

# TENANT PROTECTIONS DURING CONSTRUCTION SMMC 8.100 AND TEMPORARY RELOCATION SMMC 4.36.100



Presented by:

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# TOPICS

- Active Residential Permits
- Temporary Relocations
- Means and Method Plan
- Habitability
- Purpose
- Review
- Relocation Plan
- Tenant Noticing
- Response to Construction Concerns

# ACTIVE RESIDENTIAL PERMITS

As of 4/6/17:

- 1064 Active Residential Addition & Alteration Permits
  - Within 704 properties
  - 287 of the 704 are rent controlled properties

## **Alterations that do not require a City building permit:**

*City may be unaware of the impacts of these activities on tenants*

- Platforms, walks and driveways not more than 30" above grade
- Painting, papering, color texture coating of exterior stucco, and similar finish work
- Flooring on concrete slab or not weighing more than 4 lbs per sq. ft.
- Asbestos removal – South Coast Air Quality Management Dept.

# TEMPORARY RELOCATIONS

## 47 Relocations from 1/1/2017 to 4/10/17

- 0 Construction impacts on buildings with active permits
- 16 No heat (2 work without permit)
- 12 No gas (11 due to owner not paying gas bill)
- 6 Lack of connection to sewage system
- 6 Dampness of habitable room, water intrusion
- 2 Structural – ceiling collapse
- 2 Asbestos concern (1 work without permit)
- 1 Lack of toilet
- 2 Lack of kitchen sink (work without permit)

Aging Infrastructure - Average age of buildings is 64 years old, ranging from 1931-1979

# MEANS AND METHOD PLANS

## REQUIRED WHEN:

- Building permit to alter, repair, or rehabilitate any residential dwelling,
- Tenant occupied, and
- Construction impacts habitability of ANY unit on the property

# HABITABILITY

## California State Health and Safety Code Section 17920.3




- Structural hazards
- Faulty weather protection
- Other

# PURPOSE

Means and Method Plans (MMP) include:

- Description of construction process
- Impacts on occupancy
- Plan to address habitability impacts
- Assessment if temporary relocation will be required
- Mitigation measures for construction impacts



MEANS AND METHOD PLAN FOR  
TENANT PROTECTION  
DURING BUILDING REHABILITATION  
(SMMC 8.100)

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PROJECT ADDRESS:

DEVELOPER:

PROJECT MANAGER:

GENERAL CONTRACTOR:

DATE:

# REVIEW

- Tenants are required to receive a copy
- MMP submitted to City
  - Over the counter
  - Formal plan check – ProjectDox

Plan Check Engineers review and approve the plans

- Compare the description of work on the MMP with the plans or description of work on the permit application
- Determine if relocation plan is required



# RELOCATION PLAN

## Relocation Benefits

- Relocation 5 days or less: per diem, comparable housing or safe and sanitary hotel/motel
- More than 5 days but less than 30 days: per diem or comparable housing
- Relocation  $\geq$  30 days: per diem, temporary rental housing

## Timing of when tenants will be relocated


## Copy of notice

## If providing comparable housing, provide verification of sufficient supply of temporary housing type

## Verification that the owner has adequate resources to provide relocation benefits

# TENANT NOTICING SMMC 8.100.040

- Permit is issued
- Preprinted 30"x40" sign provided to applicant



**NOTICE OF CONSTRUCTION WORK  
BUILDING PERMIT MEANS AND METHOD**

PROJECT ADDRESS: \_\_\_\_\_ BUILDING PERMIT #: \_\_\_\_\_ DATE PERMIT ISSUED: \_\_\_\_\_

GENERAL DESCRIPTION OF WORK: \_\_\_\_\_  
\_\_\_\_\_

EXPECTED DATES/DURATION OF CONSTRUCTION: DATES \_\_\_\_\_ EXPECTED COMPLETION DATE \_\_\_\_\_

AREAS AFFECTED BY CONSTRUCTION WORK: \_\_\_\_\_

SERVICE(S) UNAVAILABLE DURING CONSTRUCTION -  WATER  ELECTRICITY  GAS  PARKING  ELEVATOR  STAIRS  CORRIDORS  OTHER

DATES & TIMES UNAVAILABLE: \_\_\_\_\_

**TENANT RIGHTS DURING CONSTRUCTION:**

1. Tenant shall be informed that no work shall commence until five (5) days after the date that all tenants are notified.
2. Tenant has a right to review and receive free copies of the City approved Means And Method Plan from the landlord.
3. Tenant has a right to review and receive free copies of an owner's relocation plan if applicable, from the landlord.
4. Tenant's tenancy shall not be terminated as a result of the construction authorized and associated with this building permit.
5. Tenant has the right to seek mitigation, such as temporary rent reductions authorized by the Rent Control Board or other temporary accommodations, from related nuisance conditions at the property such as excessive noise, constant and persistent noise, dust, vibrations, utility shut-off's and other construction impacts.
6. Tenant shall be provided with monthly notices from the landlord on progress of construction should construction exceed thirty (30) days.
7. Tenants have the right to file a complaint with the owner or owner's representative if tenant believes conditions related to the construction are considered unsafe, unsanitary or in violation of the City's technical or safety codes.


8. Tenant may file such complaint to: \_\_\_\_\_  
Owner's or Owner's Representative Name Telephone email address

9. Tenant may contact the City of Santa Monica if tenant believes that Tenant Rights have not been complied with, or conditions related to construction that may be unsafe, unsanitary or in violation of the City's Municipal Code by contacting the Code Enforcement Division at (310) 458-4984.

# Tenant Noticing SMMC 8.100.040

Owner has 5 days after the permit is issued to provide tenants with notice that includes:

- Construction will not terminate tenancy
- Tenant's right to seek mitigation for construction impacts
- Right to review and receive approved Means and Method Plan
- Contact Person responsible to address tenant complaints
- City contact if plan is violated



## Tenant Noticing Requirements

Pursuant to SMMC 8.100.040

*Planning and Community Development*

**If you applied for a permit to alter, repair, or rehabilitate any tenant-occupied structure that contains one or more dwelling units or mobilehome park and the Building Officer required you to prepare a Means and Method Plan, you cannot begin work under the permit until five days after the tenants receive a notice containing the following:**

1. A detailed description of the nature and type of construction activity that will be undertaken.
2. Information regarding the scheduling of construction and the periods in which services such as laundry, parking, elevators, water and power, will be unavailable.
3. A statement that the construction being undertaken at the property will not terminate the tenant's tenancy.
4. A statement informing the tenants of their right to seek mitigation from the property owner for nuisance conditions at the property, including, but not limited to, noise, dust, vibrations, utility shut-offs and other construction impacts. Mitigation measures may include, but are not limited to, temporary rent reductions, quiet office space for tenants working at home and temporary accommodations.
5. A statement informing tenants of their right to review and receive free copies of the owner's approved construction means and method plan and how to obtain
6. A statement informing tenants of their right to review and receive free copies of the owner's approved relocation plan, if such plan was required and how to obtain
7. Information explaining how to contact the project applicant, including the designation of a project manager responsible for responding to tenant inquiries, complaints, and requests for mitigation of nuisance condition
8. A statement informing tenants that they should immediately contact the City regarding any conditions at the property which they consider to be unsafe, unsanitary, in violation of the City's technical or safety codes, or in violation of the applicant's construction means and method plan;
9. For construction projects that exceed thirty days in duration as measured from the date that construction commences, the applicant shall also inform the tenants that the applicant will provide monthly notices to the tenants regarding the progress of construction and will schedule meetings periodically, or at the request of the Building Officer, to address the construction progress and obtain tenant input and feedback regarding the construction;
10. Any other information that the Building Officer determines is necessary due to the unique circumstances of the construction work.

# Tenant Noticing SMMC 8.100.040

Owner certifies that no work can begin until 5 days after tenant receive the tenant notice.



# RESPONSE TO CONSTRUCTION CONCERNS

Tenant concerns related to construction are often received by calls to Code Enforcement, Building and Safety, and at times to the Neighborhood Preservation Coordinator.

## **Concerns are addressed in variety of ways:**

- ✓ Code Enforcement officers visit the property to assess the concern
- ✓ Determine if habitability is affected
- ✓ Building & Safety call contractors to make them aware of tenant concerns
- ✓ Building & Safety may provide tenants with superintendent and/or general contractor contact information
- ✓ Require permit applicant to revise Means and Method Plan
- ✓ Code Enforcement will investigate potential harassment complaints
- ✓ Refer tenants of controlled units to Rent Control for construction decrease consideration
- ✓ Building Official may order permit applicant to increase the frequency of construction progress meetings with tenants
- ✓ City staff may meet with permit applicant, owner and/or property management company to address tenant concerns
- ✓ Stop Work Order may be issued