

The Health and Safety Code is the state law that requires the adoption of the UNIFORM CODES that local jurisdictions adopt. Health and Safety Code § 17958 states in the first sentence that local government can make changes to the Uniform Code under some conditions. In the second sentence it states that:

"If any city or county does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes or modifications in those requirements upon express findings, the provisions published in the California Building Standards Code or the other regulations promulgated pursuant to Section 17922 shall be applicable to it and shall become effective 180 days after publication by the California Building Standards Commission."

What that means is that any of the Codes adopted by the Building Standard Commission have to be adopted by the local governments unless the local government can show there is a special reason that the State Uniform Codes will not really work and the local government goes through the process of getting their changes approved.

What I explained below is a special part of the Uniform Codes that the local governments totally ignore-**THE UNIFORM HOUSING CODE. The Building Code is used when a building is being built or planned to be built. After the building is built the owner has a VESTED CONSTITUTIONAL RIGHT to continue to use that building under the conditions originally granted until the building is worn out. The County of Santa Cruz does not recognize this distinction. The County had adopted this code compliance program that is illegal in at least three ways** - (this is the short explanation so not all illegal actions of the County are not cited).

1. The Health and Safety Code § 17922 (a) second sentence:

"The building standards and rules and regulations shall impose substantially the same requirements as are contained in the most recent editions of the following uniform industry codes as adopted by the organizations specified:

(1) The Uniform Housing Code of the International Conference of Building Officials, except its definition of "substandard building."

- (2) The Uniform Building Code of the International Conference of Building Officials.
- (3) The Uniform Plumbing Code of the International Association of plumbing and Mechanical Officials.
- (4) The Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.
- (5) The National Electrical Code of the National Fire Protection Association.
- (6) Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials. ...."

**What that means to me is that the entire building department (not planning department) is illegal because they are not going by the Codes written by the International Conference of Building Officials as required by preemptive state laws.**

I know nobody want to admit this major screw-up in the administration of the building codes but so what. That is what the law says. I brought this up to the County last October and November when they were adopting the 2007 California Building Code written by a different group but they didn't want to deal with it and neither did the state architect - Jane Taylor.

2. Health and Safety Code § 17980 et seq. (and the sections following in order) established the state law for the enforcement of the violations building codes. Health and Safety Code § 17995 set out the state penalties for the violations of the building and housing codes. The Penal Code § 19 sets out the penalty for misdemeanors. Therefore the County of Santa Cruz cannot set up its own penalties and administrative procedures under the pretense that the building, housing, etc codes are local ordinances and the county can therefore set up an independent administrative law review to enforce these state laws because the state law CAN BE MADE APPLICABLE - Article IV § 16(b).

3. Most red-tags are on buildings or involve existing buildings. The County of Santa Cruz doesn't even acknowledge that existing building are not subject to the County's administrative enforcement policies because existing building must be declared to be substandard or be prosecuted as a misdemeanor. See below Health and Safety Code § 17922(g).