

The Mercury News

California lawmaker proposes bill to force accountability on fire inspections

By **THOMAS PEELE** | tpeele@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: June 4, 2018 at 7:23 pm | UPDATED: June 5, 2018 at 4:35 am

Calling California's broken system of fire safety inspections intolerable and a threat to public safety, a state senator on Monday said he will introduce legislation to force local fire departments to notify the public how well they are following the state mandate to inspect schools and apartment buildings each year.

The proposal from Sen. Jerry Hill, D-San Mateo, comes in response to [a Bay Area News Group investigation published this weekend](#) that exposed how the region's biggest fire departments routinely fail to perform the annual inspections in buildings where hundreds of thousands of Californians live and go to school. The report also revealed how, despite the potential for tragedy, there is no oversight — and no consequences — to make sure fire inspectors are doing the job. Hill's bill would require fire departments to issue annual reports to their local governing bodies, such as city councils and county boards, to ensure they are meeting the state mandates. Hill said the reports would be “the least costly and create the greatest accountability” and envisioned they would be tied to annual budget requests.

Hill plans to introduce the legislation this week in a process known as gut-and-amend, swapping it with another piece of legislation that focused on the [state Public Utilities Commission](#).

“This issue is so important, I don't believe it can wait,” Hill said.

State Sen. Jerry Hill. (Karl Mondon/Bay Area News Group)

This news organization reported that local fire departments across the Bay Area were overwhelmed and disorganized in completing the inspections. An analysis of eight years of inspection records for more than 17,000 Bay Area apartment buildings and more than 800 schools found local fire departments sometimes miss the annual deadline by years.

The Bay Area News Group launched its investigation to see how widespread problems were after a pair of deadly fires in Oakland exposed that city's troubling record with fire inspections. Last year, Oakland failed to inspect 72 percent of the apartment buildings in its data.

But the investigation found 97 percent of schools in the coverage areas of 11 large fire departments went more than a year between inspections at least once from 2010-2017. Apartment buildings, hotels and motels fared little better, with 93 percent of them going more than a year without an inspection.

Hill's proposal for new legislation came as two Contra Costa County supervisors joined a chorus of local officials calling for action in response to the investigation's findings. Contra Costa County's fire inspection records were so unreliable, the county's fire marshal acknowledged it was unclear whether buildings in its data actually existed.

"The Bay Area News Group investigation raises some serious issues regarding fire safety inspection practices of Bay Area fire agencies, including our own," Supervisor John Gioia wrote in an email, referring to the county fire department. Both Gioia and board President Karen Mitchoff said they have asked for a report on the county's inspections from the department, which the supervisors oversee.

Gioia said he was seeking to "identify any actions needed to improve inspection practices." Mitchoff said she plans to ask for a report at a supervisor's meeting Tuesday morning.

In Hayward, a review of inspection practices is underway after Chief Garrett Contreras questioned a reporter with this news organization about the existence of the state mandate. He said Hayward's fire department doesn't inspect any apartment buildings with fewer than 16 dwelling units — despite the state requirement that apartment buildings with three or more units are inspected each year. Within two weeks of the interview, the city announced it would review its fire inspection practices.

"Fire chiefs and fire marshals absolutely need to be aware of their legal responsibilities," state Fire Marshall Dennis Mathisen wrote in an email Monday. His staff offers frequent training on the state requirements, he said.

But Mathisen, who has refused to criticize departments with poor inspection records, wrote Monday that "fire inspections are an important component of a community's risk reduction plan" and "need to be supported at the local level."

He said Monday he couldn't comment on Hill's proposal until he reads the legislation.

Redwood City and San Jose also are taking action after the Bay Area News Group exposed problems with their inspections. Redwood City is working to complete a round of school inspections by the end of this month after not inspecting 78 percent of its schools last year, city manager Melissa Stevenson Diaz said last month. She did not answer follow-up questions Monday.

In San Jose, two council members said they want a review of inspections after the Bay Area News Group reported last week that a fire alarm in an apartment building that burned in April had been broken for seven years without fire department followup. The building passed at least five annual inspections by firefighters despite the broken alarm, which did not have a city permit or state certification.