

# Safe Structures Program for Unpermitted Residential Buildings

Community & Economic Development Department

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## PURPOSE

- **Discuss the challenges/concerns** that unpermitted residential structures present to property owners and the community
- **Acknowledge the need for more housing solutions** to safely integrate these structures/conversions into our local housing stock
- Review applicable State laws and local ordinances to **present potential options/solutions**



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# BACKGROUND

## Definition of Unpermitted Residential Structure:

Structures or alterations to buildings that exist without the benefit of a building permit that ensures compliance with minimum standards as required by law

## Common Types:

Room additions, detached accessory structures, and conversions of non-habitable spaces

## Statistics:

Approximately 10% of building permits reviewed involve unpermitted structures or alterations



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# EXAMPLES



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## EXAMPLES



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## LEGISLATIVE HISTORY

### Senate Bill 1226:

- Signed into law September 30, 2018
- Grants discretion to apply building standards in effect at the time of construction as determined by the Building Official

### Senate Bill 13:

- Signed into law October 9, 2019
- Allows owners of unpermitted ADUs to request a five-year delay on code violations if health & safety is not at risk



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## DISCUSSION

- **Health and Safety Risks:**

Potential dangers posed by non-compliant structures to occupants and the neighboring community

- **Property Owner Issues:**

Many owners unaware of unpermitted work until notified by Code Enforcement during permit applications or by neighbor complaints

- **Cost Implications:**

Full compliance with current codes can be financially burdensome



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## OPTIONS/SOLUTIONS

**Objective:**

Provide viable options for homeowners to address unpermitted structures and alterations

**Options for Consideration:**

- "Safety First" Amnesty Program (Policy)
- Certificate of Unpermitted/Noncomplying Conditions (Ordinance)
- Combination Approach



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## OPTION 3 (Recommended)

### Combination Approach:

#### Implement both the Amnesty Program and the Certificate of Un-permitted/Non-Complying Conditions:

- Provides more pathways to enable alternative housing solutions while ensuring a minimum level of health & safety
- In addition to the traditional building permit process in conformance with today's adopted codes and standards



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## SAFETY FIRST AMNESTY PROGRAM

### Overview:

- Voluntary disclosure of unpermitted structures without penalties
- Requires plan review, inspections and compliance with building standards based on the time of construction

### Benefits:

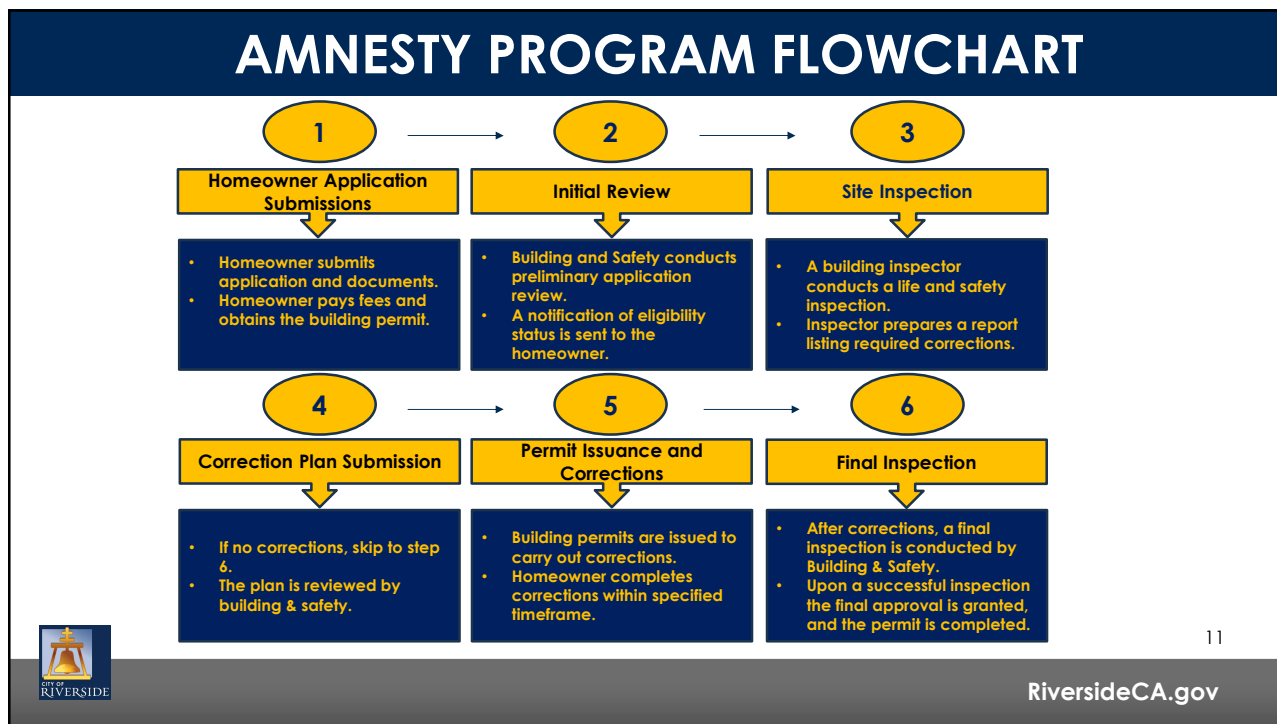
- Streamlined process with penalty fee waivers
- Retroactive building permits issued
- Does not need to comply with current building standards



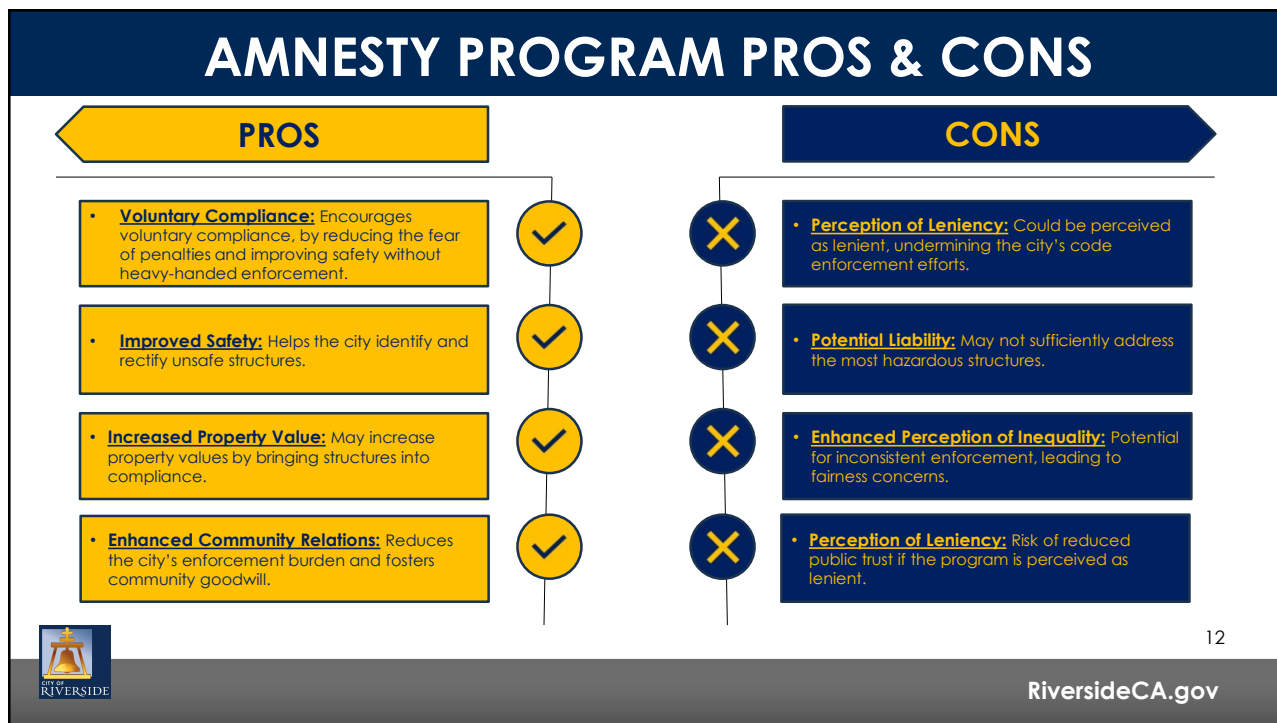
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## CERTIFICATE OF UNPERMITTED/NON-COMPLYING CONDITIONS

### Overview:

- Allows continued use (occupancy) of unpermitted structures
- Property owners must demonstrate they were not responsible for construction

### Process:

- Request a Life Safety inspection without penalty fees
- Indemnify the City; full compliance not required – Observation only

### Certificate is not equivalent to a Building Permit:

- It is an acknowledgment of the structure's existence and approval of continued use/occupancy only

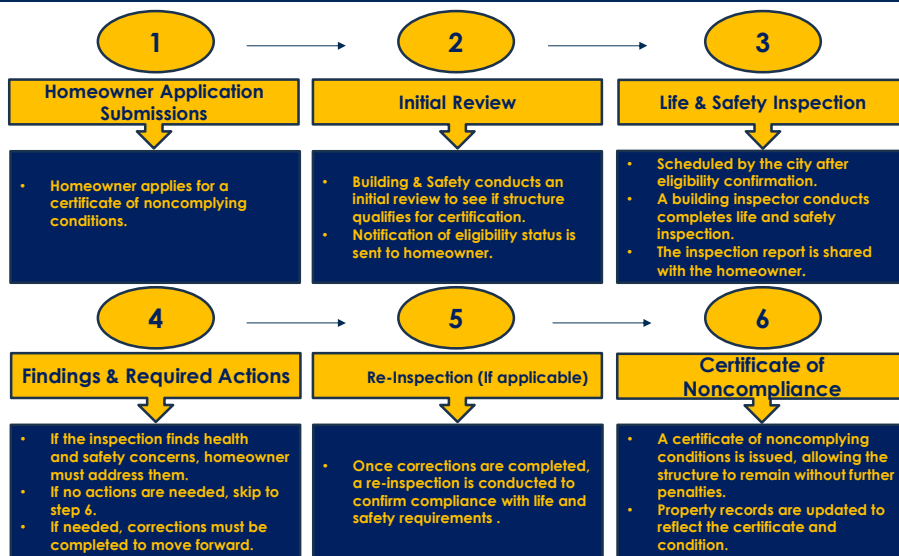


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## CERTIFICATE OF NON-COMPLIANCE FLOWCHART




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## CERTIFICATE OF NON-COMPLIANCE PROS & CONS

PROS	CONS
<ul style="list-style-type: none"> <li><b>Improved Safety:</b> Ensures that unpermitted structures meet essential safety standards, reducing the risk of accidents, injuries, or fires.</li> </ul>	<ul style="list-style-type: none"> <li><b>Potential Liability:</b> The City may face liability concerns if a legalized structure fails despite meeting the program's criteria.</li> </ul>
<ul style="list-style-type: none"> <li><b>Reduced Financial Burden:</b> By waiving or reducing penalties, the program makes it more financially feasible for homeowners to bring structures into compliance.</li> </ul>	<ul style="list-style-type: none"> <li><b>Resource Allocation:</b> Implementation will require resources, including additional inspections, administrative support, and potential legal guidance.</li> </ul>
<ul style="list-style-type: none"> <li><b>Increased Property Value:</b> Legalizing structures can increase property values and simplify future real estate transactions.</li> </ul>	<ul style="list-style-type: none"> <li><b>Non-Compliance Risks:</b> If homeowners are unwilling or unable to meet even the reduced standards, not all structures will be brought into compliance.</li> </ul>
<ul style="list-style-type: none"> <li><b>Enhanced Community Relations:</b> This demonstrates the city's commitment to working with homeowners to solve longstanding issues rather than solely focusing on punitive measures.</li> </ul>	<ul style="list-style-type: none"> <li><b>Perception of Leniency:</b> If homeowners are unwilling or unable to meet even the reduced standards, not all structures will be brought into compliance.</li> </ul>


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## STRATEGIC PLAN ALIGNMENT

### Strategic Priority No. 2-Community Well-Being

**Goal 2.4:** Support programs and innovations that enhance community safety, encourage community engagement, and build public trust.

**Goal 2.5:** Foster relationships between community members, partner organizations, and public safety professionals to define, prioritize, and address community health and safety.

### Cross-Cutting Threads



Community Trust



Fiscal Responsibility



Sustainability & Resiliency



Equity



Innovation


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## RECOMMENDATION

### That the City Council:

1. Introduce and subsequently adopt the attached Ordinance to amend Title 16 of the Riverside Municipal Code, Buildings and Construction, Chapter 16.04, by adding a new Section 16.04.461 that addresses the Continued Use of Unpermitted and/or Noncomplying Conditions; and
2. Establish the Safety-First Amnesty Program and grant the Building Official the authority to execute the program in accordance with Senate Bill 1226, the California Building Code, and the California Existing Building Code.



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