



# NEW MONTEREY

## Neighborhood ASSOCIATION

P. O. Box 2642 Monterey, CA 93942

March 12, 2018

RE: PC March 12, 2019 Agenda Item 2 [Recommend that the City Council 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 \(Exempt from CEQA Article 19, Section 15302, Class 2\)](#)

Monterey Planning Commission  
City Hall  
Monterey, CA 93940

Dear Members of the Planning Commission:

You are being asked by staff to consider eliminating 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.

It sounds as if the City has a personnel or budgetary reason to request this change. 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 Commission to vote to retain existing policy.

Sincerely,

Nicole Capps, President  
New Monterey Neighborhood Association

c: Monterey City Manager  
Neighborhood Associations