
CODE COMPLIANCE MANUAL

POLICIES AND PROCEDURES



TABLE OF CONTENTS

INTRODUCTION

TABLE OF CONTENTS	1
Mission Statement and Objectives	2
Overview	3

GENERAL

Enforcement Methods	4-5
Cost Recovery	6-7

ADMINISTRATIVE PROCEDURES

Prioritizing Complaints	8-9
Complaint Processing	10-11
Stop Work	12-13
Administrative Citation	14-15
Right of Entry	16
Performing Inspections	17
Notice of Violation	18
Intent to Record Notice of Violation	19
Recording a Notice of Violation	20
Administrative Hearing	21-22
Administrative Hearing Notice	23-24
Summary Abatement	25-26
Recording an Assessment Lien	27-28
Recording Expungements	29
Vacation Rentals	30-31
Manual Updates	32

APPENDIX

Senate Bill 296 (Under revision)

MISSION STATEMENT AND OBJECTIVES

MISSION

To objectively assure compliance with the County's Building, Zoning, and Environmental regulations as adopted by the Board of Supervisors to protect the health and safety of the public and enhance the quality of life in the community.

OBJECTIVES

The goal of the Code Compliance Section of the Community Development & Infrastructure Department is to work uniformly to reach complaint resolution. The main objectives are:

- Provide consistent application of regulations to all properties.
- Minimize future violations and eradicate them, if possible.
- Stop unpermitted construction and/or authorized use while in the act of violation.
- Provide the best service possible.
- Work efficiently and effectively.

Staff shall always exhibit the Section's values:

- Prudent use of discretion.
- Protection of people and community.
- Community education and enhancement.
- Code of Ethics – honesty, impartiality, fairness, objectivity, maintaining a good reputation, being knowledgeable, integrity, and professionalism.
- Full disclosure of information – providing property owners with enough information to make a fully informed decision and advising property owners of other available resources to assist them.

OVERVIEW

The purpose of this manual is to provide a general overview of the Policies and Procedures of the Code Compliance Section to increase consistency and efficiency in the resolution and goal of reaching compliance. The manual will provide written guidelines for predictability, transparency of departmental processes, and the consequences of code violations. Most importantly, the manual will serve as a tool for staff in performing duties related to reaching voluntary compliance and sanctioning residents who don't comply. Code Compliance is on a complaint basis, with the exception of vacation rental enforcement, and the Section regularly coordinates with other departments and agencies, including the Auditor-Treasurer, Department of Fish and Wildlife, the Public Works Division of CDI, Sheriff's Office, Parks, Coastal Commission, and local fire departments, to obtain compliance.

The intent of the manual is to define clear guidelines and transparency for enforcement from receipt of complaint to resolution, increase efficiency of the program and operations, achieve compliance through ethical standards applied fairly, ensure due process rights of residents, provide timely responses to property owners, define the actions the County may take to pursue compliance, clearly define the appeals process, and protect the well-being of the public and Code Compliance staff.

ENFORCEMENT METHODS

Code enforcement methods are determined per the Santa Cruz County Code ([SCCC](#)) [19.01.030](#).

Any violation of a land use regulation shall be enforced through one or more of the following remedies:

(1) Abatement as a public nuisance pursuant to SCCC 1.14 .	Nuisance abatement refers to legal measures taken to stop or prevent activities that negatively impact a community's wellbeing, such as noise, pollution, or blight. By addressing these issues, it enhances quality of life (SCCC 1.14.030).
(2) Criminal prosecution.	Any person, whether as principal, agent, employee, or otherwise, knowingly, and willfully violating, causing, permitting, or continuing violations of any land use regulations shall be deemed guilty of a misdemeanor and upon conviction.
(3) Administrative hearing pursuant to SCCC 1.12.070 , including the recovery of civil penalties and enforcement costs.	The County may institute administrative proceedings to enforce the County Code and obtain civil penalties for violation of County Code provisions (SCCC 1.12.070[B][1]).
(4) Civil action for injunction, civil penalties, or other appropriate remedies.	Any person, whether as principal, agent, employee, or otherwise, violating, causing, permitting, or continuing violations of any land use regulations shall be liable for civil penalties, enforcement costs and other enforcement remedies in accordance with the provisions of SCCC 1.12.070 .
(5) The withholding of approval or conditional approval of an application pending elimination of a related violation pursuant to SCCC 1.12.060 .	An application for a permit pursuant to provisions of the SCCC may be denied or conditionally approved if said application does not address the posted violations, Acceptance of an application for a permit may be withheld until the applicant has paid the County's total cost of enforcement.
(6) Recording of a notice of violation.	If a meeting is not requested, and the violation has not been corrected, or in the event that a meeting is held and after consideration of evidence the Planning Director determines that a code violation in fact exists, the Planning Director may record a notice of violation in the office of the County Recorder. The Planning Director's decision is final and not subject to further appeal.
(7) Permit revocation pursuant to SCCC 12.10.330 & SCCC 18.10 .	Permits Which May Be Revoked. Any permit heretofore or hereafter granted may be revoked or amended upon a finding that any term or condition of the permit has not been or is not being complied with or that the permit has been issued or exercised in violation of any statute, law, or regulation, or in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety. Such reasonable opportunity for correction may be provided by scheduling the actual hearing on revocation for a date which will allow time for such correction.

<p>(8) Issuance of an administrative citation pursuant to SCCC 1.13.</p>	<p>Issuing administrative citation is to encourage compliance with the provisions of the County Code (SCCC 1.13.020).</p>
<p>(9) Whenever any work is being done contrary to the County Code, or other pertinent laws or ordinances implemented through the enforcement of the County Code, the Planning Director may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Planning Director to proceed with the work.</p>	<p>This process begins with the filing of a complaint, alleging that a violation of County land use regulations is occurring. Next, the Code Compliance Investigator reviews the complaint, completes research of available building land use information and records, and conducts a site inspection. If a violation is found the Code Compliance Investigator, or Building Inspector, will issue a “Stop Work” notice and order the work to stop until proper permits are obtained (SCCC 12.10.420[E]).</p>
<p>(10) Any other remedies provided by law.</p>	<p>Land use regulations are defined to be all those provisions of the SCCC found in SCCC Titles 12, 13, 14, 15, 16 and 17. The remedies authorized in any other section of the SCCC or authorized by any statute, court decision or other provision of law.</p>

COST RECOVERY

Substantial Code Compliance Staff resources are spent on each case to enforce local County laws, to protect the safety and health of Santa Cruz County communities. Costs are placed on those violating County Code to prevent future violations in the unincorporated portion of Santa Cruz County. Recovery costs are outlined under [SCCC 1.12](#) General Penalty and Enforcement. Penalties provided by [SCCC 1.12](#) shall be in addition to other forms of remedies and penalties provided by law.

CIVIL PENALTIES

Civil penalties are outlined in [SCCC 1.12.070](#) and California Government Code Section [25132\(c\)](#).

VIOLATIONS FOR EACH VIOLATION THAT WOULD OTHERWISE BE AN INFRACTION (CITATION):

- Each Violation - penalty not to exceed \$100 for a violation that would otherwise be an infraction.
- Second Violation - penalty not to exceed \$200 for violation of the same ordinance within the next 12 months.
- Additional Violations - penalty not to exceed \$500 for violation of the same ordinance within one year of original violation.

VIOLATION CONSTITUTING A MISDEMEANOR (NOTICE OF VIOLATION):

Penalty not to exceed \$2,500, per violation.

ILLEGAL RENTS

In addition to the civil penalties outlined in [SCCC 1.12.070](#), and [SCCC 1.12.070\(A\)\(3\)](#), any person who constructs or converts a structure without a permit for human habitation, shall pay a civil penalty in the amount of any rent received or, in the alternative, the amount of rent value of the structure based on Santa Cruz County Housing Authority's schedule of payments.

ABATEMENT COSTS

A person violating the provisions of the SCCC shall be liable to pay the County's total cost of enforcement, including, but not limited to, administrative costs, inspection and re-inspection costs, and attorney fees ([SCCC 1.12.070\[A\]\[4\]](#)).

HEARING OFFICER IMPOSED PENALTIES

The authority of the Hearing Officer to impose civil penalties for a violation that would otherwise be a misdemeanor is limited to a maximum of \$2,500 per violation, and a maximum of \$10,000 related to multiple violations on a single parcel of property by any one person ([SCCC 1.12.070\[B\]\[7\]](#)).

ASSESSMENT LIEN

When a decision by the Hearing Officer supported by written findings determines whether any enforcement is to be made a special assessment against the property on which the violation(s) occurred ([SCCC 1.12.070\[B\]\[6\]\[d\]\[v\]](#)), and the lien is then unpaid, the Planning Director shall cause a notice of enforcement assessment lien to be recorded in the County of Recorder's office and the lien shall attach to the property ([SCCC 1.12.070\[B\]\[11\]](#)). Recordation of lien also applies to unpaid enforcement costs, illegal rents, other abatement costs, and/or civil penalties, and filed with the Auditor a certified copy of the notice of assessment lien for each obligation for payment and file a notice of code enforcement personal obligation for each personal obligation ([SCCC 1.12.070\[B\]\[11\]\[b\]](#)).

PRIORITIZING COMPLAINTS

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

The purpose of this policy is to establish violation categories and identify the level of priority for each; high, medium, or low. Provide clear expectations for Code Compliance staff regarding initial field evaluation times and the appropriate enforcement action of response for land use violations.

II. POLICY

There are three priority levels for land use violations: High, Medium, and Low. Response time to complaints may be impacted by weekends, holiday hours, and/or staffing resources. The target response times, and enforcement actions are as follows:

High - Presents an imminent threat to public health and safety, or the environment, creating irreparable off-site impacts. Initial response time: 2-24 hours after date received.

Medium - May create an adverse impact to adjoining residents, the environment, or the community, presents material violation of County land and regulations. Initial response time: 14-21 calendar days after receipt of complaint.

Low - Offsite impacts are relatively minor in nature and/or do not affect property owners, the environment, or community at large. Initial response time: 30 calendar days after receipt of complaint.

III. PROCEDURE

High - Intake and file set up is handled immediately and assigned to investigator or available staff member.

Enforcement action: Issuance of Notice of Violation, Correction Notice, Stop Work Order, referral to County Counsel or the District Attorney's Office for immediate legal action; and/or initiation of nuisance or summary abatement procedures.

Medium - Intake and file set up is handled daily and forwarded to the investigator.

Enforcement action: Issuance of a Notice of Violation, citation, Abatement Order, recordation, and pursuit through the Administrative Hearing process. Failure to comply with a Hearing Officer Decision and Order or Stipulation would result in recordation of an assessment lien for awarded code costs and civil penalties and referral to County Counsel. In certain circumstances staff may pursue a parallel track of abatement proceedings or criminal prosecution.

Low - Intake and file set-up is handled daily and forwarded to investigator.

Enforcement actions: Issuance of a Notice of Violation, followed by recordation or issuance of a citation. Once recorded, case status will be sent to monitor compliance milestone. Typically, this will end the County's active enforcement effort unless the property owner obtains permits or more follow-up is needed.

COMPLAINT PROCESSING

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

The purpose of this policy is to establish guidelines to help Code Compliance staff efficiently and effectively process complaints applicable to zoning, building, and environmental code violations from initial intake to a Service Request using County tracking software.

II. POLICY

Staff must screen complaints for validity and conduct preliminary research of the parcel, active cases, and permit history using County software and/or resources before creating a Service Request. Staff will determine the level of priority and response time based on the impacts of the alleged violation to proceed accordingly. A code file with all parcel research and pertaining information will be created for all complaints and handed to the assigned investigator. Complaints will be stored securely to protect the confidentiality of the reporting party. The identity of anyone reporting code violations is kept confidential and is protected under [California Government Code Section 7922.00](#) and by case law, "[City of San Jose v. San Jose Mercury News \(1999\) 74 Cal. App.4th 1008.](#)"
Investigators do not respond to anonymous complaints.

III. PROCEDURE

Complaint Screening - Validity determination of the complaint.

- Staff reviews Complaint Form for completeness: reporting party contact information, location of violation, parcel, or address, description of violation, and signature of reporting party. Additional questions are not required to be addressed.
- Staff determines if the complaint is under Code Compliance jurisdiction. If the answer is NO, the reporting party is referred to the appropriate department or agency.
- Staff determines the level of priority and response time.
 - High/Work in Progress – complaints at this level will be placed at the top of the priority list. The Building Inspector or Code Compliance Investigator is to be contacted for building violations and the Environmental Resource Planner for natural resources and land violations. For other health and safety concerns, staff will communicate with management or other departments to determine the next steps to be taken.

Parcel Research - Using County software and resources, parcel research is conducted:

- Location of violation map, sensitive habitat areas, aerial view maps, and zoning information.
- Property owner contact information and parcel characteristics.

- History of violations, open cases/service requests, and permits issued.
- Any information concerning health and safety.

Creation of Service Request (SR) - Using County tracking software, a service request is created with the following information:

- Type of complaint.
- Parcel number.
- Complaint information/description.
- Notes of precaution for the Investigator.
- Incident and scheduled follow-up date.
- Name of assigned Investigator.

Code File - Staff prints parcel research documents and creates a code file with:

- SR information.
- Copy of first contact letter to property owner.
- Parcel information found using County software.
- Photographs provided by the reporting party are placed in an envelope labeled CONFIDENTIAL.
- Labels with the parcel number, situs address, and property owner.

Storage - Staff will store all complaints electronically in a secured folder with limited authorized users by using the parcel number and date received.

STOP WORK

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

The purpose of this policy is to establish procedures for responding to work in progress that results in the posting of a Stop Work Order.

II. POLICY

If any work is being carried out in violation of the County Code, or any other laws or ordinances enforced through the County Code, a written Stop Work notice may be served to anyone who is working without a permit. The responsible person or property owner must stop the work until they receive authorization from the County, or the necessary permits are issued ([SCCC 12.10.420\[E\]](#)).

III. PROCEDURE

If a complaint is received regarding ongoing work, a staff member will conduct a preliminary survey of the relevant parcel to verify the authenticity of the complaint. Following this, they will contact the Code Compliance Investigator, Building Inspector Supervisor, or Resource Planner, depending on the area, to schedule a site visit.

Stop Work Notice - A notice will be posted on the site by the enforcing staff member upon confirming the violation. The staff member must complete the notice with the following:

- Date, parcel number, address of violation, contractor (if applicable).
- Instructions to stop by the planning department by a given date.
- Notice to stop all work and apply for permits.
- Description of violation.
- Copies of construction plans to be provided to the planning department (if applicable).
- Required fees to pay (CUREC FEE, [SCCC 12.10.350\[C\]](#)).
- Staff member name and contact number.
- Photos of the work performed and the posting of the stop work.

Stop Work Letter - After the stop work order is posted, the staff member responsible for it will give a copy of the order to the code enforcement staff. The code enforcement staff will then send a “Stop Work Letter” to the property owner through first-class mail requesting that they contact staff to address the stop work and discuss steps to gain compliance.

Stop Work Service Request - Planning Tech or staff will also create a stop work service request and attach the stop work order to the County's tracking software.

If compliance is not met, code staff will refer the stop work to the investigator for that area to follow up and potentially post a notice of violation.

ADMINISTRATIVE CITATION

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

The purpose of this policy is to define and outline the process to Administrative Citations.

II. POLICY

Citations will serve as an alternative method of enforcement for violations of the SCCC and applicable State codes, as authorized by [California Government Code Section 53069.4](#) to encourage compliance.

Any person violating any provision of the SCCC or applicable State code may be issued an administrative citation by a Code Compliance Investigator ([SCCC 1.13.020](#)). Each and every day a violation of the County Code or applicable State code exists constitutes a separate and distinct offense for which an administrative citation may be issued. A penalty shall be assessed by means of an administrative citation, payable to the County of Santa Cruz and collected by the Citation Processing Center. Penalties will be collected in accordance with County procedures.

The issuance of an administrative citation is solely at the discretion of the Code Compliance Investigator and is one option the County of Santa Cruz has to address violations of the County Code. The procedures established shall supplement and be in addition to any criminal, civil or other remedy established by law or under the provisions of this code to address violations of the County Code. Issuance of an administrative citation shall not limit, or be deemed a waiver of, the use of any other available enforcement remedy ([SCCC 1.13.020\(B\)](#)).

A person who was issued or served with an administrative citation may file an appeal within 15 calendar days from the date of service. The appeal shall be made in writing to the Code Compliance Investigator, it shall be accompanied by an appeal fee in an amount established by resolution of the Board of Supervisors and fines shall cease to be imposed upon a proper appeal filing, unless such cease would result in the continuation of an imminent life, health, or safety risk ([SCCC 1.13.050](#)).

III. PROCEDURE

Upon discovery of any violation during a site visit, the Code Compliance Investigator may issue a citation to the listed property owner or person responsible:

- Identify the responsible person to issue administrative citation to include code sections violated and describe how sections were violated. Date, location, parcel number, and time will be written on the citation.
- A copy of the citation may be served personally OR
 - Provided by first class mail, certified mail AND by posting the citation on the site.
- A request to the responsible party for immediate response and/or require the actions to take to correct the violation(s).
- The amount of penalty for the violation(s) must be stated (up to per day, per violation).
 - First violation - \$100
 - Second violation - \$200
 - Third or subsequent violation within a one-year period - \$500
- Instructions for paying the citation and consequences of failure to pay are provided on the citation.
- Notice of right to appeal is provided on the citation.
 - Appeal should be made in writing to the Code Compliance Investigator 15 calendar days from the date of service.
- Citation shall include the Code Compliance Investigators printed name and signature.

RIGHT OF ENTRY

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

The purpose of this policy is to ensure Code Compliance Investigators contact property owners or responsible parties before entering private property for inspection of an alleged code violation.

II. POLICY

Whenever there is a reasonable cause to believe that there exists upon any property a condition which is in violation of land use regulations, he/she may enter such property at all reasonable times to inspect the same, to perform any duty imposed upon him/her by the County Code; provided, that if such property is occupied or is a habitable structure, he/she shall first present proper credentials and request entry; and if such property is occupied or is a habitable structure, he/she shall first make a reasonable effort to notify the owner or other person(s) in control of the property and request entry ([SCCC 19.01.040](#)). If such entry is refused, the Code Compliance Investigators shall have recourse to every remedy provided by law to secure entry, including, but not limited to, inspection warrants ([SCCC 19.01.040](#)).

III. PROCEDURE

First Contact Letter - A staff member will send, via first class mail, a letter notifying the property owner that a complaint was received alleging a code violation. The property owner is asked to contact the Code Compliance Investigator and schedule a site inspection to determine the validity of the complaint.

Inspection Warrant - Code Compliance Investigators will prepare an Inspection Warrant after inspections are refused by the responsible party. The warrant must be attached to a notarized affidavit, clearly state the request (example, enter home, take pictures, etc.), and signed by a judge. An original copy of the Inspection Warrant will be served to the property owner or responsible party. If needed, the Code Compliance Investigators may contact the Sheriff's Office and request an Officer to be on site to serve the inspection warrant. Code Compliance Investigators may not use forcible entry.

PERFORMING INSPECTIONS

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

The purpose of this policy is to establish procedures and protocols to minimize investigator encounters with potentially dangerous situations (Reference “SB-296 Code Compliance Investigator Safety Guide” attachment).

II. POLICY

Investigators must follow inspection safety protocols before and while visiting a potentially dangerous site. Investigators will establish communication with the Sheriff’s Department about concerning properties and notify all staff members of scheduled site visits.

III. PROCEDURE

Pre-Site Visit - Before conducting a site inspection, it is necessary to review the code files and INFOR for any potential threats. Additionally, aerial photographs specific to the site should be examined to identify exits to safety. If deemed necessary, request the assistance of an additional code investigator.

Contact the Sheriff’s Department - Request a civil standby from the Sheriff’s Department for property owners and parcels that have been the source of complaints about threatening behavior. In the event civil standby is requested, a site visit should not be conducted until the site is secured by law enforcement.

Site Visit - County vehicles should not be parked in front of the situs address and clear egress shall be observed. Paperwork should be completed off-site to minimize potential safety risks. If at any time the investigator feels uneasy about a situation, they shall leave the premises immediately and discuss it with the section manager.

Communication - Ensure all staff members receive accurate information regarding scheduled site visits, including the date, time, and location of the violation(s) (Microsoft Outlook is preferred).

NOTICE OF VIOLATION

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

The purpose of this policy is to outline the administrative process of a Notice of Violation as a proceeding to enforce the County Code.

II. POLICY

The County may institute administrative proceedings for any violation of County Code provision by posting a Notice of Violation on the property where the violation has occurred ([SCCC 1.12.070\[B\]](#)).

III. PROCEDURE

The notice of violation shall be physically posted on the property and state the County Code provision(s) alleged to have been violated; the location of the property on which the alleged violation(s) has occurred, including the parcel, name, and address of the property owner to have committed or permitted the violation(s) as listed on the assessor's database, and the name, address and telephone number of the department or agency issuing the notice to which protests, or objections, or other communications may be directed ([SCCC 1.12.070 \[B\]\[2\]\[a\]](#)).

INTENT TO RECORD NOTICE OF VIOLATION

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

The purpose of this policy is to outline the administrative process of the intent to record a notice of violation.

II. POLICY

A Code Compliance Investigator or assigned staff member shall mail a notice of intention to record a notice of violation by certified mail addressed to the property owner of the parcel stating that within 20 days of the date of the notice, the owner may request a meeting with the designated staff to present evidence that a violation does not exist ([SCCC 19.01.070](#)). If a meeting is not requested, and the violation has not been corrected, or if a meeting is held and after consideration of the evidence, it is determined that a code violation exists, the notice of violation may be recorded in the office of the County Recorder ([SCCC 19.01.080](#)).

III. PROCEDURE

The Code Investigator will prepare a notice of intent packet to be mailed and include:

- Notice of Intent Letter.
- Notice to Vacate (if applicable).
- Copy of Notice of Violation.
- Codes alleged to have been violated.
- Proof of Mail Service.

RECORDING A NOTICE OF VIOLATION

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

The purpose of this policy is to outline the administrative process of recording a notice of violation.

II. POLICY

A Code Compliance Investigator or assigned staff member shall mail a notice of intention to record a notice of violation by certified mail addressed to the property owner of the parcel stating that within 20 days of the date of the notice, the owner may request a meeting with the designated staff to present evidence that a violation does not exist ([SCCC 19.01.070](#)). If a meeting is not requested, and the violation has not been corrected, or if a meeting is held and after consideration of evidence, it is determined that a code violation exists, the notice of violation may be recorded in the office of the County Recorder ([SCCC 19.01.080](#)).

III. PROCEDURE

The Code Compliance Investigator will prepare the document to be recorded and do the following:

- Have the document notarized by staff notaries.
- Have the document recorded in the Santa Cruz County Recorder's Office.
- Once recorded a copy shall be provided to the property owner via first class mail or electronically.
- The original shall be scanned into the INFOR permitting data system and placed into the code case file.

ADMINISTRATIVE HEARINGS

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

This policy outlines the established guidelines for Administrative Hearings conducted by a Hearing Officer.

II. POLICY

Through the use of independent contracts, the County shall provide Hearing Officers to conduct hearings, issue subpoenas, receive evidence, administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, issue enforcement orders with regard to violations of the County Code, and provide for the recovery of enforcement costs, any civil penalties including, but not limited to, penalties imposed as a result of illegal rents, and any other costs of abatement. Such costs shall be recorded as a special assessment against the property on which the violation(s) occurred or assessed as a personal obligation of the person violating, causing, permitting, or continuing the violation(s) (civil penalties may not be recorded as a special assessment) ([SCCC 1.12.070\[B\]\[4\]](#)).

III. PROCEDURE

Appearing at the Administrative Hearing -The Code Compliance Investigator or assigned staff shall present the case before the Hearing Officer. The property owner or representative shall also appear to provide testimony.

Taking Testimony - Oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, their clerk, or other designee has the power to administer oaths and affirmations and to certify to official acts. Oaths of witnesses may be given individually or to a group together. Witnesses shall be asked to raise their right hands and to swear or affirm that the testimony they shall give will be the truth, the whole truth, and nothing but the truth ([SCCC 1.12.070\[B\]\[6\]\[a\]](#)).

Continuances - The Hearing Officer may continue the hearing as the Hearing Officer deems necessary and appropriate.

Hearing Officer Decision - After a hearing on the alleged violation(s), the Hearing Officer has the authority to make a decision within 30 days supported by written findings, with limitations as set forth in [SCCC 1.12.070\(B\)\(6\)\(d\)](#).

ADMINISTRATIVE HEARING NOTICE

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

This policy describes the process by which the County initiates administrative hearings and sends notification to the responsible party including hearing procedures.

II. POLICY

The County may seek a civil remedy for any violation of the SCCC by initiating Administrative Proceedings. Prior to instituting any administrative proceedings for the recovery of civil penalties for continuing violations which pertain to building, plumbing, electrical or similar structural or zoning or environmental issues that do not create an immediate danger to health or safety, notice of the opportunity to correct or remedy the violation within 90 calendar days without civil penalties shall be provided to the person responsible for the continuing violation by personal service or by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing; and by posting the notice on the site of violation ([SCCC 1.12.070\[B\]\[2\]\[b\]](#)).

Should a code enforcement matter be set for administrative hearing, written notice of the time, date and location shall be given by personal service or by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing, to the person or persons alleged to have violated the County Code, and to any other person known to own or possess the property, at least 15 days prior to the date of the hearing. The notice of hearing shall also identify the Hearing Officer designated to conduct the hearing and advise the recipient(s) of their right to submit within 10 business days of the date of the notice of hearing a written objection to the designated Hearing Officer ([SCCC 1.12.070\[B\]\[3\]](#)).

III. PROCEDURE

Hearing Packet - A Code Compliance Investigator will prepare a Hearing Packet to be serviced by first class mail and a second copy by Certified mail to the owner of record. The Hearing Packet shall include:

- Administrative Hearing Notice with time, date, and location of the hearing, location of violation, property owner name(s) and mailing address, name and

contact information of the Code Compliance Investigator, name of Hearing Officer conducting the hearing, posted violations, assessed code enforcement costs, illegal rents (if requested), civil penalties, administrative hearing procedures, and disclosure of a Hearing Officers Decision after the hearing.

- Staff Report outlining the actions taken by the Code Compliance Investigator, property details, a description of the findings, and the County's request for penalties and a compliance date.
- Evidence Packet shall include the staff report, posted Notice of Violation, copies of applicable codes, color photo documentation, other documents as deemed necessary, and a code enforcement staff cost recovery print out.
- [SCCC Chapter 1.12](#) copy attached for reference.
- Affidavit copy of proof of mailing service.

SUMMARY ABATEMENT

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

The purpose of this policy is to outline the process by which a Code Compliance Investigator may order the issuance of a summary abatement for a violation of the SCCC that poses an immediate threat to public health or safety.

II. POLICY

Whenever a Code Compliance Investigator determines that a nuisance exists because of a violation of any provision that poses an immediate threat to public health or safety, the Code Compliance Investigator may order the summary abatement of the nuisance per County code. Upon determining that there is such a nuisance condition posing an immediate threat to public health or safety, the Code Compliance Investigator may issue a written order requiring that the condition be abated within 48 consecutive hours from the time the responsible person is personally served with a written order to abate such condition. If the responsible person is not the owner of the property at issue, the Code Compliance Investigator shall also give oral or written notification of the abatement order to the owner of the property as soon as possible.

An order to abate a nuisance condition pursuant to this section shall continue in full force and effect until rescinded by the Code Compliance Investigator or vacated or superseded by an order of the Administrative Hearing Officer made after an administrative hearing. The order to abate shall advise the responsible person of their right to file an appeal to the Hearing Officer ([SCCC 1.14.030](#)).

III. PROCEDURE

Abatement Order Notice - The Code Compliance Investigator issues a written order requiring that the condition be abated 48 consecutive hours from the time the responsible person is personally served with a written abatement order. If the responsible person is not the owner, the Code Compliance Investigator shall give oral or written notification to the property owner. The order to abate shall:

- Advise the responsible party of their right to file an appeal to the Hearing Officer
- Identify the name of the Hearing Officer

Contacting Hearing Officer - The Code Compliance Investigator or staff shall contact the Hearing Officer to schedule a hearing in the event an appeal is filed.

Hearing - A hearing shall be held within 12 business hours after the expiration of the period for appeal whether or not an appeal is filed or canceled.

Abatement Performed by the County - In the event that a nuisance is not abated within the designated time period, the County shall proceed to abate the nuisance ([SCCC 1.14.040](#)).

Collection of Abatement Costs - When an abatement is completed, the Code Compliance Investigator shall prepare and file with the Hearing Officer a report specifying the work done, the total abatement costs, a description of the real property upon which the nuisance is or was located, and the names and addresses of the record owner, the holder of any mortgage or deed of trust of record, and any other person known to have a legal interest in the property ([SCCC 1.14.050](#)).

RECORDING AN ASSESSMENT LIEN

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

This policy outlines the established guidelines for the recording of liens in the County Recorder Office.

II. POLICY

When a decision imposing a special assessment is enforceable as provided by [SCCC 1.12.070 \(B\)\(6\)\(d\)\(v\)](#), the Planning Director shall cause to be recorded in the County Recorder's Office a notice of code enforcement assessment lien if the special assessment is then unpaid. Upon recordation of a notice of code enforcement assessment lien, the assessment lien shall be attached to the property. Each assessment lien shall be subordinate to all existing special assessment liens previously imposed upon such property and paramount to all other liens except those for State, County, and municipal taxes with which it shall be upon parity. The lien shall continue until the amount of the lien and all interest and penalties due and payable thereon are paid. Recordation of a notice of code enforcement assessment lien shall have the same effect as recordation of an abstract of a money judgment.

III. PROCEDURE

Request - The Code Compliance Investigator shall request a lien from fiscal staff and input the data into the lien spreadsheet in the shared drive.

Responsibilities:

- Fiscal Staff shall confirm the amounts from the stipulation and order or decision and order. Fiscal staff shall prepare the lien document and e-mail it to the Code Compliance Investigator.
- Code Compliance Investigator signs the lien document and has it notarized. The notarized lien document is then given to the Planning Technician.
- Planning Technician records the notarized lien document in the County Recorder Office. The recorded lien is then scanned as an attachment in the County

computer system (INFOR) and the original is given back to the Code Compliance Investigator.

RECORDING EXPUNGEMENTS

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

The purpose of this policy is to outline the standard procedures staff should follow when a property owner requests an expungement of a violation upon correction of any violation.

II. POLICY

At the request of the property owner or authorized persons, staff shall prepare a notice of expungement of recorded violation upon resolution of the violation and record it in the Records Office. The notice of expungement may be recorded by the property owner at his or her expense. The fee for inspection and verification of compliance and correction of any such violation and issuance of a notice of expungement of such violation shall be set by resolution of the Board of Supervisors ([SCCC 19.01.090](#)).

III. PROCEDURE

Upon a request to expunge a notice of violation, staff or the Code Compliance Investigator will do the following:

- Complete the inspections in INFOR.
- Prepare the “Notice of Expungement of Recorded Notice of Santa Cruz County Code Violation” document.
- Have the expungement notarized.
- Bring the notarized expungement to the Recorder’s Office and have it recorded.
- Scan the recorded expungement into INFOR.
- Mail a copy to the property owner and place the original in the code file.

VACATION RENTALS

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

This policy outlines the procedures for enforcement actions against unpermitted and/or noncompliant short-term vacation rentals and hosted rentals within Santa Cruz County. The primary focus is on ensuring compliance with the Santa Cruz County’s hosted rental and vacation rental ordinances ([SCCC 13.10.690](#) and [13.10.694](#)) and taking proactive measures against unpermitted short-term rentals and permit holders violating ordinance regulations. Additionally, the policy emphasizes close collaboration with other divisions and departments to streamline enforcement activities.

II. POLICY

Enforcement Actions:

- The Vacation Rental Enforcement Program is committed to taking decisive enforcement actions against unpermitted short-term vacation rentals and hosted rentals, as well as non-compliant permit holders.
- Enforcement efforts will prioritize compliance with the County of Santa Cruz’s vacation rental and hosted rental ordinances ([SCCC 13.10.690](#) and [13.10.694](#)).

Monitoring:

- Monitoring will be performed to identify and act against unpermitted properties in Santa Cruz County via online platforms such as Rentalscape.
- Coordination with the Sheriff and Auditor-Controller to monitor and address public concerns with unpermitted rentals, or permitted rentals not in compliance, and Transient Occupancy Taxes (TOT’s).

Outreach:

- Continue proactive outreach to inform vacation rental and hosted rental permit holders of the requirements outlined in the SCCC.
- Educational efforts will be focused on promoting compliance and avoiding violations.

III. PROCEDURE

Identification:

- Utilize established third party platforms to identify unpermitted short-term vacation rentals, hosted rentals, and permit violations.
- Utilize additional resources and tools to cross-reference information for additional verification.

Monitoring:

- Regularly monitor third party platforms for advertisements of unpermitted properties and permit violations.
- Monitor calls for service from the Sheriff and act against non-compliant platforms.

Outreach:

- Utilize various communication channels for dissemination of information.

Enforcement:

- Issue citations, notices of violation, penalties, and pursue legal action as necessary, in accordance with [SCCC 1.12.070](#) and [1.13.070](#). It may also include permit revocation hearings, in accordance with [SCCC 13.10.690](#) and [13.10.694](#).

Collaboration:

- Maintain open communication with the Sheriff, Auditor-Controller, and Assessor's departments that support, streamline, and facilitate enforcement efforts.

MANUAL UPDATES

APPROVED ON: JUNE 2024
APPROVED BY: AARON LANDRY, CODE COMPLIANCE MANAGER
CODE COMPLIANCE POLICY

I. PURPOSE

The purpose of this policy is to assure that the Code Compliance Section understands how and when to update the Code Compliance Manual to assure compliance with State and local County laws.

II. POLICY

Management and Code Compliance staff may update policies, procedures, and change existing ones. The manual should be reviewed every 2 years. Code Compliance Management and staff must update the manual any time the County adopts significant amendments pertaining to building, zoning, health and safety concerns, environmental and land use laws, and regulations.

High levels of non-compliance or inefficiency may suggest that an update or review of a policy or procedure is needed. The manual should be easy for a person who is not an expert in the subject matter to read and comprehend.

III. PROCEDURE

Updates to Manual - Code Compliance Management and staff, as a group, review and decide on changes and updates. If a policy needs several minor updates, a full review will be necessary. Management or staff assigned by management update the approved by and the revision date on the document.

Management and staff can make updates at any time when:

- Policies and procedures change.
- Codes and related work change.
- Changes in equipment require new method(s) of operation.