



PLANNING DEPARTMENT

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Limited Immunity Amnesty Program (LIAP)

<http://sccoplanning.com/LIAP>

Program Overview:

Unpermitted structures and unpermitted remodeling and additions to permitted structures can pose a danger to the occupants and users of such structures, as well as to neighboring structures, people and the environment. For example, fires that may start in one substandard dwelling unit or on a hazardous property may spread, causing loss of life and property in the surrounding area. Building legally with permits to required codes and obtaining inspections of work ensures protection of the health, life and safety of the people who live and work in the structures and surrounding community.

The County has offered construction legalization programs in the past to incentivize bringing unpermitted improvements into legality, but participation was limited due to current state law that requires all past work to meet current building codes to achieve legalization, which is not feasible in many situations. Facing this situation is difficult for both the County and property owners. While legal construction should always be the goal, the County recognizes that many of existing unpermitted structures are being put to beneficial use and have existed in the community for years. As long as safety and habitability can be ensured, the continued use of these structures can be in the public interest, especially given the shortage of available housing and very high housing costs. Therefore, in the interests of public safety and supporting availability of safe housing and structures, the County of Santa Cruz Board of Supervisors has authorized the Limited Immunity Amnesty Program (LIAP) to promote special inspections and safety modifications for existing unpermitted structures when the County has determined that full legalization is not possible. Through the LIAP, building permits will be issued to support needed habitability and safety improvements to a structure. Structures that are upgraded through the LIAP to meet minimum safety requirements will improve conditions for occupants and the surrounding community, compared to existing conditions.

The LIAP offers limited immunity (“amnesty”) from code enforcement to structures that meet safety standards and have been certified by the Program. Limited immunity means that, once certified by the County, the subject structure will be considered a low priority for County code enforcement action as long as conditions remain safe and habitable in compliance with the requirements of the program. In certain limited situations, LIAP certification will establish a requirement for future re-inspection and re-certification to ensure that conditions remain acceptable. However, most certification will not expire, and with a LIAP Certificate if the County receives a complaint about a non-compliant situation that is covered by a LIAP certificate, the County will indicate that the certified improvements are safe and habitable and considered a low priority for code enforcement efforts.

Eligibility for the Program:

1. The LIAP was created to facilitate the safety upgrade and continuing beneficial use of structures that the County has determined cannot be fully legalized through the standard building permit process. Any structure that can feasibly be modified to meet current building code standards is not eligible for the LIAP.
2. Unpermitted construction (new construction, remodel, or addition) must have been completed before January 2014.
3. Active code compliance cases may be determined to be eligible to participate in the Program, although for newer structures there will be a higher level of expectation that structures will meet current zoning and building codes. While the County will not arbitrarily deny participation, it should be recognized that being allowed to participate in LIAP should be considered a privilege, not a right, and that current or recent construction may be denied participation.
4. Accessory dwelling units (ADUs) are eligible to participate in LIAP. However, note that recent changes in State and local laws have made it much easier to legalize an unpermitted ADU. In many cases a building permit, rather than the LIAP, will be the path to legitimizing a second unit / ADU on a property with an existing single-family dwelling. Please find information regarding ADUs at <http://www.sccoplanning.com/ADU.aspx> and at the Planning Department.

Benefits of Certification under LIAP:

- **LIMITED IMMUNITY:** LIAP Certification means that a non-compliant or unpermitted structure or improvement will be considered a low priority for County code enforcement. With a LIAP Certificate, if the County receives a complaint about a non-compliant condition on the property, the County will indicate that the property is safe and habitable and considered a low priority for code enforcement efforts.
- **DECREASED RISK:** Reduction of risk associated with renting unpermitted structures. Under County Code Chapter 8.45, landlords who rent unsafe, hazardous or illegal dwellings can be required to pay for 3 months of tenant relocation assistance. With a LIAP certificate, this requirement would not apply.
- **DECREASED COST:** When building permits are obtained for modifications that are required as part of the LIAP, certain permit and impact fees are waived, and the impact fees that may be due are reduced to the fee levels that were in place when the unpermitted construction occurred.

Code enforcement penalty fees are waived for the unpermitted construction that is covered by the LIAP certificate.
- **TECHNICAL ASSISTANCE:** If an improvement is not eligible for LIAP because full legalization is feasible, then LIAP staff will continue to assist the owner, even though the goal is now legalization rather than limited immunity.

Applicant Choice to Continue with LIAP:

If you initiate participation in the LIAP but later decide not to participate, the County will not follow up with code enforcement as a result of your participation unless an imminent hazard that affects health and safety has been identified. The County does, however, reserve the right to follow existing “complaint-based” protocols, whereby code enforcement may be initiated upon receipt of complaints, in accordance with established priorities with available resources.