



EL DORADO COUNTY PLANNING & BUILDING DEPARTMENT

2850 Fairlane Court, Placerville, CA 95667
Phone (530) 621-5355, Fax (530) 642-0508

Date: January 7, 2025

To: Honorable Board of Supervisors

From: Nicolaus Heuer, Acting Code Enforcement Supervisor

Subject: Code Enforcement Amnesty Program – 1 Year Update

On September 19, 2023 (File No. 23-1118) the Board of Supervisors (Board) approved a Code Enforcement Amnesty Program (Program) for certain types of qualifying code cases. The Board requested at the close of the first year of the Program for staff to return and present the first-year findings and to discuss any necessary amendments needed, challenges, and opportunities observed since implementation.

Details of the Program and findings can be found below, including eligibility/types of code cases that qualified, fees to be waived, pre-site inspections and their costs, application of relevant building codes, and coordination between El Dorado County staff and Code Enforcement staff.

Program Eligibility

The Program is for those parties who are subject to an open code case due to unpermitted work having been completed by a previous property owner without their knowledge and without having been disclosed during the escrow process. Additionally, those code cases where the violation is due to expired permits under a previous name are eligible. For those individuals who are aware of unpermitted work and voluntarily come forward to disclose unpermitted work to County staff, there is already an existing fee waiver offered through Board of Supervisors Policy B-2 Fee Waiving. .

Findings

- 28 property owners requested an Amnesty Application
- 12 cases have been approved
 - 3 cases are actively pursuing permits
- 5 cases were not approved
- 3 cases have had no response
- 2 cases, the owners decided not to pursue
- 6 cases, are pending approval and more information from the owner
 - 1 owner abated the violations

Challenges/Opportunities

The Program's implementation was slow due to new processes that needed to be established and vetted. Since then, the process of reviewing cases that might be eligible, receiving requests, and following up with property owners has improved. Challenges with this have been receiving the application back from the property owners and the property owners providing enough information for the initial review.

Another challenge involves new cases and complaints which occur when the new complaint is made on an issue that was done by the previous homeowner and the complaint issue has been unknown to the current homeowner. Moving forward, Code Enforcement will be reviewing these new cases to see if they meet the intention of the Program and are eligible for amnesty.

Fee Waiver

When a code case is opened and an individual seeks to remedy a violation by obtaining a permit, an investigation/penalty fee is charged on top of normal permitting fees. The investigation fee is double the Building Services fees to cover costs of Code Enforcement staff time spent on the case. If an individual meets the eligibility criteria for the Program, the investigation/penalty fee is waived for the permit.

Findings

- \$74,300 in Code Enforcement Fines have been waived.
- \$7,681 in Code Enforcement Investigation fees have been waived during the permitting process.

Challenges/Opportunities

Code Enforcement recently established a Fine Review Committee consisting of two (2) Code Enforcement Officers and one (1) admin staff. The Review Committee has established procedures for the review of cases that have any fines associated with them. The Review Committee can assist in ensuring that fines were not imposed on the violation covered by the Program. The fines are back dated or waived completely, and an updated statement is sent out to the owners showing the correction.

Pre-Site Inspection

As a courtesy to impacted individuals eligible for the Program, Code Enforcement and Building staff have performed pre-site inspections to better assist the owner in how to expeditiously remedy the violations on the property. Specifically, the pre-site inspection is done to determine site conditions, confirm the violation on site, and the status of the violation(s). Pre-Site inspections have been conducted with staff from Code Enforcement and Building Inspectors. A fee of \$107.00 has been established to cover staff time.

If a property is found to be safe from life, health, and safety concerns, Code Enforcement will issue a certificate of compliance that allows for the unpermitted work to remain until the property is sold in a real estate transaction. These cases are then changed to Amnesty status and are monitored for ownership changes. The case remains open, but no additional enforcement action is taken.

A recorded notice of the violations is still placed on the title through Code Enforcement's Notice and Order process. Code Enforcement staff will work with both the buyer and the seller in the future if a real estate transaction is needed ensuring the sale of the property is not delayed.

The Planning and Building Director still retains the discretionary authority to make decisions related to the Program when necessary and appropriate.

Findings

- 6 pre-site inspections have been completed.
- 1 property was found to have health/safety issues which the property owner is working on corrections.

Challenges/Opportunities

The pre-site inspections provided Code Enforcement the opportunity to customize an inspection form for Amnesty applicants. The code enforcement officer completes the inspection, fills out the form which is then attached to the casefile. If there are issues, Code Enforcement has also created an inspection summary report. In the summary the applicant is given a detailed list of health and safety issues that must be addressed and a list of recommended actions that are not required for acceptance into the Program.

Enforcement of Building Codes

Neither Code Enforcement nor Building Services staff requires property owners to open up walls or expose foundations for inspection. All construction must meet current non-structural code requirements (i.e. electrical, plumbing, energy efficiency, and fire sprinklers). The structural portion of the structure may meet the building code requirements in effect at the time of construction. Proof of the date of construction must be provided. Everything non-structural must comply with current building codes.

In regards to Accessory Dwelling Units, State Legislation for ADU's continue to evolve and the State regulations will be followed by Code Enforcement.

Challenges/Opportunities

The challenges with the enforcement of building codes are that they vary with the different code cycles. Determining when a structure is built depends on the property owner's familiarity with the structure, code enforcement records, assessor's records, and availability of Google Earth imaging. With the assistance of Building Services staff, most of these issues have been easily addressed and remediated in a timely manner.

The Program has given Code Enforcement the opportunity to use it as a guideline for developing other programs such as an ADU program which is anticipated to roll out Spring of 2025.

Summary

The Planning and Building Department, Code Enforcement, Amnesty Program has helped property owners throughout the County with maintaining their quality of life, reducing the stresses of having code enforcement actions pending against them, as well

as establishing better customer relations within the community. Information about the Program and its purpose has begun to spread throughout the County. Code Enforcement and Building Services staff will continue to work with property owners in providing a reasonable solution to situations they did not cause themselves and were not made aware of when they purchased the property.

For any questions that you may have, please contact the Code Enforcement Division at (530) 621-5999 or by email at cdacode.enforcement@edvgov.us