AB 548's requirements strengthen complaint-based inspections by allowing cities and counties to catch substandard housing conditions that previously went unreported and prevent those conditions from growing into more significant health hazards. (*See* Cal. Sen. Housing Com., June 20, 2023 Hearing, Bill Analysis, p. 4.)

Cities and counties should exercise caution to avoid ordering the displacement of tenants whenever it is possible do so without jeopardizing health and safety. Tenants who are displaced from housing as a result of a city's or a county's order to vacate due to dangerous substandard conditions have a right to relocation assistance from the property owner.²² (§ 17975, et seq.) The State Housing Law assigns duties to cities and counties to help ensure that tenants receive these benefits. First, cities and counties must determine tenants' eligibility for relocation benefits and provide notice to the tenant of the relocation benefits owed, in accordance with the benefits calculation set forth in the statute. (§§ 17975, 17975.1, subd. (c), 17975.2.) Where a local code enforcement agency orders a tenant to vacate a unit in less than ten days, the agency must attempt to notify the owner that benefits are payable immediately. (§ 17975, subd. (b).) Further, cities and counties are allowed, but not required, to advance relocation payments to tenants if an owner fails to pay the required benefits on time and may recover the advanced payments from landlords, plus administrative costs and penalties.²³ (§ 17975, subds. (a), (c), (d).)

IV. The City Must Develop Multi-Unit Inspection Policies and Procedures That Meet AB 548's Requirements

We appreciate the City's efforts to develop its Multi-Unit Inspection Procedures Resolution. However, the Resolution does not satisfy AB 548's requirements for several reasons. First, the Resolution does not include "criteria" and "factors" that code enforcement officers

²² In addition to relocation benefits established by the State Housing Law, the Tenant Protection Act of 2019 (AB 1482) entitles qualifying tenants to relocation benefits when a tenant is displaced from an order to vacate by a code enforcement agency due to substandard housing conditions, as well as in other circumstances when a landlord initiates a "no-fault" termination of tenancy. The Act also provides qualifying tenants with additional relocation assistance rights in the event of displacement as a result of substandard housing conditions. (Civ. Code § 1946.2.)

²³ An agency that seeks to collect relocation payment benefits advanced to a tenant from a property owner must submit an itemized accounting of benefits paid to the property owner and provide the property owner the opportunity to appeal the attempted collection. (§ 17975, subd. (c).)

must use to make determinations about whether a substandard condition may affect other units. (§ 17970.7, subd. (b)(1).) Second, the Resolution does not require code enforcement officers to issue a notice or order to repair or abate violations that advises property owners of the information specified in Section 17970.7, subdivision (c), or make a determination that a condition could reasonably affect other units. (§ 17970.7, subd. (c).) Third, the Resolution does not establish policies and procedures for the inspections and re-inspections that meet the requirements set forth in Section 17970.7. The Resolution also uses vague and ambiguous language that does not describe the steps for how code enforcement officers must perform their inspection tasks, which falls short of the City’s duty to establish a “procedure”²⁴ (§ 17970.7, subds. (a), (b).) Below, we provide more information about these deficiencies and recommend ways the City may develop policies and procedures that meet the requirements of AB 548 and achieve its goal to ensure habitable living conditions for tenants in multi-unit buildings.

A. The City Must Establish Criteria and Factors That Code Enforcement Officers Must Use to Determine Whether a Substandard Condition May Affect Other Units

The policies and procedures developed pursuant to AB 548 must include “criteria” and “factors” that code enforcement officers must use to determine if a substandard condition in one housing unit could reasonably affect other units. (§ 17970.7, subd. (b)(1).) The Resolution does not meet these requirements for a few reasons.

First, the resolution does not identify “criteria” that code enforcement officers must use to guide their inspections. “Criteria” is defined as “a standard on which a judgement or decision may be based.” (*See* Miriam-Webster Dictionary, Definition of “Criterion”.)²⁵ Instead of criteria, the Resolution includes a “non-exhaustive” list of four violation types – “mold, mildew, pests, and/or lead hazards” – that it states could affect other units, and the Resolution states that if one of those violations “or another violation” is present *and* the code enforcement officer determines the violation[s] could reasonably affect other units,” then the code enforcement officer must attempt to inspect other units. (Resolution, Exhibit A, p. 3.) By providing the code enforcement officer with complete discretion about when to determine whether the listed violation types or any other violation could reasonably affect other units, the Resolution lacks a standard by which code enforcement officers must make their determination. The Resolution’s use of “and/or” in the list of four violation types reinforces the absence of a standard by adding to the uncertainty about the effect that the presence of a listed on the determination about whether a violation could reasonably affect other units. Further, the Resolution’s reference to “another violation” without stating what types of conditions or violations of which laws, rules, or standards the term encompasses is ambiguous and creates uncertainty for code enforcement staff about what potential violations to look for to determine whether a substandard condition may affect other units.

²⁴*See* Miriam Webster Dictionary, definition of “procedure” (defining “procedure” as “a particular way of accomplishing something” and “a series of steps followed in a regular definite order.”) Updated Mar. 12, 2026, <https://www.merriam-webster.com/dictionary/procedure>.

²⁵ Miriam-Webster Dictionary, Criterion, <https://www.merriam-webster.com/dictionary/criteria>.

Second, the Resolution does not include factors that code enforcement officers must use to determine if a substandard condition could reasonably affect other units. (§ 17970.7, subd. (b)(1); Resolution, p. 3.) Instead, the Resolution lists categories, such as “[b]uilding age” and “[h]istory of violations,” that code enforcement officers “may consider” “[w]hen determining whether to inspect additional units.” In this way, the Resolution makes code enforcement officers’ consideration of these categories optional, not mandatory. provides no direction to officers about how these categories should factor into their determination The City must develop factors that are sufficiently descriptive and detailed to provide clear direction to code enforcement officers. This might include, for example, identifying a certain number of past violations that have occurred within a certain timeframe at a property or specifying a certain building age which would factor into a determination that a substandard condition could reasonably impact other units.

The City must develop policies and procedures with criteria and factors that code enforcement officers must use to determine that a substandard condition could reasonably affect other units, as required by Section 17970.7, subdivision (b)(1). The City can do this by clarifying that the presence of any of the four conditions listed in the Resolution in one unit triggers a determination that the condition may reasonably affect other units. Examples of other criteria that may indicate the presence of substandard conditions in other units that should be expressly listed in the Resolution include: leaking plumbing; the presence of dampness in habitable rooms; electrical wiring that does not meet Building Code standards; structural hazards in the building’s foundation, roofing, flooring, or walls; non-functioning smoke or carbon monoxide detectors; and general dilapidation, inadequate maintenance, and the presence of debris or garbage. (*See* § 17920.3, subs. (a), (b), (d), (e), (j).) The City must also clarify in its policies and procedures the factors that code enforcement officers must consider and how they affect a code enforcement officer’s determination that a substandard condition may affect other units. For example, where deteriorated lead-based paint is identified, a building’s date of construction preceding 1978 should factor into a determination that the condition is likely to impact other units. Also, when mold is found in a unit, the identification of the cause of the condition as dampness or moisture in habitable rooms or leaking plumbing should support a determination that other units are likely affected by mold.

B. The City Must Require That Code Enforcement Officers Issue a Notice or Order to Repair or Abate Upon Completion of the Inspection

As drafted, the Resolution does not satisfy Section 17970.7’s requirements for the City to provide property owners with a notice or order to repair or abate concurrently with a determination that a substandard condition could reasonably affect other units. (§ 17970.7, subd. (c)(1).) The Resolution does not require the notice to be issued to property owners at the same time that a determination that a substandard condition could affect other units is made, and in fact, does not include any deadline at all for issuing a notice. Instead, the Resolution states that a code enforcement officer will “draft” a notice of violation “[u]pon the conclusion of the inspection, and within a reasonable time,” without defining a “reasonable time.” The Resolution separately states that “[n]otice must be issued to” the property owner and affected tenants, but it does not identify any time frame in which this must occur. The lack of any deadline for the

issuance of the notice makes it uncertain whether and when the City will issue a notice of violation to a property owner following particular inspections.

In addition, the Resolution does not include procedures to advise property owners of the information required in Section 17970.7, subdivision (c). Section 17970.7, subdivision (c), requires, in part, that, “[u]pon determining that a substandard condition in a unit could reasonably affect other units,” the city or county shall provide the property owner with a notice or order to repair or abate within a reasonable time and advise the owner or operator of each known violation and each action required to remedy the violation. (§ 17970.7, subd. (c).) The Resolution states that code enforcement officers shall draft a notice of violation to advise the “owner/operator” of each known violation and lists certain information the notice “should include.” (Resolution, Exhibit A, p. 2.) As required by the Health and Safety Code, the City must clarify its policies and procedures to state that notice must be issued to the property owner, and that the notice must identify each known violation and each action required to correct the violation(s). The notice also must identify a “reasonable” time frame in which the violations must be corrected. We recommend that the City include standards to assist code enforcement officers in determining what a reasonable time frame is on a case-by-case basis. For example, the City’s policies and procedures could establish a presumption that a reasonable time frame is 30 days but provide that this timeframe may be shorter when the violations pose health and safety risks to tenants or when the property has had repeated violations. When the specific circumstances present are likely to require a longer timeframe to correct a particular violation, the City could allow a property owner a specified period of additional time to correct the violation, with benchmarks to show progress in correcting the violation and requiring any other violations that can be corrected more quickly to be corrected within the generally applicable timeframe. As an example, a notice of violation might allow three months to repair structural deterioration from termite damage and establish interim deadlines for the property owner to obtain a licensed contractor to perform the work, submit any required permit applications to the City, and to begin structural repairs.

C. The City Must Develop Policies and Procedures for Inspections and Re-inspections that Meet AB 548’s Requirements

i. The Resolution’s Procedures Do Not Meet AB 548’s Inspection and Re-inspection Requirements

The Resolution’s procedures do not meet AB 548’s requirements for inspecting units that may be affected by a substandard condition in another unit. First, the Resolution does not state when a code enforcement officer must schedule a re-inspection to verify correction of violations identified in an initial inspection. The City must develop a procedure specifying that a code enforcement officer shall schedule the reinspection “[u]pon determining that a substandard condition in a unit could reasonably affect other units,” i.e., upon the conclusion of an inspection that identifies a problem that could impact other units. (§ 17970.7, subd. (c).) The City should also include in its procedures a timeframe for when the re-inspection must occur. To promote timely compliance by property owners, we recommend that the timeframe closely coincide with the property owner’s deadline to correct the violation. Adopting this procedure would also support compliance by the City with its duty to diligently enforce the State Housing Law. (*See*

§§ 17920, subd. (e); 17960.) We also recommend that the City revise the language in Section D of the Resolution to more clearly reflect property owners' duty to correct habitability violations and the City's duty to enforce the State Housing Law. Specifically, we recommend that the City delete the word "anticipated" and replace the phrase "outlined in" with "required by." (Resolution, Exhibit A, p. 3.)

Second, since the Resolution does not provide any direction about how code enforcement officers must fulfill requirements to "inspect or reasonably attempt to inspect" units that may be affected by a substandard condition or how to determine when violations are "severe and widespread," the Resolution appears to not include the inspection procedures that AB 548 requires. (§ 17970.7, subds. (a), (b)(2), (b)(3).) The City should develop procedures that describe the steps a code enforcement officer must take to "reasonably attempt to inspect" a unit, such as by contacting via the property owner, operator, and tenant, as necessary, to request access to the unit. (§ 17970.7, subd. (b)(2), (b)(3).) The procedures should also describe how a code enforcement officer will determine that violations are "severe and widespread." (§ 17970.7, subd. (b)(3).) For instance, the discovery of a violation in multiple adjacent units that appears to have a cause that could affect other units in the building could trigger a determination that violations are "severe and widespread" and therefore necessitate an inspection of all units in the property. As an example, identification of deteriorated lead-based paint in three adjacent units may trigger a finding that the violations are severe and widespread when they are caused by a failure to maintain paint in a building constructed before 1978. Likewise, mold identified in three adjacent units may trigger the finding when the cause is leaking plumbing or moisture from an exterior water source that may affect other units.

ii. The Resolution's Single Policy Does Not Satisfy AB 548

AB 548 requires the City to develop "policies and procedures" for inspecting multi-unit buildings that meet specified requirements. (§ 17970.7, subds. (a), (b).) The Resolution's single policy does accomplish this. The Resolution's policy states that it is the City's policy "to properly handle substandard living conditions within multi-unit buildings and to maintain an accurate record of noticing in order to protect tenants' rights and the living conditions of the community." (Resolution, Exhibit A, p. 1.) This policy does not address several requirements set forth in Section 17970.7, including the core requirement that the policies address inspections in a multi-unit building where a violation in one unit may affect other units, as well as the specific requirements described in numerals (1), (2), and (3) of subsection (b). (§ 17970.7, subds. (a), (b).) Even if this policy satisfied the requirements of the Health and Safety Code, it appears to be more of a high-level goal than a policy because of its extremely broad and ambiguous language. A policy provides direction or guidance to government officials when making decisions about a course of action to pursue. (Miller & Starr, Cal. Real Est. Digest, 3d, Zoning & Planning, § 5; *See also* Governor's Office of Land Use and Climate Innovation, General Plan Guidelines, Appendix E, 2017, p. 382.)²⁶ The Resolution's one policy does not meet this standard. The phrase "properly handle substandard living conditions" does not indicate how the City would

²⁶ The Governor's Office of Land Use and Climate Innovation (LCI) defines policy as a "specific statement that guides decision-making," and states that a policy "indicates a commitment of the local legislative body to a particular course of action." (LCI General Plan Guidelines (General Plan Guidelines), Appendix E, 2017, p. 382.)

decide on a course of action and what action the City might take in response to the identification of substandard living conditions, since “properly” is a highly subjective term and “handle” is ambiguous. The phrase “maintain an accurate record of noticing” is also ambiguous, and the policy does not indicate how maintaining that record is connected to protecting tenants’ rights and living conditions. (Resolution, Exhibit A, p. 1.) The City must develop policies that address Section 17970.7’s requirements that guide the specific procedures developed in compliance with this Section.

V. The City Must Adopt and Implement Tenant Relocation Assistance Requirements that Comply with Section 17975, et seq.

The City’s compliance with its duties to help ensure that tenants receive relocation benefits which they are owed under Section 17975, et seq., is crucial to ensuring that tenants displaced by substandard housing conditions are able to secure safe and healthy alternative housing without becoming homeless or relocating out of the community. Based on the information available to us at this time, we are not aware of any policies or procedures maintained by the City to ensure that its code enforcement officers adhere to these duties. The City’s Municipal Code does not appear to contain any provisions that directly address these requirements. Neither has the City informed us of any policies it maintains that cover the requirements, though we have requested the City provide us with this information. While the City’s draft Repeat Housing Code Violators Program Ordinance includes provisions that affirm tenants’ rights to relocation assistance as established by state law, the draft Ordinance does not satisfy the City’s duties to help ensure that tenants receive those benefits. (Draft Ordinance, Section C; § 17975.)

The City must develop policies and practices as necessary to ensure that its code enforcement program operates consistently with the State Housing Law’s Tenant Relocation Assistance provisions. (§ 17975, et seq.) These policies and practices must ensure that, when a tenant is displaced due to an order to vacate due to substandard housing conditions, the City: (1) determines tenants’ eligibility for relocation benefits, including the amount owed; (2) provides telephonic or written notice to the tenant of their entitlement to benefits; and (3) attempts to provide telephonic or written notice to the owner that benefits are payable immediately when an order to vacate requires the tenant to leave in fewer than ten days. (§§ 17975, subd. (a); 17975.1, subds. (b), (c); 17975.2.)

As drafted, the draft Ordinance does not satisfy these requirements. First, the draft Ordinance does not require a city official to determine a tenant’s eligibility for relocation assistance when the official issues an order to vacate due to a substandard condition that threatens health or safety. Instead, the draft Ordinance provides that the Building Official, Fire Chief, or their respective designee “may issue an order to vacate..., accompanied by a summary of the provisions of Health and Safety Code section 17975, et seq.” (Draft Ordinance, § 8.53.070.) Providing a summary of the statute’s requirements is distinct from, and not a legally permissible substitute for, the City making an affirmative determination of a tenant’s eligibility for benefits, including a determination of the amount of benefits the tenant is owed. (§ 17975, subd. (a).) The draft Ordinance is also ambiguous about whether a city official must provide the summary of the law to the tenant whenever an order to vacate due to substandard housing

conditions is issued, or whether the official has discretion to provide the summary or not due to the inclusion of “may” in the draft. (Draft Ordinance, § 8.53.070.) This ambiguity is heightened by the fact that Health and Safety Code section 17975 summary language is included within a draft Ordinance entitled “Repeat Housing Code Violators Program.” While the language appears to generally apply to instances in which the City issues an order to vacate due to substandard housing conditions, its inclusion within the Repeat Housing Code Violators Program is likely to create confusion among City staff and the public about whether it only applies in cases involving “Repeat Housing Code Violators.” Second, the draft Ordinance does not require city officials to attempt to provide notice to the owner that benefits are payable immediately when an order to vacate requires the tenant to leave in fewer than ten days, as required by Section 17975.1, subdivision (b). The City’s implementation of the owner notification requirement in these circumstances is an important protection for tenants facing imminent displacement.

Many cities and counties in California have adopted rules and policies that provide protections to displaced tenants beyond the law’s minimum requirements, and we encourage the City to consider whether any such rules and policies tailored to Merced’s local circumstances could benefit its populace.²⁷ For example, the City could consider developing a program to advance relocation payments to tenants if an owner fails to pay the required benefits on time and pursue the advanced payments from landlords, plus administrative costs and penalties as warranted to fund the program and incentivize compliance. (§ 17975, subs. (a), (c), (d).) The City could also consider enacting local requirements that property owners provide additional assistance payments beyond the amount required by the State Housing Law for rental units with particularly vulnerable tenants, such as children, lower-income tenants, older adults, and people with disabilities, since actual relocation costs often exceed that amount.²⁸ In addition, the City could consider establishing requirements for the translation of tenant relocation assistance notices into languages spoken by tenants who reside at a property with substandard conditions and guaranteeing tenants a right to return to a unit at a comparable rent after repairs correcting habitability violations are made.²⁹

VI. Request for Documents Relating to the City’s Code Enforcement Program

In February 2026, we requested that the City provide our Office with certain documents to evaluate the City’s compliance with its code enforcement duties under the State Housing Law, but we have not received a response to this request. Based on publicly available information, we have reason to believe that the City may not be operating its code enforcement program consistently with the requirements established by AB 838 or other code enforcement duties set

²⁷ See e.g., City of Oakland, Uniform Residential Tenant Relocation Ordinance, <https://www.oaklandca.gov/Community/Housing-Programs-Support/Evictions-and-Tenant-Rights/Managing-Evictions-For-Landlords/Uniform-Relocation-Ordinance>; City of Richmond, Relocation Ordinance, <https://www.ci.richmond.ca.us/4824/Richmond-Relocation-Ordinance>; City of Los Angeles, Relocation Assistance Information, <https://housing.lacity.gov/rental-property-owners/relocation-assistance-information>.

²⁸ See Association of Bay Area Governments, Tenant Relocation Assistance, Apr. 7, 2025, <https://abag.ca.gov/sites/default/files/documents/2025-04/Tenant-Relocation-Assistance-Profile-04-03-2025.pdf>.

²⁹ See Novato City Council Introduces Tenant Protection Ordinance, Mar. 26, 2026, <https://www.novato.gov/Home/Components/News/News/6916/637>.

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forth in the State Housing Law. To further our evaluation, we request that the City provide us with the following records within 30 business days of receipt of this letter:

1. All of the City's currently operative policies and procedures relating to its code enforcement program, including but not limited to its 2019 Code Enforcement Manual and any policies and procedures implementing AB 838, AB 548, and/or Health and Safety Code sections 17975 through 19795.10.
2. Documentation sufficient to demonstrate the City's practices, system, process, and/or protocol for receiving and documenting tenant complaints.
3. Records of all complaints made to the City by a tenant or other occupant of rental property relating to alleged substandard housing condition since February 1, 2025.
4. Records of the City's responses to complaints made by a tenant or other occupant of rental property relating to alleged substandard housing condition since February 1, 2025, including but not limited to records of inspections and re-inspections, habitability violations, citations, notices, and/or orders to correct violations issued to property owners, and any inspection reports.

Please provide the requested records in electronic format. You should indicate in your response to this request whether you are requesting that any information and documents provided be designated as confidential and specify the documents and basis on which you request the confidentiality designation.

VII. Conclusion

We look forward to your response to this letter and working with the City to ensure its compliance with its code enforcement duties under the State Housing Law. We understand that there is considerable community interest in the City's development and implementation of a code enforcement program that allows all Merced tenants to enjoy safe, dignified, and healthy housing, and we strongly encourage the City to meaningfully involve the community in the development of its code enforcement policies and procedures. Please let us know if you have any questions regarding this letter or if you would like to set up a time to discuss our comments.

Sincerely,



ASHLEY WERNER
Deputy Attorney General
Bureau of Environmental Justice

For **ROB BONTA**
California Attorney General

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cc: Mayor Matthew Serratto
Councilmember Darin Dupont
Councilmember Yang Pao Thao
Councilmember Mike Harris
Councilmember Shane Smith
Councilmember Sarah Boyle
Councilmember Fue Xiong