

Stay of Enforcement Process – Unpermitted ADUs

The notice of the right for stay of enforcement will be included in the Notice of Corrections (NOC), Determination Notice, Notice of Violation (NOV) and Unpermitted Dwelling Unit Notice of Violation from Code Compliance. The wording in the notice is as follows:

- **RIGHT OF CERTAIN ADU OWNERS TO STAY ENFORCEMENT:**
 - Pursuant to California Government Code, section 65852.2(n) and Health and Safety Code, section 17980.12, if this notice pertains to your unpermitted accessory dwelling unit (ADU) and it was built before January 1, 2020 you may apply for a five year stay of enforcement. Please contact the Code Compliance Division at 831-420-5111 or Nancy Concepcion at 831-420-5112 for information on how to apply.

(Since the request for stay of enforcement will most likely be through Code Compliance as a result of an NOC, Determination Notice, NOV or Unpermitted Dwelling Unit Notice of Violation, the first point of contact should be the Code Compliance main line, the assigned Code Specialist, or the Legalization program, Nancy Concepcion.)

The Code Compliance Division will have two processes through with the request of stay of enforcement may come: 1) those who are actively in the Legalization program and want to apply for the stay of enforcement via an Unpermitted Dwelling Unit Notice of Violation and, 2) those that are new complaints or recently found through the Residential Rental Inspection Services (RRIS) and Code Enforcement. The processes are as follow:

Unpermitted Units in the Legalization Program	Newly Found Unpermitted Units via Complaints or through the RRIS Program
A visual inspection of the unpermitted unit has been performed to assure no health and safety concerns are present.	An inspection is schedule with a Code Compliance Specialist (CCS) to assure no health and safety concerns are present.
An Amended Unpermitted Dwelling Unit Notice of Violation is mailed to inform the property owner of the right to apply for stay of enforcement.	If the unpermitted unit is occupied and no health & safety concerns are readily apparent, the tenant will be allowed to remain in the unpermitted. A Code case is created and the property is included with the legalization program. Notification is sent to Rental Program to register the property as a rental. Yearly inspections are conducted through Rental to assure the conditions of the unit have not changed. The unit may remain a rental until notification to legalize or abate the unit is provided. *

* If at any time a rental unit is found to be unsafe, and a solution to fix it cannot be found for a prompt fix, the unit is vacated and relocation packets are provided to the owner and tenant.

<p>If the property owner wishes to remain in the cue, the property will remain on the Legalization Program list. If the property is rented out, a yearly inspection of the property will be conducted by the RRIS Program to assure there are no changes to the health and safety of the occupants, until the unit is legalized. *</p>	<p>A Notice of Violation (NOV) is mailed following the inspection results that includes the stay of enforcement option.</p>
<p>If the property owner wishes to apply for the stay of enforcement, Code will provide the Stay of Enforcement Check list and process.</p>	<p>If the property owner requests a stay of enforcement, Code will provide the Stay of Enforcement Check list and process.</p>

Stay of Enforcement Process – After Owner Is Given Application/Checklist

If the Applicant chooses to apply for the stay, the Applicant shall submit a Stay of Enforcement Application and Checklist.

Code Enforcement will inspect the property to verify the self-checklist items are accurate. If there are no concerns, the owner will be informed that the stay will be granted when the owner enters into a Land Use Agreement (LUA) with the owner. Code Enforcement will prepare the LUA and have it signed and recorded. Code Enforcement will provide the applicant with a copy of the application and the LUA for posting at the property.

If Code Enforcement’s inspection reveals a health and safety concern, Code Enforcement will contact building. Building will determine if the concern is so large as to deny the stay of enforcement. If so, Building will document the grounds for denial clearly on the application. If the concern is something that can be rectified with an interim building permit, Code and Building will work together with the owner to have the owner apply for the interim permit, do the work, and enter into an LUA for the stay of enforcement.

Code Enforcement inspection fees for the application range from \$75-250, depending on the time expended on the inspection, pursuant to the City’s fee schedule. Building Inspections performed prior to any plan review or permit issuance shall be assessed on an hourly fee basis, pursuant to the City’s fee schedule, and inspections performed after building permit issuance shall be assessed by the valuation method previously noted for plan review. All costs associated with the request shall be collected before the final LUA is recorded and the stay is granted.

A recorded Land Use Agreement (LUA) will be required to document the terms of the stay of enforcement, with the stay expiring five years from the date of permit application. Tracking the expiration date for each approved stay of enforcement and noticing applicants shall be the responsibility of Code Enforcement, by using the departments land use system to schedule a follow update that corresponds with the LUA expiration date.

Appeals

A formal appeal of the Notice of Violation will have to follow the Appeal Procedures in Chapter 4 of the Santa Cruz Municipal Code (SCMC). (Appeal Procedures are included in the Notice of Violation.)

A formal appeal of the Stay of Enforcement Determination Notice will have to follow the Appeal Procedures of the Building Board of Appeals. Notice of the right to appeal will be provided with each denial.