

YOU SHOULD KNOW THAT

THE COUNTY OF SANTA CRUZ

HAS BEEN DENYING PEOPLE

THEIR RIGHT TO APPEAL

Under California law any person may appeal any decision of any official regarding any building standards or construction requirements to a

- local **Building Appeals Board** for new construction
- Or a local **Housing Appeals Board** for existing buildings
- Or an **Accessibility Appeals Board** for requirements involving access to public accommodations or facilities by physically disabled persons.

The Santa Cruz County Building and Fire Code Appeals Board is supposed be a fair and impartial body to hear these appeals filed under the provisions of the California Building Standards Codes. The Board of Supervisors has fired the members of this Board and is attempting to take over the duties of the Appeals Board.

Under California law the denial of a legitimate right to an appeal under the provisions of state laws and regulations is a fraud and a prejudicial abuse of discretion.

If you have not been informed of these rights to appeal by any department of the County where you have been affected by a building or construction related decision then your right to an appeal is being kept from you.

If you ask about your appeals rights and are told that you do not have any right to a fair and impartial hearing by an appeal board you are being lied to.

This means that you may file with the Superior Court for a Writ of Mandamus to order the County to hear your Appeal

Or

You may file suit and win to enforce your rights and receive an award for damages and expenses.

*108.8.3 Appeals. Except as otherwise provided in law,
any person, firm or corporation
adversely affected by a decision, order or determination
by a city, county or city and county*

*relating to the application of building standards
published in the California Building Standards Code,*

*or any other applicable rule or regulation adopted by the
Department of Housing and Community Development,*

*or any lawfully enacted ordinance by a city, county or city and
county,*

*may appeal the issue for resolution to the local appeals board
or
housing appeals board as appropriate.*

*The local appeals board shall hear appeals relating to
new building construction and the housing appeals board
shall hear appeals relating to existing buildings.*

CALIFORNIA HEALTH & SAFETY CODE

Section 17920.5 Local Appeals Board (Required by law)

As used in this part "**local appeals board**" means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the building requirements of the city or county. In any area in which there is no such board or agency, "local appeals board" means the governing body of the city or county having jurisdiction over such area.

Section 17920.6 Housing Appeals Board (Optional)

As used in this part, "**housing appeals board**" means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the requirements of the city or county relating to the use, maintenance, and change of occupancy of hotels, motels, lodginghouses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, including if also authorized to hear such appeals, requirements governing alteration, additions, repair, demolition, and moving of such buildings. In any area in which there is not such a board or agency, "housing appeals board" means the local appeals board having jurisdiction over such area.

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Section 19957.5 (Accessibility) Appeals Board (Optional / ADA issues & Universal Design)

(a) Every city, county, or city and county may appoint a local appeals board composed of five members to hear written appeals brought by any person regarding action taken by the building department of the city, county, or city and county in enforcement of the requirements of this part, including the exceptions contained in Section 19957.

(b) Two members of the appeals board shall be physically handicapped persons, two members shall be persons experienced in construction, and one member shall be a public member.

(c) The appeals board shall conduct hearings on written appeals made under subdivision (a) and may approve or disapprove interpretations of this part and enforcement actions taken by the building department of the city, county, or city and county.

All such approvals or disapprovals shall be final and conclusive as to the building department in the absence of fraud or prejudicial abuse of discretion.

The appeals board shall adopt regulations establishing procedural rules and criteria for the carrying out of its duties under this part.

(NOTE: Bold typeface or italics are added for analytical purposes. Notes added are in parentheses.)