



County of Santa Clara

Policy Name: Public Notification of Code Violations

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Policy Type: Departmental

Category: Land Use

Sub-Category: Code Enforcement

Policy Name: Public Notification of Code Violations

Policy Owner: Department of Planning and Development

Policy Purpose

In the recent years leading to implementation of this policy, the Board of Supervisors and County Administration have strengthened the County's Code Enforcement Program through approval of additional financial resources, positions, and enforcement tools. While the Administration has detailed the impact of this enhanced investment to the Board and its Housing, Land Use, Environment and Transportation (HLUET) Committee in various legislative reports, public access to code enforcement information had continued to require an interested member of the public to contact or visit the Department of Planning and Development ("Department") to obtain basic information about code violations managed and enforced by the Department and on properties within the County's jurisdiction. A formal policy will provide an objective and transparent framework to establish how the Department provides the public information about code violations and enforcement activity.

The public benefits by having greater access to information about code violations that may affect the public interest, public health, safety, welfare, or the environment. It is therefore the policy of the Department of Planning and Development that:



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- 1) Code violation information is more easily publicly accessible, so that the community can become better informed about land use regulations, building and development standards, and violations thereof;
- 2) Proactive public notification via one or more notification methods is given for code violations that could affect community health, safety and welfare, or that carry a serious environmental impact; and
- 3) Regardless of the severity of the code violation, public notification by email will be sent when code violations, and/or code violation status changes, occur on properties covered by notification (AKA "Interested Parties") lists maintained by the Department.

This policy details the ways in which the public will be informed about code violations and status information, split into two tiers based on the level of code violation. This policy is not intended to conflict with the County of Santa Clara Ordinance Code or State law.

Policy Summary

Implementation of this policy is intended to: 1) provide any interested member of the public timely access to information about code violations occurring in unincorporated lands under the jurisdiction of the County of Santa Clara; 2) formalize the process for notifying the public when serious code violations (i.e., impacting community health, safety and welfare, or the environment) occur or when there is enhanced community interest in a property; and 3) notify members of a Department notification ("Interested Parties") list when a code violation takes place on properties of interest.



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The Department will implement two tiers of public communication that align with the above-stated goals. Tier 1 communication includes online public access to basic code violation information for all violations, removing the need for an interested member of the public to contact or visit the Department for this level of information. Tier 2 communication includes Tier 1 communication and additionally provides proactive notification for *serious code violations* or when there is *enhanced community interest* (both terms defined in the Definitions section below).

The two tiers of public communication regarding code violations and their notification procedures are described as follows:

Tier 1 – Web-based Access to Code Violation Information for All Properties with Violations

By April 15, 2020, **the Department** will publish on its public-facing website code violation information, using a web-based (i.e., GIS) mapping tool. Through this tool, a **member of the public** could search a property address or view a map of a neighborhood to identify open and recently closed code violations on properties. A property with code violation information would show the violation location and address, violation record number, violation type, violation status, assigned staff member, and the assigned staff member's phone number and email address. No personal identifying information for property owners or tenants who are individuals will be displayed. Identifying information for institutional owners or tenants (e.g., corporations, partnerships, trusts, nonprofit organizations) will be displayed.

This tool will help interested members of the public contact County staff, learn where the property is in the enforcement process, and request documents regarding the violations and enforcement action.



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The mapping function will draw upon the Department's code enforcement data, populated since January 1, 2019 within its *InSite* (Accela) permitting and land management software system. The code violation data would be updated daily and cases that the Department closes whose violations have been abated would display as *closed* for 30 days and thereafter be removed from the mapping tool.

Tier 2 – Enhanced Notification for Serious Code Violations or Enhanced Community Interest

The Department will proactively notify neighbors or the community about a serious code violation or one where there is *enhanced community interest* as defined below. This communication will include one or more of the following:

- a) Public notice mailed to neighbors within a radius of 1,000 feet of the subject property;
- b) Notification of interested individuals through the County's Nextdoor social network for neighborhoods;
- c) Issuance of a press release;
- d) Publication within one or more community newspapers;
- e) Posted violation information on the relevant project page on the Department's website; and
- f) Outreach to affected neighborhood/community group contacts, if such contact information is known.

The Department will communicate through the methods described above as soon as possible, but by no later than five (5) business days after: 1) the date the code violation is established as *serious*; or 2) the date that *enhanced community interest* concerning the code violation is established. The term "initiate" is used because several of the above notification methods are carried out in conjunction with the Department's business



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partners (including, for example, the County's Public Information Office and contacts at local newspapers) who may have additional lead times or other criteria for posting the requested information.

Tier 2 communications cover violations that occur on or after this policy's effective date, or violations established as serious or experiencing enhanced community interest on or after this policy's effective date. When applicable, such as postings on the County Nextdoor social network or the Department's website, code violation cases that the Department closes whose violations have been abated would be removed 30 days after the case has been closed.

Email Notification of Code Violations to Interested Parties

After this policy's effective date, **the Department** will notify individuals who have subscribed to be notified by email ("Interested Parties") about specific development projects under the County's jurisdiction. The notification email will include the location and address of the violation, violation type, assigned staff member, and the assigned staff member's phone number and email address. The notification email will also include a link to the web-based mapping tool described above, as to inform the interested individual the online source of updated violation status information.

In cases of serious code violations or violations where there is enhanced community interest (i.e., Tier 2), **the Department** will send the notification email within five (5) business days from a) the date the code violation is established as *serious*, or b) the date that *enhanced community interest* concerning the code violation is established (refer to the Definitions section below).



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For other violations (i.e., Tier 1), **the Department** will send the notification email to Interested Parties within five (5) business days of mailing the applicable Notice of Violation to the owner or responsible party.

Email notification to Interested Parties will take place for violations that occur on or after this policy's effective date, or for violations that have been established as serious or experiencing enhanced community interest on or after this policy's effective date.

Access to Code Enforcement Documents

Code enforcement documents (e.g., Notices of Violation, administrative citation letters, expungement letters) will not be initially accessible through the mapping function, and will still need to be requested in writing or in person at the Department's public service counter, in accordance with the California Public Records Act (CPRA). Before making these documents publicly available, **Department staff** must first review the documents to ensure that certain personal identifying information is redacted and verify that no civil or criminal prosecution action is pending that could be compromised by the disclosure of certain information. This remains a manual process.



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Definitions

For the purposes of this policy, the following definitions apply:

Enhanced community interest means the Department has received significant public inquiry regarding a code violation. This level of inquiry could be received, for example, through phone calls, emails, or feedback at community meetings (such as early public outreach meetings).

Serious code violations include those that are potentially dangerous to the health, safety, and/or welfare of nearby property owners and members of the public, including unstable and unsafe construction and grading, and land development that may potentially immediately affect nearby properties or members of the public. An example would be grading activity on a hillside property that is in risk of failure that would affect homes and roads below the property. Serious code violations would also include those with identified **serious environmental impacts**, including: 1) impact a sensitive natural resource or habitat, including wetlands, watercourses, and riparian zones; 2) include the use of hazardous materials; and/or 3) create major slope instability in hillsides that could cause significant erosion and landslide.



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Table 1: Code Violation Severity and Notification Method

Code violation Severity	Notification Method(s)
<p>Tier 1 All code violations (2019–)</p>	<ul style="list-style-type: none"> • By April 15, 2020, through the web-based mapping tool, accessible on demand and updated daily • Email notification within 5 business days of mailing the Notice of Violation to Owner/Responsible Party (for properties with an existing email notification list of Interested Parties)
<p>Tier 2</p> <ul style="list-style-type: none"> • Serious code violations that could impact community health, safety or welfare, or the environment • Code violations with enhanced community interest 	<p>After effective date of the Policy, one or more of the following methods will be initiated as soon as possible but no later than 5 business days after the establishment of the code violation as <i>serious</i> or the community interest as <i>enhanced</i>:</p> <ul style="list-style-type: none"> • Mailed notices to neighbors, within a 1,000-foot radius of the subject property • Notification via the County’s Nextdoor network • Issuance of press release • Publication within community newspaper(s) • Post violation information on the Department’s project webpage • Email notification (to be sent for properties with an existing email notification list of Interested Parties)

Related Policy

- Early Public Notification and Outreach Policy for Development Projects (Effective January 10, 2014):
<https://www.sccgov.org/sites/dpd/PlansOrdinances/Zoning/Pages/Noticing.aspx>

Revision History¹

Date	Changes Made
1/27/2020	Policy effective date.

¹ Pursuant to direction given by the Board of Supervisors at the January 14, 2020 meeting (Item No. 25), the Board shall be provided 60 days’ notice of any revision or rescission of this policy.