



COUNTY OF HUMBOLDT

For the meeting of: 8/25/2020

File #: 20-974

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Departmental

SUBJECT:

Introduction of Ordinance Amending, Adding, and Repealing County Codes Relating to Building, Plumbing, Electrical and Other Codes

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce by title and waive the first reading of the proposed ordinance:
 - a. Amending Sections 331-1 through 331-4, 331-11, 331-11.5, 331-14, and 331-22 of Chapter 1 of Division 3 of Title II of the Humboldt County Code;
 - b. Adding Section 331-22.1 to Chapter 1 of Division 3 of Title II of the Humboldt County Code; and
 - c. Repealing Section 331-23 of Chapter 1 of Division 3 of Title II of the Humboldt County Code.
2. Request that staff present the amendments and accept public comment;
3. Deliberate on the proposed ordinance;
4. Set the ordinance for adoption on _____, 2020, or at least one (1) week away from the date of this hearing;
5. Direct the Clerk of the Board of Supervisors to publish a Summary for Publication prior to the adoption of the ordinance. The Summary shall be published and a certified copy of the full text of the proposed ordinance shall be posted in the Office of the Clerk of the Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which the proposed ordinance is to be adopted [Government Code Section 25124(b)(1)];
6. Direct the Clerk of the Board, within fifteen (15) days after adoption of the ordinance, to publish a post-adoption summary of the ordinance with the names of the Supervisors voting for and against the ordinance and to post in the office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance (Government Code section 25124(b)(1)); and
7. Direct staff to file the attached Notice of Exemption with the Humboldt County Clerk in accordance with the requirements of the California Environmental Quality Act.

SOURCE OF FUNDING:

Costs to prepare this agenda item have been borne by Building Division funds (budget unit 262) that are generated by permit fees.

DISCUSSION:

The proposed ordinance amendments transfer the authority and administration of substandard housing enforcement to the Chief Building Official. This is a vital step in expediting enforcement processes as directed by the Board of Supervisors.

Background

On May 16, 2017, the Board of Supervisors directed staff to implement an expedited enforcement process to significantly reduce the time required to abate and penalize nuisances and other violations of Humboldt County Code (Item I-1). A significant step in the implementation was the consolidation of code enforcement activities into the Planning and Building Department which included transferring the substandard housing enforcement previously conducted by the Department of Health & Human Services, Public Health, Division of Environmental Health (DEH) to the Planning and Building Department. This transfer requires the ordinance to be amended to reflect that the Chief Building Official, not the County Health Officer, has the authority to enforce the Uniform Housing Code which is where provisions of substandard housing are found.

The proposed ordinance amends County Codes to clarify and correct code references, aid in enforcement activities and transfer authority and administration of the substandard housing enforcement to the Chief Building Official. There are four specific areas affected by the amendments.

1. County Code Sections are amended to reference the most current applicable building codes and will aid with enforcement. Amendments are proposed to Sections 331-1 through 331-4, 331-11, 331-11.5, 331-14 and 331-22 of Chapter 1 Division 3 of Title III of the Humboldt County Code.
2. Section 331-11(k) incorporates the International Property Maintenance Code by reference. The incorporation of the International Property Maintenance Code will provide minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, and a reasonable level of safety from fire and other hazards. The intent of the International Property Maintenance Code is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises along with Uniform Housing Code.
3. The proposed ordinance transfers authority and administration of the substandard housing enforcement from the County Health Officer to the Chief Building Official. The proposed Ordinance repeals Section 331-23 Duties of County Health Officer and transfers these duties to the Chief Building Official in Section 331-22 Duties of Chief Building Official. The transfer of enforcement responsibility to the Chief Building Official will be consistent with Uniform Housing Code section 201.1 which states that the "building official is hereby authorized and directed to enforce all of the provisions of this code." Health & Safety Code sections 17960 also identify the building department as the enforcement agency for the State building codes and substandard housing conditions. The Chief Building Official will continue to consult with

Division of Environmental Health given their expertise on health-related matters including inadequate sanitation, hazardous waste, lead hazards, and unapproved water supply systems. The transfer of responsibilities does not change the enforcement process that is specified in the Uniform Housing Code.

4. The proposed ordinance adds Section 331-22.1 Stop Work Order to clarify the Chief Building Official's authority and process in enforcing various building codes by issuing a Stop Work Order. The proposed section is consistent with the 2019 California Building Code section 115. This allows the Chief Building Official to be proactive in stopping work that is underway without the necessary Building and Grading permits, which will then require the contractor and/or property owner to obtain the required permits.

Additional Consideration

The proposed ordinance currently before your Board is considered a project under the California Environmental Quality Act ("CEQA"). This project qualifies as a Class 8 and Class 21 categorical exemption project under the California Environmental Quality Act, which consists of actions that help protect the public, environment, and preserve natural resources by allowing for more efficient enforcement of the Humboldt County Code and other local and state laws and regulations.

FINANCIAL IMPACT:

Transferring substandard housing to the Building Inspection Department as set forth in the proposed amendment will require the hiring of additional field personnel.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents .

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board may choose not to revise the County's current substandard housing process or update the building code references. This alternative is not recommended since doing so will not expedite enforcement of local or state laws and regulations.

ATTACHMENTS:

1. Proposed Ordinance Amending Sections 331-1 to 331-4, 331-11, 331-11.5, 331-14 and 331-22; Adding Section 331-22.1 and Repealing Section 331-23 of Chapter 1 Division 3 of Title III of the Humboldt County Code Relating to Building, Plumbing, Electrical and Other Codes
2. Pre-Adoption Summary of the Proposed Ordinance
3. Post-Adoption Summary of the Proposed Ordinance

4. Notice of Exemption under California Environmental Quality Act

PREVIOUS ACTION/REFERRAL:

Board Order No.: I-1

Meeting of: May 16, 2017

File No.: 17-1859