



## Legislation Text

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**File #:** 21-1750, **Version:** 1

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Planning and Building Department, Code Enforcement Division, recommending the Board receive an update on Code Enforcement activities in the 2020-21 Fiscal Year and provide direction to staff on conceptual approval of the following proposed amendments to various County Codes:

- 1) Incorporation of Health and Safety Code §17920.3 regarding substandard housing;
- 2) Amend County Ordinance §9.02.470(A) removing the subsection that provides for appeals of Hearing Officer determinations to the Board of Supervisors;
- 3) Adoption of Board Resolution 202-2015 Parking and Loading Standards;
- 4) Amend Sec. 130.67.030 to expressly allow Code Enforcement to investigate and enforce violations of approval requirements contained within Temporary Use Permits, Conditional Use Permits, Special Use Permits, Conditions of Approval, and similar.

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND**

The Code Enforcement Division consists of nine (9) FTEs, six (6) of whom are Code Enforcement Officers representing each Supervisorial District and special assignment areas. The Board approved two of these Code Enforcement Officers in the Fiscal Year 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 each of the five Supervisorial Districts 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. Currently, the division has over 1,200 open cases for an average of approximately 300 cases per officer. The additional responsibilities of cannabis and vacation home rental enforcement, along with a significant increase in hearings, has impacted the division. Furthermore, about 75% of the caseload consists of building and zoning cases, which are inherently more complicated and take a longer period of time to resolve. To help address this, the Board approved two additional Code Enforcement Officers specifically for cannabis and VHR enforcement. These recruitments are now complete and the new officers have commenced their training programs.

The Code Enforcement Division has taken a critical look at services rendered and conducted analysis on existing ordinances to identify key areas where additional clarity is needed to better equitably, and fairly, enforce County code. Each of these areas is enumerated below:

- 1) Adoption of Health and Safety Code (HSC) §17920.3.

Whereas other chapters of the HSC were previously adopted into the County's Code of Ordinances, this chapter pertaining to substandard housing was never incorporated. Adoption of this chapter would allow Code Enforcement to investigate and pursue substandard housing violations, which endanger the health and safety of residential occupants. Code Enforcement agencies throughout

California employ HSC §17920.3 as their legal authority to investigate violations of substandard housing conditions to ensure the minimum health and safety standards of dwelling occupants. Common substandard housing complaints include moldy rental units, water intrusion through faulty weather protection (e.g., leaky roofs or windows), improper heating, structural hazards, unsafe wiring, unsafe plumbing, and other conditions that adversely affect the habitability of dwellings.

2) Amend County Ordinance §9.02.470(A).The current code allows an owner to appeal from a Notice/Citation served by the County to an administrative hearing. After a decision by the hearing officer, the owner is allowed an intermediary appeal hearing before the Board of Supervisors and then a final appeal to the Superior Court. The proposed amendment seeks to streamline the Code Enforcement appeals process by eliminating the intermediary Board hearing step while retaining existing code requirements of the first level administrative hearing before a Hearing Officer and the final level of judicial review before Superior Court. The proposed procedure would be consistent with the California Code of Civil Procedure §1094.6, California Government Code § 53069.4, and with the practice of other counties in the state.

3) Adoption of Board Resolution 202-2015 Parking and Loading Standards. Incorporation of the Parking and Loading Standards into the County's Code of Ordinances would allow Code Enforcement to investigate and enforce parking regulations for recreational vehicles.

4) Authorization via code amendment to allow Code Enforcement to investigate and enforce violations of approval requirements contained within Temporary Use Permits, Conditional Use Permits, Special Use Permits, Conditionals of Approval, and similar approvals. This authorization would allow code enforcement to ensure compliance with the terms upon which such permits were granted.

Each of these proposed amendments or additions to County Code will provide additional tools for Code Enforcement to carry out the mandates of County Ordinance §9.02.010, the purpose and intent of which is for the Board to establish uniform minimum procedural requirements for administrative enforcement and adjudication procedures for the Code and to provide for an administrative hearing and appeal process for code enforcement. They also will enhance existing County Code and will provide additional administrative remedies for the effective enforcement of Code violations. Staff is asking for direction from the Board for conceptual approval of each of the listed amendments and/or additions to County Ordinances. Should the Board grant conceptual approval, staff will return with prepared ordinance amendments for a first and second reading, and all appropriate notifications will be given in local publications.

## **ALTERNATIVES**

- 1) The Board could direct staff to return with suggested changes on any or all of the items.
- 2) The Board could choose not to conceptually approve any of the amendments.
- 3) The Board could direct staff to further study one or all of the amendments for consideration at a later date.

## **PRIOR BOARD ACTION**

16-0209 - As part of the comprehensive ordinance adoption for commercial cannabis use permits in the County, Ordinance Number 5067 was adopted which amended Chapter 9.02 Code Enforcement in its entirety.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Sheriff's Office, Treasurer-Tax Collector

**CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

If additional enforcement occurs, there may be an increase in Administrative Citations which range from \$100 to \$500, and a subsequent increase in Appeal Hearings, which accrue \$200 per hearing. These fees help offset the General Fund cost of the Code Enforcement Division.

**CLERK OF THE BOARD FOLLOW-UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Public Safety, Healthy Communities, Good Governance

**CONTACT**

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