

City Council Meeting: April 28, 2026

Santa Monica, California

ORDINANCE NUMBER 2855 (CCS)  
(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE CHAPTER 13.02, PROPERTY MAINTENANCE, TO INCLUDE CONDITIONS WHICH RENDER A DWELLING UNIT UNTENANTABLE UNDER CALIFORNIA CIVIL CODE SECTION 1941.1 AS VIOLATIONS OF THE SANTA MONICA MUNICIPAL CODE.

WHEREAS, Article XI, Section 7 of the California Constitution authorizes the City to enact, amend, and enforce ordinances to promote social, economic, or aesthetic considerations and/or that regulate conditions which may be public nuisances or create health hazards; and

WHEREAS, to promote health, welfare, and safety of residential tenants in the City and the broader public, the City has enacted requirements for the maintenance of occupied residential properties, including primarily in Santa Monica Municipal Code (“SMMC”) Chapter 13.02, Property Maintenance, and requirements for the provision of temporary relocation benefits to tenants when residential properties are rendered uninhabitable, codified primarily in SMMC Section 4.36.100; and

WHEREAS Ordinance 2758 (CCS) enacted September 26, 2023 added SMMC Chapter 13.02 and expanded upon existing property maintenance standards related to conditions observable from the exterior of properties, previously found in the City’s public nuisances code, and added new standards related to the interior of structures, thus better protecting the habitability and safety of residents; and

WHEREAS, SMMC sections 13.02.060(q) and (r) provide that, to the extent not otherwise addressed by the specific requirements of SMMC section 13.02.060, any residential property or dwelling that qualifies as a substandard building under the State

Housing Law, California Health and Safety Code section 17920.3, also qualifies as a substandard building under the SMMC and may be deemed uninhabitable; and

WHEREAS, in addition to Health and Safety Code section 17920.3, California Civil Code section 1941.1 lists affirmative standard characteristics that must be met for a dwelling to be considered tenantable (or habitable), many of which overlap with existing requirements under SMMC Chapter 13.02; and

WHEREAS, Civil Code section 1941.1 provides that, as to residential leases entered into, amended, or extended on or after January 1, 2026, most dwelling units must include a stove and refrigerator in good working order, subject to certain limitations;

WHEREAS, the minimum standards of Civil Code section 1941.1 ensure that residential rental units are basically decent, safe, and sanitary, and therefore promote the health, safety, and welfare of residential tenants; and

WHEREAS, the incorporation in the SMMC of statewide standards for substandard and uninhabitable dwellings enables the City to directly and efficiently enforce basic health and safety standards, to further protect the public health, safety, and welfare; and

WHEREAS, SMMC section 4.36.100(a)(2) requires residential landlords to provide temporary relocation benefits to tenants whenever a rental housing unit has been rendered uninhabitable; and

WHEREAS, SMMC section 4.36.100(a) provides that the Building Officer may issue a relocation order to compel performance of the requirement to provide relocation benefits when a unit is uninhabitable, and SMMC section 4.36.100(c)(3) provides that the Building Officer may only order a meal per diem when an otherwise habitable rental unit has inadequate kitchen facilities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA  
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 13.02.060 of the Santa Monica Municipal Code is hereby  
amended to read as follows:

§ 13.02.060 **Specific Violations.**

It is unlawful and it is declared to be a violation of this Chapter for any person owning, renting, leasing, occupying, managing, or having charge or possession of any property within the City to maintain such property in such a manner that any of the conditions listed below are found to exist. This Section is not the exclusive definition or designation of what constitutes a violation within this City. It supplements and is in addition to other regulatory codes, statutes, and ordinances enacted by the City, State, or any other legal entity or agency having jurisdiction. Violations of this Chapter include the following:

(a) Any imminent life safety hazard which creates a present and immediate danger to life, property, health, or public safety.

(b) The storing or allowing the storage of any abandoned or broken appliances and equipment or neglected machinery on private property or the parkway for more than forty-eight hours, including, but not limited to, any condition which constitutes an attractive nuisance whether within a structure or on the premises. Any appliances, equipment, machinery, or accumulation of materials shall be removed immediately upon notification by the Director. Appliances left unsecured outside for disposal shall have all doors removed.

(c) **Deteriorating and Defective Structures.** Any and all improvements located on any property shall be presumed to be in violation of this Section if any of the following

conditions exist:

(1) Peeling paint in excess of an aggregate total of four square feet of the entire façade (i.e., any exterior side) of a structure;

(2) Excessive cracked, crumbling, loose, or broken stucco or other exterior wall coverings or interior covering as determined by the Director;

(3) Structure exteriors that are improperly maintained, neglected, or damaged, or in need of repairs (e.g., weatherproofing, insect extermination or water intrusion);

(4) Any floor covering, including carpet, tile, and wood flooring, that presents a trip and fall hazard due to being improperly maintained, missing, or damaged;

(5) Any structure that is in a state of substantial deterioration which is visible from the public right-of-way;

(6) Broken, cracked, or missing windows or doors;

(7) Damaged, poorly fitting, or missing window screens, or screens covering vent areas (under floors, in ceilings), or damaged, poorly fitting screens for entrance or balcony doors, or deteriorated metal security doors;

(8) Roofs missing shingles, tile, or other material used as roof composition or the material is loose, damaged, substantially deteriorated, or unstable;

(9) Roof and flashing that is not sound, tight and weatherproof. Roof drainage that fails to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts that are not maintained in good repair and free from obstructions. Roof water that is discharged in a manner that creates a public nuisance;

(10) Improperly maintained awnings, canopies, sunshades, sills, trellises, and

other similar architectural features that are damaged, deteriorated and/or in disrepair;

(11) Fences, walls, posts, cross-members, slats, and gates that are not plumb and true, not in good repair, rotted, fire damaged, have peeling paint, broken bricks, broken mortar, cracked or broken stucco, or are not constructed of materials treated in a uniform manner;

(12) Exterior gates, gate assemblies, operator systems if provided, hardware, and latches that are not maintained in good repair or proper operating condition;

(13) Fences, walls, and hedges not maintained according to the standards set forth in Section 9.21.050 of this Code;

(14) Unpainted structures experiencing dry rot, termite infestation, or warping;

(15) Any decoration, design, device, fence, structure, or clothesline which is deteriorated or in disrepair and unsightly by reason of its condition and is out of harmony or conformity with the maintenance standards of adjacent or surrounding properties so as to cause a diminution of the enjoyment, use or property values of such proximal properties, or its inappropriate location as determined by the Director or a designated City official;

(16) Graffiti on private property that is visible from the public right-of-way or any adjacent property;

(17) Any building or structure which meets the definition of an unsafe building or structure as provided in the California Building Code, or any successor provision, adopted pursuant to Santa Monica Municipal Code Section 8.12.010;

(18) Any building or structure left in a state of incomplete construction, partial demolition, or left damaged by vandalism, fire, earthquake, or other similar acts, for a

period of six consecutive months, excluding such time when work is in progress pursuant to a valid building or other construction permit;

(19) Any building or structure which meets the definition of a dangerous building as provided in Section 302 of the Uniform Code for the Abatement of Dangerous Buildings, or any successor provision, adopted pursuant to Article 8 of the Santa Monica Municipal Code;

(20) Any building or structure which meets the definition of a substandard building as provided in Section 17920.3 of the Health and Safety Code, or any successor provision;

(21) A conveyance in any multiple-unit dwelling, mixed use, or commercial building that is found to be inoperable, or not maintained in a proper, safe, and good working condition;

(22) Faulty materials of construction in any improvements including those materials which are not allowed or approved by the Building Code as adopted by the City and as reported to the Director by the Building Official, or which have not been maintained in a good and safe condition; or

(23) Buildings and structures, or portions of buildings and structures, that do not conform to applicable laws in effect at the time of installation or which has not been maintained in good condition and used in a safe manner;

(d) **Rodent, Insect, Pest Infestation.** Harborage and infestation of rodents, insects, and pests. When found, these conditions shall be exterminated by a licensed professional in a manner that is not injurious to human health. After extermination, documentation of treatment by a licensed professional shall be provided to the Director,

and proper precautions and measures shall be taken to prevent future harborage and infestation.

**(e) Fire Hazard.**

(1) All violations of applicable conditions of the Fire Code as adopted by the City in Santa Monica Municipal Code Section 8.40.010, and as reported to the Director by the Santa Monica Fire Department.

(2) Failure to install or properly maintain any required carbon monoxide detector.

(3) Failure to install or maintain any fire or smoke alarm or fire suppression system in good working order.

(4) All dry, dead shrubs, dead trees, combustible refuse and waste, or any material growing or found upon public or private property, which by reason of their size, condition, manner of growth, or location endangers the public safety by creating a fire hazard to any structure, improvements, crops, or other property, or when dry will, in reasonable probability, create a fire hazard.

(5) Any condition which poses a fire hazard.

**(f) Hazardous and Unsanitary Conditions.**

(1) Discharging, releasing, or allowing the accumulation of any human or animal waste material or substances, stagnant water, or any combustible or hazardous materials or substances, fluid or solid on any part of or in any structure on real property.

(2) The presence of any visible mold or mold-like substance, as determined by a health officer or code enforcement officer in any habitable room, or a non-minor level of mold in any non-habitable room. Odor is an indicator of the presence of mold, but not a

diagnostic; if a musty odor is detected, visual confirmation of a "mold-like substance" is required. This Section shall not apply to:

(A) Conditions that are caused or perpetuated by the actions or inactions of the inhabitants of the dwelling unit, including sanitary or housekeeping practices; or

(B) The presence of minor mold that is found on surfaces that can accumulate moisture as part of their functioning and intended use; or

(C) The presence of mold or mold-like substance if observed on household items (e.g., clothing, upholstery, food).

(3) Any condition which renders air, food, or drink unwholesome, unsanitary, or detrimental to health.

(4) All violations of applicable conditions of the Health Code as adopted by the City in SMMC Section 5.08.370, and as reported to the Director by the Los Angeles County Department of Public Health, or any similar agency providing services to the City under the Health Code.

**(g) Improper Parking or Storage of Goods, Equipment, and Vehicles.**

(1) Any violation of SMMC Chapter 9.28 Parking, Loading, and Circulation or any other Zoning Ordinance provisions pertaining to parking or storing vehicles and equipment on private or public property.

(2) Using or allowing use of any hardscape area for parking which prevents or hinders access to elevators, entrances, exits, or trash receptacles or blocks access to any structure for emergency vehicles or personnel.

(3) The keeping, storage, depositing or accumulation on the premises for an unreasonable period of time of any personal property, including, but not limited to,

abandoned, wrecked, dismantled or inoperative vehicles, abandoned, wrecked, dismantled, or unseaworthy boats or vessels, automotive parts and equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials, junk, rubbish, debris, dirt, sand, gravel, concrete or other similar materials which is within the view of persons on adjacent or nearby real property or the public right-of-way and which is detrimental to the public health, safety and general welfare. However, building materials being used or to be used for a project of repair or renovation for which a building permit has been obtained may be stored for such period of time as is necessary expeditiously to complete the project.

(4) Outdoor storage in violation of SMMC Section 9.21.100.

**(h) Inadequate or Faulty Mechanical Equipment.**

(1) Lack of safe, adequate heating facilities in any dwelling unit or units, hotel, or motel.

(2) Heating and Ventilation.

(A) Minimum Heat Requirements in Residential Rental Units.

(i) Every occupied residential unit, as established in SMMC Section 9.51.020, shall be provided with heating facilities capable of maintaining a minimum room temperature of seventy degrees Fahrenheit at a point three feet above the floor in all habitable rooms. All individual heating facilities must be fixed and permanently attached and properly wired. Wiring for heaters shall conform to the California Electrical Code.

(ii) Such heating facilities shall be installed and maintained in a safe condition and in accordance with the Building Code and all other applicable laws.

(B) Buildings in which the heating system is not under the control of the

tenant or occupant shall comply with Section 11.20.470 of the Los Angeles County Code.

(C) The use of space heaters as the primary source of heat shall not be permitted without prior written consent from the Building Official and Fire Marshal.

(3) Mechanical equipment and required screening, including vents, that does not conform with all applicable laws in effect at the time of installation, or which have not been maintained in good and safe condition.

(4) All violations of applicable conditions of the Mechanical Code as adopted by the City in SMMC Section 8.28.010 and as reported to the Director or designated City official by the Building Official.

**(i) Inadequate or Faulty Plumbing.**

(1) Lack of plumbing fixtures required by the Building Code as adopted by the City, as reported to the Director by the Building Official.

(2) All violations of applicable conditions of the Plumbing Code as adopted by the City in SMMC Section 8.32.010, and as reported to the Director by the Building Official.

(3) Plumbing which does not conform with applicable laws in effect at the time of installation or which has not been maintained in good condition and free of cross connections.

(4) Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks, and defects.

(5) Grease interceptors and automatic grease removal devices shall be maintained in accordance with this Code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced

and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the Director upon request.

**(j) Inadequate or Hazardous Electrical Supply, Lighting, and Wiring.**

(1) Lack of required or improperly maintained electrical lighting or convenience outlets in existing residential or commercial occupancies as reported to the Director by the Building Official.

(2) Lack of maintenance and repair of lighting fixtures inside dwelling units and in common areas of residential and commercial structures, including courtyards, garages, hallways, lobbies, parking areas and lots, public bathrooms, and walkways.

(3) Missing, broken, or improperly installed, or improperly maintained electrical outlets, switches, or wall plates.

(4) Broken, malfunctioning, or improperly installed or maintained building entry and intercom systems.

(5) All violations of applicable conditions of the Electrical Code as adopted by the City in SMMC Section 8.24.010, and as reported to the Director by the Building Official.

(6) Wiring or electrical systems and components that do not conform to applicable laws in effect at the time of installation or which has not been maintained in good condition and used in a safe manner.

**(k) Inadequate Sanitation and Ventilation.**

(1) Lack of hot or cold running water to plumbing fixtures.

(2) Lack of the minimum amounts of natural light and ventilation required by the Building Code as adopted by the City, in SMMC Section 8.12.010.

(3) Room and space dimensions less than required by the Building Code as adopted by the City.

(4) Dampness in habitable rooms or excessive dampness in non-habitable rooms as determined by the Building Official. This section shall not apply to conditions that are caused or perpetuated by the actions or inactions of the inhabitants of the dwelling unit, including sanitary or housekeeping practices.

**(l) Non-Maintenance of Landscape and Hardscape.**

(1) A violation of Santa Monica Municipal Code Sections 5.08.070 (Sidewalks, cleanliness), 5.08.080 (Premises, cleanliness), 7.48.070 (Owner to maintain premises free of litter), 9.21.190 (Unexcavated Yard Areas), 9.26.040 (General Landscaping Standards), 9.21.080 and (Lighting), or any other Zoning Ordinance provisions or permit conditions pertaining to the installation and upkeep of landscaped or hardscaped areas located on private property or abutting parkways.

(2) Persons owning or occupying property shall keep the sidewalk, parkway, gutter, and alley in front of or adjacent to the side or rear of their property free of litter in accordance with Section 7.48.050 of this Code.

(3) The owner or person in control of any private property shall at all times maintain the premises free of litter in accordance with Section 7.48.070 of this Code.

(4) Maintaining or allowing the maintenance of private property or parkway with a lack of adequate landscaping or approved ground cover material, as defined in Santa Monica Municipal Code Section 9.26.060, sufficient to prevent blowing dust or erosion, or

allowing the landscaping on private property or in a parkway to cause a hazard or inconvenience to pedestrians using the public sidewalk.

(5) Maintaining or allowing the maintenance of any paved areas for vehicle parking and access, porches, steps, or walkways in a hazardous condition due to cracked, raised, or missing surface materials.

(6) Any driveway on private property that is damaged in such a way as to be hazardous to persons using said driveway.

(m) **Overgrown, Dying or Dead Vegetation.** Overgrown, dying, or dead vegetation on private property or within parkway areas. The following additional requirement shall apply to all vegetation on private property and within parkway areas:

(1) Any dead, decayed, diseased or hazardous tree on private property or within a parkway that presents a danger to public safety.

(2) **Encroaching Hedges.** The owner of a hedge shall maintain the hedge in accordance with Section 9.21.050 of this Code.

(3) Vegetation that:

(A) Harbors the presence of rats or vermin;

(B) Overhangs or grows onto or into any public property, including, but not limited to, any public alley, highway, land, sidewalk, street, or other right-of-way, so as to cause an obstruction to any person or vehicle using such public property; or

(C) Constitutes an attractive nuisance, a fire hazard, or otherwise creates a danger to public health or safety.

(4) Groundcover and similar vegetation shall not be permitted to grow taller than six inches.

(5) The premises shall be maintained free of weeds.

(6) Dead or fallen branches, palm fronds, or similar vegetation shall be promptly removed from the ground or plant.

(7) Fallen leaves or other yard waste shall not be permitted to accumulate on any paved surface. Use of leaves as mulch in dirt areas is exempt from this requirement.

(8) Vegetation shall be continuously trimmed back to ensure that it does not grow within three feet of overhead power or utility lines.

(9) Vegetation, excluding street trees, shall not be permitted to encroach on or obstruct any portion of the street, alley, or sidewalk.

(10) Notwithstanding Section 9.21.180 of this Code, vegetation shall not be permitted to grow in a manner that:

(A) Blocks, obstructs, or interferes with public improvements, streetlights, or signage to any degree as determined by the Director;

(B) Obscures or blocks the visibility, to any degree, of approaching or nearby pedestrians or vehicles on public property;

(C) Obscures or blocks the visibility of any person's view, to any degree, of signs or traffic lights on public property; or

(D) Obstructs access to, or use of, a sidewalk, street or highway, or a public easement or dedication to any degree.

(11) A determination that vegetation on private property or on an adjoining parkway is dead or dying may include, without limitation, consideration of the following factors: any physical characteristic of appearance evidencing a lack of proper watering or feeding; the creation or promotion of a fire hazard by reason therefor; the existence of an

infestation of any kind that is injurious to such vegetation; or when diseased or dying vegetation does not substantially respond to remedial care. The City shall require replacement of dead or dying vegetation and the abatement of such a condition. In this event, a responsible person shall first obtain applicable permits and comply with all applicable landscape regulations and requirements in the Municipal Code.

(n) **Polluted Water.** A pond, spa, swimming pool, fountain, or other body of water which is abandoned, unattended, unfiltered, or not otherwise properly maintained, resulting in polluted or stagnant water. Such structures shall be covered or filled with soil to prevent the accumulation of water. Standing water shall be immediately drained or removed.

(o) **Refuse and Waste.** Refuse and waste material which by reason of its location or character may constitute a fire hazard or threat to the health, safety, and general welfare, including aesthetic impacts, of the surrounding residential area. This includes maintaining or allowing to be maintained refuse and waste materials on private or public property. Compost piles are not considered refuse and waste.

(p) **Structural Hazards.**

(1) Deteriorated, damaged, or inadequate foundations.

(2) Defective, deteriorated, or inadequate size flooring or floor supports.

(3) Defective, deteriorated, or inadequate size members of partitions, walls, or other vertical supports.

(4) Defective, deteriorated, damaged, or inadequate size ceiling, roof, or other horizontal supports.

(5) Defective, damaged, or inadequately constructed fireplace or chimney.

(6) Damaged, defective, or deteriorated common area stairways or staircases including risers, runs, landings, and handrails.

(7) Damaged, defective, or deteriorated common area walkways including handrails and guardrails.

(q) **Deficient Housing Conditions.** To the extent not otherwise articulated above, for residential property and dwellings, any condition listed in California Health and Safety Code Section 17920.3, whether or not the condition renders the building or dwelling substandard, or any affirmative standard characteristic listed in Civil Code 1941.1 that is lacking.

(r) **Uninhabitable Buildings or Dwelling Units.** Buildings or dwelling units may be deemed uninhabitable if any of the following conditions exist:

(1) Any building or structure which meets the definition of a dangerous building as provided in Section 302 of the Uniform Code for the Abatement of Dangerous Buildings, or any successor provision, adopted pursuant to Article 8 of the Santa Monica Municipal Code.

(2) Any substandard building condition listed in the California Health and Safety Code Section 17920.3 exists, or any affirmative standard characteristic for a dwelling listed in California Civil Code Section 1941.1 is lacking, to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof, or is severe enough to render the building or dwelling unsafe for human habitation as determined by the Building Official or Code Enforcement Manager.

(s) **Vacant Properties.** Vacant properties shall be maintained in compliance with all requirements found in this Chapter and in Chapter 13.04 of the Municipal Code.

(t) Any violation of Article 9 of the Santa Monica Municipal Code relating to the City's planning and zoning laws and regulations.

(u) **Other Provisions of the Municipal Code.** A violation of any other provision of the Municipal Code or Title 24 of the California Code of Regulations, as adopted by the City, that pertains to real property, structures, or which otherwise concerns the public health, safety, and general welfare.

(v) **Impact on Viability of Surrounding Area.** To maintain or fail to maintain property, or any structure on it, in a way that its condition contributes to the establishment of a prevalence of depreciated values, impaired investments, and social and economic maladjustments to the extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.

SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of

this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:

DocuSigned by:  
*Heidi von Tongeln*  
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HEIDI VON TONGELN  
City Attorney

Approved and adopted this 28<sup>th</sup> day of April, 2026.

DocuSigned by:  
*Caroline Torosis*  
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Caroline Torosis, Mayor

State of California            )  
County of Los Angeles        ) ss.  
City of Santa Monica         )

I, Denise Anderson-Warren, Interim City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2855 (CCS) had its introduction on April 14<sup>th</sup>, 2026 and was adopted at the Santa Monica City Council meeting held on April 28<sup>th</sup>, 2026, by the following vote:

AYES:       Councilmembers Zernitskaya, Snell, Raskin, Halll, Negrete,  
                  Mayor Torosis, Mayor Pro Tem Zwick

NOES:       None

ABSENT:    None

ATTEST:

DocuSigned by:  
*Denise Anderson-Warren*  
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Denise Anderson-Warren, Interim City Clerk

5/7/2026

Date

A summary of Ordinance No. 2855 (CCS) was duly published pursuant to California Government Code Section 40806.