

ORDINANCE NO. .
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**AN ORDINANCE ADOPTING THE SECOND UNIT AMNESTY PROGRAM TO
INSPECT, REHABILITE, AND IMPROVE THE SAFETY AND HABITABILITY OF
UNPERMITTED SECOND UNITS IN UNINCORPORATED SAN MATEO COUNTY**

SECTION 1. RECITALS. The Board of Supervisors of the County of San Mateo hereby finds and declares as follows:

WHEREAS, San Mateo County and the greater Bay Area are experiencing an extreme shortage of available housing units, with unaffordable housing costs for occupants at all income levels; and

WHEREAS, in California Government Code Section 65852.150, the Legislature declared that second units are “an essential component of California’s housing supply” because they “provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods” and that “homeowners who create [second] units benefit from added income, and an increased sense of security;” and

WHEREAS, San Mateo County recently revised its Second Unit Ordinance to facilitate and incentivize the production of second units; and

WHEREAS, as the County Board of Supervisors affirmed, in the adoption of that ordinance, that second units are an important and beneficial source of housing that plays an important role in addressing the County’s housing needs; and

WHEREAS, the County’s Second Unit Ordinance allows the creation of second units on parcels within the unincorporated County that contain, or will contain, a primary dwelling unit; and

WHEREAS, many such second units are created through the normal permitting and approval process; and

WHEREAS, a number of second units in the County have been created without obtaining required Planning, Building, and other permits and approvals; and

WHEREAS, those second units, while unpermitted, provide a source of housing for occupants in need of housing, often at a cost that is more affordable than other housing options; and

WHEREAS, while such second units help to address the housing needs, they may also present conditions that are inadequate with respect to safety or habitability; and

WHEREAS, such unpermitted units may also present safety risks to adjacent structures and properties; and

WHEREAS, bringing such second units into full compliance with all current planning, zoning, and building regulations may be infeasible in some cases due to cost, regulatory restrictions, or other constraints; and

WHEREAS, absent other measures, addressing such units that cannot be brought up to full compliance with all current regulations would require such units to be removed or converted to non-residential use; and

WHEREAS, demolition or conversion of these units would result in displacement of occupants and loss of housing units, thereby exacerbating the County's housing shortage; and

WHEREAS, this Board seeks to have the Planning and Building Department, the Housing Department, the County Counsel's Office, and the County Manager's Office collaborate to implement a "Second Unit Amnesty Program" ("program"), to allow applicants to remediate health and safety conditions in these unpermitted second units while relaxing certain existing permitting standards and processes, and without imposing the normally applicable fees and other penalties for unpermitted construction; and

WHEREAS, offering a process for safety and habitability improvements that provides an alternative to the otherwise-applicable permitting and legalization process, and that also avoids code enforcement action that might result in the removal or conversion of these unpermitted second units, can help improve the safety and habitability of such units while maintaining the units as part of the County's needed housing stock; and

WHEREAS, the program contemplates only rehabilitation, repair, and improvement of existing structures, and thus is categorically exempt from the California Environmental Quality Act ("CEQA") per Public Resources Code Section 21084 and CEQA Guidelines Section 15301, "Existing Facilities;"

NOW, THEREFORE, the Board of Supervisors of the County of San Mateo ordains as follows:

SECTION 2. ACTION. The Board of Supervisors authorizes and directs the Planning and Building Department and the Housing Department to proceed with the "Second Unit Amnesty Program" ("program") in the manner set forth in the Program Scope and Description attached to this Ordinance.

- The Board of Supervisors authorizes and directs the Planning and Building Department and the Housing Department, working in conjunction with the County Counsel's Office and the County Manager's Office, to implement the program in the manner set forth in this Ordinance, and authorizes the Planning and Building Department, in collaboration with the Housing Department, the County Counsel's Office, and the County Manager's Office, to make minor modifications to the program as deemed necessary to efficiently and effectively implement the program.
- The Board of Supervisors authorizes the Planning and Building Department to adopt such policies and undertake actions necessary to implement the program and achieve the program objectives.
- The Board of Supervisors authorizes the Community Development Director ("Director") to suspend and/or dismiss any code enforcement action imposed on those units that apply for and successfully complete the program.
- The Board of Supervisors authorizes the Director to waive all fees and penalties related to unpermitted construction for those units participating in the program.
- The Board of Supervisors authorizes the Director to waive, to the extent deemed appropriate, any and all fees set forth in the Planning Service Fee Schedule and Building Fee Schedule, to facilitate registration of unpermitted second units.
- The Board of Supervisors authorizes the Director to apply the County's Second Unit Ordinance (Zoning Regulations Chapter 22.5), to any unpermitted second unit in any "R" (residential) Zoning District, and to offer and apply additional exceptions to other Planning and Building regulations and standards beyond those included in the Second Unit Ordinance, at the Director's discretion.
- The Board of Supervisors directs the Planning and Building Department to report to the Board periodically on the progress of the program, and on the modifications to the program that have been deemed necessary by the Director.

SECTION 3. SEVERABILITY. If any provision of this Ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be invalidated.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days from the passage date thereof.

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