

## **ATTACHMENT B-1: Ordinance Amendment**

**ORDINANCE NO. 5250**

AN ORDINANCE AMENDING CHAPTER 10, BUILDING REGULATIONS OF THE SANTA BARBARA COUNTY CODE, TO ADD ARTICLE XVIII TO ESTABLISH A RENTAL HOUSING INSPECTION PILOT PROGRAM IN ISLA VISTA.

Case No. 25ORD-00005

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

### **SECTION 1:**

Chapter 10, Building Regulations, of the Santa Barbara County Code, is hereby amended to add a new Article XVIII to be titled "Isla Vista Rental Housing Inspection Pilot Program" to read as follows:

## **Article XVIII – ISLA VISTA RENTAL HOUSING INSPECTION PILOT PROGRAM**

### **Section 10-18.1. Purpose and Intent**

#### **A. Purpose**

The purpose of this Section is to establish the Isla Vista Rental Housing Inspection Pilot Program in the unincorporated area of the County of Santa Barbara known as the community of Isla Vista. This Section implements a proactive rental housing inspection program to protect the public health, safety, and welfare through the identification, prevention, and correction of substandard housing conditions that adversely affect the quality of life for residents living in the community and around the rental properties.

The County of Santa Barbara finds that there exists, within the unincorporated area of the Community of Isla Vista, substandard, overcrowded, and/or unsanitary residential rental buildings and units where the physical and habitable conditions violate state and local housing and building codes and standards which results in making them unfit or unsafe for human occupancy or habitation. These residential rental buildings and units are detrimental to and/or jeopardize the health, safety, and welfare of their occupants and the public and severely impact the quality of the community.

The results of this pilot program will be reported to the Board of Supervisors after its first year of implementation. The Board will determine to extend, modify, or repeal this Section.

#### **B. Intent**

The intent of this Section is to address the conditions identified above, and to proactively identify such substandard and unsafe residential rental buildings and units and ensure the rehabilitation or elimination of those buildings and dwelling units that do not meet minimum housing and building codes. It is also

“Newly Constructed Building” shall refer to a building that has a certificate of occupancy issued in the last 3 years.

“Residential Rental Property” or “Property” means any lot or parcel of land containing one or more Residential Rental Housing Units, and all improvements thereon, including common areas.

“Owner” or “Owners” means any person who owns one (1) or more Residential Rental Housing Units. In addition, it also means the person, persons, or entity identified and listed as having title to one or more Residential Rental Housing Unit(s) by the latest property tax assessment roll maintained by the Santa Barbara County Tax Assessor.

“Person” means and includes any individual, partnership of any kind, corporation, limited liability company, association, joint venture, or other organization or entity, however formed, as well as trustees, heirs, executors, administrators, or assigns, or any combination of such persons. The terms “person”, “owner”, “operator”, and “landlord” may be used interchangeably.

“Residential Rental Housing Unit” means any structure or part of a structure that is used or may be used by one or more persons as a home, residence, dwelling, or sleeping place for longer than thirty (30) days, including single family dwellings, accessory dwelling units and junior accessory dwelling units, duplexes, triplexes, or multi-family (four units or more) residential buildings, which is not an owner-occupied unit, including rooming houses, boarding houses, apartment units, condominium units, non-transient hotel and motel units, and single room occupancies, but excluding: (1) mobile home parks; (2) hotels, motels, and bed and breakfasts used only for transient lodging; (4) any rental units in a state licensed hospital, hospice, community care facility, intermediate care facility, or nursing home.

## **Section 10-18.5. Residential Rental Housing Unit Inspection Program Registration**

**Registration.** All Residential Rental Housing Units in the unincorporated community of Isla Vista shall register in compliance with this Isla Vista Rental Housing Inspection Pilot Program.

- A. Existing Rental Housing Unit. Each owner or operator, on behalf of the owner, shall register their rental housing unit for the Isla Vista Rental Housing Inspection Pilot Program on a form provided by the County's Planning and Development Department. Registration of a residential rental housing unit subject to this Section shall be submitted within forty-five (45) days of the adoption of this Section.
- B. Newly converted or acquired Residential Rental Housing Unit. Registration of a residential housing unit(s) shall be submitted within 45 days of the date it was acquired or converted into a residential rental housing unit or within 30 days after receiving written notification requiring the unit(s) to be registered as a residential rental housing unit.
- C. All registrations shall be subject to verification by the Director. All information on said registrations shall be submitted under the penalty of perjury. Any person who makes a false statement in the registration or submits false information in connection with a registration shall be in violation of this Section.

the scheduled inspection, the inspection may proceed upon authorization of the tenant granting lawful entry.

7. The Owner shall not be in violation of this section if the tenant or occupant refuses to allow the inspection by the County. The Owner shall provide proof, under penalty of perjury, that a request to inspect the Residential Rental Housing Unit was served by the Owner and inspection was not permitted by the tenant.

**D. Failure or Refusal to Allow Inspections.**

1. If an inspection is scheduled and entry is thereafter refused or cannot be obtained, the County inspector shall have recourse to every remedy provided by law to secure lawful entry and inspect the premises, including, but not limited to, securing an inspection warrant pursuant to California Code of Civil Procedure Sections 1822.50 through 1822.57. Notwithstanding the foregoing, if the inspector has reasonable cause to believe that the Residential Rental Housing Unit is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the public health or safety, the inspector shall have the right to immediately enter and inspect the premises and may use any reasonable means required to effect the entry and make an inspection.
2. If the property owner fails to grant access or refuses to schedule an inspection, the Director, or designee, is authorized to contact the tenant to secure lawful entry. In addition, the Director shall notify the tenant via personal service of the notice or posting on the Residential Rental Housing Unit a Notice of Inspection no later than 24 hours prior to the scheduled inspection.

**E. Authority to Enter and Inspect.**

1. The Director, or designee, subject to the consent given by an occupant who reasonably appears to be at least 18 years of age, has authority to enter and inspect any dwelling or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this Section and any regulation adopted pursuant to Section 10-18.6 of this Section. In the event consent of the occupant is not available, the Director may obtain an inspection warrant pursuant to the provisions set forth in Code of Civil Procedure (commencing at Section 1822.50).
2. The owner, authorized agent of any owner, or any of the parties in interest of any dwelling, or portion thereof, may enter the dwelling, subject to the consent of the occupant, whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this Section and any regulation adopted pursuant to Section 10-18.8 of this Section.

**Section 10-18.7. Inspection Exemptions**

- A. An application for an exemption shall be submitted after a Residential Rental Housing Unit is registered in compliance with Section 10-18.5 of this Section. The following residential buildings shall be subject to registration under this Section, but shall be exempt from a routine inspection:

- A. The remedies provided in this Section are cumulative and shall be in addition to any other remedies provided by law.
- B. Any Person violating this Section may be charged with an infraction or misdemeanor offense, and/or administrative penalty as provided in Chapter 24A, Administrative Fines of the Santa Barabara County Code.
- C. The County may seek, in addition to all other remedies available at law, criminal sanctions, and other penalties provided for under Chapter 6, Division 1.5 of the California Health and Safety Code (commencing at Section 17995).
- D. Each person violating this Section shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Section or a failure to comply with any regulation adopted pursuant to Health and Safety Standards, as defined in this Section, is committed, continued, or permitted by any such person. Any violation which persists for more than one day is deemed a continuing violation for the purpose of this Section.
- E. In addition to any penalty, sanction, fine, or imprisonment, each person who violates the provisions of this Section, or who is convicted of any violation of any provision of this Section, or who fails to comply with any regulation adopted pursuant to Health and Safety Standards, shall be required to pay any and all expenses of enforcement including those costs necessary to bring the dwelling, building, or portion thereof into compliance with this Section and any regulation adopted pursuant to Health and Safety Standards. In addition to all remedies herein contained, the County may pursue all reasonable and legal means in collecting those sums authorized and due.
- F. In addition to those remedies in this Section, and any other remedies provided by law, when a violation of this Section occurs, the County may seek a court order appointing a receiver to do those tasks and have the powers set forth in the California Health and Safety Code Section 17980.7(c).
- G. In addition to those remedies in this Section, and any other remedies provided by law, when a violation of this Section occurs, the County may seek a court order requiring the owner to pay reasonable relocation benefits to each lawful tenant as set forth in Health and Safety Code Section 17980.7(d).

#### **Section 10-18.10. Evictions – Retaliatory**

- A. **Retaliatory Eviction.** It shall be unlawful for a landlord to recover possession of a Residential Rental Housing Unit in retaliation against a tenant for exercising his or her right to file a complaint with the County of Santa Barbara advising that a building, housing or sanitation code or ordinance violation or permit violation may exist on the property.

#### **Section 10-18.11. Appeals**

*Santa Barbara Independent*, a newspaper of general circulation published in the County of Santa Barbara.

**PASSED, APPROVED, AND ADOPTED** by the Board of Supervisors of the County of Santa Barbara, State of California, this 13<sup>th</sup> day of May, 2025, by the following vote:

AYES: Supervisors Lee, Capps, Hartmann and Nelson

NOES: None

ABSTAINED: None

ABSENT: Supervisor Lavagnino



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LAURA CAPPS, CHAIR

BOARD OF SUPERVISORS

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER

CLERK OF THE BOARD

By



Deputy Clerk

APPROVED AS TO FORM:

RACHEL VAN MULLEM

COUNTY COUNSEL

By



Deputy County Counsel