

A REPORT

Complaint Driven

*Code Enforcement in Nevada County, and
How to Fix It*

Contents

	Executive Summary	2
1	Introduction	5
2	How Code Enforcement Works in Nevada County	6
3	Finding One: Complaint-Driven by Design	11
4	Finding Two: The County as a Weapon	16
5	Finding Three: Discretion Without a Record	21
6	Finding Four: Help That Is Mostly a Smaller Penalty	25
7	The Speed-Limit Principle	29
8	Who Complained: Confidentiality and Its Limits	33
9	What Other Places Have Tried	37
10	Recommendations	43
11	Authority, Cost and Timeline	52
12	Objections and Answers	56
13	Limits of This Report	59
APP. A	Draft Ordinance	61
APP. B	Draft Resolution	63
APP. C	Citations That Circulate Incorrectly	65
	Note on Sources and Methods	67

Notes follow each chapter. Page numbers count from this page.

Executive Summary

Nevada County enforces its building and land-use codes against whoever gets complained about. It says it keeps no record of why a case was opened. It has no rule that stops a person in an unrelated fight from using the County to win that fight. California law can treat a threat to report someone unless they give something up as attempted extortion, though a threat tied to the dispute itself may not qualify. In Nevada County, the complaint that follows such a threat still runs its full course.

This report sets out how the system works, what the County's own records show about it, and what the Board of Supervisors can do. It draws on the County's budgets, Board memos, forms, ordinances and grand jury history; on California statutes and court decisions; and on the experience of other counties and cities. Most of the eleven reforms it recommends can be adopted by the Board this year, and most need no new money.

What we found

Enforcement waits for complaints because the Board said so. In January 2025, County staff told the Board that the Code Compliance Division “is complaint driven as directed by the Nevada County Board of Supervisors.”¹ Five civil grand juries since 2002 have criticized the results, and every one of them wanted more enforcement, not less. In 2009 the Board turned down one jury's call for heavier enforcement, writing that it diverts owners' money from repairs to fines.

The County can be used as a weapon. County staff already recognize that some complaints are “a vehicle to use the Code Compliance Division to retaliate or punish another party,” but the only response on paper is that, “when prioritizing cases,” the Director “may consider” it.² That can move a case down the queue. It cannot stop one. The complaint form is signed but not sworn, and it asks nothing about disputes between the person complaining and the owner.

Decisions leave no record. Asked in writing why a case was opened, the County answered that it holds no record of that. Its own documents give different counts of cases for the same year, and none of them says how many complaints came in or how many were closed as unfounded. In 2010 the Board promised to document permit exceptions “in order to provide evidence of equal treatment” within six months, and to track penalty fees in a way “which can be audited” within a year; we could not confirm that either happened.

Help mostly takes the form of a smaller penalty. State law requires time to correct violations, a hardship waiver and a preference for repair. What Nevada County adds is mostly lower fines and later deadlines. Its one repair program tied to code violations serves mobile homes and is closed to new applicants, and repair money the County holds has been directed to down payments instead.

The obvious alternative has already failed elsewhere. Humboldt and Sonoma counties replaced complaints with satellite and drone surveillance backed by heavy fines. Both settled lawsuits over those programs in 2026.

What we recommend

	REFORM	WHAT IT DOES
1	The County is not a weapon	A proven threat closes the case it started and cancels its fines. The person who made it is barred from filing and referred to the District Attorney. Complaints become sworn and must disclose disputes.
2	Rank by danger	Cases are worked by risk to life and health, not by the order complaints arrive.
3	Confirm before paper	No warning or citation issues on a complaint alone.
4	Screen everyday feuds	Complaints tied to a private dispute receive supervisor review and an offer of mediation. Tenants are exempt.
5	Make the first notice a way out	The first letter is an advisory notice with at least 30 days and a list of real help.
6	Write down why	Every case records its origin and outcome; totals are reported quarterly without names.
7	Set a standard for older buildings	The Board adopts rules for proving when a building was built and whether it is grandfathered.
8	Make hardship relief real	Lower fines for owner-occupants, payment plans, deferral and lien relief.
9	Put repair money behind the first notice	Existing and available housing funds are directed to cited homes.
10	Offer amnesty and a navigator	A penalty-free legalization window and a staff member whose job is to help.
11	Fix the County's paperwork	Correct wrong citations on forms and add independent review.

None of these reforms asks the County to ignore dangerous housing State law requires the County to act on it, and every reform here keeps real danger first. Nor does this report claim that the replacement programs it describes are proven; most evidence that they work comes from the programs themselves or from their advocates. The evidence against the surveillance model is far stronger than the evidence for any particular alternative.

NOTES

- 1 Nevada County, Community Development Agency, staff memo for the Board of Supervisors workshop on Code Compliance, January 23, 2025, <https://legistar.granicus.com/nevco/attachments/e8d51163-6578-49e4-89c7-f93a808b43b8.pdf>. The memo's page headers are misdated January 23, 2024.
- 2 Nevada County, Community Development Agency, staff memo for the Board of Supervisors workshop on Code Compliance, January 23, 2025, <https://legistar.granicus.com/nevco/attachments/e8d51163-6578-49e4-89c7-f93a808b43b8.pdf>. The memo's page headers are misdated January 23, 2024.

Introduction

530-UTOPIAN is a free telephone line for people in Nevada County, California, who have received code enforcement paperwork. Callers most often describe the same sequence: a dispute with a neighbor, a relative or a business contact about something other than a building; a complaint to the County; and a case that then runs on its own momentum regardless of how it began. Some describe being told, before the complaint was filed, that it would be filed unless they gave something up.

This report asks what should replace a system that enforces on complaint alone. The two obvious answers both fail. Publishing where cases come from would prove the pattern without changing the rule. Enforcing evenly would mean inspecting everyone, and the counties that tried that with satellites and drones ended in court. The reforms here sit between those answers: they change when the County may act, not how often.

The report is written for the Nevada County Board of Supervisors and for residents who want to understand the system they live under. It covers the unincorporated county, where the County's Code Compliance Division works. It does not discuss any individual case, and it names no County employee. It is not legal advice.

A note on confidence. The report relies on four kinds of sources, and says which kind supports each point: the text of statutes and ordinances; documents published by the County, other agencies and courts; news reports and studies; and, occasionally, information that could not be independently confirmed, which is identified as such in the notes. Several County documents were read through automated feeds rather than in a browser, and those are flagged for confirmation.

How Code Enforcement Works in Nevada County

The people and the money

Nevada County had 99,983 residents on January 1, 2026. Two-thirds of them, 66,529 people in 32,416 housing units, live outside the incorporated cities of Grass Valley, Nevada City and Truckee, in the territory the County’s code enforcement covers.³ The county spans about 958 square miles.⁴

The work is done by the Code Compliance Division of the Community Development Agency, which the County’s budget now presents as “Code and Cannabis Compliance.” Code Compliance has six positions: four officers, a supervising officer and a director. Cannabis compliance has four more.⁵ In January 2026 staff told the Board that “on average, each Code Compliance Officer manages approximately 89 code violation cases,” and that the division opened 290 cases in 2025 and closed 252.⁶

The program costs about \$1.7 million a year and is paid for mostly from the County’s General Fund. Fines are a small share of that cost: between about 5 and 12 percent in the years the budget reports them separately.

FISCAL YEAR	EXPENSES	COUNTY FUNDING	FINES COLLECTED
2021–22 (actual)	\$1,174,332	\$1,027,254	not reported
2022–23 (actual)	\$1,201,793	\$1,249,191	not reported
2023–24 (actual)	\$1,260,056	\$1,339,858	\$145,878
2024–25 (actual)	\$1,765,946	\$1,645,270	\$104,241
2025–26 (adopted)	\$1,585,153	\$1,396,468	\$142,397
2026–27 (adopted)	\$1,659,429	\$1,296,468	\$80,627

Table 1. Code Compliance cost center 20709. Source: Nevada County adopted budgets, fiscal years 2023–24 through 2026–27.⁷

This matters to what follows. The program is not paid for by its penalties, so reforms that soften penalties cost the County little in revenue.

Where the County's power comes from

The California Constitution allows a county to “make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.”⁸ State law makes a violation of a county ordinance a misdemeanor unless the county makes it an infraction, and says it “may be prosecuted by county authorities ... or redressed by civil action.”⁹ Nevada County’s code follows that default.¹⁰ For building violations, the County chose infractions carrying what its code calls “mandatory fines” of \$100, \$500 and \$1,000; state law caps those fines at \$130, \$700 and \$1,300, and describes them as fines “not exceeding” those amounts.¹¹

State law also allows a county to replace criminal prosecution with administrative fines, and Nevada County did so in 2021.¹² Its administrative enforcement ordinance leaves fines “at the sole discretion of the enforcement officer,” allows a citation “without first issuing a Notice of Violation,” and treats every day a violation continues as a separate violation.¹³

For houses and apartments, state law adds a duty the County cannot waive. “The building department of every city or county shall enforce” the state’s building and housing standards, and once a violation is found, the agency “shall, after 30 days’ notice to abate ... institute appropriate action.”¹⁴ When a tenant or other occupant complains about their own home, the County must inspect it.¹⁵ These duties set the outer limit of every reform in this report.

How a case begins

The County’s published policy is that “cases are generated through a formal complaint process, or through a referral from the Board of Supervisors or other agency.”¹⁶ The January 2025 memo adds one exception: fire, life-safety and health violations that staff observe “during the normal course of business.”¹⁷

A complaint is made on a County form titled “Investigation Services Request.” It asks for a description of the violation “in your own words” and the complainant’s name, contact details and signature, and it will not be processed without them.¹⁸ It does not ask the complainant to swear to anything, and it does not ask whether the complainant has any dispute with the owner. The County takes confidential complaints but, except for cannabis complaints, not anonymous ones.¹⁹ Staff remove the complainant’s identifying information from the file the officer carries, so that “even the Officers have no knowledge regarding the origin of the complaint,” although the 2025 memo also allows an officer to contact the complainant and to view the property from the complainant’s land.²⁰

The County’s frequently asked questions promise that “all complaints must be verified before any action is taken,” with an officer visiting to confirm the complaint, and suggest that neighbors consider mediation first.²¹

The paperwork and the clocks

According to the 2025 memo, a case usually proceeds from a notice with a compliance deadline, “typically” 30 days, to a citation warning letter and then to administrative citations. Later steps can include a notice recorded against the property’s title, a hold on permits for the parcel, abatement costs charged as a lien or special assessment, abatement by the County itself, and a court-appointed receiver.²² As of January 2025 the County had started four receiverships, each with the Board’s approval: one completed, one active and two pending.²³ A year later staff told the Board that the division expects two or three receiverships and two or three abatements a year, and that when a receiver sells a property the proceeds go first to the receiver, then to the County’s outside counsel, then to County staff time.²⁴ The one abatement the County completed in 2025 shows the pace: a solid-waste case opened in September 2024, an abatement order the following April, a warrant executed in June, a cost hearing in October, and \$6,837.98 in administrative costs charged against the property.²⁵

Several deadlines run at once, and people lose cases by confusing them.

DEADLINE	LENGTH
Request an administrative hearing on a notice of violation, abatement order or citation	5 calendar days from the date the notice was mailed or handed over; the County code calls this deadline jurisdictional and not waivable
Correct a structural or zoning violation before a fine, where there is no imminent threat	At least 15 days
Apply for a hardship waiver	21 calendar days after the citation
Appeal a final administrative decision to superior court	20 days
Notice before a substandard-housing action	30 days, or less for an immediate threat

Table 2. Principal deadlines in a Nevada County code case.²⁶

The five-day hearing deadline decides more cases than any other. It runs from the day the County mails or hands over the notice, not the day the owner receives it, and it moves to the next working day only if the fifth day falls on a weekend or holiday. The code lists personal service, first-class mail and any other method “reasonably calculated to provide actual notice,” but it does not say when a notice left on a property counts as served.²⁷ At least one County citation packet reviewed

by the project printed 15 days instead; fifteen days is the code’s minimum time to correct a building or zoning violation before a fine, not the time to ask for a hearing.²⁸

What an owner can be charged

Work started without a permit can carry permit fees “not ... more than double” for a first violation and “fourfold” for a repeat, and an investigation fee is collected “whether or not a permit is then or subsequently issued.”²⁹ An owner is “liable for all costs of abatement ... including ... administrative costs.”³⁰ Against that, a granted hardship waiver reduces a second- or third-level fine by half, and the code requires an appeal fee when a hearing is requested, which the County “may waive or defer” for “severe economic hardship” and refunds if the owner wins.³¹ The Board set that fee at \$320 in June 2026. Appealing an administrative citation costs an amount equal to the fine, returned if the owner prevails.³²

NOTES

- 3 California Department of Finance, *E-1 Population and Housing Estimates*, January 1, 2026, https://dof.ca.gov/media/docs/forecasting/Demographics/estimates-e1/E-1_2026_InternetVersion.xlsx. Housing figures are from the E-1H sheet.
- 4 U.S. Census Bureau, QuickFacts, Nevada County, California (land area, 2020), <https://www.census.gov/quickfacts/fact/table/nevadacountycalifornia/PST045224>.
- 5 Nevada County, *FY 2026–2027 Adopted Budget*, pp. 2-48 to 2-51, <https://www.nevadacountyca.gov/DocumentCenter/View/69640/FY-2026-2027-Adopted-Budget>.
- 6 Nevada County, Community Development Agency, “Code Compliance Division Update,” Board agenda memo for January 29, 2026, recommendation “Information Only.” Read from the County’s meeting record; a copy is posted at <https://530utopian.help/assets/docs/nevada-county-code-compliance-memo-2026-01-29.pdf>.
- 7 Nevada County adopted budgets for FY 2023–24 (<https://www.nevadacountyca.gov/Archive.aspx?ADID=1536>), FY 2024–25 (<https://www.nevadacountyca.gov/Archive.aspx?ADID=1537>), FY 2025–26 (<https://www.nevadacountyca.gov/DocumentCenter/View/57603/FY-2025-2026-Nevada-County-Adopted-Budget>) and FY 2026–27 (<https://www.nevadacountyca.gov/DocumentCenter/View/69640/FY-2026-2027-Adopted-Budget>). “County funding” is the General Fund transfer, labeled “Other Financing Sources” in FY 2026–27.
- 8 Cal. Const., art. XI, § 7, <https://law.justia.com/constitution/california/article-xi/section-7/>.
- 9 Cal. Gov. Code § 25132(a), https://california.public.law/codes/government_code_section_25132.
- 10 Nevada County Code § 1.01.090. Nevada County Code sections in this report were read through Municode’s public data feed and should be confirmed in a browser.
- 11 Nevada County Code § 14.02.030(E); Cal. Gov. Code § 25132(c).
- 12 Cal. Gov. Code § 53069.4, https://california.public.law/codes/government_code_section_53069.4.
- 13 Nevada County Code § 12.05.220 (Ord. 2491, 2021, as amended).
- 14 Cal. Health & Safety Code §§ 17960, 17980, https://california.public.law/codes/health_and_safety_code_section_17960; https://california.public.law/codes/health_and_safety_code_section_17980.

- 15 Cal. Health & Safety Code § 17970.5, https://california.public.law/codes/health_and_safety_code_section_17970.5.
- 16 Nevada County, Code Compliance frequently asked questions, <https://www.nevadacountyca.gov/Faq.aspx?QID=480>.
- 17 Nevada County, Community Development Agency, staff memo for the Board of Supervisors workshop on Code Compliance, January 23, 2025, <https://legistar.granicus.com/nevco/attachments/e8d51163-6578-49e4-89c7-f93a808b43b8.pdf>.
- 18 Nevada County, Code Compliance complaint form, <https://www.nevadacountyca.gov/DocumentCenter/View/15900/Code-Compliance-Complaint-Form-PDF>.
- 19 Nevada County, Community Development Agency, staff memo for the Board of Supervisors workshop on Code Compliance, January 23, 2025, <https://legistar.granicus.com/nevco/attachments/e8d51163-6578-49e4-89c7-f93a808b43b8.pdf>.
- 20 Nevada County, Code Compliance frequently asked questions, <https://nevadacountyca.gov/m/faq?cat=71>; January 23, 2025 memo.
- 21 Nevada County, Code Compliance frequently asked questions, <https://nevadacountyca.gov/m/faq?cat=73>.
- 22 Nevada County Code §§ 12.05.220, 14.02.030; Cal. Gov. Code § 25845, https://california.public.law/codes/government_code_section_25845; Cal. Health & Safety Code § 17980.7, https://california.public.law/codes/health_and_safety_code_section_17980.7.
- 23 Nevada County, Community Development Agency, staff memo for the Board of Supervisors workshop on Code Compliance, January 23, 2025, <https://legistar.granicus.com/nevco/attachments/e8d51163-6578-49e4-89c7-f93a808b43b8.pdf>.
- 24 Nevada County, Community Development Agency, “Code Compliance Division Update,” Board agenda memo for January 29, 2026, recommendation “Information Only.” Read from the County’s meeting record; a copy is posted at <https://530utopian.help/assets/docs/nevada-county-code-compliance-memo-2026-01-29.pdf>.
- 25 Nevada County, Community Development Agency, “Code Compliance Division Update,” Board agenda memo for January 29, 2026, recommendation “Information Only.” Read from the County’s meeting record; a copy is posted at <https://530utopian.help/assets/docs/nevada-county-code-compliance-memo-2026-01-29.pdf>.
- 26 Nevada County Code § 12.05.220(K)(3), (N)(1), (N)(3); Nevada County hardship waiver form, <https://www.nevadacountyca.gov/DocumentCenter/View/19626/Hardship-Waiver>; Cal. Gov. Code § 53069.4(b); Cal. Health & Safety Code § 17980.
- 27 Nevada County Code §§ 12.01.040(B), 12.05.220(D)(1), (N)(1), https://library.municode.com/ca/nevada_county/codes/code_of_ordinances?nodeId=COOR_TIT12ZORE_CH5ADEN_S12.05.220ADEN.
- 28 Project review of County records. Case particulars are withheld.
- 29 Nevada County Code § 14.02.100.
- 30 Cal. Gov. Code § 25845(b).
- 31 Nevada County hardship waiver form, <https://www.nevadacountyca.gov/DocumentCenter/View/19626/Hardship-Waiver>; Nevada County Code § 12.05.220(N)(2), (N)(5), (O)(5).
- 32 Nevada County fee schedule, fiscal year 2026–27, Exhibit F, p. 17, adopted by Resolution 26-250 (June 9, 2026), effective 60 days after adoption. Read in a browser by the website seat.

Finding One: Complaint-Driven by Design

Nevada County waits for complaints because its Board of Supervisors told it to, and the County has said so on paper for more than twenty years. The effect is to hand the choice of whose property gets inspected to whoever decides to complain.

What the County says

The January 2025 memo put it plainly: “The Division is complaint driven as directed by the Nevada County Board of Supervisors.”³³ In that workshop, staff proposed to keep the complaint-driven model, to send one warning letter instead of two, to allow appeals only of citations and fines, to explore a fee deposit for appeal hearings, and to bring the Board a stand-alone nuisance abatement ordinance.³⁴ No such ordinance had been adopted as of August 2026, and abatement still runs under the County’s general administrative enforcement section.³⁵ The County’s FY 2025–26 budget carried the same plan as an objective: “removing the appeal of a violation warning letter to a hearing office once a violation has been verified to only once a citation letter has been issued.”³⁶ Whether staff carried that out is not in the public record. The County code already requires the appeal fee when a hearing is requested, with a hardship waiver, and it grants a hearing on any notice of violation, a term it defines broadly.³⁷ The 2022 manual quoted elsewhere in the County’s record is a draft, and we found no record that the Board adopted it. A year after the workshop, staff reported that “the Department is currently undertaking a comprehensive update of the Code Compliance Policy and Procedure Manual,” promising “refined enforcement sequencing that emphasizes voluntary compliance while allowing for timely and appropriate escalation.”³⁸

Cannabis is the practical exception. In July 2026 the Sheriff announced a five-year, \$4.5 million state grant funding a Sheriff-led enforcement team working with the County’s cannabis compliance staff.³⁹

Twenty years of grand juries

Nevada County’s civil grand juries have returned to code enforcement repeatedly, and they have mostly asked for more of it.

The 2001–02 grand jury quoted the division’s own manual back at the County – “Code Compliance is strictly a complaint driven process” – and found a backlog of more than a thousand cases, citizen complaints rising from about 50 a month to between 100 and 200, and two and a half staff to handle them. It concluded that “the ‘Strictly by complaint’ directive has failed to resolve the large problem of non-compliance to code” and that enforcement for unpermitted building was “ineffective and practically non-existent.” It asked the Board to require County staff to file complaints themselves when they saw violations.⁴⁰ The Board’s answer that year is worth noting now: it declined to respond to findings drawn from the manual because the manual was “in draft format and has not been approved by the Board of Supervisors,” a document “without legal status.”⁴¹ The same is true of the manual the County has been working from since 2022. The 2003–04 grand jury found that “the ‘strictly by complaint’ directive has failed to resolve the problem of noncompliance to code,” that surveillance had been “discouraged, if not eliminated altogether,” and that the County used “up to 13 letters and notices” to resolve a case.⁴² The 2008–09 grand jury found that County staff “are not to proactively look for Code violations,” that three officers each carried 80 to 100 cases, and that “the Board has gone too far in emphasizing compliance over enforcement.”⁴³ The 2009–10 grand jury found “inconsistent application of local policies” in the Building Department, including as-built permits issued “without applicable penalty fees.”⁴⁴ The 2020–21 grand jury, reporting on cannabis rather than on code enforcement generally, found that the division “relies on citizen complaints” to pursue illegal cannabis operations and recommended satellite, drone and aerial surveillance.⁴⁵

The Board’s answers have been consistent. In 2009 it refused to “emphasize enforcement over voluntary compliance,” writing that “when progress is being made toward voluntary compliance, the use of vigorous enforcement methods often serves to stop progress and divert funds of the property owner from mitigating the violations to paying fines.”⁴⁶ In 2010 it agreed that penalty fees had been waived without documentation. It promised to document permit exceptions “in order to provide evidence of equal treatment” within six months, and, separately, to track penalty fees in a way “which can be audited” within a year.⁴⁷ No grand jury report since 2021 has addressed code compliance.⁴⁸

The juries and the Board have been arguing along the wrong axis. The juries wanted more enforcement; the Board wanted more patience. Neither put in writing what decides which property gets looked at in the first place.

What the model produces

The slides staff showed the Board in January 2025 list cases still open from earlier years: 21 from 2020, 15 from 2021, 32 from 2022, 142 from 2023 and 101 from 2024.⁴⁹ Residents have described the system in the same terms for years. In 2009 a landlord told *The Union* that it “encourages neighbors to tattle” and is applied unevenly.⁵⁰ In 2023 a local homelessness project wrote that tenants living in trailers and RVs are “one complaint away from being forced to relocate,” adding, “It doesn’t even have to be a legitimate complaint.”⁵¹ In July 2026 the Board voted unanimously against an ordinance that would have allowed people to live in RVs, leaving them as exposed to a single complaint as before.⁵²

Why complaints are not a neutral sample

A system that acts only on complaints acts on the places where people complain, and those are not the places with the worst conditions. A study of Kansas City found that “despite greater objective and subjective need, low-income and minority neighborhoods are less likely to report” nuisance problems.⁵³ A study of 4.7 million New York City service calls found that complaints about neighbors cluster at the “fuzzy boundaries” between ethnic groups, suggesting that complaint volume reflects friction between people as much as conditions.⁵⁴ Portland’s city ombudsman found that “more than 30 percent of all complaints were determined to be without merit,” year after year, and that race and gentrification predicted where complaints came from.⁵⁵ New York City’s comptroller found that reliance on anonymous complaints contributed to unequal building fines.⁵⁶ A Nashville newspaper investigation of 95,000 complaints reported that homes in gentrifying ZIP codes were about 50 percent more likely to draw one, although that figure comes from an analysis the paper reported rather than a peer-reviewed study.⁵⁷

NOTES

- ³³ Nevada County, Community Development Agency, staff memo for the Board of Supervisors workshop on Code Compliance, January 23, 2025, <https://legistar.granicus.com/nevco/attachments/e8d51163-6578-49e4-89c7-f93a808b43b8.pdf>.
- ³⁴ Nevada County, Community Development Agency, staff memo for the Board of Supervisors workshop on Code Compliance, January 23, 2025, <https://legistar.granicus.com/nevco/attachments/e8d51163-6578-49e4-89c7-f93a808b43b8.pdf>.
- ³⁵ Nevada County ordinances 2542 through 2557 (January 2025 through August 2026), as listed in the County’s Legistar data feed, <https://webapi.legistar.com/v1/nevco/matters>; Nevada County Code as codified through Ordinance 2552, https://library.municode.com/ca/nevada_county/codes/code_of_ordinances.
- ³⁶ Nevada County FY 2025–26 adopted budget, p. 2-77, <https://www.nevadacountyca.gov/DocumentCenter/View/57603/FY-2025-2026-Nevada-County-Adopted-Budget>.
- ³⁷ Nevada County hardship waiver form, <https://www.nevadacountyca.gov/DocumentCenter/View/19626/Hardship-Waiver>; Nevada County Code § 12.05.220(N)(2), (N)(5), (O)(5).

- 38 Nevada County, Community Development Agency, “Code Compliance Division Update,” Board agenda memo for January 29, 2026, recommendation “Information Only.” Read from the County’s meeting record; a copy is posted at <https://530utopian.help/assets/docs/nevada-county-code-compliance-memo-2026-01-29.pdf>.
- 39 Nevada County Sheriff’s Office and Community Development Agency, press release, July 1, 2026, <https://www.nevadacountyca.gov/DocumentCenter/View/70014/7126-NCSO-and-CD-A-Awarded-Proposition-64-Public-Health-and-Safety-Grant>.
- 40 Nevada County Civil Grand Jury 2001–2002, *Code Compliance Department* (Interim Report No. 10, June 14, 2002), <https://www.nevada.courts.ca.gov/system/files/0102-cog-nevadacountycodecomp.pdf>. Scanned document, read by optical character recognition.
- 41 Board of Supervisors response to the 2001–2002 interim report, printed with it at the same address. Read by optical character recognition.
- 42 Nevada County Civil Grand Jury 2003–2004, *Code Compliance in Nevada County*, <https://www.nevada.courts.ca.gov/sites/default/files/nccourt/default/documents/0304-COG-NevadaCountyCodeComp.pdf>. The Board’s response to this report was not located.
- 43 Nevada County Civil Grand Jury 2008–2009, *County Code Enforcement – A Continuing Concern*, <https://www.nevada.courts.ca.gov/sites/default/files/nccourt/default/documents/0809-COG-NevadaCountyCodeComp.pdf>.
- 44 Nevada County Civil Grand Jury 2009–2010, *Nevada County Building Department – Dollars and Sense*, <https://www.nevada.courts.ca.gov/system/files/0910-cog-nevadacountybuilding.pdf>.
- 45 Nevada County Civil Grand Jury 2020–2021, *Cannabis in Nevada County: A Growing Problem*, <https://www.nevada.courts.ca.gov/system/files/2021-hev-cannabisinnevadacounty.pdf>.
- 46 Board of Supervisors response to the 2008–2009 report, in the grand jury’s consolidated final report, <https://www.nevada.courts.ca.gov/system/files/0809-pya-consolidatedfinalreportforfiscalyear.pdf>. Scanned document, read by optical character recognition; confirm the quotation against the page.
- 47 Board of Supervisors response to the 2009–2010 report, <https://www.nevada.courts.ca.gov/system/files/0910-pya-consolidatedfinalreportforfiscalyear.pdf>. Read by optical character recognition. Whether the promised record was kept could not be confirmed.
- 48 Nevada County Civil Grand Jury 2025–2026, combined final report, <https://www.nevada.courts.ca.gov/system/files/general/2025-2026-nevada-county-grand-jury-final-report-combined.pdf>.
- 49 Nevada County, slides for the January 23, 2025 Board workshop, slide 13, <https://legistar.granicus.com/nevco/attachments/4ab600f7-d1b6-48f7-93d9-5845b23cf56f.pdf>. Read in a browser by the website seat.
- 50 “County code enforcement slammed as too reliant on voluntary compliance,” *The Union*, June 9, 2009, https://www.theunion.com/news/local-news/county-code-enforcement-slammed-as-too-reliant-on-voluntary-compliance/article_a444e23b-8704-5398-bd44-a99773ad0776.html.
- 51 Opinion, *The Union*, September 28, 2023, https://www.theunion.com/news/community/ideas-opinions-tom-durkin-tom-durkin-desperation-housing/article_173e0d14-5d78-11ee-817d-43493765cd50.html.
- 52 Nevada County, “Alternative Housing/RV Dwelling,” <https://www.nevadacountyca.gov/4102/Alternative-HousingRV-Dwelling>.
- 53 Constantine Kontokosta and Boyeong Hong, “Bias in smart city governance,” *Sustainable Cities and Society* 64 (2021), <https://marroninstitute.nyu.edu/papers/bias-in-smart-city-governance-how-socio-spatial-disparities-in-311-complaint-behavior-impact-the-fairness-of-data-driven-decisions>.
- 54 Joscha Legewie and Merlin Schaeffer, “Contested Boundaries,” *American Journal of Sociology* 122, no. 1 (2016), <https://www.journals.uchicago.edu/doi/full/10.1086/686942>.

- 55 Portland City Auditor, Office of the Ombudsman, November 3, 2021, <https://www.portland.gov/auditor/ombudsman/news/2021/11/3/citys-reliance-complaints-property-maintenance-enforcement>.
- 56 New York City Comptroller, audit announcement, April 21, 2025, <https://comptroller.nyc.gov/newsroom/press-releases/nyc-comptroller-landers-audit-exposes-racial-gaps-in-building-code-enforcement-based-on-311-complaints>.
- 57 “Code Snitching,” *Nashville Scene*, 2022, https://www.nashvillescene.com/news/coverstory/code-snitching-nashvillians-are-weaponizing-metro-codes-against-undesirable-neighbors/article_5e94bd56-0c67-11ed-af4e-e3d04ad7e500.html.

Finding Two: The County as a Weapon

A person who is losing a fight over an easement, a property line, a business deal or a family matter can file a complaint about the other side's building, or threaten to, and the County will act on it. California law can treat "do this or I report you" as attempted extortion, whether or not the violation is real. Nothing in Nevada County's process stops the complaint that follows the threat.

How it happens

The pattern is simple. Two people are in a dispute that has nothing to do with a building. One of them files a signed complaint about the other's property, or warns that they will unless the other gives something up. The file an officer carries has the complainant's details removed, and nothing in the process asks whether a dispute lies behind the complaint. The case then moves from warning letter to citation to daily violations and fees. The person who complained gets what they wanted whether the case is fair or not.

Nevada County staff have described the problem themselves. The January 2025 memo says that "when prioritizing cases," the Director "may consider such factors as chronic reporting parties, complaints that are generated as part of a neighbor against neighbor feud, and other actions where the complaint appears to be a vehicle to use the Code Compliance Division to retaliate or punish another party."⁵⁸ The memo adds that "prioritization may also be based on available staffing." The sentence governs only where a case sits in the queue. It sets no standard and requires no finding, and it gives the County no way to stop or close a case that began as retaliation. The complaint form, meanwhile, asks nothing about disputes, is not sworn and does not mention that a knowingly false complaint is a misdemeanor under the County's own code.⁵⁹

Other governments have said the same thing in stronger terms. Placer County's Board-approved guidance uses nearly identical language about feuds and retaliation and adds that "in severe cases" the County "may elect to no longer accept complaints from a specific person/party."⁶⁰ Coral Gables, Florida, adopted a policy in 2016 after finding that code enforcement "is often used as a vehicle in furtherance of neighbor disputes."⁶¹ A 2022 law review article defines "code harassment" as the use of "excessive or false reports to code enforcement departments to harass neighbors."⁶²

Courts have seen versions of it. In Chetek, Wisconsin, a mayor who disliked his next-door neighbor's fence pressured building inspectors and set off a prosecution under a setback rule that did not apply, while another neighbor's encroaching fence was left alone; the federal appeals court held that "a clear showing of animus" could support an equal-protection claim.⁶³ In Lake County, Montana, an owner was denied a road approach after a neighbor's complaints while about ten other owners built theirs without consequence, and the court allowed the claim to go to trial.⁶⁴ In Nashville, a builder told reporters he had "personally heard developers boast about 'lighting up Codes' on a property."⁶⁵ In California, Mendocino County's 2024–25 grand jury described its code enforcement staff appearing to be "purposefully singling out one individual property in the neighborhood, ignoring violations on adjacent properties," and Riverside County's 2025–26 grand jury found "selective enforcement standards that may reflect outside influence from governing bodies," including orders to "stand down."⁶⁶ The weapon can be held by officials as well as neighbors.

The evidence has a gap that this report cannot close. We found no published court decision anywhere with the exact pattern of a person threatening to report a building violation to a county unless the owner gave something up, and no county that publishes how many of its complaints come from a small number of people. The best local proof would be written threats that residents are willing to share and County complaint logs with complainants replaced by coded identifiers.

What the law says about the threat

California defines extortion as "the obtaining of property or other consideration from another, with his or her consent ... induced by a wrongful use of force or fear," and "consideration" includes "anything of value."⁶⁷ Fear sufficient for extortion can be created by a threat "to accuse the individual threatened ... of a crime" or "to expose a secret affecting" that person.⁶⁸ County code violations are crimes for this purpose: they are misdemeanors by default or infractions, and California law provides that "crimes and public offenses include ... misdemeanors; and ... infractions."⁶⁹ A written threat is punished as though the demand had been met, an attempt carries up to a year in jail or a \$10,000 fine, and a signature on a deed or release obtained this way is treated as though the property itself had been taken.⁷⁰

The California Supreme Court has held that threats of this kind "are extortionate whether or not the victim committed the crime or indiscretion upon which the threat is based."⁷¹ Later courts applied that rule to threats to report people to government agencies. One held that a threat to report someone to authorities, "coupled with a demand for money, constitutes 'criminal extortion as a matter of law.'"⁷² Another found extortion in a threat to reveal regulatory violations unless an

unrelated wage claim was settled, explaining that “it is the fact that the threat is directly linked to the monetary demand that is the critical factor.”⁷³ A third found extortion in a lawyer’s threat to file a licensing complaint against a doctor unless the doctor signed settlement checks.⁷⁴

There is a limit. A threat connected to the dispute itself, such as reporting a law firm to the State Bar over the very fees in dispute, has been held not to be extortion as a matter of law, and the Supreme Court has cautioned that not every aggressive threat to report is extortion.⁷⁵ “Sell me the strip of land or I report your cabin” falls on the extortion side of that line. A fight over drainage followed by a complaint about grading may not.

California has already written this principle into its rules in other settings. Lawyers may not “threaten to present criminal, administrative, or disciplinary charges to obtain an advantage in a civil dispute,” and the rule defines administrative charges to include complaints to local agencies that can impose fines.⁷⁶ State law also treats threats to report a person’s immigration status as coercion, both in the extortion statute and in landlord-tenant law.⁷⁷ A person who signed away property under this kind of pressure may be able to undo the transaction: a California appeals court has described “rescission based on menace” as “the civil statutory counterpart to a criminal extortion claim.”⁷⁸

Why the complaint still goes forward

The law punishes the threat. It protects the complaint. The California Supreme Court has held that reports to authorities “enjoy an unqualified privilege” against nearly all lawsuits.⁷⁹ A neighbor’s complaint to a city building department has been held to be protected petitioning.⁸⁰ Courts may not bar a person from complaining to agencies “irrespective of the considerations that prompted his actions.”⁸¹ The U.S. Supreme Court has held that the right to petition the government “cannot properly be made to depend upon” the petitioner’s intent, except where the petition is a sham.⁸² A private person’s wrongdoing does not prevent the government from using what it learns, and California agencies generally do not exclude evidence in administrative cases without a statute requiring it.⁸³

The other remedies are narrow. A malicious prosecution claim fails if there was probable cause, and a complainant is not responsible for a case the agency investigated independently.⁸⁴ The exception to the complaint privilege reaches only knowingly false reports to a law enforcement agency. The state’s false-report crime reaches police-type agencies, not code offices, and California’s civil rights statute requires more than speech unless the speech threatens violence.⁸⁵

The result is that a court may punish the person who made the threat, if a prosecutor chooses to bring charges, but nothing stops the County's case. Only the County can decide not to let a coerced complaint run. Reform 1 is that decision.

The opposite harm

Any fix must also protect people who report in good faith. In a Tennessee case, a neighbor who anonymously asked the county about a family's use of its land faced death threats, gunfire and a false arrest once the family learned who had asked; the court allowed punitive damages.⁸⁶ The California Supreme Court has warned that "laws which define certain acts as criminal would be meaningless if citizens who reported crime were not protected from vindictive retaliation."⁸⁷ The reforms in this report are designed to stop weaponized complaints without exposing honest ones.

NOTES

- 58 Nevada County, January 23, 2025 Board workshop memo, <https://legistar.granicus.com/nevco/attachments/e8d51163-6578-49e4-89c7-f93a808b43b8.pdf>.
- 59 Nevada County complaint form, <https://www.nevadacountyca.gov/DocumentCenter/View/15900/Code-Compliance-Complaint-Form-PDF>; Nevada County Code § 12.05.210(A)(1).
- 60 Placer County, Board of Supervisors agenda item 10A, December 6, 2022, <https://www.placer.ca.gov/DocumentCenter/View/65552/10A>.
- 61 City of Coral Gables, "Code Enforcement Neighbor Dispute Policy," July 2016, <https://www.coralgables.com/city-attorneys-office/legal-opinions/code-enforcement-neighbor-dispute-policy>.
- 62 David Seth Morrison, "Code Harassment Needs a Texas-Sized Solution," *Texas A&M Journal of Property Law* 8 (2022), <https://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1187&context=journal-of-property-law>.
- 63 *Swanson v. City of Chetek*, No. 10-1658 (7th Cir. June 19, 2013), <https://law.justia.com/cases/federal/appellate-courts/ca7/10-1658/10-1658-2013-06-19.html>.
- 64 *Gerhart v. Lake County*, No. 10-35183 (9th Cir. 2011), <https://www.courtlistener.com/opinion/212712/gerhart-v-lake-county-mont/>.
- 65 "Code Snitching," *Nashville Scene*, 2022, https://www.nashvillescene.com/news/coverstory/code-snitching-nashvillians-are-weaponizing-metro-codes-against-undesirable-neighbors/article_5e94bd56-0c67-11ed-af4e-e3d04ad7e500.html.
- 66 Mendocino County Civil Grand Jury 2024-2025, *Planning & Building - Structural Issues: Exposing the Cracks* (copy hosted at <https://mac.roundvalley.org/wp-content/uploads/2025/06/PBS-Structural-Issues-Exposing-the-Cracks.pdf>); Riverside County Civil Grand Jury 2025-2026, *Code Enforcement: Not Living up to Code*, https://rivco.gov/sites/g/files/alnop116/files/2026-06/Code_Enforcement_Not_Living_up_to_Code_6-23-2026.pdf.
- 67 Cal. Penal Code § 518, https://california.public.law/codes/penal_code_section_518.
- 68 Cal. Penal Code § 519, <https://law.justia.com/codes/california/code-pen/part-1/title-13/chapter-7/section-519/>.
- 69 Cal. Penal Code § 16, https://california.public.law/codes/penal_code_section_16; Cal. Gov. Code § 25132(a); Nevada County Code §§ 1.01.090, 14.02.030(E).
- 70 Cal. Penal Code §§ 522, 523, 524, https://california.public.law/codes/penal_code_section_523.

- 71 *Flatley v. Mauro* (2006) 39 Cal.4th 299, <https://www.courtlistener.com/opinion/2600567/flatley-v-mauro/>.
- 72 *Mendoza v. Hamzeh* (2013) 215 Cal.App.4th 799, <https://www.courtlistener.com/opinion/1037240/mendoza-v-hamzeh/>.
- 73 *Falcon Brands, Inc. v. Mousavi & Lee, LLP*, No. G059477 (Cal. Ct. App. Jan. 27, 2022), <https://www4.courts.ca.gov/opinions/archive/G059477.PDF>.
- 74 *Cohen v. Brown*, No. B206223 (Cal. Ct. App. Apr. 24, 2009), <https://caselaw.findlaw.com/court/ca-court-of-appeal/1265486.html>.
- 75 *Geragos v. Abelyan*, No. B310636 (Cal. Ct. App. 2023), <https://caselaw.findlaw.com/court/ca-court-of-appeal/2191270.html>; *Flatley v. Mauro*, footnote 16.
- 76 California Rules of Professional Conduct, rule 3.10, <https://www.calbar.ca.gov/legal-professionals/rules/rules-professional-conduct/current-rules-professional-conduct/chapter-3-advocate>. The rule binds lawyers only.
- 77 Cal. Penal Code § 519; Cal. Civ. Code § 1940.2(a)(5), https://california.public.law/codes/civil_code_section_1940.2; see also Cal. Lab. Code § 1019, https://california.public.law/codes/labor_code_section_1019.
- 78 *Tran v. Nguyen*, No. G061633 (Cal. Ct. App. Nov. 28, 2023), <https://www4.courts.ca.gov/opinions/archive/G061633.PDF>; Cal. Civ. Code §§ 1566, 1567, 1570.
- 79 *Hagberg v. California Federal Bank* (2004) 32 Cal.4th 350, <https://www.courtlistener.com/opinion/2623441/hagberg-v-california-federal-bank-fsb/>.
- 80 *Levy v. City of Santa Monica*, No. B157587 (Cal. Ct. App. Jan. 20, 2004), <https://law.justia.com/cases/california/court-of-appeal/2004/b157587.html>.
- 81 *Smith v. Silvey* (1983) 149 Cal.App.3d 400, <https://law.justia.com/cases/california/court-of-appeal/3d/149/400.html>.
- 82 *Eastern Railroad Presidents Conference v. Noerr Motor Freight* (1961) 365 U.S. 127, <https://supreme.justia.com/cases/federal/us/365/127/>.
- 83 *Burdeau v. McDowell* (1921) 256 U.S. 465, <https://supreme.justia.com/cases/federal/us/256/465/>; *Finkelstein v. State Personnel Board* (1990) 218 Cal.App.3d 264, <https://law.justia.com/cases/california/court-of-appeal/3d/218/264.html>.
- 84 *Sheldon Appel Co. v. Albert & Oliker* (1989) 47 Cal.3d 863, <https://law.justia.com/cases/california/supreme-court/3d/47/863.html>; *Stanwyck v. Horne* (1983) 146 Cal.App.3d 450, <https://law.justia.com/cases/california/court-of-appeal/3d/146/450.html>.
- 85 Cal. Civ. Code § 47(b)(5), https://california.public.law/codes/civil_code_section_47; Cal. Penal Code §§ 148.5, 830.7; Cal. Civ. Code § 52.1(k), https://california.public.law/codes/civil_code_section_52.1.
- 86 *Levy v. Franks*, 159 S.W.3d 66 (Tenn. Ct. App. 2004), <https://caselaw.findlaw.com/court/tn-court-of-appeals/1282142.html>.
- 87 *Barela v. Superior Court* (1981) 30 Cal.3d 244, <https://law.justia.com/cases/california/supreme-court/3d/30/244.html>.

Finding Three: Discretion Without a Record

The decisions that matter most in a code case – whether to open it, how hard to push, whether to waive a fee, whether a building is old enough to be lawful – are made by individual staff under no written standard and often with no written reason. The County’s own records show it.

Why a case exists

Asked in writing, the County told the project that it holds no internal record of why a case was opened, why officers were assigned or why a site visit was scheduled.⁸⁸ County records the project reviewed show that staff do count complaints per property; one internal note called roughly eleven complaints on a single property “an extremely high amount.” The same records show a count of a property’s prior cases that omitted one closed as unfounded, and “repeat offenses” cited to justify a strict timeline even though the earlier cases had closed in compliance without fines.⁸⁹

How hard to push

The County code leaves administrative fines “at the sole discretion of the enforcement officer.”⁹⁰ In the comparable County cases the project reviewed, escalation followed whether the owner responded to the County, not how serious the violation was. Cooperative owners with several unpermitted dwellings received repeated “Making Progress – No Fee” inspections over 12 to 18 months and closed in compliance without fines, while the one case that reached receivership began after an owner stopped responding for about 18 months. Similar complaints about unpermitted structures were closed as unfounded in some cases and produced multi-violation warnings in others, and what separated them was what the site visit recorded.⁹¹

Whether to waive a fee

The 2009–10 grand jury found that as-built permits “were issued without applicable penalty fees” and that staff were not required to document why. The Board agreed. It promised to document permit exceptions “in order to provide

evidence of equal treatment” within six months, and, in a separate answer, to track penalty fees in a way “which can be audited” within a year.⁹² We could not confirm that either record exists.

Whether a building is old enough

The County code treats a structure as a continuing violation if it was unlawful when built “if constructed or installed after January 1, 1962,” without explaining the date or how an owner proves a structure is older.⁹³ The County’s chapter on nonconforming uses states that its purpose is to “reduce them to conformity or to eliminate them through abandonment, obsolescence, or destruction,” and says nothing about how nonconforming status is proven.⁹⁴ The Building Department publishes a handout listing acceptable evidence of a building’s age – assessor records, material receipts, aerial photographs, appliance serial numbers and dated photographs – but it decides which code edition applies to a legalization, not whether the building is grandfathered.⁹⁵ The department’s as-built policy provides that “if no data is available, the Director of Building shall make the determination”; that policy was signed by the department, not adopted by the Board.⁹⁶ In the 1990s, County planning staff treated an older second residence as legally nonconforming and wrote that they had “not found any policy which mandates the correction of this issue.”⁹⁷

How many cases there are

The County cannot say consistently how much work it does. Its FY 2025–26 budget reports 263 cases opened and 156 closed in 2023, and 248 opened and 147 closed in 2024. The slides staff showed the Board in January 2025 give 338 opened for 2023. A staff memo a year later gives the same 248 opened for 2024 but 230 closed, 83 more than the budget reports, and calculates a 93 percent closure rate from the larger figure.⁹⁸ None of these documents reports how many complaints the County received or how many it closed as unfounded.

Other counties found the same

Santa Cruz County’s 2007–08 grand jury found that 89 percent of decisions not to enforce were made “without clear policy guidelines.” Sutter County’s 2020–21 grand jury reportedly found 152 of 651 complaints closed without inspection and with “no valid reason given.” Answering its own 2022–23 grand jury, Santa Cruz County acknowledged that allegations of collusion between complainants or owners and staff “are common, especially in cases where the complaining party assists in providing evidence.” San Diego’s city auditor found the city’s reported code enforcement performance overstated by 13 to 28 percentage points.⁹⁹

Why the missing record matters

Under federal law, a property owner treated differently from others in the same position, with no rational basis, may sue as a “class of one.”¹⁰⁰ Such claims usually fail unless the owner can point to “similarly situated property owners” who were treated differently.¹⁰¹ Choosing among violators is ordinary discretion, as the U.S. Supreme Court has said of a police officer who tickets one speeder among many; a case goes to trial when the stated reason is false or the official acted from an improper motive.¹⁰² Without records, an owner cannot find the comparison and the County cannot prove it treated people alike. A written record protects both.

NOTES

- ⁸⁸ County public-records responses and case files reviewed by the project. Case particulars are withheld.
- ⁸⁹ County public-records responses and case files reviewed by the project. Case particulars are withheld.
- ⁹⁰ Nevada County Code § 12.05.220.
- ⁹¹ County public-records responses and case files reviewed by the project. Case particulars are withheld.
- ⁹² Board of Supervisors response to the 2009–2010 grand jury report, <https://www.nevada.courts.ca.gov/system/files/0910-pya-consolidatedfinalreportforfiscalyear.pdf> (read by optical character recognition).
- ⁹³ Nevada County Code § 14.02.030(A).
- ⁹⁴ Nevada County Code § 12.05.190.
- ⁹⁵ Nevada County Building Department, “Establishing the Date of Construction,” <https://www.nevadacountyca.gov/DocumentCenter/View/47286/Establishing-Date-of-Construction>.
- ⁹⁶ Nevada County Building Department, Policy BD-CSC-07-006, “As-Built Construction for R and U Occupancies,” <https://www.nevadacountyca.gov/DocumentCenter/View/19414/As-Built-Construction-for-R-and-U-Occupancies-Policy-BD-CSC-07-006>.
- ⁹⁷ County public-records responses and case files reviewed by the project. Case particulars are withheld.
- ⁹⁸ Nevada County, “Code Compliance Division Update,” Board agenda memo for January 29, 2026, copy at <https://530utopian.help/assets/docs/nevada-county-code-compliance-memo-2026-01-29.pdf>; Nevada County FY 2025–26 adopted budget, p. 2-76, <https://www.nevadacountyca.gov/DocumentCenter/View/57603/FY-2025-2026-Nevada-County-Adopted-Budget>; slides for the January 23, 2025 Board workshop, slide 13, <https://legistar.granicus.com/nevco/attachments/4ab600f7-d1b6-48f7-93d9-5845b23cf56f.pdf>. Both read in a browser by the website seat.
- ⁹⁹ Santa Cruz County Civil Grand Jury 2007–2008, https://www.santacruzcountyca.gov/Portals/0/County/GrandJury/GJ2008_final/1-1%20Code%20Compliance%20Enforcement.htm; “Grand jury” coverage, *Appeal-Democrat*, February 16, 2021, <https://www.pressreader.com/usa/marysville-appeal-democrat/20210216/281483574087711> (the Sutter figures come from news coverage, not the report itself); Santa Cruz County Civil Grand Jury 2022–2023 with responses, https://www.santacruzcountyca.gov/Portals/0/County/GrandJury/GJ2023_final/2023-8_Planning_Report_with_Responses.pdf; San Diego Office of the City Auditor, OCA-22-009 (2022), https://www.sandiego.gov/sites/default/files/22-009_ds_d_code_enforcement.pdf.
- ¹⁰⁰ *Village of Willowbrook v. Olech* (2000) 528 U.S. 562, <https://supreme.justia.com/cases/federal/us/528/562/>.

- 101 *Teresi Investments III v. City of Mountain View* (9th Cir. 2010) (unpublished), <https://www.courtlistener.com/opinion/2798113/teresi-investments-iii-v-city-of-mountain-view/>.
- 102 *Engquist v. Oregon Department of Agriculture* (2008) 553 U.S. 591, <https://supreme.justia.com/cases/federal/us/553/591/>; *Squaw Valley Development Co. v. Goldberg* (9th Cir. 2004) 375 F.3d 936, <https://law.justia.com/cases/federal/appellate-courts/F3/375/936/559678/>.

Finding Four: Help That Is Mostly a Smaller Penalty

The County says its goal is voluntary compliance, and state law gives owners more protection than the County's letters suggest. But nearly every form of relief the County offers is a smaller fine, a later deadline or a waived fee. Very little of it is money or a person to help, and repair money the County holds or could obtain is going elsewhere.

What state law already requires

For building and zoning violations that are not an immediate danger, a county's citation ordinance "shall provide for a reasonable period of time ... to correct or otherwise remedy the violation prior to the imposition of administrative fines."¹⁰³ A county that imposes repeat fines "shall establish a process for granting a hardship waiver."¹⁰⁴ When a building is substandard, "the owner shall have the choice of repairing or demolishing," and the agency "shall give preference to the repair of the building whenever it is economically feasible," taking into account the county's housing needs.¹⁰⁵ A building official may apply "the building standards that were in effect at the time a residential unit was constructed."¹⁰⁶ An owner of an accessory dwelling unit built before 2020 may ask for a five-year delay in enforcement, which the agency "shall grant" if correction "is not necessary to protect health and safety."¹⁰⁷ And a county "shall not deny a permit for an unpermitted accessory dwelling unit ... constructed before January 1, 2020" except to correct real danger, may not charge impact fees for it, and "shall not penalize an applicant for having the unpermitted" unit.¹⁰⁸ We found no Nevada County page or checklist implementing that last law.

What Nevada County offers

The County's hardship waiver reduces a second- or third-level fine by half if the owner applies within 21 days, and it "does not preclude enforcement of continuing violations."¹⁰⁹ The County may waive the appeal fee for severe hardship. Its 2025 ordinance for owner-built rural homes applies a health-and-safety standard to existing owner-built dwellings in rural zones, states that "civil abatement procedures should be the first remedy," allows abatement to be deferred for owner-occupants in extreme hardship, and is backed by a \$1,000 County discount on

permit costs.¹¹⁰ The County’s after-the-fact permit process applies the code edition in force when a structure was built and offers free walk-in consultations, although permit fees for work begun without a permit can be doubled or quadrupled.¹¹¹ The County’s manufactured-home repair program gave priority to homes with code violations, but it “is now CLOSED to any new applicants.”¹¹² The County’s general resources page lists federal repair loans, weatherization help and free defensible-space clearing, but its Code Compliance page mentions no repair help, hardship relief, payment plan or referral of any kind.¹¹³ The County code contains no amnesty.

The repair money

The County’s housing element promises that “the County will apply annually for CDBG rehabilitation funds to provide housing rehabilitation services to very-low and low-income owner occupied and rental households.”¹¹⁴ On the state’s 2024 list of Community Development Block Grant awards, Nevada County’s only award was \$300,000 for Meals on Wheels.¹¹⁵ The housing element also says the County “has CalHOME Re-use funds available in order to complete home rehabilitation,” but in November 2025 the County announced it would use CalHome program income for down-payment assistance.¹¹⁶ The housing element describes a County rehabilitation loan program offering 3 percent loans deferred for 15 years, up to \$60,000, which no longer appears on the County’s housing pages. The County won federal Housing Preservation Grants for health-and-safety repairs in 2014 and 2018. Its goal for 2014 to 2019 was to rehabilitate or assist 35 homes; it reached 16. A small sample survey found 6.7 percent of homes dilapidated, which the County said would mean about 2,156 homes countywide if the sample held, although it called the sample unrealistic.¹¹⁷ The state asks every county’s housing element to “describe any efforts to link code enforcement activities to housing rehabilitation programs.”¹¹⁸

Money is available now or soon. The U.S. Department of Agriculture’s Section 504 program lends up to \$40,000 at 1 percent, and grants up to \$10,000 to very-low-income owners aged 62 and older, for repairs. The state reopened a \$14 million HOME round for owner-occupied rehabilitation, which was listed as active in September 2026. State CDBG funds housing rehabilitation and code enforcement in the same application, although the 2025 round has closed. The County holds CalHome repayments that may be spent on owner-occupied repair. The federal Housing Preservation Grant, which the County has won before, reopens each year.¹¹⁹

Why a smaller penalty is not enough

Where counties have waived penalties without offering money, few owners have come forward. El Dorado County’s amnesty drew 42 requests and 23 approvals, and Humboldt County’s penalty waiver produced about eight legalized residences and eighteen after-the-fact permits over five years.¹²⁰ San Francisco legalized about 140 units in two years out of an estimated 30,000 to 50,000, at an average cost of \$60,000 each to bring a unit to code.¹²¹ Researchers at Stanford concluded that for unpermitted backyard units, “cost is likely a dominant barrier.”¹²² The Center for Community Progress has observed that “penalties are often ineffective against low-income homeowners, who may lack the resources or ability to bring their properties into compliance.”¹²³

NOTES

- ¹⁰³ Cal. Gov. Code § 53069.4(a)(2), https://california.public.law/codes/government_code_section_53069.4.
- ¹⁰⁴ Cal. Gov. Code § 25132(f), https://california.public.law/codes/government_code_section_25132.
- ¹⁰⁵ Cal. Health & Safety Code § 17980(c), https://california.public.law/codes/health_and_safety_code_section_17980.
- ¹⁰⁶ Cal. Health & Safety Code § 17958.12, https://california.public.law/codes/health_and_safety_code_section_17958.12.
- ¹⁰⁷ Cal. Health & Safety Code § 17980.12, https://california.public.law/codes/health_and_safety_code_section_17980.12.
- ¹⁰⁸ Cal. Gov. Code § 66311.7 (formerly § 66332), https://california.public.law/codes/government_code_section_66311.7.
- ¹⁰⁹ Nevada County hardship waiver form, <https://www.nevadacountyca.gov/DocumentCenter/View/19626/Hardship-Waiver>; Nevada County Code § 12.05.220(N)(5).
- ¹¹⁰ Nevada County Ordinance 2540 (January 14, 2025), Nevada County Code chapter 14.17, <https://www.nevadacountyca.gov/DocumentCenter/View/56586>; County news release, July 23, 2025, <https://nevadacountyca.gov/CivicAlerts.aspx?AID=8301>.
- ¹¹¹ Nevada County, “After-The-Fact Permit Process,” <https://www.nevadacountyca.gov/1675/After-The-Fact-Permit-Process>; Nevada County Code § 14.02.100.
- ¹¹² Nevada County, Manufactured Housing Opportunity and Revitalization program, <https://www.nevadacountyca.gov/4092/Manufactured-Housing-Opportunity-and-Rev>.
- ¹¹³ Nevada County, “Financial Resources for Residents,” <https://www.nevadacountyca.gov/2802/Financial-Resources-for-Residents>; “Code Compliance Division,” <https://www.nevadacountyca.gov/1306/Code-Compliance-Division>.
- ¹¹⁴ Nevada County, *Housing Element 2019–2027*, pp. 8-5, 8-9, 8-10, 8-38, 8-52, 8-58–59, 8-84, <https://www.nevadacountyca.gov/DocumentCenter/View/28740/Chapter-8-Housing-2019-2027-PDF>; County Housing & Community Services page, <https://www.nevadacountyca.gov/539/Housing-Community-Services>.
- ¹¹⁵ California Department of Housing and Community Development, 2024 CDBG awards, <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/cdbg/2024-cdbg-awards.pdf>.
- ¹¹⁶ Nevada County news release, November 20, 2025, <https://nevadacountyca.gov/m/newsflash/home/detail/8480>.

- 117 Nevada County, *Housing Element 2019-2027*, pp. 8-5, 8-9, 8-10, 8-38, 8-52, 8-58-59, 8-84, <https://www.nevadacountyca.gov/DocumentCenter/View/28740/Chapter-8-Housing-2019-2027-PDF>; **County Housing & Community Services page**, <https://www.nevadacountyca.gov/539/Housing-Community-Services>.
- 118 California Department of Housing and Community Development, **housing element guidance**, <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/codes-and-enforcement-and-onsite-offsite-improvement-standards>.
- 119 USDA Rural Development, **Section 504**, <https://www.rd.usda.gov/programs-services/single-family-housing-programs/single-family-housing-repair-loans-grants>; **California grants portal, HOME program activities**, <https://www.grants.ca.gov/?p=164586>; **HCD, 2025 CDBG notice of funding availability**, <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/cdbg/2025-cdbg-nofa.pdf>; **HCD, CalHome guidelines (2024, amended 2025)**, <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/hosn/2024-amended-calhome-guidelines.pdf>; **USDA, Housing Preservation Grants**, <https://www.rd.usda.gov/programs-services/single-family-housing-programs/housing-preservation-grants-4>.
- 120 El Dorado County staff memo for the January 6, 2026 Board meeting, <https://eldorado.legistar.com/View.ashx?M=F&ID=15049966&GUID=5805E74D-8965-48F6-8067-BFE5F0C73B9D>; **Humboldt County Board item**, <https://humboldt.legistar.com/LegislationDetail.aspx?ID=5843814&GUID=DCB1D373-8DD0-476A-B3A5-F130574B5989>.
- 121 **San Francisco Planning**, <https://projects.sfplanning.org/community-stabilization/stepping-loss-of-unauthorized-units.htm>.
- 122 **Housing Solutions Lab, summary of Stanford RegLab research**, <https://www.housingsolutionslab.org/publication/california-legalized-adus-but-unpermitted-ones-are-still-far-more-common-new-research-finds/>.
- 123 **Center for Community Progress, *Reevaluating Code Enforcement* (2024)**, <https://communityprogress.org/publications/code-enforcement-report/>.

The Speed-Limit Principle

California does not let a police officer enforce a speed limit with radar unless the limit rests on a current, written engineering survey. Code enforcement has no equivalent. A penalty against a home can rest on one person's telephone call, with nothing written down about why that property, and not its neighbors, was examined. This chapter asks how far the traffic rule's logic carries over. Its structure does. Its particular number does not, and California's own reforms since 2020 show why.

What the traffic law requires

Local authorities in California may change a speed limit only “upon the basis of an engineering and traffic survey.”¹²⁴ The Vehicle Code defines that survey to include “prevailing speeds as determined by traffic engineering measurements,” collision records, and highway and roadside conditions “not readily apparent to the driver.”¹²⁵ Caltrans must round limits “to the nearest five miles per hour of the 85th percentile of the free-flowing traffic,” and any lower limit must rest on reasons “documented in an engineering and traffic survey.”¹²⁶ The state traffic manual states the reasoning plainly: “Speed limits cannot be set arbitrarily low, as this would create violators of the majority of drivers and would not command the respect of the public.”¹²⁷

The rule has teeth. A limit enforced with radar that is not supported by a survey from the preceding five years (seven or fourteen years in some circumstances) is a speed trap. Evidence gathered there is inadmissible, the officer “shall be incompetent as a witness,” and the court “shall be without jurisdiction” to convict.¹²⁸ A California appellate court refused to let an officer's opinion take the survey's place, reasoning that otherwise “the officer would simply testify that he thought a particular speed was safe,” which “surely was not the intent of the Legislature.”¹²⁹

The case against the analogy

The analogy has real weaknesses, and they deserve a fair statement. In 2020 the state's Zero Traffic Fatalities Task Force concluded that the 85th-percentile method “has actually increased drivers' operating speeds,” a “speed creep” in which each raised limit invites faster driving.¹³⁰ The Legislature responded in 2021 with

Assembly Bill 43, which lets agencies lower limits on safety corridors, near concentrations of pedestrians and cyclists, and in business districts.¹³¹ Federal guidance now says, “There is no existing or new requirement that a speed limit must be set at the 85th-percentile speed.”¹³²

The code-enforcement version of speed creep is easy to imagine. Unpermitted wiring and blocked exits are common in a rural county with an old housing stock, and their being common does not make them safe for the next occupant or for a firefighter. California courts, moreover, describe the purpose of the speed-trap law as safety and visible enforcement, not as a limit on raising revenue.¹³³

What survived the reforms is the more instructive point. A limit that departs from observed conditions must still be “documented in an engineering and traffic survey.” Reductions are capped, and new limits begin with a period of warnings only. California loosened how far a limit may depart from how people actually drive. It kept the requirement that the reason be written down.

The land-use version already exists

California land-use law already contains its own form of this principle, and one of its leading cases arose in Nevada County. In *Hansen Brothers Enterprises v. Board of Supervisors*, the California Supreme Court described a legal nonconforming use as “one that existed lawfully before a zoning restriction became effective,” held that “transfer of title does not affect the right,” and held that “cessation of use alone does not constitute abandonment.” The owner bears the burden of proving the use. The lead opinion spoke for a plurality of the court.¹³⁴

State housing law follows the same logic for buildings. Construction standards “shall not apply to existing buildings” except as the Legislature directs.¹³⁵ Local rules “shall permit the replacement, retention, and extension of original materials” where the original work met the code of its day.¹³⁶ For accessory dwelling units built before 2020, the test is the state’s standard for dangerous housing, not the newest code.¹³⁷

Nevada County itself applied this principle in 2025. When it adopted the state’s rules for owner-built rural dwellings, it provided that “Health and Safety Code Section 17920.3 shall be the determining criteria” for those homes.¹³⁸ The state model rules say such dwellings “need not conform with the construction requirements prescribed by the latest applicable editions” of the building codes.¹³⁹ Tuolumne County, a Sierra foothill neighbor, goes further: it bars notices for non-safety conditions that were “in existence for five (5) years prior to the date of discovery.”¹⁴⁰

What carries over

Three conclusions follow. First, no penalty should issue without a written basis that someone can review. That is the part of the traffic rule that survived reform, and it is what Reforms 2, 3, 6 and 7 in Chapter 10 require. Second, older and owner-built homes should be judged by the danger standard rather than the newest code, as state law already does for older accessory units and the County already does for owner-built rural homes. Third, the report does not adopt the idea that local habit sets the safety floor. That argument lost on the roads, and it should lose here.

One limit applies to everything in this report. State law provides that the County “shall enforce” state housing standards and, once a violation exists, “shall ... institute appropriate action.”¹⁴¹ The Board can decide the order in which cases are worked, what proof is required and whether repair comes before penalty. It cannot decide to ignore confirmed substandard housing.

NOTES

- ¹²⁴ Cal. Veh. Code §§ 22357, 22358, https://california.public.law/codes/vehicle_code_section_22358.
- ¹²⁵ Cal. Veh. Code § 627, https://california.public.law/codes/vehicle_code_section_627.
- ¹²⁶ Cal. Veh. Code § 22358.6, https://california.public.law/codes/vehicle_code_section_22358.6. The rounding rule itself now appears in the California Manual on Uniform Traffic Control Devices, section 2B.21.
- ¹²⁷ California Department of Transportation, *California Manual on Uniform Traffic Control Devices* (2026), § 2B.21, <https://dot.ca.gov/-/media/dot-media/programs/safety-programs/documents/ca-mutcd/2026/2026-camutcd-2026-2b-a11y.pdf>.
- ¹²⁸ Cal. Veh. Code §§ 40802–40805, https://california.public.law/codes/vehicle_code_section_40802.
- ¹²⁹ *People v. Halopoff* (1976) 60 Cal.App.3d Supp. 1, <https://law.justia.com/cases/california/court-of-appeal/3d/60/supp1.html>.
- ¹³⁰ California State Transportation Agency, *Report of Findings: AB 2363 Zero Traffic Fatalities Task Force* (January 2020), <https://calsta.ca.gov/-/media/calsta-media/documents/calsta-report-of-findings-ab-2363-zero-traffic-fatalities-task-force-a11y.pdf>.
- ¹³¹ Assembly Bill 43 (2021), codified at Cal. Veh. Code §§ 22358.7–22358.9, https://california.public.law/codes/vehicle_code_section_22358.7.
- ¹³² Federal Highway Administration, National Standards for Traffic Control Devices, 88 Fed. Reg. 87672 (December 19, 2023), <https://www.federalregister.gov/documents/full-text/text/2023/12/19/2023-27178.txt>.
- ¹³³ *People v. Halopoff* (1976) 60 Cal.App.3d Supp. 1, <https://law.justia.com/cases/california/court-of-appeal/3d/60/supp1.html>.
- ¹³⁴ *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, <https://scocal.stanford.edu/opinion/hansen-brothers-enterprises-inc-v-board-supervisors-31726>.
- ¹³⁵ Cal. Health & Safety Code § 17912, https://california.public.law/codes/health_and_safety_code_section_17912.
- ¹³⁶ Cal. Health & Safety Code § 17958.8, https://california.public.law/codes/health_and_safety_code_section_17958.8.

- 137 Cal. Gov. Code § 66311.7, https://california.public.law/codes/government_code_section_66311.7.
- 138 Nevada County Code § 14.17.040(E), adopted by Ordinance 2540 (2025), <https://www.nevadacountyca.gov/DocumentCenter/View/56586>.
- 139 Cal. Code Regs., tit. 25, § 126, <https://www.law.cornell.edu/regulations/california/title-25/division-1/chapter-1/subchapter-1/article-8>.
- 140 Tuolumne County Code § 1.10.120, <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/245/Chapter-110-Code-Compliance>.
- 141 Cal. Health & Safety Code §§ 17960, 17980, https://california.public.law/codes/health_and_safety_code_section_17980.

Who Complained: Confidentiality and Its Limits

A common first response to weaponized complaints is to expose the people who make them. This report does not recommend that. Nevada County's current rule, under which complaints are confidential but not anonymous, is common in California and legally sound. What the County lacks is a sworn statement, a screen for private disputes and a consequence for a proven threat.

The law

California gives public agencies a privilege to refuse to disclose “the identity of a person who has furnished information ... purporting to disclose a violation” of law, when the information was given in confidence to an official charged with enforcing that law and the need for confidentiality “outweighs the necessity for disclosure in the interest of justice.”¹⁴² That privilege carries into the California Public Records Act, alongside the act's general balancing test and its protection for personal privacy.¹⁴³ Privileges apply in all proceedings, including administrative hearings.¹⁴⁴

In a case about noise complaints at the San Jose airport, a court of appeal held that complainants “have a significant privacy interest” and that disclosure “would have a chilling effect on future complaints.” The court decided that case under the public-records balancing test, on its own facts, and it is not a holding about the informer privilege.¹⁴⁵ Another court warned that when an agency shares complaints with the person accused, “the complaints become public records” for everyone.¹⁴⁶ State law separately protects tenants from retaliation for 180 days after they complain, including after inspections “resulting from a complaint ... of which the lessor did not have notice.”¹⁴⁷

Research for this report found no published California appellate decision applying the informer privilege to a code-enforcement complainant. Whether code-enforcement files qualify as investigatory files under the Public Records Act is also unsettled.

What other places do

Practice varies, as Table 3 shows. Nevada County requires a signed complaint, refuses anonymous complaints except about cannabis, and releases a complainant's identity "only when requested by the Court."¹⁴⁸ Sonoma County accepts anonymous complaints only about hazards and provides by policy that "a subpoena ... shall not be considered a court order" for this purpose.¹⁴⁹ Tuolumne County's code states that the "identity of a complainant shall be confidential and not subject to disclosure."¹⁵⁰

JURISDICTION	RULE
Nevada County	Signed complaints; anonymous complaints refused except for cannabis; identity released only on court request
Sonoma County	Anonymous complaints for hazards only; confidential status available; a subpoena is not a court order
Tuolumne County	Complainant identity confidential by ordinance
Placer, Ventura and Santa Cruz counties	No anonymous complaints; identity kept confidential
San Luis Obispo, San Bernardino and Colusa counties	Anonymous complaints accepted
State of Florida (since 2021)	No enforcement on an anonymous complaint; name and address required; exception for imminent threats
California state agencies (examples)	Complaints signed under penalty of perjury

Table 3. How selected jurisdictions treat complainant identity.¹⁵¹

What happened in Florida

Florida is the one state that has tried to solve the problem by ending anonymity. Since 2021, state law has barred local governments from beginning enforcement "by way of an anonymous complaint" and has required the complainant's name and address, with an exception only for imminent threats to health and safety.¹⁵² Before the change, about 45 percent of Hillsborough County's code complaints were anonymous, and Miami Beach reported "nearly half."¹⁵³ Because a complainant's name and address are public records in Florida, legislative staff predicted fewer complaints.¹⁵⁴

Local governments reported problems quickly. Orange County said that some complainants were giving false names and that "residents are afraid of possible retaliation."¹⁵⁵ The Florida Association of Counties asked the Legislature in 2022 and 2023 to repeal the requirement, and in 2025 asked instead that names remain private until a hearing officer confirms a violation. It offered no figures.¹⁵⁶

What the evidence shows

No one has measured whether anonymity produces malicious complaints or whether requiring names suppresses honest ones. Florida kept no before-and-after counts. What is known is that complaint-driven systems under-serve the people with the greatest need and follow patterns of social friction, as Chapter 3 describes, and that tenants fear retaliation.

The better course is to keep complaints confidential rather than anonymous, as Nevada County already does, and not to disclose names. Disclosure would likely forfeit protection for every complainant and discourage tenants from reporting unsafe homes, with no evidence that it reduces abuse. The County should instead require a sworn statement that discloses private disputes, screen feuds when complaints arrive, never act on a complaint alone and attach real consequences to a proven threat, while exempting tenants who report their own homes. Reforms 1, 3 and 4 do this.

NOTES

- 142 Cal. Evid. Code § 1041, https://california.public.law/codes/evidence_code_section_1041.
- 143 Cal. Gov. Code §§ 7927.705, 7922.000, 7927.700, https://california.public.law/codes/government_code_section_7927.705.
- 144 Cal. Evid. Code §§ 901, 910, https://california.public.law/codes/evidence_code_section_910.
- 145 *City of San Jose v. Superior Court* (1999) 74 Cal.App.4th 1008, <https://law.justia.com/cases/california/court-of-appeal/4th/74/1008.html>.
- 146 *Black Panther Party v. Kehoe* (1974) 42 Cal.App.3d 645, <https://law.justia.com/cases/california/court-of-appeal/3d/42/645.html>.
- 147 Cal. Civ. Code § 1942.5, https://california.public.law/codes/civil_code_section_1942.5.
- 148 Nevada County, frequently asked questions, <https://www.nevadacountyca.gov/Faq.aspx?QID=480>; Nevada County, Community Development Agency, staff memo for the Board of Supervisors workshop on Code Compliance, January 23, 2025, <https://legistar.granicus.com/nevco/attachments/e8d51163-6578-49e4-89c7-f93a808b43b8.pdf>.
- 149 Permit Sonoma, Policy 7-0-7, “Anonymous and Confidential Complaints,” <https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Policies%20and%20Procedures/7-0%20Code%20Enforcement/7-0-7-Anonymous-and-Confidential-Complaints.pdf>.
- 150 Tuolumne County Code § 1.10.040(C), <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/245/Chapter-110-Code-Compliance>.

- 151 Sources as in the three preceding notes and: **Placer County**, <https://www.placer.ca.gov/m/faq?cat=95>; **Ventura County**, <https://rma.venturacounty.gov/divisions/code-compliance/how-does-the-enforcement-process-work/>; **Santa Cruz County, Code Compliance Policies and Procedures**, <https://cdi.santacruzcountyca.gov/Portals/35/CDI/Planning/CodeCompliance/Code%20Compliance%20Policies%20and%20Procedures.pdf>; **San Luis Obispo County**, [https://slocounty.ca.gov/departments/planning-building/departments-services/code-enforcement/code-enforcement-services/report-a-suspected-code-violation-\(1\)](https://slocounty.ca.gov/departments/planning-building/departments-services/code-enforcement/code-enforcement-services/report-a-suspected-code-violation-(1)); **San Bernardino County**, <https://lus.sbcounty.gov/code-enforcement-home/complaints/>; **Colusa County**, <https://www.countyofcolusaca.gov/728/Code-Compliance>; **Fla. Stat. § 162.06(1)(b)**; **Cal. Code Regs., tit. 2, § 18360**, <https://www.law.cornell.edu/regulations/california/2-CCR-18360>; **Cal. Code Regs., tit. 11, § 7300**, <https://www.law.cornell.edu/regulations/california/11-CCR-7300>.
- 152 **Fla. Stat. § 162.06(1)(b)**, http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0162/Sections/0162.06.html.
- 153 *Miami Herald*, reprinted by **Yahoo News**, <https://news.yahoo.com/noisy-neighbors-florida-law-no-223452156.html>.
- 154 **Florida Senate**, bill analysis for **SB 60 (2021)**, <https://flsenate.gov/Session/Bill/2021/60/Analyses/2021s00060.rc.PDF>.
- 155 **Orange County, Florida**, news release, **November 2021**, <https://newsroom.ocfl.net/2021/11/no-more-anonymous-code-complaints-orange-county-adjusts-to-new-state-law/>.
- 156 **Florida Association of Counties**, legislative proposals (2023), <https://www.fl-counties.com/wp-content/uploads/2023/11/CUA-04-Code-Enforcement-Anonymous-Complaints-2.pdf>, and (2025), <https://www.fl-counties.com/wp-content/uploads/2025/11/CUA-1-Code-Enforcement-AnonymousComplaints.pdf>.

What Other Places Have Tried

The places that moved away from purely complaint-driven enforcement and did well made the change through schedules and risk categories, with warnings first and fines waived after repair. The places that turned to surveillance and heavy fines ended up in court. Most reported successes come from the programs themselves or from their advocates, so they should be read as promising rather than proven.

Where it went wrong

Humboldt County used satellite imagery to find unpermitted grading tied to cannabis and imposed daily penalties of \$6,000 to \$10,000, charging new owners for conditions left by earlier ones. The owners' lawyers say one owner was fined \$1,080,000 six days after buying a property. In 2024 the Ninth Circuit allowed an excessive-fines claim to proceed.¹⁵⁷ According to local reporting, the County ended the satellite program in July 2025 and settled in August 2026 for \$350,000. Under the settlement it must send warning letters before penalties, withdraw notices issued before July 2025, and hold new owners responsible only for violations that continue more than 30 days after purchase.¹⁵⁸

News reports say Sonoma County flew code-enforcement drones over homes more than 700 times beginning in 2019. On September 2, 2026, it settled a lawsuit brought by the American Civil Liberties Union. It agreed to end warrantless drone surveillance of homes except in emergencies or with consent, to notify people who were surveilled and to delete footage within 30 days.¹⁵⁹

Other examples point the same way. After the 2016 Ghost Ship fire, Oakland cracked down on unpermitted live-work spaces, and at least 20 of the more than 120 spaces one nonprofit was assisting were emptied by eviction.¹⁶⁰ Scheduled rental inspection programs, though often effective, “may lead to tenant displacement” when units are found uninhabitable or unregistered.¹⁶¹ Florida's ban on anonymous complaints, described in Chapter 8, produced false names, fear of retaliation and repeated requests from counties to change it.

Nevada County's own 2020–21 civil grand jury recommended “satellite technology, drones, ... aerial surveillance” for cannabis enforcement.¹⁶² The Humboldt and Sonoma settlements show what that path costs.

The question is live here. In January 2026, County staff priced body-worn cameras for code enforcement officers: nine body cameras, seven in-vehicle cameras and an evidence platform at \$196,329.68 over five years, not counting the records and redaction work, which staff said the division cannot absorb. Staff also argued against their own proposal. Cameras “may alter the tone of field interactions by creating a perception of law enforcement or surveillance, which can undermine trust, rapport, and cooperation.” Footage “may capture private spaces, personal property, tenants, reporting parties, or minors,” and would be subject to public-records requests. Whether cameras “would meaningfully improve compliance outcomes is unclear.” Staff offered to bring a fuller evaluation to the Board at a public meeting.¹⁶³ Nothing has been decided.

The County has had this argument before, about a different department. In 2016 a civil grand jury urged the Sheriff’s Office to adopt body cameras and reported that storage is the largest cost and that reviewing a single video for public release, redaction included, took about ten hours. Five years later another jury found the rollout still unfinished, called more than two years to issue a purchase request “excessive,” and repeated that footage “must be examined frame-by-frame for anything that impinges on personal privacy.”¹⁶⁴ The work the Code Compliance Division now says it cannot absorb is the work the County was warned about a decade ago.

What seems to work

San Diego once answered low-priority complaints with a letter before any inspection. The city auditor reported that “over 90 percent” of those cases ended either with no violation found or with voluntary compliance, and in 2022 recommended reviving the practice.¹⁶⁵ Louisville, Kentucky, after an equity review, adopted warnings before citations, waived fines after repair and set aside \$1 million for repairs referred by code officers. It has not published outcome data.¹⁶⁶ New York City lets owners of one- and two-family homes receive a 60-day order to correct rather than a violation, dismissed once the work is done. The city comptroller has criticized the program because it “lacks established performance metrics.”¹⁶⁷

Several programs pair enforcement with repair help. In Kansas City, a partnership between the city and a neighborhood association’s volunteer repair crews resolved “80% of complaints” without fines, according to a 2021 report.¹⁶⁸ San Antonio’s pilot program has officers help seniors and residents with disabilities apply for repair assistance at the first notice, and closes the case “without citations or bills” if

aid is approved. No results have been published.¹⁶⁹ Sacramento refers low-income owners to emergency repair grants of up to \$15,000. By November 2024 it had repaired 14 homes and had 16 more in line.¹⁷⁰

Los Angeles has inspected rental housing on a schedule since 1998. An advocacy guide reported 1.5 million violations corrected by 2005, and the city controller later found that the program’s three-year inspection cycle “was never achieved.”¹⁷¹ Closer to home, Tuolumne County’s code puts health and safety first, requires an opportunity to correct, limits notices for old non-safety conditions and closes stale cases after two years. No outcome data were found for it.¹⁷²

Table 4 summarizes these programs.

PLACE	APPROACH	REPORTED RESULT
San Diego	Letter first for low-priority complaints	Over 90 percent resolved without enforcement; auditor urged revival
Louisville, Kentucky	Warnings first; fine waivers after repair; \$1 million repair fund	No outcome data published
New York City	60-day order to correct for small owners	No performance metrics, per the comptroller
Kansas City, Missouri	Volunteer repair partnership	80 percent of complaints handled without fines
San Antonio, Texas	Repair-aid applications at first notice	Pilot; no results yet
Sacramento	Emergency repair grants up to \$15,000	14 homes repaired, 16 queued by November 2024
Los Angeles	Scheduled rental inspections	Many violations corrected; inspection cycle never met
Tuolumne County	Safety first; opportunity to correct; five-year limit	No outcome data found

Table 4. Selected alternatives to complaint-only enforcement.

Other grand juries

Nevada County’s grand juries are not alone. In 2026, Riverside County’s grand jury described “selective enforcement standards that may reflect outside influence from governing bodies” and reported that officers had been told to “stand down.”¹⁷³ Mendocino County’s 2024–25 grand jury found that weak enforcement “causes disputes between neighbors resulting in continued complaints” and a “perception of favoritism and double standards.” The Mendocino Board disagreed with fourteen of its fifteen findings.¹⁷⁴ An earlier Mendocino jury, in 2017, called the county’s approach “reactive” and recommended a public case database without complainant names.¹⁷⁵

Santa Cruz County's 2022–23 grand jury found more than 1,500 unresolved red tags, some dating to 1980, and the County declined to clear the backlog within two years.¹⁷⁶ Fifteen years earlier, a Santa Cruz jury had found that 89 percent of decisions not to enforce were made “without clear policy guidelines.”¹⁷⁷ Sutter County's 2020–21 jury reportedly found that 152 of 651 complaints had been closed without inspection, with “no valid reason given.”¹⁷⁸ San Joaquin County's 2017–18 jury identified Stockton as “the only proactive (non-complaint-driven) agency” in the county, relying on blitz teams accompanied by uniformed police.¹⁷⁹ Sonoma County's 2001–02 jury found nearly 4,900 unresolved cases and recommended ending anonymous complaints except in emergencies.¹⁸⁰

What the courts say about oversized penalties

The United States Supreme Court has held that the Excessive Fines Clause binds the states and has warned that fines “can be used ... to retaliate against or chill the speech of political enemies.”¹⁸¹ The California Supreme Court struck down a “mandatory, mechanical, potentially limitless” daily penalty in 1978,¹⁸² and later listed ability to pay as one factor in deciding whether a penalty is excessive.¹⁸³

The courts have also upheld large penalties. A California court of appeal sustained a \$663,000 housing penalty against owners with a net worth of about \$2.3 million whose conduct it described as egregious.¹⁸⁴ In an unpublished 2022 decision, a federal appeals court upheld about \$29,000 in fines for tall grass in Dunedin, Florida, reasoning that a fine within the authorized range “enjoys a ‘strong presumption of constitutionality.’” The owner later settled.¹⁸⁵ The lesson is that constitutional limits exist but are hard to invoke, which is why the Board's own rules matter.

NOTES

¹⁵⁷ *Thomas v. County of Humboldt*, No. 23-15847 (9th Cir. Dec. 30, 2024), <https://cdn.ca9.uscourts.gov/datastore/opinions/2024/12/30/23-15847.pdf>; Institute for Justice, *petition for certiorari*, <https://ij.org/wp-content/uploads/2025/05/Thomas-v.-Humboldt-Petition-for-Writ-of-Certiorari-FINAL.pdf>.

¹⁵⁸ *Lost Coast Outpost*, August 24, 2026, <https://lostcoastoutpost.com/2026/aug/24/humboldt-county-settles-cannabis-code-enforcement/>.

¹⁵⁹ ACLU of Northern California, *press release*, <https://www.aclunorcal.org/press-release/s/aclu-settles-lawsuit-with-sonoma-county-curbing-invasive-runaway-drone-surveillance-program-that-trampled-peoples-privacy/>; *Davis Vanguard*, August 2025, <https://davisvanguard.org/2025/08/aclu-sues-sonoma-drone-surveillance/>.

¹⁶⁰ KHSU, December 5, 2019, <https://www.khsu.org/regional-interests/2019-12-05/evictions-ghost-ship-fire-pushed-oakland-artists-to-margins>.

¹⁶¹ Network for Public Health Law, *Proactive Rental Inspection as a Tool for Enforcing Tenants' Rights* (2023), <https://www.networkforphl.org/wp-content/uploads/2023/01/Proactive-Rental-Inspection-as-a-Tool-for-Enforcing-Tenants-Rights.pdf>.

- 162 Nevada County Civil Grand Jury, 2020–21 report on cannabis, <https://www.nevada.courts.ca.gov/system/files/2021-hev-cannabisinnevadacounty.pdf>.
- 163 Nevada County, “Code Compliance Division Update,” Board agenda memo for January 29, 2026, copy at <https://530utopian.help/assets/docs/nevada-county-code-compliance-memo-2026-01-29.pdf>. The memo cites Lake County, Sierra Madre, Imperial and Pinole as California agencies that use body-worn cameras in code enforcement.
- 164 Nevada County Civil Grand Jury 2015–2016, *Body Worn Cameras*, <https://www.nevadacountyca.gov/DocumentCenter/View/13903/Grand-Jury-1516-Report-Body-Worn-Cameras-PDF>; Nevada County Civil Grand Jury 2020–2021, *Nevada County Sheriff Body-Worn Cameras: Moving in Slow Motion* (May 18, 2021), <https://www.nevada.courts.ca.gov/system/files/2021-law-bodyworncameras.pdf>. Both concern law enforcement, not code enforcement.
- 165 San Diego Office of the City Auditor, *Performance Audit of the Development Services Department’s Code Enforcement Division* (2022), https://www.sandiego.gov/sites/default/files/22-009_dsd_code_enforcement.pdf.
- 166 Center for Community Progress, Louisville case study, <https://communityprogress.org/services/technical-assistance/case-studies/louisville-kentucky-code-enforcement-case-study/>.
- 167 NYC Department of Buildings, Homeowner Relief Program, <https://home4.nyc.gov/site/buildings/dob/pr-homeowner-relief-program.page>; NYC Comptroller, press release, <https://comptroller.nyc.gov/newsroom/press-releases/nyc-comptroller-landers-audit-exposes-racial-gaps-in-building-code-enforcement-based-on-311-complaints>.
- 168 NPR, November 11, 2021, <https://www.npr.org/2021/11/11/1054884070/a-community-based-solution-to-city-code-violations-could-be-more-effective-than->.
- 169 *San Antonio Report*, <https://sanantonioreport.org/san-antonio-code-violation-assistance-pilot-program/>.
- 170 City of Sacramento, May 17, 2023, <https://sacramentocityexpress.com/2023/05/17/city-of-sacramento-creates-emergency-home-repair-program-for-income-eligible-homeowners/>; *Hoodline*, November 2024, <https://hoodline.com/2024/11/sacramento-s-emergency-home-repair-program-bolsters-stability-for-14-low-income-households/>.
- 171 Los Angeles City Controller, audit of the Systematic Code Enforcement Program, <https://controller.lacity.gov/audits/audit-on-systematic-code-enforcement-program>; ChangeLab Solutions, *Proactive Rental Inspection Programs* (2014), https://www.changelabsolutions.org/sites/default/files/Proactive-Rental-Inspection-Programs_Guide_FINAL_20140204.pdf.
- 172 Tuolumne County Code chapter 1.10, <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/245/Chapter-110-Code-Compliance>.
- 173 Riverside County Civil Grand Jury, *Code Enforcement: Not Living Up to Code* (June 23, 2026), https://rivco.gov/sites/g/files/aldnop116/files/2026-06/Code_Enforcement_Not_Living_up_to_Code_6-23-2026.pdf.
- 174 Mendocino County Civil Grand Jury, 2024–25 report, <https://mac.roundvalley.org/wp-content/uploads/2025/06/PBS-Structural-Issues-Exposing-the-Cracks.pdf>; Board response, <https://www.mendocinocounty.gov/home/showpublisheddocument/73932/638942317836970000>.
- 175 Mendocino County Civil Grand Jury, 2016–17 report, <https://www.mendocinocounty.gov/home/showpublisheddocument/9313/636337432105600000>.
- 176 Santa Cruz County Civil Grand Jury, 2022–23 planning report with responses, https://www.santacruzcountyca.gov/Portals/0/County/GrandJury/GJ2023_final/2023-8_Planning_Report_with_Responses.pdf.
- 177 Santa Cruz County Civil Grand Jury, 2007–08 report, https://www.santacruzcountyca.gov/Portals/0/County/GrandJury/GJ2008_final/1-1%20Code%20Compliance%20Enforcement.htm.

- 178 *Appeal-Democrat*, February 16, 2021, <https://www.pressreader.com/usa/marysville-appeal-democrat/20210216/281483574087711>. The figures are as reported by the newspaper; the grand jury report itself was not reviewed.
- 179 San Joaquin County Civil Grand Jury, 2017–18 report, https://sjcourts.org/sites/default/files/grand-jury/Code%20Enforcement%20Departments%20of%20San%20Joaquin%20County_complaint.pdf.
- 180 Sonoma County Civil Grand Jury, 2001–02 report, <https://sonoma.courts.ca.gov/system/files/permit.pdf>.
- 181 *Timbs v. Indiana*, No. 17-1091 (U.S. Feb. 20, 2019), https://www.supremecourt.gov/opinions/18pdf/17-1091_5536.pdf.
- 182 *Hale v. Morgan* (1978) 22 Cal.3d 388, <https://law.justia.com/cases/california/supreme-court/3d/22/388.html>.
- 183 *People ex rel. Lockyer v. R.J. Reynolds Tobacco Co.* (2005) 37 Cal.4th 707, <https://law.justia.com/cases/california/supreme-court/2005/s121009.html>.
- 184 *City and County of San Francisco v. Sainez* (2000) 77 Cal.App.4th 1302, <https://law.justia.com/cases/california/court-of-appeal/4th/77/1302.html>.
- 185 *Ficken v. City of Dunedin*, No. 21-11773 (11th Cir. 2022) (unpublished), <https://media.ca11.uscourts.gov/opinions/unpub/files/202111773.pdf>.

Recommendations

This chapter sets out eleven reforms in priority order. Reform 1 comes first because it answers the problem people bring to 530-UTOPIAN most often: the County being used to settle a score. Reforms 2 through 11 make the rest of the system fair enough that Reform 1 is not the only protection an owner has. Draft ordinance language for Reform 1 appears in Appendix A, and a draft Board resolution covering the interim rule and Reforms 2 through 6 appears in Appendix B.

Reform 1: The County is not a weapon

Under this reform, a proven threat closes the case it started and cancels its fines. The person who made the threat is barred from filing complaints about that property for between 180 days and three years and is referred to the District Attorney. The owner receives the written finding. Every complaint would be sworn and would have to disclose any dispute between the person complaining and the owner.

Two paths considered

Two approaches were weighed before this design was chosen. The first would void a case that began with a threat. The second would leave the case in place and punish the person who made the threat. Table 5 compares them.

QUESTION	VOID THE CASE	KEEP THE CASE, PUNISH THE CALLER
Does the threat still pay off?	No	Yes; the owner still bears the enforcement
Tenant complaints about their own homes	Must be excluded under state law	Unaffected
Imminent hazards	Pursued as a new County case	Pursued in the same case
Is a prosecutor needed?	No	Yes, for any criminal consequence
Main weakness	Could shelter owners who have enemies; proof invites counter-claims	The extortion succeeds anyway

Table 5. The two paths considered for Reform 1.

Neither path works well alone. Voiding the case without punishing the caller leaves a person free to try again. Punishing the caller without voiding the case means the threat accomplishes exactly what it was meant to. Reform 1 combines them, so that the threat stops working and the person who made it pays a price.

How it would work

Every complaint would be signed under penalty of perjury. The form would ask whether the person complaining and the owner are involved in a lawsuit, a restraining order, or a property, business or family dispute, and it would carry a statement modeled on the rule that governs California lawyers: “I am not filing this complaint to obtain an advantage in a private dispute.”¹⁸⁶ A tenant reporting conditions in their own home would use a shorter form without the dispute questions.

The Director of the Community Development Agency would open a coercion review on any of three objective triggers: a written or recorded threat that links a complaint to a demand; a complaint filed within 90 days after the owner refused a demand; or a dispute the complainant failed to disclose. An owner seeking review would also have to submit evidence under penalty of perjury. The Director would notify both sides, give each 10 days to respond and issue written findings within 30 days. No fines would accrue during the review unless an officer had documented an imminent hazard. Either side could appeal once, to the County Hearing Officer.

If the Director found, by a preponderance of the evidence, that the complaint was made or threatened to gain an advantage in an unrelated private dispute, the case would close. Its fines, fees and investigation charges would be canceled, and any notice recorded against the property would be released. The complainant would be barred from filing about that property for between 180 days and three years, the evidence would go to the District Attorney, and the owner would receive a copy of the findings.

Two exceptions would apply in every case. A complaint by a tenant, resident or occupant about the home they live in would always go forward. A condition an officer had documented as an imminent threat to life or safety would become a separate case brought by the County itself, beginning with a new advisory notice. After a finding, any further enforcement at the property would take place only on the County’s own risk-based schedule and with a written reason.

Legal footing

State law gives counties discretion over how they enforce their own ordinances. It provides that violations of county ordinances “may be prosecuted,”¹⁸⁷ and that a public entity “is not liable for an injury caused by ... failing to enforce any law.”¹⁸⁸

Courts have declined to order a particular method of enforcement.¹⁸⁹ El Dorado County already limits its enforcement to “specific bona fide citizen complaints” and requires “an independent investigation” before acting.¹⁹⁰

The sworn form rests on settled law. A declaration under penalty of perjury satisfies any rule that requires a sworn statement,¹⁹¹ and a knowingly false material statement in one is perjury.¹⁹² State housing law already lets an agency decline a complaint from a person whose earlier complaint about the same property was found “frivolous or unfounded” within the preceding 180 days.¹⁹³ The closest California analogy to closing a coerced case comes from landlord-tenant law, where the Supreme Court held that a landlord “may not evict for an improper reason” even when eviction would otherwise be permitted.¹⁹⁴

The reform stays within two firm limits. State law provides that a tenant’s request for inspection “shall not be subject to” any condition that the tenant “not be involved in a legal dispute with the owner,”¹⁹⁵ and it requires the County to act on confirmed substandard dwellings.¹⁹⁶ The tenant and hazard exceptions exist to respect both.

Reform 2: Rank cases by danger

The County should work cases in order of risk to life and health, regardless of who reported them or when. Confirmed substandard housing would always sit in the highest tier. Riverside County’s Board has followed this rule since 2002, directing that “the most serious violations ... will be addressed before the less serious violations are addressed, regardless of the order in which the complaints are received.”¹⁹⁷ Tuolumne County’s code provides that “violations impacting health and safety take priority over other types of violations.”¹⁹⁸ Mendocino County’s Board adopted a ranked list in 2023, Sonoma and Santa Cruz counties rank cases by policy, and Washington County, Oregon, adopted a priority order by Board action in 2008.¹⁹⁹

Reform 3: Confirm before paper

No warning or citation should issue on a complaint alone. An officer should first see and document the condition, and aerial or satellite imagery may support an officer’s observation but never replace it. Nevada County already tells the public that “a Code Officer will visit your property to confirm the validity of the complaint.”²⁰⁰ This reform would make that promise binding. Fresno’s rule is similar: “An Inspector must personally observe the violation before initiating any enforcement action.”²⁰¹ Will County, Illinois, has barred the use of aerial photographs “to initiate” a code complaint.²⁰²

Reform 4: Screen everyday feuds and protect tenants

Most neighbor disputes involve no threat and no demand, and they call for a lighter tool than Reform 1. Complaints tied to a documented private dispute should go to supervisor review, with an offer of mediation. The County should also keep a private count of each reporter's unfounded complaints and review any reporter who passes a set threshold. Tenants reporting their own homes would be exempt from both.

Coral Gables, Florida, treats three or more complaints between the same neighbors within six months as a neighbor dispute, and in those cases “the department will not issue a Notice of Violation/ticket ... unless the violation is a life-safety violation.”²⁰³ Nevada County already suggests mediation and refers neighbors to a local conflict resolution center,²⁰⁴ and its current budget sets a goal of using “voluntary Dispute Resolution Services.”²⁰⁵ In 2022, Placer County staff told their Board that they “may consider such factors as chronic complainers, complaints that are generated as part of a neighborhood feud,” and in severe cases may stop accepting complaints “from a specific person/party.”²⁰⁶ Placer, Sonoma and Mendocino counties also decline to intervene in boundary, easement and similar civil disputes.

Reform 5: Make the first notice a way out

Where nothing is about to hurt anyone, the County's first letter should be an advisory notice that allows at least 30 days and comes with a referral sheet. That sheet would list federal Section 504 repair loans and grants, weatherization and defensible-space assistance, the owner-built permit route, the protections for accessory units built before 2020, the hardship waiver, pre-permit consultations and mediation.

Tuolumne County's code already requires that “the enforcement officer shall send ... an Opportunity to Correct prior to issuing a Notice and Order.”²⁰⁷ Riverside County's policy allows “a 30-day ‘Advisory Notice’” before any notice of violation.²⁰⁸ Nevada County's own chapter on owner-built homes says that “civil abatement procedures should be the first remedy.”²⁰⁹ San Antonio, Louisville, New York City and San Diego use versions of the same approach, as Chapter 9 describes.

Reform 6: Write down why every case exists

Each case record should show how the case began (by category, never by name), its danger tier, how the condition was verified, whether a private dispute was flagged, how the case ended and the reason for any waiver. Contacts from elected officials

and other agencies about a case should be logged. The County should report totals every quarter, including the number of complaints received and the number closed as unfounded, without names.

The Mendocino County grand jury recommended a public case database in 2017, and the Riverside County grand jury called for similar safeguards in 2026. This Board promised in 2010 to document permit exceptions “in order to provide evidence of equal treatment,” and to track penalty fees in a way “which can be audited.”²¹⁰ San Francisco and Orlando already publish case data that show whether each case began with a complaint or with staff.²¹¹

Reform 7: A written standard for older buildings

The Board should adopt a written standard for deciding when a building was built and whether it may remain. The standard would list acceptable evidence of the construction date, apply the code in force in the year of construction except for minimum health and fire-safety requirements, and explain how an owner proves legal nonconforming status and the County’s January 1, 1962 cutoff. When the evidence runs out, staff would issue a written decision that the owner can appeal. Notices for non-safety conditions that had existed for five years or more before the County discovered them would be barred.

Other counties offer models. Santa Cruz County treats structures built before its 1956 building code as legal nonconforming.²¹² Napa County issues a “Certificate of Legal Nonconformity,”²¹³ and Berkeley accepts notarized letters from former owners or tenants as evidence of a unit’s age.²¹⁴ Tuolumne County applies a five-year limit to non-safety notices and closes stale cases after two years.²¹⁵

Reform 8: Hardship relief that works

The County should adopt a lower fine schedule for owner-occupied homes and remove the word “mandatory” from its building fine provisions. It should offer payment plans, suspend fines while an owner participates in an approved repair program, allow hardship deferral for owner-occupants and subordinate liens where that helps an owner refinance to pay for repairs. Voluntary applicants should not pay a doubled investigation fee, fines should be waived once repairs are complete, and new owners should be responsible only for violations that continue past a set period after purchase.

State law allows all of this. Its fine limits are ceilings, stated as amounts “not exceeding” a maximum, and a hardship waiver is required.²¹⁶ Liens “may be released or subordinated.”²¹⁷ Tuolumne County lets officers “reduce or eliminate a

monetary penalty” for good cause,²¹⁸ and Portland, Oregon, offers lien reductions and “payment plans of up to five years.”²¹⁹

Reform 9: Put repair money behind the first notice

The County should direct the CalHome loan repayments it holds to owner-occupied repair, with priority for homes that have received a code notice. It should apply to the state’s open HOME funding round, apply for federal Community Development Block Grant money for rehabilitation and code enforcement as its Housing Element promises, apply for the next federal Housing Preservation Grant, and ask County Counsel whether abatement costs can be carried as deferred loans.

The Legislature has found that deferred repair loans are “particularly necessary where local agencies are undertaking concentrated or systematic enforcement programs.”²²⁰ Public repair loans survive California’s ban on gifts of public funds when they serve a public purpose.²²¹ Oakland lends between \$2,500 and \$40,000 for repairs that “require immediate attention such as a citation issued by a Fire Marshall, Health Officer or Code Enforcement Officer.”²²² Riverside County’s repair grants give priority to homes that meet its code-enforcement definition of deterioration,²²³ Santa Ana offers up to \$25,000 “to address municipal code violations,” and Sacramento and Louisville fund repairs for owners referred by code officers, as Chapter 9 describes.

Reform 10: An amnesty window and a navigator

The County should open a two-year window during which owners can legalize unpermitted work without penalty. The window would include a confidential first consultation, a pre-inspection limited to safety, a certificate that lets safe work remain, and coverage for work done by previous owners. One staff position would help owners through permits and funding.

El Dorado County’s 2023 amnesty covers undisclosed work by previous owners and lets safe work remain “until the property is sold.”²²⁴ The City of Riverside charges \$40 plus \$210 and waives its investigative fees.²²⁵ Mendocino County waived “all investigative and penalty fees” during its 2023–24 amnesty and estimated a “\$130k loss” in penalties.²²⁶ The state’s freeze on local building-standard changes from 2025 through 2031 expressly exempts “local programs related to enforcement of building code violations or complaints,” so the freeze does not stand in the way.²²⁷

Reform 11: Fix the County’s paperwork and add independent review

Several County documents misstate the law. Table 6 lists the corrections.

WHAT THE DOCUMENT SAYS NOW	WHAT IT SHOULD SAY
A citation packet allows “15 calendar days” to request a hearing	Five calendar days, under County Code § 12.05.220(N)(1)
Citations rely on Gov. Code § 65908 to record an administrative notice	That section governs judicial actions
Building fines are “mandatory”	State law sets maximums only
The hardship form cites “Nevada County Code section 5.23”	County Code § 12.05.220
The complaint form cites “Section 6254 of the Government Code”	The renumbered Public Records Act
The complaint form does not mention that a false complaint is a misdemeanor	State County Code § 12.05.210(A)(1) on the form
County documents report conflicting case counts	One published series
Notices may omit the statement on delayed enforcement for accessory units that state law requires	Confirm that the statement is included

Table 6. Corrections to County forms and notices.²²⁸

The Board should also give owners a route outside the enforcing office. Coercion findings under Reform 1 would be appealable to the County Hearing Officer, an office the Board created in 2024.²²⁹ An ombudsperson, as Monterey and Marin counties have appointed for their permit systems, would give residents a place to raise problems with someone who does not answer to the enforcement division.²³⁰

NOTES

¹⁸⁶ State Bar of California, Rules of Professional Conduct, rule 3.10, <https://www.calbar.ca.gov/legal-professionals/rules/rules-professional-conduct/current-rules-professional-conduct/chapter-3-advocate>. The rule binds lawyers only; the statement borrows its idea for a County form.

¹⁸⁷ Cal. Gov. Code § 25132, https://california.public.law/codes/government_code_section_25132.

¹⁸⁸ Cal. Gov. Code § 818.2, https://california.public.law/codes/government_code_section_818.2.

¹⁸⁹ *Riggs v. City of Oxnard* (1984) 154 Cal.App.3d 526, <https://law.justia.com/cases/california/court-of-appeal/3d/154/526.html>.

¹⁹⁰ El Dorado County Code § 9.02.060, as shown in a staging copy of the county code, <https://mcclibraryfunctions-stage.azurewebsites.us/api/ordinanceDownload/15095/1205952/pdf>. The text should be confirmed against the live code.

¹⁹¹ Cal. Code Civ. Proc. § 2015.5, <https://codes.findlaw.com/ca/code-of-civil-procedure/cp-sect-2015-5/>.

¹⁹² Cal. Penal Code § 118, https://california.public.law/codes/penal_code_section_118.

¹⁹³ Cal. Health & Safety Code § 17970.5(c), https://california.public.law/codes/health_and_safety_code_section_17970.5.

- 194 *Barela v. Superior Court* (1981) 30 Cal.3d 244, <https://law.justia.com/cases/california/supreme-court/3d/30/244.html>.
- 195 Cal. Health & Safety Code § 17970.5(g), https://california.public.law/codes/health_and_safety_code_section_17970.5.
- 196 Cal. Health & Safety Code § 17980, https://california.public.law/codes/health_and_safety_code_section_17980.
- 197 Riverside County Board of Supervisors, Policy F-5, <https://rivcocob.org/sites/g/files/aldnop311/files/migrated/wp-content/uploads-2021-03-POLICY-F5.pdf>.
- 198 Tuolumne County Code chapter 1.10, including §§ 1.10.010(B), 1.10.030, 1.10.040(D), 1.10.090(A) and 1.10.120, <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/245/Chapter-110-Code-Compliance>.
- 199 Mendocino County Board of Supervisors action of December 19, 2023, as reported in County materials (the resolution itself was not located); Permit Sonoma, Policy 7-0-23, <https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Policies%20and%20Procedures/7-0%20Code%20Enforcement/7-0-23-Code-Enforcement-Policies-and-Procedures-General-Overview.pdf>; Washington County, Oregon, Resolution and Order 08-104 (2008).
- 200 Nevada County, frequently asked questions, <https://nevadacountyca.gov/m/faq?cat=73>.
- 201 City of Fresno, Code Enforcement FAQs, <https://www.fresno.gov/cityattorney/codeenforcement/code-enforcement-faqs/>.
- 202 *Patch*, 2014, <https://patch.com/illinois/newlenox/balich-ordinance-not-allowing-aerial-photos-to-initiate-code-violations-is-now-law-after-executive-order-by-county-executive>.
- 203 City of Coral Gables, Code Enforcement Neighbor Dispute Policy, <https://www.coralgables.com/city-attorneys-office/legal-opinions/code-enforcement-neighbor-dispute-policy>.
- 204 Nevada County, frequently asked questions, <https://www.nevadacountyca.gov/FAQ.aspx?QID=1065>.
- 205 Nevada County, *FY 2026-2027 Adopted Budget*, <https://www.nevadacountyca.gov/DocumentCenter/View/69640/FY-2026-2027-Adopted-Budget>.
- 206 Placer County Board of Supervisors, agenda item of December 6, 2022, <https://www.placer.ca.gov/DocumentCenter/View/65552/10A>.
- 207 Tuolumne County Code chapter 1.10, including §§ 1.10.010(B), 1.10.030, 1.10.040(D), 1.10.090(A) and 1.10.120, <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/245/Chapter-110-Code-Compliance>.
- 208 Riverside County Board of Supervisors, Policy F-5, <https://rivcocob.org/sites/g/files/aldnop311/files/migrated/wp-content/uploads-2021-03-POLICY-F5.pdf>.
- 209 Nevada County Code § 14.17.100, <https://www.nevadacountyca.gov/DocumentCenter/View/56586>.
- 210 Nevada County Board of Supervisors, response to the 2009-10 Civil Grand Jury (2010), <https://www.nevada.courts.ca.gov/system/files/0910-pya-consolidatedfinalreportforfiscalyear.pdf>. The response was read from a scanned copy.
- 211 DataSF, <https://data.sf.gov/api/views/gm2e-bten.json>; City of Orlando open data, <https://data.cityoforlando.net/d/k6e8-nw6w>.
- 212 Santa Cruz County Board of Supervisors, agenda item (2020), <https://santacruzcountycalifornia.com/Citizens/FileOpen.aspx?Type=30&ID=43470&MeetingID=1815>.
- 213 Napa County, Legal Non-Conforming Use, <https://www.napacounty.gov/1113/Legal-Non-Conforming-Use>.
- 214 City of Berkeley, Amnesty Program for Unpermitted Dwelling Units, program rules (2024), https://berkeleyca.gov/sites/default/files/documents/Amnesty%20Program%20for%20Unpermitted%20Dwelling%20Units_Program%20Rules_2024-10-30.pdf.
- 215 Tuolumne County Code chapter 1.10, including §§ 1.10.010(B), 1.10.030, 1.10.040(D), 1.10.090(A) and 1.10.120, <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/245/Chapter-110-Code-Compliance>.

- 216 Cal. Gov. Code § 25132, https://california.public.law/codes/government_code_section_25132.
- 217 Cal. Gov. Code § 25845(g), https://california.public.law/codes/government_code_section_25845.
- 218 Tuolumne County Code chapter 1.10, including §§ 1.10.010(B), 1.10.030, 1.10.040(D), 1.10.090(A) and 1.10.120, <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/245/Chapter-110-Code-Compliance>.
- 219 City of Portland, Lien Reduction Review, <https://www.portland.gov/ppd/code-enforcement/lien-reduction-review>.
- 220 Cal. Health & Safety Code § 50660, https://california.public.law/codes/health_and_safety_code_section_50660.
- 221 *Board of Supervisors v. Dolan* (1975) 45 Cal.App.3d 237, <https://law.justia.com/cases/california/court-of-appeal/3d/45/237.html>.
- 222 City of Oakland, Emergency Home Repair Program, <https://www.oaklandca.gov/Community/Housing-Programs-Support/Emergency-Housing-Assistance/Emergency-Home-Repair-Program-EHRP>.
- 223 Riverside County, Home Enhancement Program policies and guidelines (2023), <https://rivcohws.org/sites/g/files/alndop131/files/cocdocumnets/HEP%20Program%20Policies%20&%20Guidelines%202023.doc>.
- 224 El Dorado County staff memo for the January 6, 2026 Board meeting, <https://eldorado.legistar.com/View.ashx?M=F&ID=15049966&GUID=5805E74D-8965-48F6-8067-BFE5F0C73B9D>.
- 225 City of Riverside, Amnesty Program for Unpermitted Construction, 2025 application, https://riversideca.gov/sites/default/files/Amnesty%20Program%20for%20Unpermitted%20Construction_2025%20Application.pdf.
- 226 Mendocino County news release, <https://www.mendocinocounty.gov/Home/Components/News/News/6835/>; Board item, <https://mendocino.legistar.com/LegislationDetail.aspx?ID=6897538&GUID=CC09C11F-30D3-4A6E-B225-1B2315115FD0>.
- 227 Cal. Health & Safety Code § 17958.5(c), https://california.public.law/codes/health_and_safety_code_section_17958.5.
- 228 Nevada County Code §§ 12.05.210, 12.05.220; Cal. Gov. Code § 65908, https://california.public.law/codes/government_code_section_65908; Cal. Health & Safety Code § 17980.12, https://california.public.law/codes/health_and_safety_code_section_17980.12; Nevada County complaint form, <https://www.nevadacountyca.gov/DocumentCenter/View/15900/Code-Compliance-Complaint-Form-PDF>; Nevada County hardship waiver form, <https://www.nevadacountyca.gov/DocumentCenter/View/19626/Hardship-Waiver>. Citation packet language is from County documents held by the project. Whether current notices include the statement required by § 17980.12 could not be confirmed.
- 229 Nevada County Board of Supervisors, Resolution 24-402 (July 9, 2024), <https://webapi.legistar.com/v1/nevco/matters/46517>.
- 230 County of Monterey, Office of the Housing and Community Development Ombudsperson, <https://www.countyofmonterey.gov/government/departments-a-h/housing-community-development/permit-center/office-of-the-hcd-ombudsperson>; Marin County news release, <https://www.marincounty.gov/news-releases/county-appoints-permit-ombudsperson>.

Authority, Cost and Timeline

The Board of Supervisors can adopt every reform in this report on its own, through one ordinance and one resolution, without waiting for the Legislature. Three reforms need staff time or money, and most of that money is available from state and federal programs the County can apply for.

Who can act, and how

Table 7 shows how the Board would adopt each reform, whether it needs new money and the principal legal authority for it.

REFORM	BOARD ACTS BY	NEW MONEY	PRINCIPAL AUTHORITY
1. The County is not a weapon	Ordinance amending chapter 12.05	Staff time for reviews	Gov. Code §§ 25132(a), 818.2; limited by H&S Code § 17970.5
2. Rank cases by danger	Resolution	None	Gov. Code § 25132(a); <i>Riggs</i> ; limited by H&S Code § 17980
3. Confirm before paper	Resolution	None	Same as Reform 2
4. Screen everyday feuds	Resolution	None	Evid. Code § 1041
5. Advisory first notice	Resolution	Printing and staff time	Gov. Code § 53069.4(a)(2)
6. Record and report	Resolution	New case-system fields	Gov. Code § 25207
7. Standard for older buildings	Resolution or ordinance	None	H&S Code § 17958.12
8. Hardship relief	Ordinance amending §§ 12.05.220 and 14.02.030	Lower fine revenue, now about \$80,000 to \$145,000 a year	Gov. Code §§ 25132, 25845(g)
9. Repair money	Board direction	Mostly state and federal grants; County already holds CalHome repayments	H&S Code § 50660
10. Amnesty and navigator	Ordinance and budget action	Waived fees and one position	H&S Code § 17958.5(c)
11. Paperwork and review	Staff direction; budget for an ombudsperson	Minimal; the Hearing Officer office exists	Resolution 24-402

Table 7. How the Board can adopt each reform.²³¹

A county ordinance cannot pass within five days of its introduction, takes effect 30 days after final passage and must be published within 15 days.²³² A resolution takes effect when adopted, which is why Appendix B proposes an interim coercion rule by resolution while the Reform 1 ordinance is drafted.

Some changes are beyond the Board's power and belong in a separate letter to the County's state legislators. The informer privilege and the Public Records Act exemptions are state law. So is any statewide rule, like the speed-trap law, that would bar code penalties without a documented basis. A mandatory fine waiver for low-income owners would also need state action; Senate Bill 757 proposed one and

was vetoed on October 11, 2025.²³³ State matching grants for local code enforcement exist in statute but are available only “upon appropriation by the Legislature.”²³⁴

Cost

Reforms 1 through 8 are changes in policy. Their main costs are staff time and, for Reform 8, lower fine revenue. Fines today recover only about 5 to 12 percent of the program’s cost, as Chapter 2 shows, so reducing them for owner-occupants changes little in the County’s budget. Most repair money under Reform 9 would come from state and federal programs, and the County already holds some of it. Reform 10 requires one position and forgone fees; Mendocino County estimated its own amnesty would cost about \$130,000 in waived penalties. Oversized enforcement has costs too. Humboldt County paid \$350,000 to settle a single lawsuit over its program.

Timeline

Table 8 sets out a practical schedule.

WHEN	ACTION	RESPONSIBLE
First available Board meeting	Resolution adopting Reforms 2 through 6 and an interim coercion rule	Board of Supervisors
Within 30 days	Correct forms and notices; publish the referral sheet; add record fields	Code Compliance Division; Building Department
Within 90 days	Staff return with the Reform 1 ordinance, hardship amendments, the older-building standard, a repair-money plan, and amnesty, navigator and ombudsperson options with costs	Community Development Agency; Housing and Community Services; County Counsel
Within 90 days	Apply to the state HOME round, if still open	Housing and Community Services
Within six months	Adopt the ordinances; present the revised manual to the Board; issue the first quarterly report	Board of Supervisors; Code Compliance Division
Next funding windows	Apply for state CDBG and the federal Housing Preservation Grant	Housing and Community Services
One year	Board review of the measures in Table 9	Board of Supervisors

Table 8. Proposed timeline.

How the Board will know it is working

Table 9 lists the measures the quarterly reports should track.

MEASURE	WHY IT MATTERS
Complaints received, and the share closed as unfounded	Portland found that more than 30 percent of its complaints lacked merit
Share of complaints from repeat reporters	The clearest sign of weaponized complaints
Coercion reviews, findings, bars and District Attorney referrals	Shows whether Reform 1 is used, and whether owners abuse it
Cases by danger tier, and time to first inspection in the highest tier	Shows whether danger really comes first
Cases resolved at the advisory-notice stage	Shows whether help-first enforcement works
Owners referred to repair help, and homes repaired	Shows whether money reaches cited homes
Fines imposed, waived and collected; liens recorded and released	Shows whether penalties fall on people who cannot pay
Households displaced by enforcement	Shows whether enforcement is pushing people out of their homes

Table 9. Measures for the Board's one-year review.²³⁵

NOTES

- ²³¹ Cal. Gov. Code §§ 25132, 818.2, 25207, 25845, 53069.4, https://california.public.law/codes/government_code_section_25132; Cal. Health & Safety Code §§ 17958.5, 17958.12, 17970.5, 17980, 50660, https://california.public.law/codes/health_and_safety_code_section_17970.5; Cal. Evid. Code § 1041; *Riggs v. City of Oxnard* (1984) 154 Cal.App.3d 526; Nevada County Resolution 24-402, <https://webapi.legistar.com/v1/nevco/matters/46517>. The fine revenue range is from the County budgets cited in Chapter 2.
- ²³² Cal. Gov. Code §§ 25123, 25124, 25131, https://california.public.law/codes/government_code_section_25131.
- ²³³ LegiScan, SB 757 (2025), <https://legiscan.com/CA/bill/SB757/2025>.
- ²³⁴ Cal. Health & Safety Code § 17998.1, https://california.public.law/codes/health_and_safety_code_section_17998.1.
- ²³⁵ Portland Ombudsman, November 3, 2021, <https://www.portland.gov/auditor/ombudsman/news/2021/11/3/citys-reliance-complaints-property-maintenance-enforcement>.

Objections and Answers

“Won’t this just turn code officers into police?”

No. The police version of code enforcement is the one Humboldt and Sonoma counties just paid to leave behind: satellites, drones and daily fines. These reforms limit when the County may act at all. It would move only on danger an officer has confirmed, and only after offering help. The proactive programs that appear to work run on schedules and risk categories, with warnings first and fines waived after repair. None of them depends on surveillance. The County’s own staff made the same point in January 2026, warning that body-worn cameras for code officers could create “a perception of law enforcement or surveillance, which can undermine trust, rapport, and cooperation.”²³⁶

“The grand juries told the County to enforce harder.”

They did, in 2004 and 2009. The same juries also found rules applied inconsistently and fees waived without a written reason, and the Board agreed with that finding in 2010. These reforms give the juries the written, consistent rules they kept asking for, and they keep real danger at the top of the list.

“State law says the County shall enforce.”

For houses and apartments, it does, and nothing in this report says otherwise. Confirmed substandard housing always sits in the highest tier, and tenant complaints are always inspected. The Board controls the order of work, the proof required and the help that comes first. State law itself requires time to correct and a preference for repair.

“Owners with real violations will simply claim coercion.”

Some will try. Their evidence must be sworn, the triggers for review are objective, both sides respond, the findings are written and either side can appeal. Hazards and tenant complaints proceed regardless. California courts use an objective “reasonable likelihood” test in claims of vindictive prosecution for much the same reason: it separates real retaliation from convenient accusations.²³⁷

“A real violation does not become safe because a neighbor was spiteful.”

That is true, and it is why imminent hazards survive as County cases and why the County keeps its own risk-based schedule. What the reform refuses to do is let a threat decide whose property is inspected and fined.

“Sworn complaints will discourage honest people.”

Perjury reaches only statements a person knows to be false, so a truthful complaint made in good faith carries no risk. Names stay confidential, tenants use a short form, and anyone can still report a hazard. Two California state agencies already require complaints to be sworn.²³⁸

“Tenants need protection to report bad landlords.”

They do. Complaints stay confidential, disclosure requires a court order, and tenants reporting their own homes are exempt from the sworn dispute questions, the feud screen and the rule that closes coerced cases.

“Amnesty rewards people who broke the rules.”

The Legislature has already decided otherwise for accessory dwelling units, providing that a county “shall not penalize an applicant for having the unpermitted” unit.²³⁹ Many violations were built by a previous owner, and a legalized home is an inspected and safer home. This Board found in 2025 that its owner-built rules “would assist the bringing of illegal structures of sound structural condition ... into the system.”²⁴⁰

“The County cannot afford it.”

Most of these reforms are policy, and fines currently cover only a small share of the program’s cost. The repair money is mostly state and federal, and the County already holds some of it. Chapter 11 sets out the costs.

“Isn’t the County already doing this?”

In pieces, and on paper that binds no one: an FAQ that promises verification, a staff memo that says the Director “may consider” feuds, and a suggestion to try mediation. The complaint form is not sworn, and nothing stops a coerced case. Writing the rules down is how the Board would keep its 2010 promise to show “equal treatment.”

“Recording where cases come from will expose complainants.”

The record would use categories, and the County would publish only totals. Names would remain protected under the same balancing test that shields them today.

NOTES

²³⁶ Nevada County, “Code Compliance Division Update,” Board agenda memo for January 29, 2026.

²³⁷ *In re Bower* (1985) 38 Cal.3d 865, <https://law.justia.com/cases/california/supreme-court/3d/38/865.html>.

- 238** Cal. Code Regs., tit. 2, § 18360 (Fair Political Practices Commission), <https://www.law.cornell.edu/regulations/california/2-CCR-18360>; Cal. Code Regs., tit. 11, § 7300 (California Privacy Protection Agency), <https://www.law.cornell.edu/regulations/california/11-CCR-7300>.
- 239** Cal. Gov. Code § 66311.7, https://california.public.law/codes/government_code_section_66311.7.
- 240** Nevada County Ordinance 2540 (2025), <https://www.nevadacountyca.gov/DocumentCenter/View/56586>.

Limits of This Report

This report relies on what Nevada County has published and on what 530-UTOPIAN obtained through public-records requests. Several things it would like to prove, it cannot yet prove. Table 10 lists the open questions and what would answer each one.

OPEN QUESTION	WHAT WOULD ANSWER IT
A court record of the exact pattern “do this or I will report you to the County”	Written threats shared by callers with permission; a search of unpublished opinions
How many complaints the County receives, how many come from repeat reporters and how many close as unfounded	Complaint logs for 2019 through 2025, with complainants replaced by coded identifiers
The balance of CalHome repayments; whether the County applied for 2025 CDBG funds or the open HOME round	A records request to Housing and Community Services
How many hardship waivers the County has granted	A records request to the Code Compliance Division
Whether the Board’s 2010 promise to log penalty exceptions was kept	A records request for the log
Whether notices include the statement on accessory units required by state law	One current notice
Whether the Code Compliance manual is being rewritten, and whether the 2022 draft was ever adopted	A records request for the current draft; Board minutes
The Board’s responses to the 2003–04 grand jury and to the 2020–21 surveillance recommendation	Board minutes
The current name and funding of the local dispute resolution program	A telephone call
Whether the state’s “shall enforce” language creates a duty a court would compel	Review by a lawyer with a legal research service
Whether anonymity breeds malicious complaints, or naming suppresses honest ones	No study exists; Florida county complaint counts before and after 2021 would help
Outcomes for most of the reform programs cited here	Independent evaluation; most published figures come from the programs or their advocates
Why the County chose January 1, 1962 as its permit cutoff	Board minutes or Building Department records
Whether staff now send one warning letter instead of two, or limit appeals to citations	Current County letters
Why the County’s own documents report different closure counts for 2024	A records request for the case system’s figures

OPEN QUESTION	WHAT WOULD ANSWER IT
Whether the Board will take up body-worn cameras for code officers	A future Board agenda
What the County’s “voluntary abatement process” is	The flowchart attached to the January 2025 memo

Table 10. Open questions.

The research had further limits. It did not involve calls to any County office. The County’s administrative enforcement section was read in full in a browser; other County Code sections were read through the publisher’s data feed. The January 2025 Board memo was read in full in a browser by the project, and its quotations here are confirmed. The slides from the January 2025 workshop and the January 2026 update memo have since been read, and figures taken from them are cited to them. The Board’s 2021 response to the grand jury has not been read by a person, and nothing in this edition rests on it. Two older Board responses to grand juries were read from scanned copies.

Draft Ordinance

The following language was written for this report. It is not copied from any adopted law, and County Counsel should review it before introduction. The section number is a placeholder within chapter 12.05 of the County Code.

Section 12.05.2__. 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) *Sworn complaints.* Every complaint 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. This subsection does not apply to a tenant, resident or occupant reporting conditions in the dwelling they occupy.
- (c) *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 subsection (b). 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.
- (d) *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.

- (e) *Exceptions.* Paragraph (1) of subsection (d) 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.
- (f) *Appeal.* A complainant or owner may appeal the Director's findings to the County Hearing Officer within 10 days of their issuance.

Draft Resolution

The following resolution was written for this report and should be reviewed by County Counsel.

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 promised to document permit exceptions “in order to provide evidence of equal treatment” and to track penalty fees in a way “which can be audited”; and

WHEREAS, state law requires the County to act on confirmed substandard housing and to provide a reasonable opportunity to correct violations before penalties are imposed (Health and Safety Code section 17980; Government Code section 53069.4); and

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

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

- 1. *Coercion.*** Until an ordinance on the subject 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.
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 at least 30 days to correct and listing available repair, financial and permitting assistance.
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. *Direction to staff.* Within 90 days, staff shall return to the Board with (a) an ordinance implementing sworn complaints and coercion review; (b) amendments providing hardship relief for owner-occupants; (c) a written standard for establishing the date of construction and legal nonconforming status; (d) a plan to direct available repair funds to homes that have received code notices; (e) options and costs for an amnesty program, a permit navigator and an ombudsperson; and (f) corrections to County forms and notices.
9. *Manual.* The revised Code Compliance policy and procedures manual shall conform to this resolution and shall be presented to the Board for adoption.

Citations That Circulate Incorrectly

Several claims about code enforcement in Nevada County, and about the law behind it, circulate in forms that are wrong. Table 11 lists them with the correct statement.

CLAIM AS IT CIRCULATES	CORRECT STATEMENT
Nevada County complaints are sworn	They are signed only, with no perjury language
Nevada County never accepts anonymous complaints	Cannabis complaints may be anonymous
Officers never know who complained	The 2025 memo allows officers to contact the reporting party
A single County caseload figure, without its source	Give the year and the document; the budget's counts are the only ones confirmed here
County Code § 12.05.210 makes violations misdemeanors	That section covers false complaints; the general penalty is in § 1.01.090, and building violations are infractions
The owner-built ordinance is a three-year pilot	The codified text has no sunset
The Sheriff-led cannabis enforcement team is County-funded	It is funded by a five-year, \$4.5 million state grant
The Santa Cruz grand jury found collusion allegations common	That sentence appears in the County's response
<i>Flatley v. Mauro</i> makes every threat to report someone extortion	The opinion's footnote 16 says it does not
Rule of Professional Conduct 3.10 binds everyone	It binds lawyers only
<i>Swanson v. City of Chetek</i> at 719 F.3d 780	Cite by docket number, 7th Cir. No. 10-1658, until the reporter citation is checked
<i>Squaw Valley v. Goldberg</i> is a Placer County case	The defendants were regional water board officials
<i>Gerhart v. Lake County</i> is a California case	It concerns Lake County, Montana
<i>City of San Jose v. Superior Court</i> is an informer-privilege holding	It was decided on public-records balancing
<i>Thomas v. County of Humboldt</i> was a final win for the owners	The claim was revived, then settled without admission
A county can void a tenant's habitability complaint because of a dispute	State law requires the inspection

CLAIM AS IT CIRCULATES	CORRECT STATEMENT
Gov. Code § 66332 governs unpermitted accessory units	Section 66311.7 has governed since January 1, 2026
The accessory-unit protection covers units built before 2018	It covers units built before January 1, 2020
The hardship waiver is in Gov. Code § 53069.4	It is in § 25132(f)
Building fine caps are \$100, \$200 and \$500	They are \$130, \$700 and \$1,300
Speed surveys can last ten years	They last five, seven or fourteen years
Assembly Bill 43 took effect January 1, 2024	It took effect January 1, 2022
The 85th-percentile rule is in the Vehicle Code	It is in the California MUTCD, section 2B.21
Courts call the speed-trap law an anti-revenue measure	Courts describe its purpose as safety and visible enforcement
Florida's ban requires a telephone number or has a retaliation exception	It requires a name and address, with an exception only for imminent threats
Florida complaints fell by a measured amount	No figures were published
“Nevada County Code 5.23”	County Code § 12.05.220
A 15-day window to request a hearing	Five calendar days
Penal Code § 148.5 covers false code complaints	That has not been shown; County Code § 12.05.210 applies
Senate Bill 757 is law	It was vetoed on October 11, 2025
The County's rehabilitation loan program is running	It was described in 2019 and does not appear on current County pages
The manufactured housing repair program is open	It is closed to new applicants
“Class K” is a legal term	The legal term is “limited density owner-built rural dwellings”

Table 11. Citations that circulate incorrectly.

Note on Sources and Methods

Research for this report took place on September 16 and 17, 2026, in parallel reviews of Nevada County's records, state law, other jurisdictions, repair funding, legal precedent and the use of complaints to settle private disputes. Quotations that carry weight in the argument were retrieved a second time before publication.

Statutes were read on california.public.law and law.justia.com, which reproduce the text enacted by the Legislature. Court opinions were read on Justia, CourtListener, FindLaw and the courts' own websites. Some quotations were retrieved through a reading tool that summarizes pages, and they should be checked against the linked source before being repeated.

Nevada County's own documents are the report's principal sources. They include the January 23, 2025 and January 29, 2026 staff memos to the Board; the adopted budgets for fiscal years 2023–24 through 2026–27; the complaint form, frequently asked questions and hardship waiver form; the guidance on establishing a date of construction and the as-built construction policy; Ordinance 2540; the 2019–2027 Housing Element; five civil grand jury reports and the Board's responses to them; and population estimates from the California Department of Finance. The project also holds a 2022 draft Code Compliance manual, the County's notice of rights, and County responses to public-records requests. Full citations appear in the notes to each chapter.

Following the project's standing rules, this report describes County cases only in general terms. It includes no case numbers, parcel numbers, addresses or dates from any live matter, and it names no County employee. It is not legal advice. Readers facing a code enforcement matter should consult a lawyer, and should note that County deadlines continue to run regardless of how a case began.

The full source-by-source research record, with a confidence rating for every statement, is kept in the project's policy research file.