



February 27, 2026

Scott McBride
City Manager
City of Merced
678 W 18th St.
Merced, CA 95340

*Submitted electronically to:
McBrideS@CityofMerced.gov*

RE: City of Merced's Failure to Comply with State Laws

Dear City Manager McBride,

Leadership Counsel for Justice & Accountability ("LCJA") submits this comment letter in response to the City of Merced's ("City") lack of compliance with certain state laws impacting the quality of life of many Merced residents. Tenants throughout the City have been experiencing severe habitability issues for years, particularly those living in low-resourced, high segregated areas in the City. They live in units with issues such as mold, leaking plumbing, water shut-offs, lack of access to hot water during the winter months, pest and rodent infestations, broken locks, broken windows, non-functioning heaters and furnaces, unmaintained communal dumpsters, and missing reasonable accommodations and modifications among many other things. Tenants have filed complaints with code enforcement as well as submitting direct work order requests to management and landlords, but they go unanswered for extended periods of time – often months or years – or they are told it is their responsibility to make repairs or pay for their own maintenance. Additionally, the City is undergoing the 6th Cycle Housing Element, this is an opportunity to address residents concerns by incorporating policies and programs that not only comply with state laws, but address the ongoing severe habitability issues that have been plaguing tenants for years.

I. Failure to comply with State Laws

State law requires that landlords must also keep the home that their tenant lives in habitable, meaning the unit's condition is safe and fit for someone to live in. In addition, state law requires that local government agencies develop policies and procedures to inspect a building with multiple units if at least one unit is found to be substandard, and the conditions may affect common areas or other units. (Health & Saf. Code § 17970.7.) However, the City has

failed to address poor living conditions by not meeting each of these standards. The City must revise its local ordinances to ensure landlords are not contributing to substandard housing conditions, change inspection procedures for Code Enforcement, and establish baseline ordinances to hold landlords accountable for poor and unfit housing conditions.

II. The City's Policies Fail to Comply with Health and Safety Code Requirements

State law requires that certain conditions in which the “life, limb, health, property, safety, or welfare of the occupants of the building, nearby residents, or the public” are endangered, the dwelling or premise shall be deemed and declared as substandard. (Health & Saf. Code § 17920.3). These substandard conditions include but are not limited to: inadequate sanitation, structural hazards, nuisance, faulty wiring, faulty plumbing, faulty mechanical equipment, faulty weather protection, fire or explosion hazards, missing exit facilities, etc. (*Id.*) Similarly, state law also considers units with “deteriorated lead-based paint, lead-contaminated dust, lead-contaminated soil, or disturbing lead-based paint without containment” as “lead hazards,” and shall also be considered a substandard condition for residential and non-residential dwellings and premises. (Health & Saf. Code § 17920.10).

Title 8, Chapter 8.40 of the City's Municipal Code highlights the health and safety expectations for both residential and non-residential buildings. Specifically, Article IV “General Procedures for Nuisance Abatement” outlines the steps taken by Code Enforcement to identify a nuisance, notify the property owner, reinspect the property, and report the results of the reinspection. (Ord. No. 2349, § 1, 3-1-2010). However, this code fails to include a section on the interior of the residential buildings and what conditions qualify as a nuisance or are substandard. Without this detail in the code, there is no baseline ordinance that can be used to hold negligent landlords accountable for denying tenants mold-, pest-, rodent-, and lead hazard-free units with working locks, access to water, and adequate heating units, among other features that make a home habitable.

State law also requires that Code Enforcement complete an inspection of a unit that may be in violation of Health and Safety Code § 17920.3 or § 17920.10, must complete and share the report with both the landlord and tenant, and must schedule a reinspection to ensure the violations were corrected. (Health & Saf. Code § 17970.5). In addition to sharing the inspection report and citations to the complaining tenant and landlord, the City shall also “provide free copies of the inspection report and citations issued to all potentially affected tenants, residents, occupants, or their agents.” (Health & Saf. Code § 17970.5(d)). The City's existing code does not require that the Code Enforcement provide free reports to the complaining tenant, nor other potentially affected tenants¹, which violates state law.

¹ Ord. No. 2349, § 1, 3-1-2010; Ord. No. 2349, § 1, 3-1-2010.

Community members that reside in both market-rate housing, and public housing units have uplifted the habitability concerns they have experienced. Please see Attachment A, which includes images of mold and leaking plumbing in various units.

Recently, residents that live in the City of Merced have experienced a lack of responsiveness or reliability from Code Enforcement. Residents have called Code Enforcement multiple times to file complaints for substandard conditions and do not receive calls back, inspections are not completed on the scheduled dates, or reinspections are not completed. In one case, a resident shared that Code Enforcement called the landlord to ask whether violations were corrected instead of verifying through reinspection. Actions such as these have worsened both living conditions for tenants and the relationships between landlords and tenants, as many tenants have experienced retaliation after reporting poor living conditions to Code Enforcement. Retaliation includes rent increases, 30 day notices, and harassment.

In a recent email to Code Enforcement, it was confirmed that landlords get three opportunities to correct violations before a serious action is taken against the landlord; a “serious action” usually entails a fee. Residents’ main concern is retaliation from a landlord and the threat of eviction after the first inspection and report is completed, allowing for a landlord to instill the fear of an eviction in a tenant before subsequent reinspections are scheduled or Code Enforcement is called again. In many cases, tenants who call Code Enforcement more than once do not feel confident that their complaints are being taken seriously by the landlord, so many tenants take matters into their own hands and pay out of pocket to fix violations.

State law requires that local enforcement agencies, such as Code Enforcement, develop policies and procedures for inspecting a building with multiple units to address potential habitability concerns that impact neighboring or surrounding units by January 1, 2025. (Health & Saf. Code § 17970.7(a)). To date, the City has yet to establish an ordinance that (1) details the criteria of substandard conditions that could affect other units in a building with multiple units, (2) requires Code Enforcement to reasonably attempt to inspect additional surrounding units, and (3) allows for the inspection of all units if severe defects or violations are found to hold negligent landlords accountable. Without complying with the state laws, negligent landlords will continue to operate rental properties that violate multiple tenants’ rights and perpetuate poor living conditions.

A. Health and Safety Codes

The City must commit to making the following changes to the local municipal code:

- Add to Title 8 - Health and Safety an outline of the criteria for substandard housing in alignment with Health & Safety Code § 17920.3 and § 17920.10, including but not limited to:

- Mold, lead-based paint, exposed wiring, water shut-offs, structural hazards, etc.
- Add to Title 8 - Health and Safety the policies and procedures Code Enforcement will take to comply with Health & Safety Code § 17970.5, including but not limited to:
 - Schedule an inspection upon receiving complaints from tenants, completing inspection reports and providing citations to responsible parties, and scheduling and completing reinspections to ensure violations are corrected.
 - Providing free reports to other tenants potentially affected by the substandard conditions.
- Add to Title 8 - Health and Safety the policies and procedures Code Enforcement will take to comply with Health & Safety Code § 17970.7, including but not limited to:
 - Requiring Code Enforcement to determine whether substandard conditions reasonably affect other tenants within a building with multiple units, and subsequently inspect other units.
 - If substandard conditions are a building-wide issue, conduct inspections for all units in the building.

III. 6th Cycle Housing Element - An Opportunity to Comply with State Laws; and Address Severe Habitability Issues

The City is currently working on the 6th Cycle Housing Element (“Draft”), a housing plan required to Affirmatively Further Fair Housing (“AFFH”) for persons of all income levels. The Housing Element serves as an avenue to address any and all identified housing gaps, including habitability issues.

The Draft briefly describes the Code Enforcement process under the Governmental Constraint analysis section, uplifting that oftentimes uninhabitable conditions overlap with Red Tagging of buildings that are deemed unsafe for occupancy. However, the City does not identify this as a constraint to housing, and subsequently fails to address habitability concerns, as well as failing to address the displacement of residents resulting from red-tagging buildings deemed unsafe. As a result, no programs or policies to address substandard housing conditions have been incorporated in the Draft.

The City has an opportunity to complete an adequate analysis, and subsequently refine their programs and policies as well as affirmatively further fair housing. Such programs include the following:

- Amending the municipal code to ensure Code Enforcement is inspecting the interiors of dwelling units with updated criteria for substandard housing conditions, including lead-hazards;
- Amending the municipal code to ensure Code Enforcement schedules and completes inspections upon the submission of a complaint; and
- Amending the municipal code to ensure Code Enforcement provides free inspection reports to the tenant and landlord, and any reasonably affected tenant if the violation occurs in a building with multiple units.

IV. Conclusion

The City has failed to adequately address and respond to residents' housing complaints, such as habitability issues, resulting in the perpetuation of poor living conditions. The City has an opportunity to truly address these concerns through feasible solutions by incorporating policies and programs into the Housing Element Draft. We hope the City takes this into consideration as it continues to come into compliance with state laws and the housing element. We are open to further discussing any recommendations and comments included in this letter. Thank you.

Respectfully,

Ashley Marie Suarez
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CC:

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ATTACHMENT A

Images from tenants of their habitability concerns raised to their landlords that have not been addressed or fixed.



¹ Tenant #1 - Leaks in the Kitchen



² Tenant #1 - Mold in the Kitchen



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³ Tenant #2 - Mold in window sills and trim



⁴ Tenant #2 - Mold underneath the kitchen sink due to leaks