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David Lee  
Santa Cruz County Code Compliance  
701 Ocean Street, Room 400  
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RE: Housing Appeals Board

Mr. Lee,

At the Board of Building Appeals meeting this afternoon (July 23, 2008) at the County building you stated that I was not entitled to a hearing before the Board of Housing Appeals but instead I was required to be heard by the County Hearing Officer.

I totally disagree with you because the preemptive state law requires a hearing before the Housing Appeals Board or one of its members for sub-standard buildings pursuant to Health and Safety Code § 17920.6, Uniform Housing Code § 1301 and Health and Safety Code §17922(g).

Health and Safety Code § 17922 (g)

"A local ordinance may not permit any action or proceeding to abate violations of regulations governing maintenance of existing buildings, unless the building is a substandard building or the violation is a misdemeanor."

The County Code Enforcement process simply does not comply with state law for existing buildings as mandated by Health and Safety Code § 17922 (a) --The Uniform Housing Code – which is the preemptive housing law of the state – *Briseno v. City of Santa Ana* (1992) 6 Cal.App. 4<sup>th</sup> 1378 at 1382. Furthermore, the California State Constitution Article IV § 16(b) provides:

"A local or special statute is invalid in any case if a general statute can be made applicable."

Therefore the local ordinance allowing a Hearing Officer to hear case of "sub-standard buildings" is invalid.

The Santa Cruz Housing Element on page 106 states: “The Environmental Health department is responsible for ensuring compliance with public health standards (drainage, well and septic systems), as well as the State Housing Code.” This statement shows that the County Code Compliance system is operating outside of required state law because the Uniform Housing Code (state housing code) Section 201.1 specifically states: “The building official is hereby authorized and directed to enforce all of the provisions of this code.”

Since, Government Code § 53069.4 does not allow the legislative body of a local agency to make the violation of a state law subject to an administrative fine or penalty, then the entire Administrative Hearing Officer procedure is void because it conflict with state law and it is void because a state law can be made applicable.

Article XI § 7 states: “A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” Article IV § 16(b) states: “A local or special statute is invalid in any case if a general statute can be made applicable.”

But in spite of this constitutional prohibition the County of Santa Cruz has adopted a Code Enforcement Program (Santa Cruz County Code § 1.12.010), which when applied to existing buildings conflicts with the enforcement procedures found in the Uniform Housing Code and the enforcement procedures found in Health and Safety Code § 17980 et seq. and conflicts with the penalties found in § 17995 et. seq.

In conclusion, the code compliance in Santa Cruz County is illegal, invalid, unconstitutional and violates the civil rights of the citizens of Santa Cruz County. The Code Compliance procedures show that “as a matter of policy” that Santa Cruz County is “deliberately indifferent to the civil rights of its citizens.”

Respectfully submitted,

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Johnnie Polisso