

Tom Grover

SUBJECT: BUILDERS' BILL OF RIGHTS

ACTION: I. Directed the Planning and Building Department to distribute the below-listed Bill of Rights to permit applicants and the public.

II. Adopted the following Builders' Bill of Rights:

BUILDERS' BILL OF RIGHTS

Humboldt County Planning and Building Department

1. You have a right to prompt, courteous, and equal service by everyone in our Department.
2. You have a right to get clear and complete information about the easiest way to secure your required permits and about how to get your project under way legally. The Department will be glad to explain everything to you that you need to know about the building permit procedure.
3. You have a right to do your project the way you want to do it, where you want to do it, how you want to do it, just so it meets the minimum legal requirements that apply at your site. Minimum legal requirements include meeting all of the legal requirements established by state and local laws that apply to your site.
4. If what you want to do cannot be done legally the way you want to do it, the Department will be glad to explain the minimum requirements of the law. You have the right to select any legal option you prefer, even though it may not be the one the Department prefers.
5. You have a right to expect the Department to try to give you the least complicated, and the most favorable, advice the law allows. If you don't think the Department has done that, you have a right to appeal any decision we have made that you don't like. The Department will explain to you all the appeal options available including appeal to the Appeals Board. If you are not satisfied with those options, we will refer you to the Supervisor of the District where you live, or the Grand Jury.
6. You have a right to have the building inspector who comes to your project to give you clear, complete explanations of how to remedy work you may have done incorrectly, so that you can do the work over to meet the minimum standards of the law.
7. You have the right to appeal an inspector's decisions, just as any other decision the Department makes.
8. You have the right to decisive action on your completed permit application. (A "completed" application is defined as in compliance with all affected County Agency requirements--i.e., septic/sewage clearance, lot split clearance, soils reports, encroachment permits, etc.). If there is no decisive action on a completed application within thirty (30) days for construction of a project consisting of four (4) or less units, the applicant's permit is automatically approved.
9. Once your final building, sanitation or subdivision permit is issued, it is your right that it cannot be retroactively denied, unless the permit was issued on the basis of false information of a substantial nature or significant new information is obtained subsequent to the issuance of the permit.
10. During the subdivision or building permit process, an applicant has the right to choose any one of the agencies that he or she feels creates the greatest obstacle to approval and receive approval or rejection from that agency before proceeding (this includes public hearings).
11. It is your right to be contacted for an appointment for any required on-site inspections of your premises by representatives or agents of the government. If agency representatives cannot keep appointments, they should make reasonable efforts to inform the person who made the appointment.

12. It is your right to have all ministerial and discretionary permit denials identify, in writing, the specific statutes, codes, and/or ordinances applicable.
13. To insure that applicants are not faced with an endless stream of expensive corrections and reinspections, the public has the right to expect that a building inspector will identify all deficiencies related to each inspection phase.

During inspections, you have the right to have all noncompliance items compiled into one list at one time. All subsequent inspections should be limited to new work and verification of corrections of prior noted deficiencies.

If a deficiency was not listed during a previous inspection, the Chief Building Official shall determine if the applicant's materials and methods of construction can be approved as permitted by State and County building regulations.

If an inspector does list corrections or deficiencies which could have been listed in a previous inspection; you have the right and are encouraged to report this to the Chief Building Official, if you feel this is appropriate. The Chief Building Official will take whatever action is necessary to insure that this does not become a RECURRENT problem.

14. While you have the right to be treated considerately and realistically by the Department, it should be borne in mind that the Department has a legitimate and important function to protect the general public from harm which could reasonably be expected to arise from building activities. Come in and talk with the Department first, so that we can explain your rights to you, and advise you about a permit and the inspections we will provide to help you do your job legally and safely. We look forward to helping you.

NOTE: THIS BILL OF RIGHTS IS INTENDED TO CLARIFY EXISTING LAWS, PROCEDURES AND RULES; AND ARE NOT INTENDED TO ADD NEW RIGHTS OR LIABILITIES TO EITHER BUILDERS OR THE COUNTY OF HUMBOLDT, ITS OFFICERS OR EMPLOYEES. THE PROTECTIONS TO BUILDERS AS WELL AS TO THE COUNTY, WHICH EXIST IN FEDERAL, STATE AND LOCAL LAW ARE NOT MODIFIED OR WAIVED BY THIS BUILDERS' BILL OF RIGHTS. ADDITIONALLY, THIS DOCUMENT IS NOT INTENDED TO AND SHALL NOT OPERATE TO ALTER OR WAIVE ANY RIGHTS OR OBLIGATIONS UNDER THE CALIFORNIA TORT CLAIMS ACT.

Adopted on motion by Supervisor Neely, second by Supervisor Dixon, and the following vote:

AYES: Supervisors Dixon, Pritchard, Chesbro, and Neely
 NAYS: None
 ABSENT: Supervisor Sparks
 ABSTAIN: None

STATE OF CALIFORNIA)
 County of Humboldt) ss

I, BRUCE RUPP, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

copy to: CAO
 Planning
 Building Division
 Dan Taranto
 Builders' Exchange
 File: PLANNING -
 Building Division

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

BRUCE RUPP

Clerk of the Board of Supervisors of the County of Humboldt, State of California

By Lora Frediani
 Lora Frediani, Deputy