



Legislation Text

File #: 22-1764, **Version:** 1

Planning and Building Department, Code Enforcement Division, recommending the Board receive a presentation on Code Enforcement activities and procedures.

FUNDING: N/A

DISCUSSION / BACKGROUND

On November 9, 2021, the Board gave conceptual approval to four amendments to Code of Ordinances, Chapter 9.02., related to Code Enforcement activities (Legistar 21-1750). During that discussion the Board requested the opportunity to talk through key Code Enforcement challenges and opportunities. Through subsequent conversations with respective Supervisors, it was requested that the Board have an opportunity to collectively discuss enforcement protocols and procedures. This item was developed accordingly.

The Code Enforcement Division (CE) consists of nine (9) FTEs, six (6) of whom are Code Enforcement Officers (Officers) representing enforcement regions and special assignment areas. The Board approved two of these Code Enforcement Officers in the FY 2021-22 Budget, one of which is funded by Transient Occupancy Tax to provide enhanced enforcement on Vacation Home Rentals (VHR). Officers are assigned to their regions with some moderate crossover with the cannabis and VHR special assignment areas. As established in Title 9 of the County Ordinances, the Code Enforcement Division is responsible for enforcing building and zoning regulations related to health, life, and safety across all El Dorado County Unincorporated Communities.

The Board has requested increased enforcement on chronic health, life, and safety cases and the Code Enforcement Division has responded with a more robust caseload, including working towards curing a historic backlog of cases. In December 2020, there were 1,745 open cases. In contrast, as of June 2022, there were 1,267 open cases. With stepped up enforcement comes an increase in constituent contacts and an increase in complicated cases, many of which rise to individual Board offices.

Code Enforcement utilizes the “progressive enforcement” approach. Officers receive a complaint from a reporting party and conduct a site visit to investigate. If a violation is discovered, a Notice to Correct (NTC) is issued. When applicable, the Officers will walk the property owner through their findings and discuss available options to remedy the violation. So long as there is consistent contact with the owner and they are showing progress towards fixing the violation, no further action will be taken by the Officer. If no progress is made staff will record a NTC, with the County Recorder. This effectively, clouds the title of the home. In Fiscal Year 20/21, CE recorded 61 NTCs. Under the stepped-up enforcement model - in addition to working on clearing the historic backlog of cases - in FY 21/22, CE recorded 252 NTCs; a 400% increase year-on-year. An NTC can be removed upon completion of all required remediation. If no progress is being made towards curing a violation, Officers may elect to issue an Administrative Citation (Admin Cite). An Admin Cite levies daily fines for non-compliance. These are appealable to an Administrative Hearing Officer. Throughout this process, it is fairly common to arrive at a negotiated settlement of the case. In Fiscal Years 20/21 and

21/22 CE issued 38 Admin Cites.

A key challenge is how to appropriately respond to cases where a previous owner completed unpermitted work on the property and it was not disclosed during the escrow process. In this scenario, a reporting party has filed a complaint with Code Enforcement regarding the unpermitted work and after an inspection occurs it is determined there is a violation - or in some cases, many violations. Frequently, the current owner had no knowledge that the work was unpermitted but has to work to remedy the violation(s), as they now own the property. Options to remedy include: remove or relocate a structure; obtain a permit; or convert back to original status. If an owner opts to obtain a permit for unpermitted work, the improvements must be brought up to current codes if it never received a final inspection, even if the unpermitted work had been completed decades ago. Additionally, property owners have administrative remedies available to them including cause of action against previous owners and the licensed real estate broker involved in the transaction.

Another key challenge is how to address cases where the violation is due to expired permits. When an applicant is issued a building permit, that permit is good for two years. If the permit is never finalized - including with final building inspections - the permit will expire and whatever work has been completed by the applicant will become unpermitted. Building Division staff are working on an improved system of issuing Notices of Non-Compliance to better inform applicants about the status of their permits, up to and including 30-day warning letters. The Notice of Non-Compliance will be recorded on the property's title, which will serve to alert any future buyers that there is a potential issue with the property. It can be easily removed upon remediation of any identified issues.

Code Enforcement staff work closely with constituents to provide remedies to their violations and always emphasize a compassionate approach to bring cases to a favorable conclusion. To this end, staff work with other county departments and outside agencies to provide critical resources to constituents. These include: El Dorado County Libraries; Housing staff; the Health and Human Services Agency; Legal Services; the California Department of Consumer Affairs; and El Dorado County Senior Services. Some constituents face challenges to comply due to lack of means, disabilities, or the absence of critical information to help inform them of their options. Code Enforcement staff have developed a full resource guide to help direct constituents to critical services and this information will be placed on the Code Enforcement website in addition to available in hard copy when requested by constituents in need.

ALTERNATIVES

The Board could choose to provide direction to staff on any identified protocol or procedure.

PRIOR BOARD ACTION

Legistar Item #21-1750

OTHER DEPARTMENT / AGENCY INVOLVEMENT

HHSA, Library, California Department of Consumer Affairs

CAO RECOMMENDATION / COMMENTS

Receive and file as recommended.

FINANCIAL IMPACT

There is no specific financial impact to be considered with this item.

CLERK OF THE BOARD FOLLOW-UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Public Safety, Healthy Communities, Good Governance

CONTACT

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