



P. O. Box 2642 Monterey, CA 93942

March 12, 2018

RE: CC March 20, 2019 Agenda Item 22: *1st Reading – Repeal and Replace Monterey City Code, Chapter 30, Article 1, Sections 1, 1.5, and 1.7 to update the City’s Regulations for Sewer System and Create a Mandatory Sewer Lateral Inspection and Repair Program, Repeal and Replace Monterey City Code Chapter 38, Article 29, Section 38-223 to Modify the Residential Property Inspection Program to a Residential Property Report Program, Amend Monterey City Code Chapter 19, Article 4, Section 19-103(a) to Modify the Name of the Residential Property Inspection Program Fee and Add a Sewer Lateral Report Fee, and Amend Resolution 15-215 (Master Fee Schedule) to Modify the Name of the Residential Property Inspection Fee and Update the Fee to Cover City Costs and Add a Sewer Lateral Report Fee (Exempt from CEQA Article 19, Section 15302, Class 2)*

City Council
City Hall
Monterey, CA 93940

Dear Mayor Roberson and Council Members:

New Monterey Neighborhood Association has serious concerns about staff ‘s recommendation, over Planning Commission denial, to eliminate the requirement that residential properties be inspected at time of sale.

While the state and federal governments do not require such inspections, the City of Monterey adopted this policy because we had a problem. Single family houses were being illegally converted to two units by adding kitchens and closing off access between parts of the structure, all without benefit of building permits. For the safety of inhabitants and protection of buyers unaware of illegal conversions, building inspections were required at time of sale.

When the City was informed of likely illegal conversion, there was the legal question whether the City had a legal right to enter private property without a search warrant. If all properties are inspected at time of sale, there is no requirement that there be a search warrant. It is the only time that the City can confirm that properties are as approved.

Your staff report clearly states that this is a financial choice. We suggest the City consider hiring one or more independent contractors to do the inspections if hiring a full time person is financially prohibitive. The Fire Department does that.

We view this as a public safety issue and strongly urge the Council to vote to retain existing policy as regards residential inspections.

Sincerely,

Nicole Capps, President
New Monterey Neighborhood Association

c: Monterey City Manager
Neighborhood Associations