

## **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

intended that the rental structures will be required to be maintained in a safe and sanitary condition at a level consistent with state and local housing and building codes. In addition, it is intended that this Section will preserve and enhance the quality of life for the residents living in the residential rental buildings and units within the community of Isla Vista.

### **Section 10-18.2. Applicability and Scope**

- A. The provisions of this Section shall apply to all Residential Rental Housing Units in the unincorporated community of Isla Vista.
- B. For purposes of the provisions of this Section, the unincorporated community of Isla Vista is that area south of El Colegio Road, east of Camino Majorca and W. Campus Point Lane, west of Ocean Road and the UCSB Campus, and north of the beach along the Pacific Ocean.
- C. Provisions of the Section shall be supplementary and complementary to all of the provisions of this Code, and any applicable local, state, or federal law. Nothing herein shall be construed or interpreted to limit any existing right or power of the County to abate and prosecute any and all nuisances or to enforce any other conditions in violation of state or local laws, including but not limited to any building, housing, zoning, property maintenance, and public nuisance laws.

### **Section 10-18.3. Authority**

The Santa Barbara County Planning and Development Department is hereby authorized and directed to administer and enforce this Section.

### **Section 10-18.4. Definitions**

For purposes of this Section, the following terms are defined and used as described below:

“Building Official” shall refer to the Building Official of the County of Santa Barbara as designated by the Planning and Development Director, or his or her designee.

“Code Enforcement” shall refer to the Code Enforcement Program in the Energy, Minerals, and Enforcement Division in the County of Santa Barbara Planning and Development Department.

“County” shall mean the County of Santa Barbara and/or any agent hired to implement this Section.

“Director” shall refer to the Director or designee of the Planning and Development Department.

“Health and Safety Standards” shall refer to Chapter 10 of the County Code—Building Regulations, California Health and Safety Code Sections 17910-17998.3, 1997 Uniform Housing Code, as amended by County or state, and any other similar regulations adopted by the County of Santa Barbara.

“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.

- D. If the Owner of a Residential Rental Housing Unit fails to register such units in compliance with this Section, the Owner shall be subject to penalties as provided in Section 10-18.9 and the Director may register said units in the name of the Owner and set a date and time for an inspection of said units, and shall send a written notification to the Owner that the property has been registered and advising of the date and time set for inspection.

### **Section 10-18.6. Inspections**

- A. The Director, or designee, is authorized to periodically or upon received complaints inspect all Residential Rental Housing Units within the unincorporated community of Isla Vista to determine compliance with all applicable Health and Safety Standards as defined in this Section.
- B. **Compliance with Codes and Standards.** When inspections are made under this Section, Residential Rental Housing Units shall be required to be constructed in accordance with the code standard that was in effect at the time the Residential Rental Housing Unit was constructed, altered, remodeled, erected or converted pursuant to a validly issued permit. Unpermitted construction, additions and/or alterations must comply with current building and housing codes or ordinances, as amended or adopted by the County, unless otherwise provided by law, and obtain any permits that may be required.
- C. **Notification of Inspection and Inspection Procedures.**
1. The Director, or designee, shall send a notice via certified mail or personal service of a scheduled inspection to the Owner of each Residential Rental Housing Unit to the address provided on the registration form.
  2. The Owner, or any authorized agent or legal representative thereof, shall permit an inspection of each Residential Rental Housing Unit by the Inspector upon fifteen (15) business days' notice of the time and date of the scheduled inspection. An extension to a scheduled inspection may be granted by the Director, or designee.
  3. It shall be the responsibility of the Owner to provide actual notice to the individual tenants of the Residential Rental Housing Unit and to facilitate access to the units to be inspected.
  4. If an inspection is rescheduled by the Inspector, the Owner shall be given notice at least three (3) business days prior to the scheduled inspection date.
  5. An inspection may be rescheduled one time by the Owner without penalty upon written request three (3) business days prior to the date of inspection. Within ten (10) business days of the initial inspection date the Owner shall schedule a new inspection.
  6. The Owner or an authorized agent or legal representative of the Owner shall be present during the inspection. In the event that the Owner or an authorized agent is not present at the time of

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:

1. Newly constructed buildings; or
  2. Government regulated, subsidized Residential Rental Housing Units or those with government-sponsored financing. These properties are exempt because they are subject to routine inspections related to housing conditions or property maintenance by another government agency or rent subsidized program.
- B. Exemptions may be revoked due to complaints received regarding rental housing conditions and violations of Health and Safety Standards.

### **Section 10-18.8. Enforcement and Corrections**

#### **A. Violations to Health and Safety Standards.**

1. In the event that violations to Health and Safety Standards are determined to exist, the Director, or designee, shall either issue a written correction notice or follow the enforcement procedures outlined in the Health and Safety Standards.
  - a. If a correction notice is issued, pursuant to this Section, it shall contain a description of the violation, the specific action required to correct the violation, and the time period for the violation(s) to be corrected.
  - b. The correction notice shall provide for a reasonable time for correction. The time shall depend on time it would take a reasonably diligent person to complete the required action; the potential harm to the public welfare, health, and safety; the harm to the tenant or nearby properties; and the extent of the corrections required. Certain imminently dangerous life-safety violations in occupied units shall require immediate action or correction pursuant to the provisions of the Health and Safety Standards.
  - c. Failure to correct the violations in the correction notice, issued pursuant to this Section, shall result in enforcement actions being taken in accordance with the procedures provided in the Health and Safety Standards.
2. If the Owner fails to abate the violations, the Department may proceed with all remedies available under law to compel compliance, including but not limited to issuing administrative fines and penalties, abatement proceedings, civil injunctions, and/or criminal prosecution, or any combination of remedies.

- B. **Referrals.** In the event that violations to building or zoning codes are observed during the inspections, a referral to the Department's building and zoning code enforcement program may be made for separate investigation and enforcement to be conducted pursuant to applicable building and zoning codes or ordinances.

### **Section 10-18.9. Penalties and Costs of Enforcement**

- 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**

- A. Health and Safety Standards. Appeals of any determination of the Director or Building Official of violations to Health and Safety Standards shall follow the procedures set forth in County Code Chapter 10 – Building Regulations, 1997 Uniform Housing Code, or California Health and Safety Code as applicable.
- B. Violations of Chapter 10 Article XVIII. Appeals of any penalties assessed for violations of this Section shall follow the procedures set forth in Chapter 24A Administrative Fines of the County of Santa Barbara Code.

### **Section 10-18.12. Effective Date**

This Section shall be in effect upon 30 days of approval by the Board of Supervisors and for 12 months following the effective date. The expiration of this Section may be extended or revised by the Board of Supervisors by adoption. Unless otherwise extended or amended by the Board, upon expiration, this Section shall be repealed and shall be of no further force or effect.

### **Section 10-18.13. Pilot Inspection Program Fees**

The fees associated with the first year of this Pilot Program will be waived by the Director. If this program extends beyond the first year, the Board will adopt a fee schedule for this Section.

### **SECTION 2:**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

### **SECTION 3:**

Except as amended by this Ordinance, Chapter 10, Building Regulations, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

### **SECTION 4:**

This ordinance shall take effect and be in force 30 days from the date of its passage; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the



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

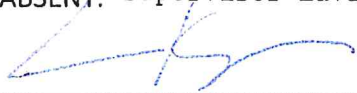
**PASSED, APPROVED, AND ADOPTED** by the Board of Supervisors of the County of Santa Barbara, State of California, this 13<sup>th</sup> day of May, 2025, by the following vote:

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