

One Item, One Vote

A complete board packet for code enforcement reform in Nevada County

Prepared by 530 UTOPIAN · 2 October 2026 · draft for County Counsel review

What this is, and what it is not

This packet contains everything the Board of Supervisors would need to take up all eleven reforms of *Complaint Driven* as a single agenda item: one ordinance, two resolutions, the recommended-action block, the vote thresholds, the sequence across meetings, and the findings each action requires.

It is not County work product. Nobody has introduced it. No board has adopted it. County Counsel has not reviewed it. Section numbers for new provisions are placeholders. It is not legal advice, and a code case's deadlines keep running regardless of anything here.

It is written so that County Counsel can mark it up rather than start from a blank page, and so that a resident can read what the campaign is actually asking for without a subscription to a legal database.

One correction to the report it comes from. *Complaint Driven*, Table 7, says the Board can adopt every reform “through one ordinance and one resolution,” and lists Reform 9 (repair money) as adopted by “Board direction.” That understates it. Directing staff to prioritize cited homes inside an existing program is a motion. Applying for the money is a resolution, because the funders require the governing body itself to authorize the application and the agreement. Appropriating the money when it arrives is a separate resolution and, for revenue not already in the adopted budget, takes four-fifths of the Board. The same correction applies to the amnesty's budget side and to the navigator and ombudsperson positions. Table 7 and the timeline in Chapter 11 should be revised accordingly.

PART ONE • The agenda item

Recommended action

Nevada County's house style packs the actions into the item title and keeps the recommendation short, but it does use numbered actions when one subject needs several votes. This follows that form.

SUBJECT: An Ordinance amending Chapters 12.05 and 14.02 of the Nevada County Code to require sworn code-enforcement complaints, establish a coercion review, provide hardship relief from administrative fines, and open a time-limited legalization window; a Resolution establishing interim code enforcement priorities and directing staff; and a Resolution authorizing applications for owner-occupied housing rehabilitation funding.

RECOMMENDATION:

1. Adopt the Resolution establishing interim code enforcement priorities, directing the revision of the Code Compliance policy and procedures manual, and directing staff to return within ninety days; and
2. Adopt the Resolution authorizing applications for owner-occupied housing rehabilitation funding and the use of CalHome program income for owner-occupied rehabilitation; and
3. Introduce and waive further reading of the Ordinance, and set it for adoption at the next regular meeting.

FUNDING: No appropriation is made by any of the three actions. The Resolutions authorize applications and direct the use of program income already held in the department's budget. Appropriation of any award, and of any new position, requires a separate budget amendment at a later meeting.

Vote on each action: majority. Nothing in the first meeting appropriates money, so nothing in it requires four-fifths.

Why all three can sit under one item

The Board routinely bundles several actions under one agenda item, including a resolution and an ordinance introduction together. Its own practice, from the staff report for the Community Choice Aggregation item of 11 February 2025, is numbered actions in exactly this form: "1) Approve the Resolution ... and; 2) Introduce and carry out the first reading of the Ordinance"

The two agenda titles the Clerk would use

The County gives each step its own staff-report number and marks the step in a parenthetical at the front of the title. Copying that style:

First meeting

(Introduce/Waive further reading) An Ordinance amending Title 12, Chapter 5, Sections 12.05.210 and 12.05.220, and Title 14, Chapter 2, Sections 14.02.030 and 14.02.100, of the Nevada County Code, and adding Section 12.05.221, pertaining to code enforcement complaints, coercion review, hardship relief and legalization of existing construction.

Second meeting

(Waive further reading/Adopt) An Ordinance amending Title 12, Chapter 5, Sections 12.05.210 and 12.05.220, and Title 14, Chapter 2, Sections 14.02.030 and 14.02.100, of the Nevada County Code, and adding Section 12.05.221, pertaining to code enforcement complaints, coercion review, hardship relief and legalization of existing construction.

PART TWO • The ordinance

Reforms 1 and 8, and the amnesty half of Reform 10. Amends the code; needs two meetings.

Drafting note on form

Three statutory requirements shape what follows, and none of them is optional.

- The enacting clause is fixed by statute: “The Board of Supervisors of the County of _____ ordains as follows.”
 - Because Nevada County has an adopted code, every change must be written as an amendment to the code, and **no section may be amended by reference** – the revised subsection has to be set out in full and published. That is why the sections below restate whole subsections rather than describing edits.
 - An ordinance cannot be passed within five days of introduction, and only at a regular or adjourned regular meeting. If it is altered after introduction, the clock restarts and it can be passed only at a regular meeting at least five days after the alteration. Typographical corrections are not alterations.
-

ORDINANCE NO. _____

An Ordinance of the Board of Supervisors of the County of Nevada amending Sections 12.05.210, 12.05.220, 14.02.030 and 14.02.100 of, and adding Section 12.05.221 to, the Nevada County Code, pertaining to code enforcement complaints, coercion review, hardship relief, and the legalization of existing construction

The Board of Supervisors of the County of Nevada ordains as follows:

SECTION 1. Findings.

The Board of Supervisors finds and determines:

- A.** The County’s code enforcement powers exist to protect health, safety and the public welfare, and are funded principally by the General Fund rather than by the penalties they produce.
- B.** County staff have advised the Board that the Code Compliance Division “is complaint driven as directed by the Nevada County Board of Supervisors.”
- C.** County staff have recognized that some complaints appear to be “a vehicle to use the Code Compliance Division to retaliate or punish another party,” and that the only response presently described in writing is that, when prioritizing cases, the Director “may consider” that factor. No adopted County rule addresses the practice.

D. Section 12.05.210(A)(1) of this Code already makes it a misdemeanor to knowingly and maliciously make a false complaint to the Code Compliance Division. The County's complaint form does not state this, is signed but not sworn, and asks nothing about disputes between the person complaining and the owner or occupant of the property.

E. California law may treat a threat to report a person to a public agency, coupled with a demand, as extortion, whether or not the matter threatened to be reported is true. A County code case begun by such a threat presently proceeds to its conclusion regardless.

F. The Nevada County Civil Grand Jury has examined code enforcement repeatedly since 2002. In 2010 this Board undertook to document permit exceptions "in order to provide evidence of equal treatment," and to track penalty fees in a manner "which can be audited."

G. State law requires the County to enforce state housing standards, to act upon confirmed substandard housing, to inspect upon the request of a tenant or other occupant of a dwelling, and to afford a reasonable opportunity to correct violations before administrative fines are imposed. Nothing in this ordinance limits those duties, and the exceptions stated in Section 12.05.221(d) and the savings clause in Section 12.05.221(e) exist to preserve them.

H. State law caps fines for infractions of local building and safety codes at amounts "not exceeding" the figures it states, and requires a county that imposes repeat administrative fines to establish a process for granting a hardship waiver.

I. State law provides that a local agency shall not deny a permit for an unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before 1 January 2020 except as necessary to protect health and safety, and shall not penalize an applicant for having the unpermitted unit.

SECTION 2. Environmental determination.

A. The Board finds that Sections 3 through 8 of this ordinance – which establish complaint verification and disclosure requirements, a coercion review procedure, and hardship relief from administrative fines and fees – are not a "project" within the meaning of Public Resources Code section 21065 and State CEQA Guidelines section 15378, and are excluded from the definition of a project by Guidelines section 15378(b)(2), (b)(4) and (b)(5), as general policy and procedure making, as government fiscal activities involving no commitment to any specific project, and as organizational and administrative activities of government that will not result in direct or indirect physical changes in the environment. The Board has considered whether these provisions may cause a reasonably foreseeable indirect physical change in the environment and finds, for the reasons stated in the staff report, that they will not.

B. The Board further finds, in the alternative as to Sections 3 through 8, that it can be seen with certainty that there is no possibility that those provisions may have a significant effect on the environment, and that they are therefore not subject to CEQA under Guidelines section 15061(b)(3).

C. As to Section 9 (legalization window), the Board finds that the ordinance is exempt from CEQA pursuant to Public Resources Code section 21080.17 and Guidelines section 15282(h) to the extent it implements the state accessory dwelling unit and junior accessory dwelling unit statutes, and is in all other respects categorically exempt under Guidelines section 15301 as the permitting and licensing of existing private structures involving negligible or no expansion of existing use. The Board has considered each exception stated in Guidelines section 15300.2, including cumulative impact and unusual circumstances, and finds on the evidence described in the staff report that none applies.

Counsel's call, flagged: paragraph C is the exposed one. The ADU and junior ADU slice rests on a statutory exemption and is solid. Everything else in the window rests on a categorical exemption, and categorical exemptions – unlike a “not a project” finding – are subject to the cumulative-impact and unusual-circumstances exceptions. In a county that is largely state responsibility area, high fire hazard, and on septic and wells, that is a real argument. Before this finding is made, staff should estimate how many structures the window is expected to reach. Los Angeles supported the same finding for its unapproved-dwelling-unit ordinance by showing the program covered under two-tenths of one percent of the housing stock. Section 10 severs Section 9 for exactly this reason.

Citation note. The accessory-dwelling protection was renumbered: it is Government Code section 66311.7, formerly section 66332, as of 1 January 2026. The article anchors that Public Resources Code section 21080.17 points to moved with it, so Counsel should confirm the current article numbers before this finding is made. *Complaint Driven*, Appendix C, flags the old number as one that circulates incorrectly.

SECTION 3. Section 12.05.210, subsection A, is amended to read:

A. Citizen Complaints.

1. False Complaint. It shall be a misdemeanor to knowingly and maliciously make a false complaint to the Code Compliance Division.

2. Form of complaint. Every complaint shall be made on a form prescribed by the Director, shall be signed under penalty of perjury, and shall disclose any pending or threatened lawsuit, restraining order, or property, business or family dispute between the complainant and the owner or occupant of the property. The form shall state the substance of subsection (A)(1) of this Section and shall include the following statement, to be affirmed by the complainant: “I am not making this complaint to obtain an advantage in a private dispute.”

3. Tenants and occupants. Subsection (A)(2) does not apply to a tenant, resident or occupant reporting conditions in the dwelling they occupy, who may make a complaint on a short form prescribed by the Director that requires neither the disclosure nor the statement described in subsection (A)(2). No request by a tenant, resident or occupant for inspection of the dwelling they occupy shall be conditioned upon the absence of a legal dispute with the owner.

4. Confidentiality. The identity of a complainant shall remain confidential and shall be disclosed only as required by court order. A subpoena is not a court order for this purpose.

SECTION 4. Section 12.05.221 is added, to read:

12.05.221 Complaints made to obtain an advantage in a private dispute.

(a) Purpose. The County's code enforcement powers exist to protect health, safety and the public welfare. They shall not be used to obtain an advantage in a private dispute unrelated to the condition complained of.

(b) Coercion review. The Director shall review a complaint upon evidence, submitted under penalty of perjury, that (1) the complainant threatened to make or pursue the complaint unless the owner or occupant gave money, property, a release, the dismissal of a claim or any other thing of value; (2) the complaint was made within 90 days after the owner or occupant refused such a demand; or (3) the complainant failed to disclose a dispute required to be disclosed by Section 12.05.210(A)(2). The Director shall give written notice to the complainant and the owner, allow each 10 days to respond, and issue written findings within 30 days. No fine or fee shall accrue during the review except for a documented imminent hazard.

(c) Effect of a finding. If the Director finds by a preponderance of the evidence that a complaint was made or threatened to obtain an advantage in an unrelated private dispute: (1) any enforcement action initiated on that complaint shall be closed, all fines, fees and costs assessed in it shall be canceled, and any recorded notice shall be released; (2) the complainant shall not file a complaint concerning the property for a period of not less than 180 days nor more than three years; (3) the Director shall refer the evidence to the District Attorney; and (4) the owner shall receive a copy of the findings.

(d) Exceptions. Paragraph (1) of subsection (c) does not apply to (1) a complaint by a tenant, resident or occupant concerning the dwelling they occupy, or (2) a condition the enforcement officer has documented as an imminent threat to life or safety, which the County shall pursue as a separate County-initiated action beginning with a new notice.

(e) State duties preserved. Nothing in this Section limits the County's duty to enforce state building and housing standards, to institute appropriate action upon a confirmed substandard building, or to inspect upon the request of a tenant, resident or occupant of a dwelling.

(f) Appeal. A complainant or owner may appeal the Director's findings to the County Hearing Officer within 10 days of their issuance.

(g) Report. The Director shall report to the Board quarterly the number of reviews opened, findings made, filing bars imposed and referrals to the District Attorney, without identifying any complainant.

What changed from the report's Appendix A. Subsection (b) of the report's draft – sworn complaints – has moved into Section 12.05.210, where the County's complaint provisions already live, rather than sitting in a new section of its own. Subsection (e) and subsection (g) are new: the first states on the face of the ordinance that state duties survive it, which is the first question Counsel will ask; the second gives the Board the numbers it would need to judge whether the section is working or being abused.

SECTION 5. Section 12.05.220, subsection N, paragraphs 2 and 5, are amended to read:

2. A request for an administrative hearing shall be made in writing and filed with the Nevada County Clerk of the Board of Supervisors and shall state all grounds for appeal which the appellant wishes the County to consider. The written request shall be accompanied by the County's appeal fee as may be approved by the Board of Supervisors from time to time, unless the fee is waived or deferred under paragraph 5 of this subsection. **A request shall not be rejected as incomplete, and the time requirement of paragraph 1 shall be deemed satisfied, where the request is accompanied by an application for waiver or deferral of the fee.**

5. At the time of submitting the request for an administrative hearing, the appellant requesting the administrative hearing shall pay an appeal fee as may be set from time to time by resolution of the Board of Supervisors. The County may waive or defer the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with a Notice of Violation and/or Abatement Order, and other factors indicating good faith attempts to comply. **The County shall waive the appeal fee for an appellant who occupies the property as their principal residence and whose household income does not exceed eighty percent of area median income for Nevada County, as published annually by the California Department of Housing and Community Development. A decision on a request for waiver or deferral shall be made in writing within 10 days of the request, shall state the reasons for the decision, and shall be served upon the appellant with the notice of hearing.**

SECTION 6. Section 12.05.220, subsection O, paragraph 5, is amended to read:

5. After considering all testimony and evidence submitted at the administrative hearing, the hearing body shall issue a written decision, or take the matter under submission and issue a written decision within ten (10) days of the hearing, and shall affirm, modify or dismiss the notice(s) of violation, Abatement Order(s), and/or administrative citation(s), and shall determine whether or not the County is entitled to reimbursement for administrative costs, including costs of the hearing officer's services. The decision shall include the hearing body's findings, as well as information regarding the appellant's right to seek judicial review of the decision and the time in which to do so. The Clerk of the Board of Supervisors shall serve the appellant and Enforcement Officer with a copy of the hearing body's written decision (the "notice of decision"). The decision of the hearing body shall be final. If the hearing body determines that the notice(s) of violation, Abatement Order(s), and/or administrative citation(s) should be dismissed, the County will refund the appellant's appeal fee in full. **If the hearing body modifies the notice(s) of violation, Abatement Order(s), and/or administrative citation(s), the County will refund the appellant's appeal fee in proportion to the reduction in the total penalty imposed.**

Why this one is in the packet at all. As the section reads today, the appeal fee comes back only if the citation is dismissed outright. An appellant who proves the County wrong on two of three violations, or gets the penalty halved, pays the full fee for the privilege. That asymmetry is the quietest thing in the chapter and the easiest to fix.

SECTION 7. Section 14.02.030, subsection E, is amended to read:

E. CIVIL AND CRIMINAL ENFORCEMENT. Any person who violates any provision of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be subject to fines **not exceeding** one hundred thirty dollars (130) *for a first violation*; * * *not exceeding* * * *seven hundred dollars* (700) for a second violation of the same Section within a twelve-month (12) period; and **not exceeding** one thousand three hundred dollars (\$1,300) for a third or subsequent violation within a twelve-month (12) period, as provided by California Government Code section 25132(c). Every day any violation continues shall constitute a separate offense punishable by a separate fine. **For a violation at a dwelling occupied by its owner as their principal residence, the fine shall not exceed one-half of the amounts stated in this subsection, and no fine shall accrue during any period in which the responsible party is participating in an approved repair, legalization or assistance program.**

Two things this fixes. The subsection presently states fines of \$100, \$500 and \$1,000 as “mandatory.” State law states them as ceilings, not floors, and at different figures – \$130, \$700 and \$1,300. The word “mandatory” has no basis in the statute it implements, and the amounts do not match it.

SECTION 8. Section 14.02.100 is amended by adding the following paragraph:

Neither the investigation fee described in the first paragraph of this Section nor the increased permit fees described in the second paragraph shall be charged where (a) the application is made during a legalization window established by the Board of Supervisors; (b) the work was performed by a previous owner and the applicant did not know of it when the property was acquired; or (c) the application was made before the County received a complaint or opened a case concerning the property. This paragraph does not limit the collection of the ordinary permit fee or the cost of inspections actually performed.

SECTION 9. Legalization window.

[Severable. See Section 2(C) and Section 10.]

(a) For a period of twenty-four months beginning on the effective date of this ordinance, an owner may apply to legalize existing construction performed without a required permit, and the County shall process the application under the standards stated in this Section.

(b) The building standards applied shall be those in effect at the time the construction was performed, except for the minimum health and fire-safety requirements of state law. Where the date of construction cannot be established from the evidence, the Board’s adopted standard for establishing date of construction shall govern, and the determination shall be made in writing and may be appealed.

(c) An application under this Section shall not of itself be a basis for enforcement, and no fine or penalty shall accrue on the conditions disclosed in it while it is pending and being pursued in good

faith. The County shall conduct a first inspection limited to conditions that constitute an imminent threat to life or safety.

(d) Where the construction is an accessory dwelling unit or junior accessory dwelling unit constructed before 1 January 2020, the County shall not deny the permit except as necessary to protect health and safety and shall not penalize the applicant for having the unpermitted unit, as required by state law.

(e) The Director shall report to the Board on applications received, permits issued and conditions corrected under this Section at six months, twelve months and on the window's expiration.

Counsel's call, flagged. The window as drafted reaches all unpermitted construction. The ADU and junior ADU portion is a state mandate with a statutory CEQA exemption. The remainder is the County's own policy choice and carries the CEQA exposure described at Section 2(C). Counsel may wish to narrow this Section to dwellings, or to structures below a stated size, or to split it into a separate ordinance on its own schedule. The packet is built so that it can be cut without touching anything else.

SECTION 10. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, that decision shall not affect the validity of the remaining portions. The Board of Supervisors declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase irrespective of the fact that any one or more be declared invalid or unconstitutional. **The Board specifically declares that it would have adopted Sections 1 through 8 and Sections 10 through 11 had Section 9 been omitted, and that Section 9 is severable in its entirety.**

SECTION 11. Effective date and publication.

This ordinance shall take effect thirty (30) days from the date of its final passage. Within fifteen (15) days after passage, the Clerk of the Board shall cause it to be published once, with the names of the members voting for and against it, in a newspaper published in the County, or shall cause it to be published by title and summary as permitted by Government Code section 25124.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting held on _____, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

_____ Chair, Board of Supervisors ATTEST: _____ Clerk
of the Board of Supervisors

PART THREE • Resolution A – interim priorities and direction

Reforms 2 through 6, the paperwork half of Reform 11, the interim coercion rule, the manual, and the direction that produces Reform 7. Takes effect on adoption. Majority vote.

RESOLUTION NO. _____

Resolution of the Board of Supervisors of the County of Nevada establishing interim code enforcement priorities and directing staff to prepare reforms

WHEREAS, County staff have advised the Board that the Code Compliance Division “is complaint driven as directed by the Nevada County Board of Supervisors”; and

WHEREAS, County staff have recognized that some complaints are made as “a vehicle to use the Code Compliance Division to retaliate or punish another party,” and no adopted County rule addresses that practice; and

WHEREAS, the Nevada County Civil Grand Jury has reviewed code enforcement repeatedly since 2002, and in 2010 this Board undertook to document permit exceptions “in order to provide evidence of equal treatment” and to track penalty fees in a manner “which can be audited”; and

WHEREAS, state law requires the County to act upon confirmed substandard housing, to inspect upon the request of a tenant or other occupant, and to provide a reasonable opportunity to correct violations before administrative fines are imposed; and

WHEREAS, the Board has this day introduced an ordinance addressing complaints made to obtain an advantage in a private dispute, which cannot take effect for at least thirty days after its passage; and

WHEREAS, the Board wishes any revision of the Code Compliance policy and procedures manual to reflect the priorities stated here; and

WHEREAS, the actions directed by this resolution are not a project under the California Environmental Quality Act pursuant to State CEQA Guidelines section 15378(b)(2) and (b)(5), and in the alternative it can be seen with certainty that there is no possibility they may have a significant effect on the environment;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada as follows:

1. Coercion, in the interim. Until the ordinance introduced this day takes effect, when the Director receives evidence, submitted under penalty of perjury, that a complaint was made or threatened in order to obtain an advantage in an unrelated private dispute, the Director shall suspend enforcement on that complaint, except for a documented imminent hazard or a complaint by a tenant, resident or occupant about the dwelling they occupy, and shall review the matter and issue written findings.

2. Priority. The Division shall work cases in order of risk to life, health and safety, regardless of the order in which complaints are received. Confirmed substandard housing shall be placed in the highest priority tier.

3. Verification. No warning, notice of violation or citation shall issue on the basis of a complaint alone. An enforcement officer shall first observe and document the condition. Aerial or satellite imagery may support an officer's observation but shall not replace it.

4. Private disputes. A complaint connected to a documented private dispute shall receive supervisor review, and the parties shall be offered mediation. This paragraph does not apply to a tenant, resident or occupant reporting conditions in the dwelling they occupy.

5. Confidentiality. The identity of a complainant shall remain confidential and shall be disclosed only as required by court order. A subpoena is not a court order for this purpose.

6. First notice. Except where an imminent hazard is documented, the first notice to an owner shall be an advisory notice allowing not less than thirty days to correct, and shall be accompanied by a referral sheet listing available repair, financial and permitting assistance. This paragraph states a practice and does not reduce the minimum period required by Section 12.05.220(K)(3) of the County Code.

7. Records. The Division shall record for each case its source category, priority tier, method of verification, any private-dispute flag, its outcome and the reason for any waiver, and shall log contacts about a case from elected officials and other agencies. The Division shall report totals to the Board quarterly, including the number of complaints received and the number closed as unfounded, without identifying any complainant.

8. Forms and notices. Within thirty days, staff shall correct the County's forms and notices to state the five-day period for requesting an administrative hearing, to remove the citation to Government Code section 65908 as authority for recording an administrative notice, to correct the reference to "Nevada County Code section 5.23" on the hardship waiver form, to correct the Public Records Act citation on the complaint form, to state on the complaint form that a knowingly and maliciously false complaint is a misdemeanor under Section 12.05.210(A)(1), and to confirm that notices include the statement on delayed enforcement for accessory dwelling units required by state law.

9. Direction to staff. Within ninety days, staff shall return to the Board with (a) a written standard for establishing the date of construction and legal nonconforming status; (b) options and costs for a permit navigator and an ombudsperson, including whether either may be funded from grant or program income rather than the General Fund; (c) a plan to direct available repair funds to homes that have received code notices; and (d) an estimate of the number of structures a legalization window would be expected to reach, for the environmental record.

10. Manual. The revised Code Compliance policy and procedures manual shall conform to this resolution and shall be presented to the Board for adoption rather than issued at staff level.

11. One-year review. Staff shall return to the Board one year from adoption with the measures listed in the staff report, and the Board shall consider at that time whether to reaffirm, amend or rescind this resolution.

PART FOUR • Resolution B – the money, part one

Reform 9, and the money behind Reforms 10 and 11. Authorizes applications and the use of money already held. Appropriates nothing. Majority vote.

RESOLUTION NO. _____

Resolution of the Board of Supervisors of the County of Nevada authorizing applications for owner-occupied housing rehabilitation funding, authorizing the use of CalHome program income for owner-occupied rehabilitation, and directing that assistance be offered to owners who have received code enforcement notices

WHEREAS, the County's Housing Element states that the County will apply annually for Community Development Block Grant rehabilitation funds to provide housing rehabilitation services to very-low and low-income owner-occupied and rental households; and

WHEREAS, the County holds CalHome program income in a reuse account, and owner-occupied rehabilitation is an eligible activity for those funds under the Department of Housing and Community Development's CalHome guidelines; and

WHEREAS, on 13 January 2026 this Board authorized the use of CalHome program income for a first-time homebuyer down payment assistance program, and wishes now to make owner-occupied rehabilitation an authorized use of the same account; and

WHEREAS, the Department of Housing and Community Development requires an authorizing resolution of the applicant's governing board for its Community Development Block Grant and HOME programs, and requires an authorizing resolution approved by the Department before issuing a CalHome standard agreement;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada as follows:

1. Applications authorized. Staff are authorized and directed to prepare and submit applications for owner-occupied housing rehabilitation funding, including the state Community Development Block Grant program, the HOME Investment Partnerships Program when a notice of funding availability is issued, the CalHome program when a notice of funding availability is issued, and the federal Housing Preservation Grant program.

2. Separate resolutions on funder forms. Where a funding program requires its authorizing resolution on a form prescribed by the funder, or requires the resolution to state a dollar amount, staff shall return to the Board with that resolution in the form required, in time to meet the application deadline.

3. Program income. The use of CalHome program income held in the County's reuse account is authorized for owner-occupied rehabilitation, as an eligible activity under the CalHome guidelines, in an amount not to exceed \$_____. Staff shall submit a revised reuse account plan to the Department

of Housing and Community Development for approval to the extent the approved plan does not already describe this activity.

4. Program income under the Block Grant. In the County's pending and future Community Development Block Grant applications, staff shall state an amount of program income to be used for housing rehabilitation rather than stating zero.

5. Priority to cited homes. In administering any owner-occupied rehabilitation assistance, the County shall give priority to applicants who have received a notice of violation, an abatement order or an administrative citation from the Code Compliance Division, consistent with program rules and income eligibility.

6. Referral at first notice. The Code Compliance Division and the Housing and Community Services Department shall jointly produce the referral sheet described in the companion resolution, and the Division shall include it with every first notice.

7. No appropriation. This resolution makes no appropriation. Acceptance of any award, and appropriation of any resulting revenue, shall be presented to the Board as a separate budget amendment.

8. Environmental. The actions authorized by this resolution are not a project under the California Environmental Quality Act pursuant to State CEQA Guidelines section 15378(b)(4), as the creation of a government funding mechanism and other government fiscal activities that do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Why the dollar figure is blank in paragraph 3. The balance of the County's CalHome reuse account is not in the public record the campaign could reach. In January 2026 the Board authorized up to \$692,610 of it for down payment assistance. A records request to Housing and Community Services would produce the current balance, and the figure belongs in the resolution before it is introduced – the County's own practice is to cap the authorization at a stated amount.

PART FIVE • Later meetings

Nothing above appropriates a dollar. These are the actions that follow, in the order they become ripe. Each is an ordinary County action with its own vote threshold.

WHEN	ACTION	INSTRUMENT	VOTE
Second regular meeting	Adopt the ordinance	<i>(Waive further reading/Adopt)</i>	majority
15 days after passage	Publish, with the names voting for and against	Clerk's certificate	—
30 days after passage	Ordinance takes effect	—	—
Before each application deadline	Authorizing resolution on the funder's form, stating the dollar amount where required	Resolution	majority
On each award	Accept the award and appropriate it	Consolidated Budget Amendment	four-fifths
When a position is funded	Amend the authorized personnel staffing resolution, and the salary resolution if the classification is new	Resolution(s)	majority if the money is already in the adopted budget; otherwise paired with a four-fifths budget amendment
90 days	Staff return with the construction-date standard, navigator and ombudsperson options, the repair-money plan, and the legalization estimate	Report, then action	varies
6 and 12 months	Legalization window reports	Report	—
12 months	Reaffirm, amend or rescind the interim resolution; review the measures	Resolution	majority

The four-fifths problem, stated plainly

Four of the five supervisors must vote yes to appropriate money that is not already in the adopted budget. Every grant award this packet pursues lands in that category. A campaign that wins three votes wins the ordinance and the policy resolution and still cannot spend a dollar. The packet is sequenced so that the parts needing three votes are not held hostage to the parts needing four — but the repair money, which is the part that actually helps someone fix a roof, is on the four-vote side of the line.

The one exception is the CalHome program income. It already sits in the department's budget, so authorizing a different eligible use of it takes a simple majority. That is the fastest money in the packet, and it is why it has its own paragraph in Resolution B.

If the Board wants it faster

An urgency ordinance takes effect immediately on passage and may be passed at the meeting it is introduced, but it requires a declaration of the facts constituting the urgency inside the ordinance and a four-fifths vote. The packet does not use that route: the interim resolution does the urgent work at a majority vote, and an urgency finding on this subject would be a stretch.

PART SIX • What is not in this packet

Said plainly, so nobody discovers it at the dais.

The construction-date standard (Reform 7) is directed, not drafted. It needs the Building Department's own evidence list and a decision on the County's 1962 cutoff, neither of which the campaign can write for it. Resolution A paragraph 9(a) asks staff for it within ninety days.

The navigator and the ombudsperson (Reforms 10 and 11) are options, not positions. Creating either takes a classification, a salary range on a publicly adopted pay schedule, and money. The packet asks for costed options rather than pretending to have done the County's personnel work.

The dollar figures are blank in two places – the CalHome reuse balance and the program income line in the Block Grant application. Both are a records request away.

The legalization window has no estimate behind it. Section 2(C) of the ordinance makes an environmental finding that needs one. Resolution A paragraph 9(d) asks for it. Until it exists, Section 9 is the weakest part of the packet, and Section 10 severs it for that reason.

Nothing here has been reviewed by a lawyer. The campaign drafted it from the published code, the state statutes and the County's own record. Every quoted provision was read in the codified text rather than from memory. That is not the same as a legal opinion.

Sources

The County Code provisions amended by Part Two were read in the codified text published by the County's code publisher, codified through Ordinance No. 2552, enacted 13 January 2026, Supplement No. 2. Ordinance 2555, adopted 14 April 2026, amended Section 12.05.060 after that cutoff; it did not touch any section amended here.

County ordinance procedure: Government Code sections 25120 (enacting clause), 25121 (signature and attestation), 25123 (effective date and the urgency exception), 25124 (publication within fifteen days, names voting, summary option), 25129 (amendments to a codified ordinance; no amendment by reference), 25131 (five-day rule, reading and waiver, alteration restarts the clock), 25132 (penalties; infraction maxima).

Budget and personnel: Government Code sections 29125 (transfers; four-fifths between funds and from contingencies, majority between budget units), 29126 and 29126.1 (cancellations), 29127 (emergency appropriation by four-fifths), 29130 (appropriating fund balance or revenue above anticipated, four-fifths). State Controller, *County Budget Guide*, 2020 edition, section 1.10, listing budgetary adjustments among the matters formalized by resolution. California Code of Regulations, title 2, section 570.5 (publicly available pay schedule).

Funding: California Department of Housing and Community Development, 2024 Amended CalHome Guidelines, sections 201(d), 207 and 501(b); 2025 State CDBG notice of funding availability, section V.D and Appendix C; HOME authorizing resolution instructions; 7 C.F.R. part 1944, subpart N (Housing Preservation Grant).

Environmental: Public Resources Code sections 21065 and 21080.17; State CEQA Guidelines sections 15061(b)(3), 15282(h), 15300.2, 15301, 15321 and 15378; *Union of Medical Marijuana Patients v. City of San Diego* (2019) 7 Cal.5th 1171; *Muzzy Ranch Center v. Solano County Airport Land Use Commission* (2007) 41 Cal.4th 372.

State duties and limits: Health and Safety Code sections 17960, 17970.5, 17980 and 17980.12; Government Code sections 25132, 25845, 53069.4 and 66311.7 (formerly 66332).

County precedent: the Board's own two-step ordinance practice as stated on its agendas; the Community Choice Aggregation staff report of 11 February 2025 for the numbered multi-action recommendation; Resolution 26-006 of 13 January 2026 for the CalHome program income form; Resolution 26-064 of 10 March 2026 for the Block Grant application form; Consolidated Budget Amendment practice and the authorized personnel staffing and salary resolutions.

No County employee is named in this packet. It describes no individual case.