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**Board of Supervisors
Santa Cruz County
701 Ocean Street, Room 500
Santa Cruz, CA 95060**

RE: Sept. 9 Agenda #30 - Housing Appeals Board and County Civil Penalties.

Supervisors,

Today's agenda Item # 30 addresses a Building and Fire Code of Appeals Board and a Housing Board of Appeals. The County's report, on page 2 and on 11-14, states that the County does not need to have a Housing Board of Appeals. I disagree. The Report's Attachment #6 - Health and Safety Code § 17920.6 describes the Housing Appeals Board.

Attached to this letter, is copy of Health and Safety Code § 17922 which states:

“... The building standards and rules and regulations shall impose substantially the same standards 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.”

Also, attached to this letter is a copy of *Briseno v. City of Santa Ana* (1992) 6 Cal.App.4th 1378 and the 1997 Uniform Housing Code, with highlighted portions.

A very important fundamental point of law found in our State Constitution's is Article IV § 16(b):

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

Isn't it logical that since the Court has ruled that the Uniform Housing Code is the preemptive law of the state, then the County's ordinances covering the same subject - which produces drastically different results and processes - are void.

Health and Safety Code § 17922(g) is set out below:

"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."

Since, there are the only two allowable ways to enforce violations of regulations on existing buildings or there uses then, the local ordinance allowing the COUNTY HEARING OFFICERS is prohibited under the state law above. Santa Cruz County Code § 1.12.070 is void, as to existing buildings - changed uses and/or maintenance.

The *UNIFORM HOUSING CODE* § 203 creates a local HOUSING APPEALS BOARD and its make up. The *UNIFORM HOUSING CODE* § 1301 states the general procedures for the hearing and Section 1301.1 states who can hear the appeals. The County Hearing Officer is not among the designated examiners.

The definition of a substandard building is stated in Health and Safety Code § 17920.3 and the local definition cannot conflict with that definition as per Article XI § 7 of the State Constitution. The *Uniform Housing Code* is the preemptive law of the state for occupancy standards – *Briseno v. City of Santa Ana* (1992) 6 Cal.App.4th 1378 at page 1381-1382.

CONCLUSION

Therefore, I totally disagree with the report submitted by you county staff that states that a HOUSING APPEALS BOARD is not required. I believe that not having a HOUSING APPEALS BOARD violates the civil rights of owners of existing buildings who have a vested property right to the continued use and enjoyment of their homes. Under DUE PROCESS OF LAW each and every citizen who is given a red-tag or Notice of Violation concerning an existing building in Santa Cruz County is a victim of an unconstitutional deprivation of property and due process.

Respectfully submitted;

Harold Griffith