



*100 Years of Service*

# Menlo Park Fire Protection District

170 Middlefield Road • Menlo Park, CA 94025 • Tel: 650.688.8400 • Fax: 650.323.9129  
Website: [www.menlofire.org](http://www.menlofire.org) • Email: [mpfd@menlofire.org](mailto:mpfd@menlofire.org)

**Fire Chief**  
Harold Schapelhouman

**Board of Directors**  
Robert J. Silano  
Peter Carpenter  
Chuck Bernstein  
Rex Ianson  
Virginia Chang Kiraly

**October 18, 2016**

**Dear Mayor Rutherford, Council Members, City Manager and Staff**

On October 18, 2016 the City Council of East Palo Alto will hear requests from citizens to provide amnesty or a moratorium on “red tagging” of illegal structures within the City. This request is out of concern for affordable housing and the potential displacement of hard working individuals and families who live in the City.

Unfortunately, the Menlo Park Fire Protection District’s monthly Fire Board meeting is being held on the exact same date and time as your council meeting so the Board members, Fire Chief and Fire Marshal will not be able to attend your Council meeting but the Deputy Fire Marshal will be in attendance.

The Menlo Park Fire District is responsible for enforcement of fire and life safety codes which includes single family residential, multi-family residential and commercial buildings. The Fire District responds annually to hundreds of fires and thousands of other emergencies which may result in a call to inspect property due to the high risk to life safety of occupants. State law requires that the Fire District inspect all multi-family residential units. Many of these structures and rentals would be required to be inspected annually by State law if they were legal and properly registered, but many are not.

While we sincerely empathize with tenants, the property owners who chose to skirt the law and house individuals and families in substandard structures are ultimately responsible for their safety and proper compliance. The Fire District responds to all code compliance complaints with City staff. Together, those inspectors work hard to be fair and cooperative in offering ample time and options to owners to bring structures into compliance within the code to provide both legal and safe housing for occupants.

The City of East Palo Alto has a tragic history of multi-fatal fires where illegal construction and a lack of code compliance compromised the survivability and safety of both occupants and firefighters who were placed at considerable additional risk fighting the fires or trying to rescue the occupants. The structures we are talking about are not traditional “homes” as you may be led to believe. Many of them are nothing more than sheds, illegally converted garages, or other structures that have no heat, no air exchange, no insulation, mold and present unhealthy and unsafe living conditions with no restrooms, substandard wiring and no lighting. These structures are a direct threat to the occupants, public safety and fire personnel.

Many use extension cords for power and space heaters to keep warm. In a majority of these “homes” the owner does not live at the home and may live in another community and code compliant home. Some, own several homes and may be considered as predatory landlords who are responsible for the poor condition of a number of homes in the City. The health, well-being of the tenants and code compliance is ultimately the owner’s responsibility.

The individuals who own these “homes” are responsible for the condition of the structures in which the tenants are leasing. They need to be held responsible for the repair and even temporary relocation of

tenants, so that these units can be brought into compliance, under the code and to maintain human decency.

If the City chooses to provide amnesty, or a moratorium, it only shifts the responsibility for enforcement to State Community and Housing Development and the Fire District. The results will still be the same, as with each complaint or emergency response, red tagging will occur when required due to illegal structures and immediate threat to the public health and life safety.

We encourage the City Council to maintain code enforcement and responsibility under the law within the City of East Palo Alto. We appreciate your consideration regarding this very important and sensitive topic. The Menlo Park Fire Protection District supports City staff and prioritizes life safety and enforcement of State law as applicable while attempting to balance the individual needs of residents against the overall wellbeing of the community and firefighters.

**Sincerely,**

**Harold Schapelhouman**  
**Fire Chief**

**Jonathan Johnston**  
**Fire Marshal**

Housing and Community Development has responded to the City below with Health and Safety Code reference for you to understand the legalities and consequences.

**17920 (e) "Enforcement"** means diligent effort to secure compliance, including review of plans and permit applications, response to complaints, citation of violations, and other legal process. Except as otherwise provided in this part, "enforcement" may, but need not, include inspections of existing buildings on which no complaint or permit application has been filed, and effort to secure compliance as to these existing buildings.

**17960.** The building department of every city or county shall enforce within its jurisdiction all the provisions published in the State Building Standards Code, the provisions of this part, and the other rules and regulations promulgated pursuant to the provisions of this part pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings.

I have heard of similar constituent demands in other local jurisdictions where the municipality has reviewed policies to mitigate citizen's anger, including amnesty through ordinance. I have cautioned those municipalities the same as I would caution you and your city council. Amnesty is not a term recognized by State Housing Law, HCD Title 25 Regulations or California Building Standards. HCD oversight includes review, investigation and written notice to a city, county or city and county with the possible end result of HCD's assumption of local responsibility in the event of non-enforcement. Please see HSC Section 17952.

I hope this is helpful. Please feel free to contact me if I can be of further assistance.



**Shawn Huff MPA, CBO**

Assistant Deputy Director  
Housing & Community Development  
2020 W. El Camino Avenue, Suite XXX | Sacramento, CA 95833  
Phone: 916.263.3124 Fax: 916.263.5348

