

DELAYED ENFORCEMENT

CITY OF WATSONVILLE – *Community Development Department*

(831) 768-3050

building.permits@watsonville.gov



California state law provides homeowners with a right to request a delay in enforcement for violations related to unpermitted Accessory Dwelling Units (ADU) or Junior Accessory Dwelling Units (JADU) under certain circumstances. This policy is designed to identify the steps required to defer the enforcement actions and provide timelines and considerations of the permitting process.

Key Aspects:

- Property owners who receive notice of violation of an unpermitted ADU's or JADU's can apply for a 5-year delay on the enforcement of violations that are not deemed a threat to health and safety.
- To receive the delay, homeowners are to provide documentation, including a habitability inspection to ensure the ADU meets minimum safety standards.
- Deferred enforcement is not an option for violations related to substandard housing conditions that pose immediate health and safety risks; these must be addressed promptly.
- The unit will be vacated and will be deemed unsafe to occupy until all substandard housing conditions that pose immediate health and safety risks are cleared.
- The policy delays enforcement but it does not remove the need to obtain permits and meet other requirements to legalize the structure.

How it works:

- Within 15 calendar days of receiving the notice of violation or order(notice), the property owner must request a delay of enforcement.
- Within 45 calendar days of receiving the notice, the owner is to provide a completed Delayed Enforcement Application and Checklist.
- Within 90 calendar days of receiving the notice, a building permit is to be issued, and all substandard housing conditions identified within the checklist are to be addressed.
- Once all substandard conditions are addressed, no further enforcement action will be taken during the 5-year period beginning at the date of the notice and occupancy may resume.

Important Considerations:

- The opportunity to delay enforcement will be forfeited if not requested within the first 15 calendar days upon the initial notice, or if any of the other time frames as outlined within the policy are missed.
- The policy allows occupancy by addressing imminent health and safety threats while providing time to resolve other violations. Additional work will most likely be required to permit the unpermitted unit.
- The homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements required.
- If the necessary permits are not secured and the required corrections are not completed by the end of the 5-year period, the deferred violations will be subject to enforcement action.

DELAYED ENFORCEMENT APPLICATION and CHECKLIST

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Date:
Property Owner:
Site Address:
Code Case:
Report Completed by:
License (if applicable):

This checklist is to be completed and submitted for review to the Community Development Department and will be utilized to document the formal request of deferred enforcement. Additionally, this checklist will be utilized to create the scope of work for a building permit required to repair any substandard conditions. Any line item that is checked 'NO' is considered substandard and will need to be resolved within the required timeframes. This checklist is not an exhaustive list and additional substandard conditions not listed below may be identified upon inspection by staff.

Upon final inspection of the building permit, occupancy may resume, and the delay of enforcement application will be accepted.

If appropriate, provide support documents, photographs, notes and/or details to support the determinations made in the checklist.

CONDITIONS	YES	NO
The unit complies with the City of Watsonville's Flood Plain regulations.		
The unit complies with the City of Watsonville's ADU zoning regulations.		
The unit complies with the fire sprinkler requirements. (Sprinklered if the primary unit is sprinklered)		
The unit contains a compliant path of egress travel from inside of the unit to the public way free of any obstructions.		
The primary entrance is a minimum 3'-0" wide side swinging door and has a compliant landing and is provided with a switched light.		
Each sleeping room contains an emergency escape and rescue opening, located and sized as required.		
The kitchen area has a permanently installed cooking appliance, provided with a means to store and refrigerate food, and contains a kitchen sink and minimum 24-inch-wide counter workspace to prepare food.		

The unit contains minimum amounts of natural light and ventilation required by this code.		
Each habitable room is a minimum of 70 S.F. with a minimum dimension of 7' in any horizontal direction.		
The unit is free of insects, vermin, or rodents.		
The unit is free visible mold growth.		
The unit is in general working order.		
The unit contains an appropriate connection to the required sewage disposal system.		
The unit contains adequate garbage and rubbish storage and removal facilities.		
The unit contains foundations at exterior walls which are continuous with a minimum 12" wide and a minimum 12" depth.		
Flooring and/or floor supports show no signs of sagging or deterioration, cracking or movement.		
Any stairways, landings, treads, risers, balusters, and handrails are in good condition, free from visible structural defects (loose treads, missing balusters or handrails, rotting or deteriorating materials) or anything that could cause a trip or fall hazard. (e.g., non-uniform or noncompliant treads or risers)		
Walls, partitions, or other vertical supports are not split, don't lean, list, nor buckled.		
The unit is constructed of traditional framing material(s) and sizes typical to the date the unit was constructed.		
The ceilings, roofs, ceiling and roof supports, or other horizontal members show no signs of sagging, splitting, or buckling.		
Common walls and garages are rated as required.		
Walls adjacent to property lines do not contain any openings or are located at least 5'0" from property lines.		
The unit contains the required electrical lighting.		
The electrical panel enclosure is located with clearances and listed for use in the environment in which the panel is located with no uncovered openings in the panel.		
Each breaker has been legibly marked to indicate its purpose. All unused breaker openings shall be covered in an approved manner.		
The unit is provided with unhindered access to the breakers for circuits of the unit.		
All visible wiring and electrical components shall be in good working condition – no spliced wiring, no exposed wiring, and all outlets and switch plates shall have appropriate coverings.		
Bathrooms, kitchen, and other spaces required to be provided with GFCI receptacles are in place and operational.		

The kitchen is provided with at least 2 - 20 AMP dedicated branch circuits and the baths are provided with 1 - 20 AMP branch circuit.		
All plumbing has been maintained in good condition and is in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.		
The unit contains a water closet, lavatory, and a bathtub or shower.		
The unit has a compliant plumbing system with no leaks, has P-traps, toilets shall be secured to the ground, and sinks shall be secured to walls, etc.		
The gas piping system can pass a gas pressure test.		
The unit has hot and cold running water.		
The water heater has proper strapping, drain/ lines, and venting.		
The unit contains compliant sewer connections and cleanouts to the approved sewage disposal system.		
All mechanical equipment, including vents, is currently in good and safe condition and working properly.		
All fuel-burning appliances comply with CMC requirements for venting and combustion air.		
The unit contains a permanently installed heating source capable of providing a temperature of 68 degrees, 3'0" off the floor.		
The unit is free of dampness.		
The unit has underfloor and attic access as required.		
The unit is free of crumbling or loose plaster.		
The unit is free of defective exterior finishes and contains appropriate weather protection for exterior wall coverings.		
The units exterior is free of accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborage, stagnant water, combustible materials, and similar materials that can cause a nuisance.		
The unit contains the required smoke and CO detectors.		