



Undocumented Residential Legacy Structures

Community & Economic Development
Department

Land Use Committee
November 12, 2024

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PURPOSE

- **Discuss the challenges/concerns** that unpermitted residential legacy 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:

Undocumented residential legacy structures are unpermitted structures or alterations that exist in Riverside since 1915 without the benefit of building permits

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 1

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

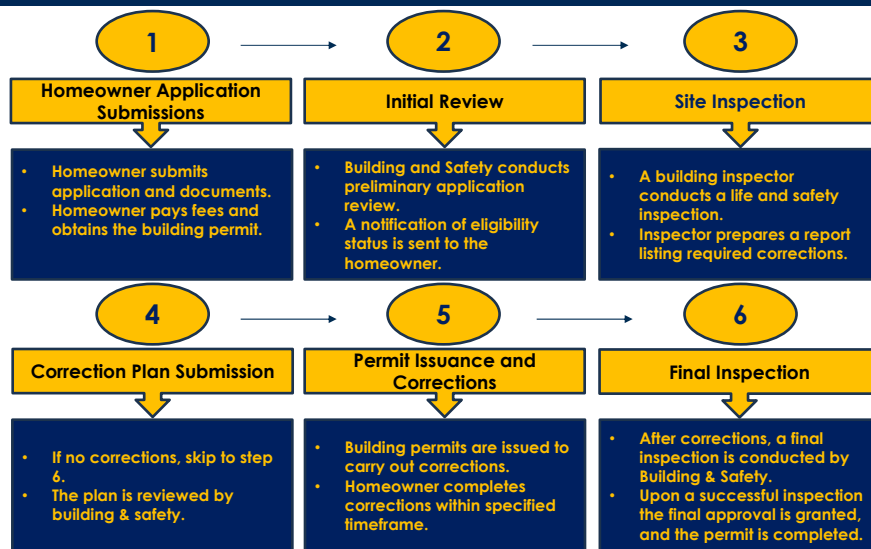


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AMNESTY PROGRAM FLOWCHART



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AMNESTY PROGRAM PROS & CONS

PROS		CONS
<ul style="list-style-type: none"> • Voluntary Compliance: Encourages voluntary compliance, by reducing the fear of penalties and improving safety without heavy-handed enforcement. 	✓	<ul style="list-style-type: none"> • Perception of Leniency: Could be perceived as lenient, undermining the city's code enforcement efforts.
<ul style="list-style-type: none"> • Improved Safety: Helps the city identify and rectify unsafe structures. 	✓	<ul style="list-style-type: none"> • Potential Liability: May not sufficiently address the most hazardous structures.
<ul style="list-style-type: none"> • Increased Property Value: May increase property values by bringing structures into compliance. 	✓	<ul style="list-style-type: none"> • Enhanced Perception of Inequality: Potential for inconsistent enforcement, leading to fairness concerns.
<ul style="list-style-type: none"> • Enhanced Community Relations: Reduces the city's enforcement burden and fosters community goodwill. 	✓	<ul style="list-style-type: none"> • Perception of Leniency: Risk of reduced public trust if the program is perceived as lenient.


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OPTION 2

Certificate of Unpermitted/Non-Complying Conditions (CUNC):

Overview:


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

Process:

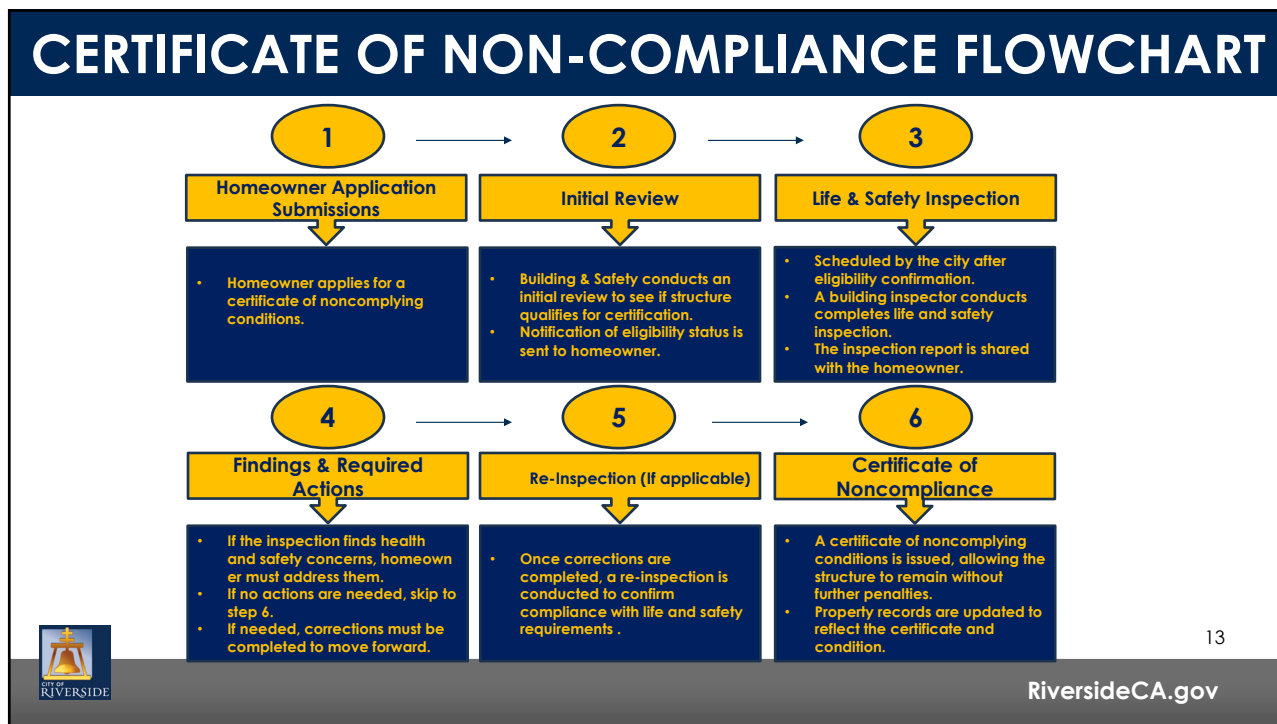
- Request a Life Safety inspection without penalty fees
- Indemnify the City; full compliance not required – Observation only

Certificate is not equivalent to a Building Permit:

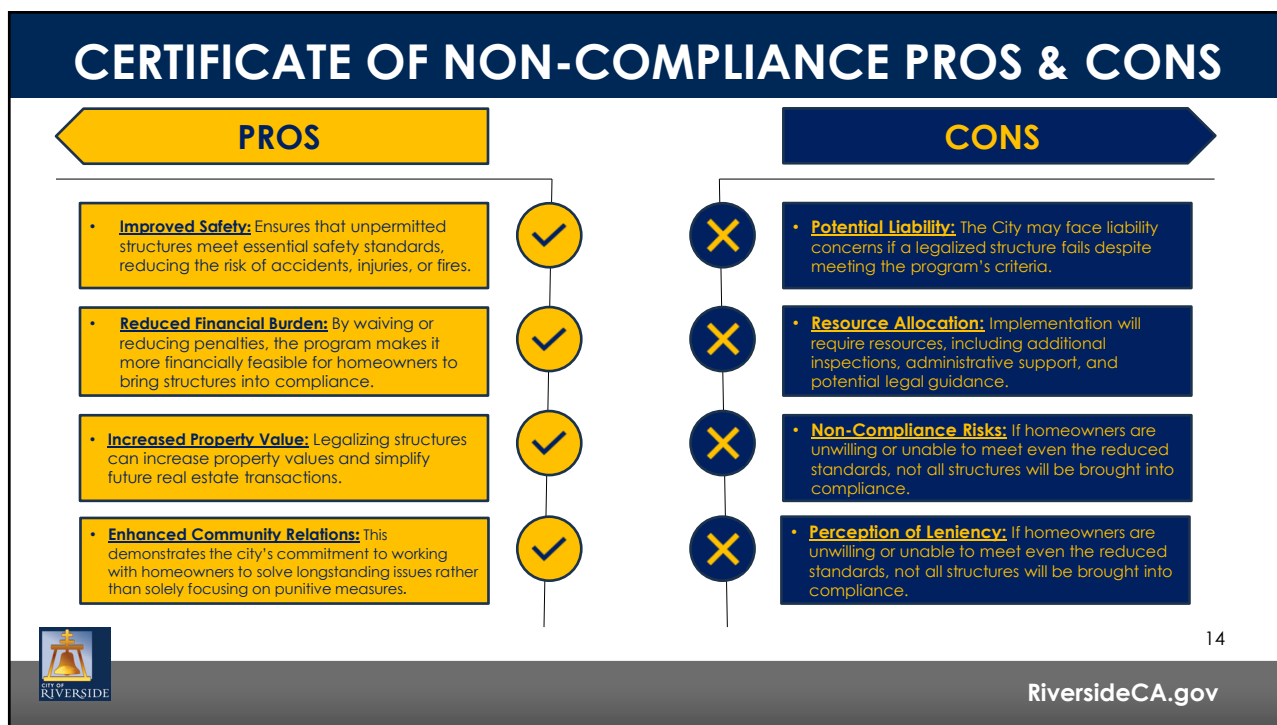
- CUNC is an acknowledgment of the structures existence and approval of continued use/occupancy only


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OPTION 3

Combination Approach:

Implement both 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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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 Land Use, Sustainability & Resilience Committee:

1. Receive a report on Undocumented Residential Legacy Structures, and;
2. Provide input on potential options/solutions to help legalize these structures and alterations.



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