

## Conflicting Communication from HCD (The Legislatled Enforcement Authority)

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**From:** "Bernd, Gerlinde@HCD" <[Gerlinde.Bernd@hcd.ca.gov](mailto:Gerlinde.Bernd@hcd.ca.gov)>

**Date:** May 4, 2022 at 9:11:14 AM PDT

**To:** ANDREW STASSE <[astasse@aol.com](mailto:astasse@aol.com)>

**Cc:** "Cross, Jay@HCD" <[Jay.Cross@hcd.ca.gov](mailto:Jay.Cross@hcd.ca.gov)>, "Coy, Melinda@HCD" <[Melinda.Coy@hcd.ca.gov](mailto:Melinda.Coy@hcd.ca.gov)>, "West, Shannan@HCD" <[Shannan.West@hcd.ca.gov](mailto:Shannan.West@hcd.ca.gov)>

**Subject:** Fw: OVSD 3/7/22 Correspondence Received

Hi Andrew,

I thought we had conveyed HCD's position after our meeting with the OVSD representatives. Apparently, this has not happened, and I apologize for our belated response.

HCD concluded that OVSD is within their right to charge sewer connection fees and that they seem to be proportionate.

As we mentioned before, HCD does not have authority over OVSD and is not taking any further action.

Regards,

**Gerlinde Bernd**

Housing & Community Development

[2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833](#)

[Phone: 916.263.5146](tel:916.263.5146)

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**THEN:**

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**From:** HCD Information@HCD <[Information@hcd.ca.gov](mailto:Information@hcd.ca.gov)>

**Sent:** Tuesday, August 9, 2022 3:19 PM

**To:** [info@ovsd-82.com](mailto:info@ovsd-82.com); HCD Information@HCD <[Information@hcd.ca.gov](mailto:Information@hcd.ca.gov)>

**Cc:** Bernd, Gerlinde@HCD <[Gerlinde.Bernd@hcd.ca.gov](mailto:Gerlinde.Bernd@hcd.ca.gov)>

**Subject:** RE: Ric Vane Fw: Ojai Valley Sanitary District (OVSD) Fee Ordinances with Respect to ADUs

Hi Ric,

HCD does neither provide legal advice nor do we represent applicants or complainants at court. You would need to seek your own counsel.

HCD has authority over local ADU ordinances to review the ordinances for compliance. We may issue findings and refer the matter to the AG. However, as you are aware, HCD does not have authority over sanitary districts.

Your case is currently under review and Gerlinde will update you as soon as new information becomes available.

Please continue to work directly with their team for assistance, updates and any other needs you may have as our role, by way of this email and the HCD phone line, is simply to connect you to the correct people for assistance.

Thank you,  
Kristin

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**Most recent communication from Gerlinde Bernd of the HCD (July 20, 2022):**

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**From:** Bernd, Gerlinde@HCD <Gerlinde.Bernd@hcd.ca.gov>  
**Sent:** Wednesday, July 20, 2022 12:37 PM  
**To:** info@ovsd-82.com  
**Subject:** RE: Ojai Valley Sanitary District (OVSD) Fee Ordinances with Respect to ADUs

Hi Ric,

I know that this is a critical matter. We are still reviewing it. Please bear with us.

Best regards,



**Gerlinde Bernd** (*she/her*)

Housing and Community Development

2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833

Phone: 916.263.5146 (Office) | 916.820.1997 (Business Cell)

## [HCD Accessory Dwelling Unit Handbook \(ca.gov\)](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ADU/ADU-Handbook.aspx)

### 8. Enforcement

- Does HCD have enforcement authority over ADU ordinances?

Yes. Pursuant to Government Code section 65852.2, subdivision (h), local agencies are required to submit a copy of newly adopted ADU ordinances within 60 days of adoption. HCD may thereafter provide written findings to the local agency as to whether the ordinance complies with State ADU Law. If HCD finds that the local agency's ADU ordinance does not comply with State ADU Law, HCD must provide a reasonable time, no longer than 30 days, for the local agency to respond. The local agency shall either amend its ordinance in accordance with HCD's written findings or adopt the ordinance without changes but include findings in its resolution explaining why the ordinance complies with State ADU Law despite HCD's findings. If the local agency does not amend its ordinance in accordance with HCD's findings or adopt a resolution explaining why the ordinance is compliant, HCD shall notify the local agency that it is in violation of State ADU Law. HCD may also notify the Attorney General of the local agency's violation. While an ordinance is non-compliant, the local agency shall apply state standards.

In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify State ADU Law.

## [Accountability and Enforcement | California Department of Housing and Community Development](#)

