



COUNTY OF HUMBOLDT

Legislation Text

File #: 22-1315, Version: 1

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Departmental

SUBJECT:

Discussion of Whether Changes Should be Made to the Alternative Owner Builder Ordinance

RECOMMENDATION(S):

That the Board of Supervisors:

1. Consider the information contained in the Board report
2. Receive public comment
3. Direct staff whether to make changes to the Alternative Owner Builder Ordinance

SOURCE OF FUNDING:

General Fund (1100), Charges for services (1100277-608000), Licenses and permits - Construction permits (1100262-203000).

DISCUSSION:

The Board of Supervisors is being asked whether the allowances of the Alternative Owner Builder (AOB) Ordinance are still appropriate given some of the applications under this ordinance that have recently been discussed. The AOB Ordinance was originally conceived as a way of allowing homesteaders to build affordable housing using methods and materials outside of the Building Code requirements. The General Plan Housing Elements in 2014 also identified the AOB program as a way of encouraging building affordable housing. The current 2019 Housing Element includes the following policy:

H-P15. Support Alternative Owner Builder Program. The County shall support alternative owner built/ owner-occupied housing to promote low-cost housing and improved permit compliance in rural areas not served by public water or sewer.

To provide flexibility and reduced permitting cost to owner/builders, the AOB Ordinance requires only one inspection (usually completed at the end of a project) unless there are significant reasons to perform additional inspections, a longer time frame in which to complete the work on the permit (5 years) and allows use of nontraditional building materials and methods. This program is an important component of the Safe Homes Program because often the nontraditional building materials used in

existing homes permitted under Safe Homes cannot be approved under the building code.

The AOB provisions include a unique requirement that when the dwelling unit changes hands the new occupant shall file with the Chief Building Official a statement under penalty of perjury stating that he/she is occupying the structure with the knowledge and understanding that the structure was not built pursuant to California Building Codes and that this may create risks of injury or damage which the occupant freely assumes and from which the occupant holds the county, its officers, employees and agents harmless. The occupant shall also agree, as a condition of the new occupancy permit, to abide by all applicable conditions of the building permit under which the structure was constructed; or the building must be brought into compliance with the appropriate California Building Code standard.

The AOB Program was created to encourage people building their own homes to obtain building permits. The unintended consequence with the flexibility of the current ordinance is that the program provides avenues for people building any size home to obtain permits with less cost and fewer inspections, and it provides opportunities for abuse. Recently the county has seen some very large homes constructed under the AOB Program.

The question to the Board of Supervisors is whether to take action to modify the AOB Program to align it with the intentions of the General Plan, which are to encourage more affordable housing and to provide mechanisms to permit housing under the Safe Homes Program.

Below are some optional actions for the Board of Supervisors to consider:

1. Small Homes and Safe Homes. Modify the AOB Ordinance to set a limit to the size of home that can be permitted under AOB. This action could set a limit on house size and could continue to apply to homes that qualify for the Safe Homes Program.
2. Inspections. Modify the Safe Homes Program to require more inspections. Some important inspections include:
 - Temporary Electric
 - Setback inspection (prior to concrete placement)
 - Structural as required from a soils report
 - Underfloor-plumbing, mechanical
 - Rough plumbing, mechanical (prior to closure)
 - Rough electrical (prior to closure)
 - Bedroom egress windows
 - Gas line test
 - State Responsibility Area requirements
 - AOB fire water requirements
 - Final plumbing
 - Final mechanical
 - Final electric
 - AOB final

3. Do Away with AOB for new construction. This would retain the AOB provisions only for use in the Safe Homes Program.
4. Moratorium on AOB permits. This action could come in a variety of forms. It could be a moratorium on larger homes, or temporary until the AOB ordinance is modified; or applied just on larger homes.
5. Eliminate AOB permits entirely. This would require all building permits to be compliant with the existing building codes.

There may be other options the Board wants to consider, but these are the most readily identifiable to address concerns.

FINANCIAL IMPACT:

The preparation of this Board report is funded from the Current Planning Division of the Planning and Building department (1100277-608000). Any further work would also be funded by money allocated to complete policy and ordinance development from the same budget unit. The Alternative Owner Builder Ordinance is a building permit process generating revenue to the Building Inspection Division (1100262-203000).

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:

The Board could choose to not make any modifications to the AOB Ordinance.

ATTACHMENTS:

1. AOB Ordinance.

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: 9/22/22

File No.: 22-1053