

From: Bud Zeller <zteam4u@gmail.com>
Sent: Friday, March 3, 2023 2:22 PM
To: BOS-Clerk of the Board
Subject: Amnesty Proposals for Construction without Permits
Attachments: Amnesty Placer county.pdf

Regarding BOS meeting for 3/7/23, Agenda Item number 33 File # 23-0410.

Reference to what seems to be a fairly new activity of demanding fees and penalties from current homeowners. This is based on code enforcement contending was unpermitted work by previous owners. Some charges referenced by code enforcement/building department refer back to 2 or more previous ownerships. Fines demanded represent thousands of dollars. My experience with clients is that as the current owner, they have to pay or prove innocence. They may not be aware of any preexisting violations and may not be able to pay the fine.

Regarding El Dorado County - It's my understanding that the Building Department records did not exist prior to about 1965. Plus, I hear, building permits prior to 1970 were lost by the building department. So where does code enforcement obtain their information?

The County of Humboldt SAFE HOME PROGRAM - AOB in my opinion contains interesting options for our county. I find it interesting that the Placer County "Amnesty Programs" have not been included for your consideration. Please review the below reference. Particularly sections 4.5.2 Amnesty for Unpermitted Units and 4.5.3 Additional Preservation Strategies. I would suggest obtaining current information regarding Placer County actions.

Thank you for your time and consideration, Bud Zeller.

IN PLACER COUNTY

Placer County's current tracking system is consistent with the requirements of the Housing Element and is focused on tracking and addressing the preservation of at-risk units (subsidized units). The County's Housing Element Program E-1, identifies the need to maintain a list of the number of units, the type of government assistance and the date at which the units may convert to market-rate dwellings. Placer County also faces a unique situation, particularly in the eastern part of the County where short-term vacation rentals and/or second homes have impacted housing availability and in-particular the availability of rentals available to full-time residents. Renters and owners in this area are also highly susceptible to overcrowding and overpayment. The County should consider a more robust approach to their inventory and tracking of rental units to more closely monitor changes and to identify solutions to preserving this critical housing supply.

IMPLEMENTATION RECOMMENDATIONS

IT-1 – Implementation Recommendation – Conduct an Annual Rental Survey

On an annual basis, the County should compile data on existing rental units, including information regarding supply, cost and affordability. The process should include administering surveys as well as data collection from local publications and newspapers, craigslist and other appropriate sources to that provide rental information for market rate apartments. It may be challenging to collect survey information for small-scale market rate apartments and therefore the County may need to rely primarily on online research. The rental survey, at a minimum, should include the following information:

- **Market rate apartment complexes (large-scale)** – number of units, size/number of bedrooms, average rents, vacancies
- **Market rate apartments (small scale)** – number of units, size/number of bedrooms, average rents, vacancies (if possible)
- **Subsidized housing** – total number of subsidized units, type of government assistance, the date at which the units may convert to market-rate dwellings, how are rents calculated, income limits, target populations served, vacancies or waiting lists (length of waiting list)

- **GIS based database** – if feasible, create a GIS based database to spatially link the rental data that is collected

Example Rental Survey and Registry

California Housing Partnership, City of San Jose – Preservation Strategies – Survey/Inventory

Source: <https://chpc.net/policy-research/preservation/preservation-strategies/>

City of Denver – Housing an Inclusive Denver; Legislative and Regulatory Priorities, Recommendation 4: Enhance protections and assistance for renters, including exploring a rental registry.

Source: https://www.denvergov.org/content/denvergov/en/denver-council-district-13/news/2018/denver_s-plan-for-more-affordable--inclusive-housing-moves-forward.html

IT-2 – Implementation Recommendation – Create a Rental Registry

The County should explore an ordinance requiring owners to register their rental units. The County may also consider requiring a process for regular inspections to ensure that rental housing meets minimum health and safety standards. As part of the ordinance, the County may consider exemptions for newly constructed buildings (for a set period of time) and for subsidized rental units that are already subject to routine inspections.

4.5.2 Amnesty for Unpermitted Units

OVERVIEW

One method to increase the stock of rental units is to incentivize owners to legalize their unpermitted rental units. Permitting these units allows jurisdictions to balance the need to address the health and safety of these units with preservation of affordable units. The City of Ventura adopted a Second Unit Amnesty Permit ordinance in 2011. As described in the City's 2014-2021 Housing Element, since adoption of the

ordinance the City legalized 35 second units. The program required that the units conform to minimum life safety requirements and once they passed inspection, the units could receive modifications on zoning requirements and receive permits. The City also waived or reduced fees. The program was only temporary and ended in 2014.

San Mateo County is also exploring a limited-time Second Unit Amnesty Program that would incentivize owners by also providing a loan program to provide owners with financial assistance in order to make improvements to existing units in accordance with the requirements of the Second Unit Amnesty Program. San Mateo County intends to test the program first through a pilot program to ensure the inspection process is well vetted. Other jurisdictions such as City of San Diego are also exploring second unit amnesty programs that would require that units be brought up to code, but would waive application and permitting fees as well as other inhibiting requirements such as separate metering, waiving school fees and parking.

IN PLACER COUNTY

In parts of the County, there are older units that are no longer being used or that owners would like to legalize in order to be able to rent them. Pursuant to discussions with County staff, this is particularly prevalent in the more rural parts of the County, mostly in agricultural areas. These units were often created to house farmworkers and their families. However, it is unclear how pervasive this issue is throughout the County and there is uncertainty how much this could add to the housing stock.

IMPLEMENTATION RECOMMENDATIONS

AM-1 – Implementation Recommendation – Amnesty for Second Dwelling Units Pilot Program

Develop a pilot program to address amnesty for unpermitted farmworker units to increase the housing stock in the agricultural areas of the County. The program should require that all units meet minimum life safety requirements but not necessarily conform to all zoning requirements. The County should reduce or waive permit fees to make it easier for these units to be used as housing.

4.5.3 Additional Preservation Strategies

OVERVIEW

As part of the overall Housing Strategy, it is of critical importance that the County is able to maintain access to affordable housing while also sustaining the existing supply of housing. There are a number of other tools that jurisdictions are using to avoid displacement and preserve existing affordable housing.

IN PLACER COUNTY

Specific policies reviewed as part of this recommendation process include those for condominium conversions, mobile home conversions, single room occupancy (SRO), and no-net loss of housing.

CONDOMINIUM CONVERSIONS

Condominium conversion ordinances are one of the more common tools used to avoid displacement and preserve existing affordable housing by imposing procedural restrictions and/or substantive restrictions on the ability to convert apartment units into condominiums. The purpose of such ordinances is to protect the supply of rental housing. While the conversion of rental units to condominiums can provide an affordable option for property ownership, it can also lead to a decrease in the affordable rental market and limit housing availability for those who cannot afford to own their unit. With a limited amount of condominiums currently found within Placer County, the County does not currently have a condominium conversion ordinance.

MOBILE HOME CONVERSIONS

Mobile home park ordinances are often used to preserve and protect this particular type of affordable housing. Many of the County community plans have policies about preserving mobile homes but the County does not have any ordinances regulating mobile home conversions. For example, the Auburn/Bowman Community Plan provides policies for changing the commercial land use and zoning designations of existing mobile home parks to either HDR or MDR to discourage the mobile home parks from being converted to commercial uses. The

Tahoe Basin Area Plan also provides policies for sub-districts to encourage mobile home and trailer park developments to convert to better quality, more permanent housing stock. There are 57 mobile home parks in Placer County for which a number are used to accommodate low- to middle-income households.

SINGLE ROOM OCCUPANCY

SRO units, or residential hotels, can typically be a major housing type source of affordable housing. Often times, SRO policies are used to help mitigate the effect of displacement on low and very low-income residents who are typically the primary residents of SROs. Placer County has adopted an SRO ordinance that specifies allowed locations and development standards for an SRO. Therefore, the current ordinance is more focused on generating an alternative housing supply.

NO NET LOSS

In general, affordable housing units can potentially be lost through demolition, rising rent, and the conversion of residential units to other uses. No net loss, or "one-for-one replacement" is a policy that helps to maintain, at a minimum, the current level of homes affordable to low-income families through the preservation or replacement of those units. To be most effective, a one-for-one replacement policy typically establishes a goal of no net loss of affordable units not only in total, but also by income level. Placer County currently has no such policy. SB 166 approved as part of the 2017 legislative housing package requires that no net loss be addressed in the housing element.

SB 166 – No Net Loss

Modifies the no net loss zoning law to require that local governments maintain adequate housing sites at all times through the planning period for all levels of income. This would require that the County identify additional low-income housing sites in the housing element when market-rate housing is developed on a site currently identified for low-income housing.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB166

IMPLEMENTATION RECOMMENDATIONS

AP-1 – Implementation Recommendation – Monitor Condominium Conversion

Update the Housing Element to provide a policy framework for future condominium conversions. Take an annual inventory and track existing condominium conversions to ensure an adequate amount of rental units remain in the County.

See Section 4.5.1 regarding additional recommendations for the tracking and inventory of rental units.

AP-2 – Implementation Recommendation – Monitor Conversion of Mobile Homes

Update the Housing Element to provide a policy framework for mobile home preservation or conversion to other affordable housing product types. Take an annual inventory of existing mobile home housing stock and track remaining mobile home parks to ensure affordable housing options remain.

AP-3 – Implementation Recommendation – Increase SROs

Update the Housing Element with expanded policies to address new SRO development and to limit future conversion of SROs. The updated policies should address:

- Encourage new construction of SROs and the conversion of hotels to SROs in order to help meet the affordable housing needs of the low-income communities.
- Modify the SRO ordinance to specifically allow for conversions of hotels/motels to SROs.
- Identify hotels/motels that can be converted to SROs that are located near services, accessible by transit and located along major transportation corridors.
- Support limitations on future conversions of SROs to other uses.

- Maintain an inventory of SROs in order to better track availability and avoid future conversions.
- Reduce building permit fees for conversion of hotels/motels to SROs.

4.6 Local Funding Strategies



Varying funding sources are often needed to bring an affordable housing development to fruition, including a mixture of federal, state, local and private funding sources. Some of the more major federal programs used to fund affordable housing include federal tax credits, HOME program, CDBG, Section 8 Project Based Rental Assistance, Housing Opportunities for People with Aids (HOPWA), and Housing for Elderly. Major state programs include the Affordable Housing and Sustainable Communities (AHSC) program, Low Income Housing Tax Credits (LIHTC) and state bond financing. While many jurisdictions are faced with the challenge of an unstable stream of funding, Placer County has found it particularly difficult to compete for many of these funding programs due to low unemployment, the County's mostly rural character, and more moderate income levels.

When competing for available state or federal affordable housing funding, it is often a strong competitive advantage, if not a requirement, to have local funds that can match, or leverage, the requested funding. Having a dedicated local affordable housing funding source can be invaluable in helping to attract additional funding from outside sources. The availability of a local affordable housing funding source is also a strong attraction for affordable housing developers, which is critical to building the County's capacity for affordable housing production. Finally, locally-controlled affordable housing funding gives the County flexibility to assist affordable housing projects in ways that are not possible under the guidelines imposed by state or federal programs, such as assisting households that cannot afford local market rate housing but have incomes that are too high to qualify for state or federal programs (e.g., "missing-middle" housing), or funding innovative project types that respond to local needs but are not consistent with existing programs. Therefore, Placer County needs to consider additional local funding sources that may be leveraged to support below market-rate housing development and preservation.

Example SRO Policies

Napa County – Housing Element

Source: <https://www.countyofnapa.org/1732/Housing-Element>

City of San Diego – Housing Element

Source: <https://www.sandiego.gov/planning/genplan/heu>

AP-4 – Implementation Recommendation – No Net Loss

Update the Housing Element to establish policies that require no-net-loss both in total units and by income level in order to preserve affordable housing in the County. Consider adopting a No Net Loss Ordinance that prohibits any loss of affordable residential units. If a new project is determined to result in a net housing loss, the developer should replace the residential units to be removed, whether the units to be removed are occupied or not. Residential units should be replaced on a one-to-one basis and built concurrently with the development project. Replacement units should be located in the same general area as the units removed but does not need to be located on the same site as previously existed.

Example No Net Loss Ordinance

City of San Luis Obispo – Downtown Housing Conservation Ordinance - Chapter 17 - Zoning Regulations - 17.86.050 No net housing loss.

Source: <http://www.slocity.org/government/departments-directory/community-development/documents-online/documents-and-codes>