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Victims of the CZU Wildfire – Four Years Later

The Flame Still Burns

**“And the flame still burns
From a glimmer back then it lights up again in my life” *Mick Jones***

Summary

For most of our community at large, the CAL FIRE designated CZU Lightning Complex Fire of August, 2020 may be no more than a distant memory, recollected only faintly as part of our collective communal experience. It may also be that such memories we have are clouded by the intervening pandemic that touched every corner of our community. Or we may simply be thankful that this disaster did not touch our homes and families. But for many who lived through that conflagration and lost homes, it is not a distant memory but rather a continuing and ever-present reality.

It may surprise you to know that a substantial number of those who lost their homes simply walked away without rebuilding. Many found themselves under-insured to the degree that they simply could not bear the cost to rebuild. Others were unable to rekindle their dreams because they found themselves unable to navigate a lengthy and often bewildering permitting process. And others chose not to rebuild their homes because they were unaware or uninformed that restorative resources and support were available. Almost four years later, only about one third of the homes that were destroyed are being rebuilt.

The Findings and Recommendations contained in this report highlight the need for improved disaster preparedness. That means more readily accessible disaster recovery information, improved support from county government agencies and the need for ongoing outreach to our community to prepare us for the next disaster event. We will be challenged again by natural disasters, be they borne of earth, wind, fire, or flood.

We can do better and we can meet that challenge together.

Table of Contents

Summary	1
Table of Contents	2
Background	3
Scope	3
Methodology	4
Investigation	4
Fire Victims' Experiences	4
Board of Supervisors	6
Board Oversight of Disaster Preparedness	7
Lack of Communication with CAL FIRE	7
Board of Supervisors' Fire Victim Support	7
Long Term Recovery Group Support of Fire Victims	8
Role of the Office of Response, Recovery and Resilience	9
Services Delivered by the Recovery Permit Center	9
RPC and Victim Interaction with County Planning	11
Obstacles to Rebuilding	11
Insurance Issues	12
Current Rebuild Status	14
Conclusion	15
Findings	15
Recommendations	16
Commendations	16
Required Responses	17
Invited Responses	17
Sources	18
References	18
Site Visits	23
Appendix A – CZU and RPC Maps & RPC Dashboard	24
Appendix B – Recovery Permit Center Geologic Hazard Workflow	25
Appendix C – After-Action Report Improvement Plan	26

Background

In the early morning of August 16, 2020, a thunderstorm occurred that produced thousands of lightning strikes, resulting in hundreds of fires throughout California. There were over 300 lightning strikes in Santa Cruz and San Mateo Counties. These combined with dangerous drought conditions unleashed the largest fire in Santa Cruz County history. This massive wildfire, dubbed the CZU Lightning Complex Fire, had devastating consequences for many of the residents of Santa Cruz Supervisorial Districts 3 and 5. The fire consumed 86,000 acres and nearly 1,000 structures, of which 697 were single family homes, and caused the tragic death of one Santa Cruz County resident.^{[1][2][3]} See Figure 5 for a map of the fire zone in [Appendix A](#).

Over 77,000 people were evacuated and nearly all of Big Basin Redwoods State Park was burned. Thirty-seven days after the fires began, on September 22nd, CAL FIRE reported it had gotten control of the CZU Lightning Complex Fire. By the end, the cost to fight this fire reached more than \$68 million. The damage, loss of life, disruption from evacuation, and efforts to support the victims of the fire were well publicized during the event. On October 6, 2020 the Santa Cruz County Board of Supervisors (BoS) voted to create the Office of Response, Recovery and Resilience (OR3) to respond to not only the CZU August Lightning Complex fire, but also to future disasters.^[4]

Past Grand Jury reports noted that nothing was yet published about the performance of our government leadership and agencies during the CZU fire. Yet they remain accountable for assisting and supporting those fire victims that lost their homes and ensuring readiness for the next disaster event.

OR3 is developing an emergency plan. It is currently being reviewed by the state office of Emergency Services (CalOES). The Grand Jury does not yet have access to the plan.^[5]

Less than a third of all homes lost to the CZU Lightning Complex Fire have been rebuilt in the intervening three and half years. Not only has the CZU Lightning Fire left residents without homes, but it also left many residents angry and frustrated about the response and performance of their local government agencies. Most residents are grateful for the work done by our county fire districts, local volunteer firefighters and selected government agencies and nonprofits. However, many residents are also exasperated and need to have their voices heard about the performance gaps of local government and agencies during the recovery and rebuilding process which continues to this day.

Scope

The function of the Grand Jury is to examine effectiveness and efficiency of city and county governments as well as special districts. The scope of this report encompasses the effectiveness of county elected leaders and county agencies in response to the CZU Lightning Complex Fire. We sought to answer these key questions about leadership, process, and communications:

- What were the major obstacles faced by those fire victims that chose to rebuild their homes?

- How efficiently and effectively did county government and agencies respond to the needs of the CZU fire victims with respect to the recovery and rebuilding process?
- Has the county government and its agencies stepped up and demonstrated oversight and accountability with respect to the CZU Fire recovery and rebuilding process?

Methodology

The Grand Jury requested and examined a wide range of documents from the county agencies involved in the CZU Lightning Complex Fire and its aftermath. The Jury researched media articles, online publications, community meetings, prior grand jury reports, and examined the practices of other counties that experienced devastating wildfire events. Furthermore, the Jury toured areas affected by the fire in Boulder Creek.

Perhaps most importantly, extensive interviews were conducted with fire victims, including those who lost homes, those who were able to rebuild and those who were unable to do so. Additionally, the Grand Jury sought out the stories and experiences of first responders, building trades professionals, and community advocates who demonstrated thoughtfulness, courage, and tenacity under adverse conditions.

However, the foundation of our investigation rests upon interviews conducted with government and county agency officials. The Grand Jury evaluated this group for their past and current levels of efficiency and disaster preparedness and for their response to this devastating community event.

It is our overriding belief and understanding that public officials and agency staff have an obligation to serve its citizens. This obligation entails ensuring that risks are understood and managed and that resources are maximized within financial constraints. This approach proactively mitigates foreseeable risks and ensures that the needs and concerns of the public are recognized and satisfied.

Investigation

As the Grand Jury began its investigation into the CZU Lightning Complex Fire, it quickly became apparent that emergency preparedness and public education related to natural disasters were lacking.^[6]^[7] However, the most alarming area of inquiry became the obstacles to recovery and rebuilding that continue to plague and frustrate fire victims. This report will detail the role that each party played in the CZU fire story and the ensuing recovery efforts.

Fire Victims' Experiences

Those whose lives were upended by the fire are the special focus of this report. As such, we start by discussing their recovery odyssey. The Grand Jury interviewed five CZU fire victims. Jurors also read stories of other victims online.^[8]^[9] These victims' stories cover the spectrum of recovery experiences. The Grand Jury found that on one end of the recovery spectrum were victims who had completed the rebuild process,

while the other end of the spectrum held those who decided to sell their parcel and move out of the mountains. Many of the victims in the latter group were senior members of our community who had lived in their homes for many years and simply had neither the energy nor the heart to rebuild. Most victims fell somewhere in between. See Figure 1 for a reminder of the devastation caused by the CZU fire.



Figure 1: Bonny Doon - Destroyed home, photo taken during the CZU fire.^[10]

Those that chose to rebuild their homes encountered a mountain of obstacles that many still struggle with today. The majority of fire victims were either uninsured or underinsured.^{[11][12]} The claims of those who were insured were processed slowly. Delays in insurance payouts meant that while victims waited, the cost of rebuilding rose dramatically. When insurance payouts were finally made, funds were no longer enough to cover the cost to rebuild their home.^[13] See Figure 2 below for an example of a home destroyed in the fire, with no action to rebuild taken as of this report.



Figure 2: Boulder Creek Destroyed Home - photo taken December 15, 2023.^[14]

Fire victims did begin to get some relief when the BoS created the Recovery Permit Center (RPC) in December 2020.^{[15][16]} Many reported that the RPC staff treated them with empathy and were responsive to their needs. A later section of this report will go into detail about the RPC organization and the preclearance process designed specifically for fire victims.

Board of Supervisors

The Grand Jury interviewed board members for this report about their responses to the CZU Fire and their continued efforts on behalf of fire victims.^{[17][18]}

Board Oversight of Disaster Preparedness

In addition to being critical of the County's initial response to the fire, victims also expressed doubt about the County's preparedness for future fires. The BoS is in the position to advocate for the community by holding agencies accountable and to prepare for an uncertain and dangerous future. Santa Cruz County will undoubtedly experience future natural disasters and it is critical that County agencies, under the purview of the Board of Supervisors, be better prepared for the next major wildfire.^{[7] [19]}

Lack of Communication with CAL FIRE

The lack of coordination and/or communication between CAL FIRE and local volunteer fire departments likely resulted in unnecessary loss. This Grand Jury heard anecdotal testimony from multiple victims about local fire volunteers being discouraged from responding to the fire or being outright ordered by CAL FIRE to stand down.^{[20] [21] [22]}

The tragic death of Last Chance resident, Tad Jones, is partly attributed to the CAL FIRE evacuation order coming late to the Last Chance community. He left the designated evacuation gathering point when no help came and paid the ultimate price.^[3]

A prior 2020-2021 Grand Jury report issued soon after the CZU Fire expressed concerns over the response by CAL FIRE. That report found that the BoS had not held CAL FIRE accountable for their lack of analysis of their performance in the CZU Lightning Complex Fire. The report also found that no provision existed in the current contract between the County and CAL FIRE to develop after-action reports during the non-fire season.^[23]

In December 2021, OR3 published the After-Action and Improvement Plan in response to the CZU Fire. However, CAL FIRE doesn't appear to have actively participated in the development of the report as the report was focused on internal County operations. This is unfortunate as CAL FIRE participation could have provided a unique perspective and valuable input.^[24] Refer to [Appendix C](#) for the After-Action Report Improvement Plan.

Board of Supervisors' Fire Victim Support

In September of 2021, the BoS passed a Resolution that grants variances for CZU fire victims that is set to expire September 21, 2024.^[25] These variances allowed those who wished to rebuild their home to take advantage of waivers in the permit process if they rebuilt "in-kind". A new home was considered "in-kind" if it were built in the same spot as the original home and if it added no more than 400 square feet. This resolution was a major exception to the building code and many victims took advantage of this exception and so were able to avoid some of the preclearance requirements.

The BoS was instrumental in establishing both the OR3 and the Recovery Permit Center (RPC).^{[26] [27]} OR3 was created in order to improve our community's emergency response, elevate our disaster awareness, and prepare for increases in extreme weather due to climate change. The RPC was created for the purpose of providing essential permitting services to fire victims. The establishment of these organizations was instrumental in streamlining the rebuilding process for CZU Fire victims.

The BoS also passed a Resolution on March 14, 2023 requiring County staff to notify permit applicants when the status of their permit applications changed. It also stipulated that application decisions should take no more than two weeks for “uncomplicated” cases.^{[28] [29]}

Long Term Recovery Group Support of Fire Victims

The Long Term Recovery Group (LTRG) is a collaboration of nonprofit, faith-based, local, state, and national organizations. These organizations work together to share information and resources to help address the needs of individuals and families affected by the CZU Lightning Complex Fires. LTRG also works in concert with a number of community-based organizations including Catholic Charities, Community Bridges, Boulder Creek Parks and Recreation, Valley Churches United, and the Community Action Board.^{[30] [31]}

The LTRG is currently supporting 30-40 families who are victims of the CZU Fire with case management services. Funding and services provided by Catholic Charities and Community Bridges included clothing, kitchen kits, laundry services, and various household items. The LTRG also hosts community events for fire victims.^[32]

Longer-term services provided by the LTRG include preclearance process assistance, septic upgrades, and reestablishment of electricity. The LTRG has also provided water tanks, contractor services, tiny houses and yurts, transportation of modular homes, and bridge funding.^[33] The LTRG is collaborating with Mennonite Disaster Services to build four to five homes per year over a three-year period for families in Santa Cruz County who lost their homes in the CZU Fire and who are uninsured or severely under-insured. This represents roughly 10% of the homes being rebuilt.^{[34] [35]}

In spite of the important services the LTRG has provided, the results of a CZU fire victim survey indicated that more than half of the respondents were not aware of the group and so did not access their services. The LTRG did not have a website until March 2024 but was rather reliant on brochures made available at the RPC office, the LTRG link on the RPC website, and their Facebook page to publicize the services it offers.^{[36] [37] [38]} In March of 2023 the LTRG went live with their website and will be better able to publicize their services going forward.^[39]

The Grand Jury was impressed by the breadth and volume of services provided by the LTRG, and was especially impressed by how effectively the LTRG services complemented those provided by the County’s RPC. One public official is quoted as saying: “The Long Term Recovery Group has been a godsend.”^[40]

Unfortunately, Community Foundation funding for the LTRG runs out mid-November 2024. Without additional funding the LTRG will go into “sleep mode” if there is no new disaster and as the need of CZU fire victims lessens.^{[41] [42] [43] [44]}

Based upon the testimony received, the Grand Jury believes that present and future disaster preparedness would be well served by the creation of a public-private partnership between the LTRG and OR3. The purpose of such a partnership would be to provide continuing case management assistance and support to current and future

disaster victims. The LTRG is very willing to continue collaborating with government entities and other community groups to help disaster victims.^[45]

Other counties have an ombudsman on staff to provide guidance to community members for difficult to navigate topics, such as water quality and building permits.^[46] An ombudsman within this partnership could provide ongoing natural disaster preparedness support and information in a number of ways, including:

- Soliciting volunteers to assist victims with limited resources in getting started in the preclearance process.
- Conducting volunteer orientations and providing training.
- Providing the community with an informational overview of current building costs in order to assist community members in their assessment of acquiring insurance policies adequate to rebuild “in kind” in the event of a future disaster event.
- Providing case management services to guide disaster victims through the rebuilding process including debris clearance, insurance and obtaining required county permits.

Role of the Office of Response, Recovery and Resilience

The County Office of Response, Recovery and Resilience was created to improve the community’s emergency response, elevate disaster awareness, and prepare for increases in extreme weather due to climate change. It was modeled after the County of Sonoma’s Office of Recovery and Resiliency.^{[4] [47]}

The purpose of the Office of Response, Recovery, and Resiliency, otherwise known as OR3, is threefold:

- A **Response** function to serve as the emergency management office including disaster preparedness for residents, development of written guidelines for emergency preparedness, response, recovery and mitigation for disasters and operation of the Emergency Operations Center (EOC).
- **Recovery** support efforts for disasters that have occurred, which includes the Long Term Recovery Group services, Recovery Permit Center services, and debris flow and removal.
- **Resilience** which includes the County’s resilience planning for future disasters, sustainability, and climate change.

Much of OR3’s initial focus has been on recovery due to the CZU Lightning Complex Fires. Their role is getting residents who lost their homes resettled and rebuilt as soon as possible after any disaster.^[48] See Figure 6 for the RPC map and dashboard in [Appendix A](#).

Services Delivered by the Recovery Permit Center

Prior to the establishment of OR3 and the RPC, the County Planning Department, now part of Community Development and Infrastructure (CDI), was the only department to deal with the influx of building permit queries from CZU Fire victims. But Planning staff

was down 30% from 22 years ago and their workload was up 30%.^[49] Therefore, the Planning Department was not equipped to handle the additional workload.

Victim interviewees unanimously agreed that contact with the Planning Department during this time was extremely frustrating and that the department was not able to provide any meaningful assistance. Victims, already traumatized by the loss of everything they owned, had negative interactions with the Planning Department. They reported feeling hopeless and/or ready to abandon their plans to rebuild.^[50] With the establishment of the RPC, victims found a helping hand. Both victims and building professionals alike found working with the newly-established RPC to be more user friendly.^[51]

The RPC was created by the BoS on November 17, 2020, three months after the CZU fire. It acts as the County's "one-stop" center with the goal of expediting and guiding the building permit and rebuilding process.^[52] After the CZU fire, our County reached out to other Counties who had also experienced large wildfires. Based on a recommendation from Sonoma County, Santa Cruz County contracted with 4Leaf, Inc. to manage the county Recovery Permit Center. The RPC was needed due to staffing constraints within the Santa Cruz County Planning Department.^[53] And 4Leaf has extensive disaster recovery experience throughout the country which was desperately needed.

The contract term was initially set to run through June 30, 2023, and was extended to June 30, 2024. Another extension to provide service through December 31, 2024 is being considered by the BoS.^[54] ^[55]

Testimony offered by fire victims and building professionals reflected the near unanimous approval of their services. The RPC dramatically reduced the time to obtain a building permit.^[56] ^[57] The streamlined CZU Fire Victim rebuild process starts with three preclearances that must be obtained prior to submission of a building permit application.^[58] The RPC team identifies and works through technical issues with septic systems, water, fire access and potential geologic hazards in the Pre-Clearance phase. A site plan is required as part of the Pre-Clearance application. The three required Pre-Clearances are:

- Environmental Health: The environmental health Pre-Clearance verifies the permitted septic system and water source for the property. The Pre-Clearance will determine the specific water and septic requirements for a proposed project.
- Fire Access: The RPC sets up a site visit to determine if the property has site access that meets standards for emergency services access, and if driveways and bridges meet applicable codes.
- Geologic Hazards: The geologic hazard Pre-Clearance is a pre-application evaluation of potential geologic hazards that may affect a rebuild proposal. Any reports required by the Pre-Clearance must be reviewed and accepted by County staff prior to issuance of the geologic hazard Pre-Clearance to apply for a building permit.

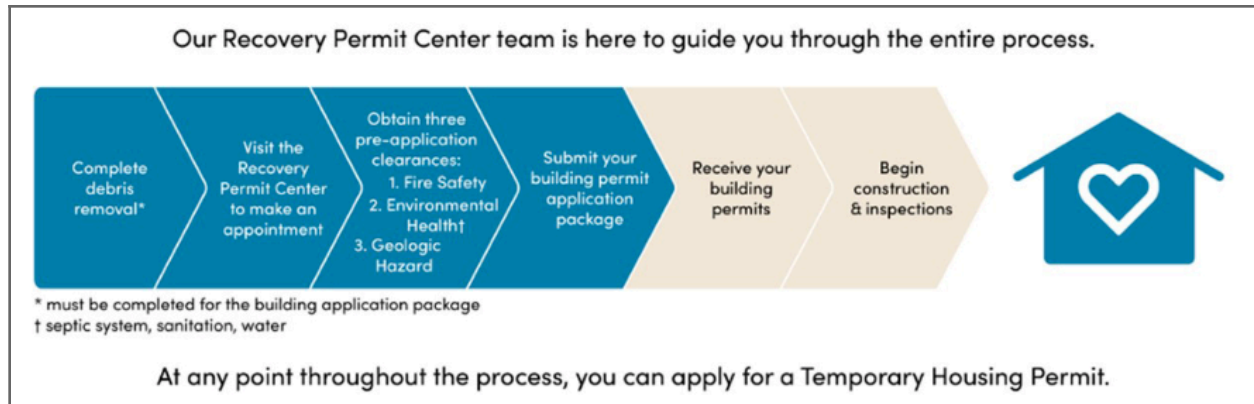


Figure 3: Recovery Permit Center - Steps to Rebuild^[59]

As shown in Figure 3, once the three Pre-Clearance hurdles are completed, the building permit application may be submitted. Initial plan review is one week, with resubmitted plans being reviewed within five days. The building permit is issued once the plans are approved.^{[60] [61]}

RPC and Victim Interaction with County Planning

Transitioning to the present, the process of winding down the RPC and passing off CZU Fire victims' cases from the RPC to the Planning Department is underway. The Grand Jury has received testimony that collaboration between the RPC and County Planning could be improved. Staffing changes in both the Planning Department and in the Recovery Permit Center (4Leaf staff) led to some delays in handling requests due to inconsistent processes between RPC and the Planning Department.^{[62] [63]} There are now weekly coordination meetings between the two (2) departments.^[64] Testimony showed that the initial phase of handing off RPC cases to the Planning Department is not going as smoothly as it should.^{[65] [66]} 4Leaf appears to lack confidence in how CZU Fire victim cases will be handled by the Planning Department.^{[67] [68]}

4Leaf and Planning Department communication is poor. In addition, the physical distance between the RPC, located in the County building basement, and the Planning Department, located on the 4th floor, hinders communication. Planning Department staff state that they would have preferred to have the RPC located in a space adjoining their offices.^[67]

So, what does the future of the relationship between the Planning Department and RPC hold for the 158 fire victim permits still in construction as of April 10, 2024? Testimony received from Planning staff indicated that they believe the RPC to be a “cool” model.^{[69] [70]} They plan to adopt RPC's expedited Pre-Clearance model.

Obstacles to Rebuilding

CZU Fire victims faced a myriad of problems while going through the permit and rebuilding process. The following is a summary of each of the major obstacles to rebuilding after the fire.

Insurance Issues

The majority of victims of the CZU Fire were either underinsured or had no fire insurance. For those who had insurance, the time to process their claims and to receive payouts took months. Some victims interviewed for this report in early 2024 were still waiting to receive their final payout. Meanwhile, as victims waited for their claims to be processed, the cost of building a home skyrocketed during the Covid pandemic. As reflected in a 2022 RPC survey of fire victims, costs rose from \$200-\$300 per square foot to \$700-\$800 per square foot.^{[71][72]} Preexisting policies did not account for this increased cost.

Some victims had enough fiscal resources to begin the process before receiving insurance payouts. In some cases, the unanticipated cost of obtaining Pre-Clearance studies quickly depleted their funds and they decided to cut their losses and abandon plans to rebuild.^[73] A few were more fortunate and were able to rebuild but still experienced out of pocket expenses waiting for their insurance payouts. One victim reported, "Right now I'm out of pocket a little over \$1.2M on this build." At the time of the interview this homeowner was still waiting for a final insurance settlement.^{[74][75]}

Shortage of Building Professionals

The COVID-19 pandemic resulted in building professionals being hired for renovations driven by California's shelter in place orders during the pandemic. As a result, CZU Fire victims struggled to engage the contractors, architects, and engineers necessary to begin their rebuilding process. The lucky people who were able to engage professional assistance were then able to avoid some of the pitfalls of the permit process and make good progress. In the early aftermath of the fire, those who chose to go at it alone ran into unfamiliar permit requirements and often incurred many thousands of dollars in costs unnecessarily. They sometimes had to scrap their early work, and go back to square one.^{[76][77]}

Required Pre-Clearances

As stated earlier, CZU fire victims were required to obtain three types of Pre-Clearances in order to be issued a building permit.

- Environmental Health
- Fire Access
- Geologic Hazards

The process of obtaining the three Pre-Clearance permits could be arduous and expensive depending on the geography of any given parcel.^{[78][79]} The typical costs include:

- Pre-Clearance permit, \$350
- Soil reports, \$6,500
- Survey, \$3,000
- Septic study, \$7,500
- Structural engineer, \$3,000-\$5,000

But these were the known costs going into the Pre-Clearance process. Unfortunately, the pre-clearance reports often showed a property did not meet the standards required to pass inspections. Alternatively, if they wanted something other than rebuilding “in kind,” the cost to come up to code could cost many tens or even hundreds of thousands of additional dollars.^[80]

Environmental Health

This Pre-Clearance concerns the septic system on the property. Septic system upgrades before the fire were approximately \$30,000-\$40,000. After the fire the cost was \$100,000 and more. Interviewees reported that over 50% of fire victims had to put in new septic systems and 25% had to upgrade to an advanced treatment system.^[81] Septic system requirements were revised and became more stringent in October 2023 when the BoS adopted the Santa Cruz County Local Area Management Program (LAMP).^[81]

In one case, a retired environmental health specialist helped 50 CZU Fire survivors obtain their environmental Pre-Clearance permit. These 50 residents’ rebuilds were held up by Planning staff with poor understanding of septic regulations and environmental health ordinances. This good Samaritan worked with the County to resolve the issue so that his neighbors could carry on with their rebuilds.^{[82] [83]}

Fire Access

The Grand Jury heard from interviewees that the fire department stringently applied the state requirements that a firetruck be able to turn around on the property. The Grand Jury also heard testimony about cases where fire trucks had adequate room to turn around but the road didn’t meet the County Fire District requirement. The minimum requirement to pass the Fire Pre-Clearance is a 12-foot wide access road with 12-foot wide by 35-foot-long turnouts located approximately every 500 feet.^[84] Many roads and culverts were badly damaged by contractors doing debris flow clearance.^[85] Needless to say, the cost of bringing roads up to fire code would be very costly. This has impacted dozens of homes in communities such as Last Chance Road.

In addition, fire codes also require 10,000 gallons of water storage on site and all homes must have a sprinkler system.

Geologic Hazards

Santa Cruz County is the 15th highest landslide risk out of 3,000 counties in the United States, according to a FEMA study.^{[86] [87]} Geologic studies and guidelines are therefore critical in protecting the safety of County residents. California now requires building foundations to be designed by a geotechnical engineer. Because geotechnical engineers will not work in a geologically hazardous area without a partnering geologist, additional costs of \$20,000-\$40,000 are incurred and the availability of these professionals is extremely limited. Most fire victims wait six months to a year for a report.^[88]

On October 13, 2021 the BoS adopted the CZU Rebuild Directive, Resolution 226-2021 to facilitate rebuilding structures destroyed in the fire. It allows rebuilding replacement structures “in kind,” up to 10% or 400 square feet larger than the original destroyed structure, on the same footprint, with minimal or no geologic hazard reports required.

The Community Foundation of Santa Cruz County funded Atkins Engineering to produce a report of geologic hazard zones so that individual property owners wouldn't have to incur the cost of conducting their own study.^[89]

If the Atkins Report shows a property is in a hazardous zone, additional geologic reports are required. To avoid those costs, an owner can choose to utilize the CZU Rebuild Directive. In this case the property owner must record a covenant that geologic hazards have not been investigated and they assume the risk of any potential geologic hazards on the property.^{[90] [91]} This covenant is an encumbrance of title, a claim against a property by a party that is not the owner. An encumbrance can impact the transferability of the property and restrict its free use until the encumbrance is lifted.^[92]

Though the geography of the fire area in Boulder Creek required these geological studies, and the process of clearing this Pre-Clearance hurdle was challenging, the Grand Jury received testimony that the County Geologist engaged by the RPC improved the Pre-Clearance process significantly and reduced the time to obtain this permit.^{[93] [94]} Refer to the RPC Geological Hazard Workflow in [Appendix B](#).

Current Rebuild Status

Figure 4 below shows the status of CZU fire victims' permits issued and homes rebuilt as of April, 2024. These numbers are the most current but are subject to change.

Category	Total	Notes
Number of homes/residences destroyed	697	Approximate count
Single-family residence permits issued by RPC, approved for construction	253	Permitted and occupied or under construction
Parcels with Single-family Residence permits currently in construction	158	Source: County of Santa Cruz, Community Development, and Infrastructure & FEMA
Parcels with approved final, moved in	95	Homes occupied
Homes/residences not rebuilt	444	Approximate count (This number is an approximation of the number of homes burned less those either rebuilt or under construction.)
Parcels since transferred or sold	193	Source: Local Hazard Mitigation Plan 2021-2026. County of Santa Cruz.

Figure 4: Counts of CZU Fire Recovery Permits and Rebuilds as of April 10, 2024 provided by the Planning Department^{[95] [96] [97]}

Conclusion

The litany of obstacles to rebuilding is long and complex. From Grand Jury interviews with fire victims and those agencies primarily responsible to aid and assist in restoration and rebuilding, we found much to note. Many victims struggled with the permitting process, insufficient insurance coverage, or a lack of knowledge or understanding of the applicable agency and regulatory requirements. Others simply were so dispirited by the experience that no amount of money could see them through to completion.

It is good to remember that we too often get lost in numbers. Numbers don't completely hide the human cost from view, but sometimes make it more difficult to see and feel. As Grand Jurors, we saw it and felt it all the more deeply as we re-lived every experience, every delay, and every difficulty with every victim we interviewed. That being said, this report is respectfully submitted as a story of both success and failure in which two seemingly contradictory concepts exist side by side. This report is offered to reconcile those concepts and to inform and guide our community.

With those thoughts in mind, the 2023-2024 Santa Cruz County Civil Grand Jury respectfully submits the following Findings, Recommendations, and Commendations.

Findings

- F1.** The inability of local fire departments to coordinate (communicate) with CAL FIRE during their initial response to the CZU Fire caused many fire victims to unnecessarily lose their homes and possibly contributed to the loss of a life.
- F2.** The Long-term Recovery Group which assisted CZU fire and other disaster victims with case management and food and housing support serves as a model for the future.
- F3.** Because many CZU fire victims were unaware of LTRG disaster services, fire victims, to their detriment, did not make use of the services and/or available financial assistance.
- F4.** The failure of County agencies to have an effective disaster response plan in place prior to the CZU Fire caused many fire victims to incur unnecessary expense in the rebuilding process.
- F5.** The failure of CDI and Environmental Health to provide timely guidance with respect to applying for and obtaining required permits after the CZU Fire caused many fire victims to expend unnecessary time and expense in the rebuild permitting process.
- F6.** The failure of the County Environmental Health department to fully inform CZU fire victims about new state septic system regulations (LAMP) resulted in many fire victims abandoning their plans to rebuild after realizing how high the cost of meeting the new standards would be.

Recommendations

- R1.** The Santa Cruz County Civil Grand Jury recommends that the Santa Cruz County Office of Response, Recovery and Resilience enter into a public-private partnership with the Long Term Recovery Group to provide continuing assistance and support for current and future disaster victims. This should be done by December 31, 2024. (F2, F3)
- R2.** The Santa Cruz County Civil Grand Jury recommends that OR3, CDI, and Santa Cruz County Environmental Health collaborate in developing a plan for an expedited rebuild process for future disaster victims. This should be done by December 31, 2024. (F5, F6)
- R3.** The Santa Cruz County Civil Grand Jury recommends that OR3 provide a list of all victims of the CZU Lightning Complex Fire, as well as lists of victims of any future disasters, to the LTRG to simplify outreach to victims. This should be done by September 1, 2024. (F2, F3)
- R4.** The Santa Cruz County Civil Grand Jury further recommends that the Board of Supervisors work with CAL FIRE to develop clear collaboration between local firefighting agencies and CAL FIRE. The community at large should then be advised as to this line of command. This should be done by December 31, 2024. (F1, F4)

Commendations

- C1.** The Santa Cruz County Civil Grand Jury commends the Recovery Permit Center and 4Leaf for its outstanding service to our community and particularly its work in assisting and supporting victims of the CZU Lightning Complex Fire in their recovery and rebuilding efforts.
- C2.** The Santa Cruz County Civil Grand Jury commends the Long Term Recovery Group for its outstanding service to our community and particularly its past and continuing work in assisting and supporting victims of the CZU Lightning Complex Fire in their recovery and rebuilding efforts.
- C3.** The Santa Cruz County Civil Grand Jury commends Catholic Charities and Community Bridges for their outstanding service to our community and their continuing work in support of CZU Lightning Fire victims and their families.
- C4.** The Santa Cruz County Civil Grand Jury commends the Community Foundation of Santa Cruz County for providing financial support to the Long Term Recovery Group and for the preparation and publication of the Atkins Debris Flow Analysis Report.
- C5.** The Santa Cruz County Civil Grand Jury commends Stephen Homan, a retired registered environmental health specialist, who helped 50 CZU fire survivors obtain their environmental Pre-Clearance. A fire victim himself, he donated his time to this effort.

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F6	R1–R4	90 days September 19, 2024

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Long Term Recovery Group	F2, F3	R1, R3	90 days September 19, 2024
Community Foundation of Santa Cruz County	F2, F3	R1, R3	90 days September 19, 2024
Director, Santa Cruz County Community Development and Infrastructure	F5, F6	R2	90 days September 19, 2024
Director, Santa Cruz County Office of Response, Recovery and Resilience	F6	R1–R3	90 days September 19, 2024
Director, Santa Cruz County Environmental Health Department	F5, F6	R2	90 days September 19, 2024

Definitions

- **4Leaf, Inc:** Independent Company hired to provide pre-clearance permitting
- **BoS:** Santa Cruz County Board of Supervisors
- **CAL FIRE:** The Department of Forestry and Fire Protection
- **CDI:** Santa Cruz County Community Development and Infrastructure
- **EOC:** Emergency Operations Center
- **LAMP:** Local Area Management Program
- **LTRG:** Long Term Recovery Group
- **OR3:** Santa Cruz County Office of Response, Recovery and Resilience
- **RPC:** Recovery Permit Center

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Site Visits

On December 15, 2023, CZU Fire Victim committee members were given a tour of several fire areas: the Clear Creek, Boulder Brook, and Fallen Leaf neighborhoods.

Appendix A – CZU and RPC Maps & RPC Dashboard

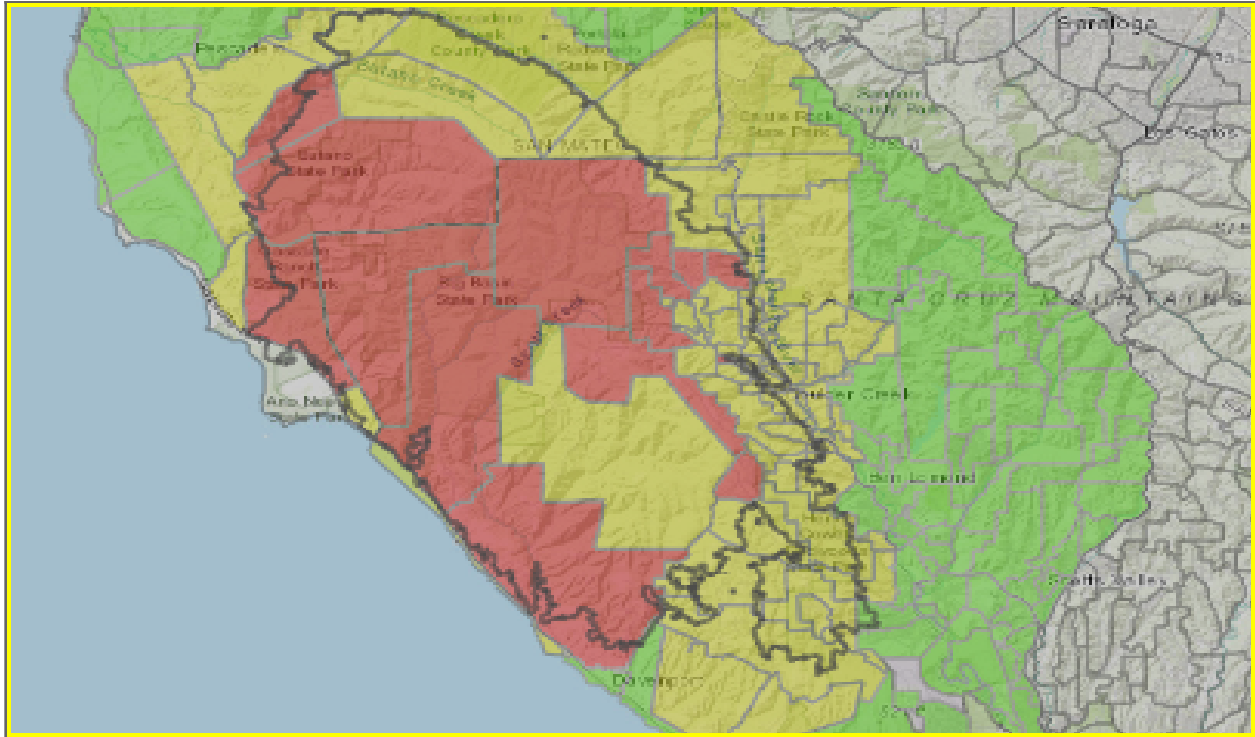


Figure 5: CZU Fire Area Map from date. Credit: KSBW Action News 8. [98]

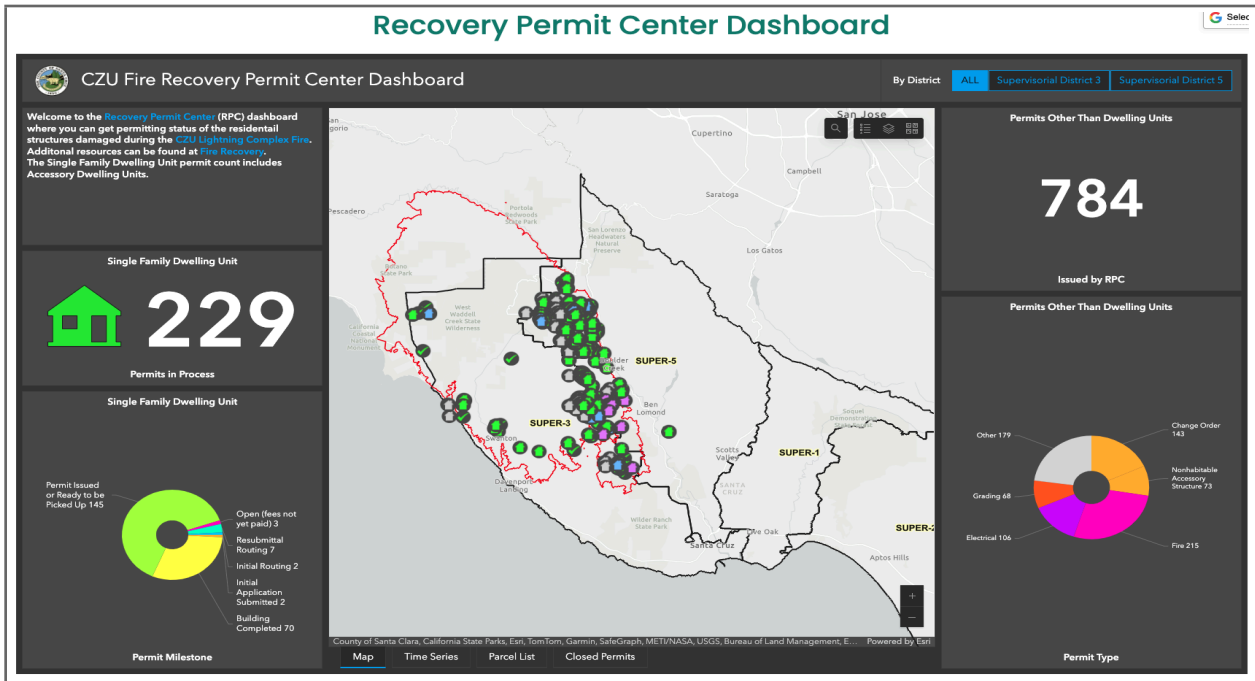


Figure 6: Recovery Permit Center Dashboard Map as of May 1, 2024. [99]

Appendix B – Recovery Permit Center Geologic Hazard Workflow

Figure 7 is the detailed workflow provided by RPC Staff. It shows how the CZU Directive can be used for the Geologic Hazard Pre-clearance, as well the steps required if the CZU Directive is not used.

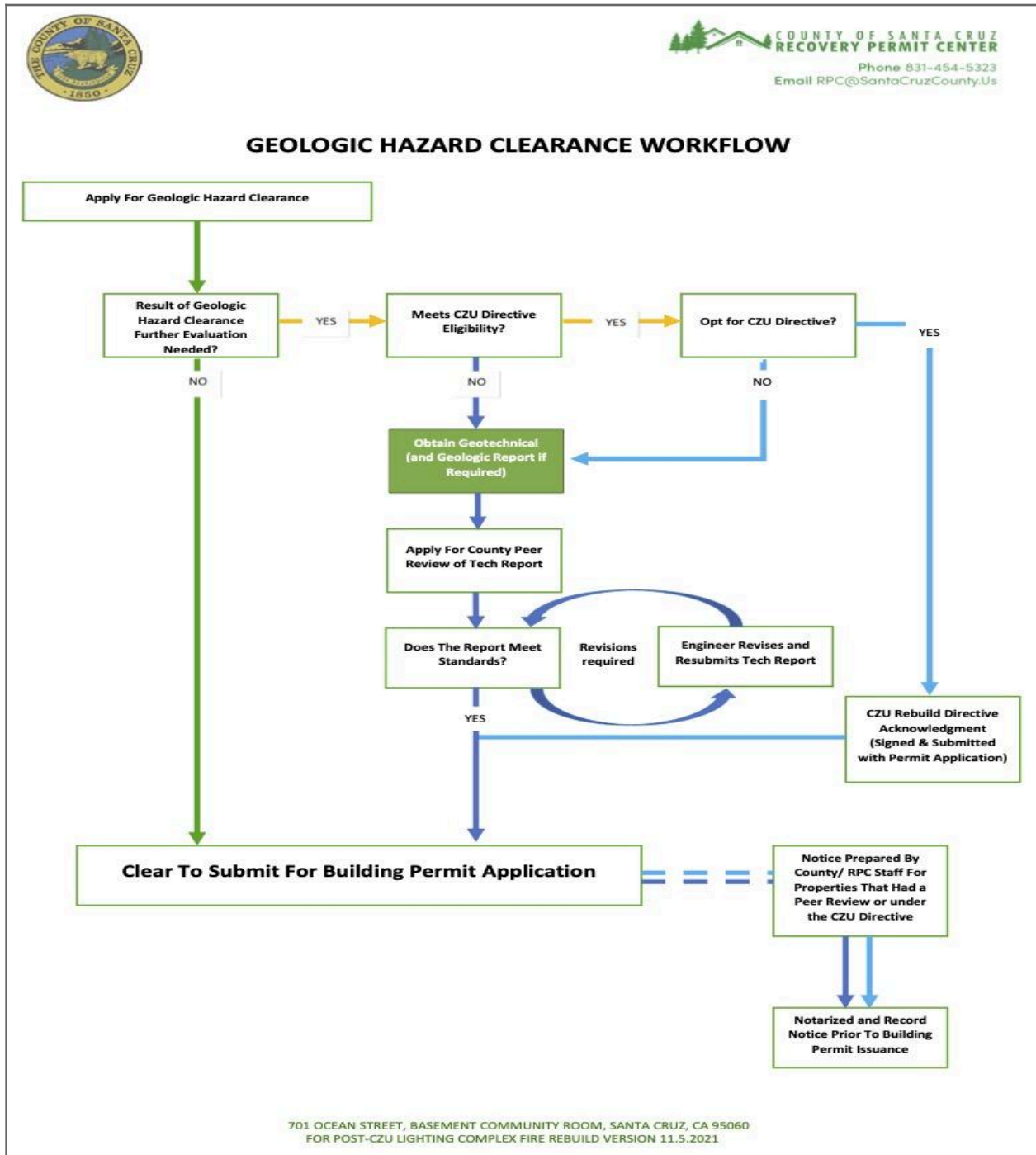


Figure 7: Geologic Hazard Clearance Workflow used by the Recovery Permit Center for CZU Fire Victims. ^[100]

Appendix C – After-Action Report Improvement Plan

Figure 8 lists the core capabilities implemented for the CZU Fire and their associated performance ratings, as observed during the event, and determined by the evaluation team and after action review process.

Capabilities having a higher frequency of deficiencies or areas of improvement identified during the after action review process were rated **M**, for “Performed with Major Challenges.”

Capabilities with lower frequency of areas of improvement or deficiency, received an **S**, for “Performed with Some Challenges.”

Core Capability	Performed without Challenges (P)	Performed with Some Challenges (S)	Performed with Major Challenges (M)	Unable to be Performed (U)
Planning			M	
Public Information and Warning		S		
Operational Coordination			M	
Intelligence and Information			M	
Infrastructure Systems		S		
Critical Transportation			M	
Environmental Response / Health Safety		S		
Mass Care Services			M	
Operational Communications			M	
Public Health		S		
Healthcare and Emergency Medical Services		S		
Situational Assessment		S		
Housing		S		
Natural and Cultural Resources		S		

Table 1. Summary of Core Capability Performance

Figure 8: After-Action Report Improvement Plan, December 7, 2021^[24]



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Housing For Whom?

An Investigation of Inclusionary Housing in the City of Santa Cruz

Summary

Inclusionary Housing refers to the percentage of units in a development project required by City Code to be set aside for below market rate rent or sale. This type of housing is a critical source of affordable housing in the City of Santa Cruz. The number is small while the demand is high.

The City Municipal Code requires that local residents and workers in the City of Santa Cruz who meet income eligibility requirements are given preference (priority) for Inclusionary Housing. But is this happening?

The Grand Jury investigation determined that the City keeps no records, does no tracking, gathers no data, and has no evidence to determine if preference is being given to local residents and local workers when renting Inclusionary Housing units.

The City has conflicting and contradictory policies on whether Inclusionary Housing applies to low, very low and extremely low income earners only, or whether moderate income earners are also eligible. The City cannot state what percentage of the City's affordable housing is occupied by income-verified UCSC students.

The Grand Jury recommends that the disparity in the City's legal documents regarding income eligibility levels for Inclusionary Housing be resolved; that the City develop publicly available metrics to ensure Inclusionary Housing preferences are being followed and to document the percentage of Inclusionary Housing units rented to UCSC students.

Table of Contents

Summary	1
Table of Contents	2
Background	3
Inclusionary Housing And Measure O	3
Housing Costs Force Long Commutes	3
UCSC Students And Rental Housing	3
Scope and Methodology	3
Investigation	4
Where Is The Data?	4
Assumptions About Inclusionary Housing And “Essential” Workers	5
Inclusionary Housing Framework	5
Inclusionary Housing: Income Levels And Rents	6
Conflicting Measure O Allowable Income Levels On City Website	7
Inclusionary Housing: The Process	8
Are Inclusionary Housing Preferences Implemented And Checked?	9
Rental Housing And UCSC Students	10
Conclusion	11
Findings	11
Recommendations	11
Required Responses	12
Definitions	12
Sources	12
References	12
Appendix A – Low and Very Low Income Rent Formula Tables for Santa Cruz	18

Background

Inclusionary Housing And Measure O

Since 1980, the City of Santa Cruz has required housing project developers to provide a percentage of the project units at “below market” rates. This percentage is called the Inclusionary rate. It was part of Measure O approved by voters in 1979. The resulting Inclusionary Ordinance adopted by the Santa Cruz City Council has subsequently undergone a number of updates.^[1]

Housing Costs Force Long Commutes

Since the adoption of the Inclusionary Ordinance, housing costs both for sale and rent have risen dramatically in Santa Cruz and elsewhere in the Bay Area. Santa Cruz has been designated as the most expensive rental market in the US. Many workers earn too little to afford the ever-increasing rents. Much of the local workforce, whether police officers, firefighters, nurses, teachers, restaurant workers, cooks, cleaners, janitors, teachers, mechanics...the list is long...commutes long distances from other less-expensive towns to work in Santa Cruz.^{[2] [3]}

UCSC Students And Rental Housing

Students have a big impact on the City’s rental housing supply. Since the adoption of the Inclusionary Ordinance in 1980, the student population at the University of California at Santa Cruz (UCSC) has increased from six thousand students to the current nineteen thousand students. Anticipated growth through 2040 is planned for twenty eight thousand students plus additional staff and faculty. Student population growth accounts for approximately half the population growth of the City of Santa Cruz since 1980.^{[4] [5] [6]}

Scope and Methodology

The Grand Jury reviewed available documents and conducted interviews to determine if there is Ordinance-related tracking by the City of Santa Cruz. In particular, the Grand Jury investigated whether Inclusionary Housing is occupied by local residents and local workers as mandated by the City’s Municipal Code 24.16.045. The Grand Jury also sought data on UCSC student occupancy of Inclusionary and 100% Affordable Housing.^[7]

The report focuses on Inclusionary Housing units in projects built since 2007. That is the year that Preference (priority) for local residents and local workers was adopted in the Ordinance and the Municipal Code.^[8]

The Scope of the report includes the following:

- How many Inclusionary units exist in the City
- The numbers of Inclusionary units at each income level

- The methods used by the City to track and document that local resident and local worker preferences are being implemented
- The percentage of Inclusionary units occupied by students and non-students.

The Methodology for the investigation included:

- Interviews with City and County agency staff and housing providers
- Statutes and Guidelines:
 - City Ordinances related to Inclusionary Housing
 - Resolutions related to Inclusionary Housing
 - Municipal Codes related to Inclusionary Housing
 - Housing and Community Development (HCD) income levels applied to Inclusionary Housing
 - Conditions of Approval for Mixed-Use Housing projects
- Process Documents:
 - Affordable Housing Agreements between developers and the City
 - Documents for applying for an Inclusionary/Measure O unit
- Tracking:
 - Annual monitoring documents required of property managers
- Other:
 - Newspaper articles
 - Public hearings for City Mixed-use Housing projects

Investigation

The Grand Jury's investigation covered how affordable housing is managed and documented within the City of Santa Cruz.

Where Is The Data?

The Grand Jury has previously addressed this issue. The 2022-2023 Grand Jury report titled, *Housing Our Workers: Essential Workers Need Affordable Housing!* recommended the City adopt "clear, measurable guidelines."^[9]

Given the magnitude of the need for more affordable housing, the long commutes by low-income local workers and the growing UCSC student population, it is imperative that existing and future Inclusionary Housing be occupied by those for whom it is intended. Whether this requirement is being achieved should be based on metrics, not assumptions or hearsay.

This investigation was done to determine whether the City of Santa Cruz has verifiable documentation to ensure the following: that the City-required Inclusionary Housing units in mixed-use and in 100% Affordable Projects are being offered to and occupied by local residents and local workers at the appropriate income levels as required.

Assumptions About Inclusionary Housing And “Essential” Workers

Members of the Santa Cruz community assume that Inclusionary Housing is intended for our local essential workers. Both proponents and opponents of the 2024 ballot Measure M (which included increasing the Inclusionary rate from 20% to 25%) made such statements during the campaign. Similar statements are voiced by members of the public as well as by the City Planning Commission and City Council when speaking in support of proposed mixed-use housing projects with Inclusionary units. Speakers claim that providing such affordable housing will enable workers to live near their workplace rather than having to commute long distances to their jobs in Santa Cruz. However, essential workers, as such, are not called out in the Inclusionary Housing preference categories. The City has no data on whether any essential workers are being housed in Inclusionary or other Affordable Housing.^{[7] [10]}

Inclusionary Housing Framework

Evolution of Measure O

Since it was passed in 1979, Measure O / Inclusionary Housing Resolutions have been updated as follows:

- Eight City Council Resolutions were passed between 1985 and 2018 requiring all Inclusionary Housing to be rented or sold to extremely low, very low and low income households as defined by the State Housing and Community Development department.
- In January 2007, preferences for local residents and local workers to rent or buy Inclusionary Housing units were added to the Ordinance.
- In 2020, the rate of Inclusionary units was raised from 15% to 20%.
- The Inclusionary designation of the units is now in perpetuity and will not convert to market rate should a tenant leave.^{[1] [11] [12] [13] [14]}

Inclusionary Housing: Preferences for Local Residents and Local Workers

Since 2007, the City has required that preferences be applied when property managers choose tenants for Inclusionary Housing. These preferences are codified in Municipal Code 24.16.045 (6) as follows:

As consistent with state and federal law, preferences for rental Inclusionary units shall be given in the following priority order:

- a. Residents of the city of Santa Cruz for at least one year.*
- b. Those employed in the city of Santa Cruz.*
- c. Residents of the county of Santa Cruz for at least one year.*
- d. Those employed in the county of Santa Cruz.*

The same order is repeated for Inclusionary sale units.^{[15] [16]}

The Grand Jury learned that UCSC students can apply for Inclusionary and Affordable Housing if they are income-verified by the Housing Authority.^{[17] [18]}

Inclusionary Housing Overview

There are currently two hundred and forty (240) built and occupied Inclusionary units of housing in the City of Santa Cruz. Ninety three (93) are ownership units while one hundred and forty seven (147) are rental units.^[19]

Income limits for Inclusionary Housing are set by the U. S. Department of Housing and Urban Development (HUD) and the State Housing and Community Development Department (HCD). The limits are tied to the County's Area Median Income (AMI) and are expressed as a percentage of that figure which varies by County and by year.^[20]

In the course of this investigation, the City updated its website for the Housing Division with a revamped Housing Assistance Information page. This update was celebrated in Mayor Keeley's monthly column in the Santa Cruz Sentinel on March 10, 2024.^[21] The new website includes the local resident and local worker preferences and information on upcoming affordable projects. Future projects, either approved or in the pipeline, are estimated to provide at least an additional six hundred Inclusionary/Affordable units.^{[22] [23]}

Inclusionary Housing: Income Levels And Rents

In 2023 the AMI in Santa Cruz County for an individual wage earner was \$92,950. The maximum annual income limit for the Low Income earner was \$74,360. The maximum monthly rent for a one-person studio for a Low Income individual was \$2,169 a month based on 80% of the AMI. For the Very Low Income category of wage earners the percentage is 50% of AMI with the maximum rent of \$1,162 a month for a one-person studio.^[24]

The AMI in Santa Cruz is rapidly rising due to the influx of higher wage earners. This rise can be seen in the comparison between the AMI in 2020 and the AMI in 2023. The AMI in 2020 for Santa Cruz County was \$77,000. Three years later in 2023 it was \$92,950. For comparison, the 2023 AMI in Monterey county was \$70,300.^{[25] [26]}

The increase in AMI is significant because the maximum allowable incomes and rents for low-income, very low-income, and extremely low-income earners are calculated as a percentage of the AMI. The higher the AMI, the higher the qualifying allowable wages and rents for all income levels of Inclusionary units.

A review of the table below in Figure 1 shows the AMI for one and two persons plus maximum income and rent allowed in the city of Santa Cruz for the category of Low Income for 2023, based on the HCD guidelines. The complete tables with footnotes can be found in [Appendix A](#). Figure 1 and 2 tables were extracted from the complete tables for easier visibility.

2023 MAXIMUM ALLOWABLE LOW INCOME BY HOUSEHOLD SIZE & MAXIMUM RENTS BY UNIT SIZE RENTAL OF AN INCLUSIONARY UNIT Per Resolution No. NS-16,452		
Household Unit Size	1 Person/ Studio	2 Person/ 1-Bedroom
STEP 1: Determine HUD Median Income (100% AMI) by Household Size	\$92,950	\$106,250
STEP 2: Reduce Step 1 by 8.16%	\$85,365	\$97,580
STEP 3: Multiply Step 2 by 80% for the Maximum Income Limit Maximum Allowable Household Income	\$68,292	\$78,064
STEP 4: Divide Step 3 by 12 for Maximum Allowable Monthly Income	\$5,691	\$6,505
STEP 5: Multiply Step 4 by 25% for Maximum Rent (Owner Pays all Utilities)	\$1,423	\$1,626

Figure 1. Low Income Rent Formula^[26]

A review of the table below (Figure 2) shows the AMI plus maximum income and rent allowed in the city of Santa Cruz for the category of Very Low Income for 2023, based on the HCD guidelines.

2023 MAXIMUM ALLOWABLE VERY LOW INCOME BY HOUSEHOLD SIZE & MAXIMUM RENTS BY UNIT SIZE RENTAL OF AN INCLUSIONARY UNIT Per Resolution No. NS-22,400		
Household Unit Size	1 Person/ Studio	2 Person/ 1-Bedroom
STEP 1: Determine HUD Median Income (100% AMI) by Household Size	\$92,950	\$106,250
STEP 2: Multiply Step 1 by 50% for the Maximum Income Limit Maximum Allowable Household Income	\$46,475	\$53,125
STEP 3: Divide Step 3 by 12 for Maximum Allowable Monthly Income	\$3,873	\$4,427
STEP 4: Multiply Step 3 by 30% for Maximum Rent (Owner Pays all Utilities)	\$1,162	\$1,328

Figure 2. Very Low Income Rent Formula^[26]

Conflicting Measure O Allowable Income Levels On City Website

The City website on Housing Assistance Information and Resources / Measure O has conflicting statements regarding allowable income levels for Inclusionary Housing. One

entry states that Measure O units are restricted to Very Low and Low Income households, or those households having a Housing Choice Voucher (Section 8). Another entry states that Measure O units are available to Moderate, Low or Very Low income households.

The City's website for the Measure O Rents and Incomes page does not include the Moderate income category and references only Low Income and Very Low income categories. However, the city's website referencing Measure O Inclusionary Housing does include Moderate Income.^[27]

As stated earlier, all eight City Council Resolutions on Inclusionary Housing from 1985 through 2018 require Inclusionary units to be rented or sold only to Low, Very Low and Extremely Low income levels.

The most recent Resolution No. NS-29, 463 Exhibit A includes:

C. INCOME ELIGIBILITY, MAXIMUM RENTS, AND MAXIMUM SALES PRICES

1. Inclusionary Units: All affordable units shall be rented or sold to extremely-low, very-low, or low income households.^[28]

In practice it appears the City is allowing the Moderate income level to be included for Inclusionary Housing projects. A currently proposed Inclusionary Housing project that includes the Moderate income category is the development for 831 Almar Street. Under the heading Affordable Units, it references nine (9) Very Low income and nine (9) Moderate Income units.^[29]

Moderate Income level earnings and allowable rents are higher than the other three categories. The 2023 HCD annual allowable income for one person in the Moderate category is \$111,550 for Santa Cruz County.^[30]

Requests were made to the City for the numbers of Inclusionary units occupied at the various income levels. The Grand Jury learned that the city does not track those metrics and no data is available.^[31]

Inclusionary Housing: The Process

The City requires a project developer to sign an Affordable Housing Development Agreement before the developer begins the process of seeking a Building Permit. Page thirty-four of the forty page Development Agreement document includes the local resident and local worker preferences section.^[32]

Once a project is built and ready for occupancy, the property manager is required to alert the City when a Measure O unit is available for rent. This availability is then listed on the City's website.^[33]

The property manager retains discretion over the choice of tenants but is expected to follow the preferences. Once a property manager selects a prospective tenant for a specific unit, the property manager signs a Letter of Referral. This letter contains no information regarding residence or current workplace of the prospective tenant but it

does allow a prospective tenant to complete a Measure O Eligibility Application for submission to the Housing Authority.^{[34] [35]}

The Measure O Eligibility Application includes the applicant’s residence and workplace information. It also has boxes for the applicant to check off yes or no to the questions of living or working in the City of Santa Cruz. The Housing Authority does not verify the residence or workplace entries. It checks and verifies only the income eligibility based on the information supplied.^[36]

If the prospective tenant is determined to be income-qualified for the specific unit, the Housing Authority sends a Measure O Eligibility Certificate to the tenant, the property owner, and the City.^[37]

Are Inclusionary Housing Preferences Implemented And Checked?

The short answer is nobody knows. There are no checks, no tracking, and no records kept. The following are descriptions of documents involved in the process. None of the documents requires a submitted statement of compliance with the required City Code preferences.

Annual Compliance Form

The City requires property managers to submit an Annual Compliance Form regarding Inclusionary Housing units. This form checks income level compliance only. It contains no reference to and requires no data for checking if the City Code preferences for local residents and local workers are being followed. The Housing Authority verifies income for Inclusionary units on first application. There is no annual verification of income. It is not clear how the city verifies and tracks ongoing income eligibility.^{[38] [39]}

Affordable Housing Development Agreement

Although the City’s Affordable Housing Development Agreement cites that the City requires a “Maintenance of records to demonstrate compliance with this chapter” and the chapter includes the City Code preferences, the City has no evidence of such records being available or checked.^[40]

Housing Choice Vouchers

Forty-eight percent (48%) of the one hundred and forty-seven inclusionary rental units in the City are occupied by Housing Choice Voucher holders (formerly Section 8). Such tenants are not required to be City locals nor work in the City. There are limited resident/worker preferences under the Housing Authority, but they are County-wide preferences, not City based. Property managers receive full market rate rents for units occupied by Voucher holders with the difference subsidized by the Federal Government.^{[41] [42] [43]}

Other Affordable Projects

The One Hundred Percent (100%) Affordable projects in the City have their own preferences (priorities) for renting units based on the requirements of the funding sources used by developers to build the projects. For example, if there is a priority for people with disabilities, people at risk of homelessness or people with a Housing Voucher, those priorities do not necessarily include local resident or local worker preferences. There is no documentation or data available from the City showing how many of these units are occupied by local residents or local workers.^{[44] [45] [46]}

Anecdotal Beliefs

The Grand Jury learned from city officials that there is an assumption that Inclusionary units are occupied by locals and local workers based on conversations and anecdotes. There is no data available to support the assumptions.^{[47] [48]}

Temporary Certificate of Occupancy Form

During the course of this investigation, the City initiated a “brand new” Temporary Certificate of Occupancy (TCO), or TCO Projects Compliance Form. This new form defines local resident and local worker preferences to remind the property manager of said preferences to follow the rules. The manager of the new Cedar Street project is the first to receive this form.^{[49] [50]}

Rental Housing And UCSC Students

The impact of UCSC students on the local rental market is an ongoing issue. The 2022-23 Grand Jury Report stated: “F2. With the planned growth of UCSC to 28,000 students, the potential demand for off campus housing for students, faculty and staff has the potential to make the affordable housing problem even worse.”^[9]

First-year UCSC students live on-campus with guaranteed housing. When they move off campus into rental housing for the rest of their UCSC education, income-eligible students qualify for Inclusionary Housing as City local residents, which is the top priority or preference for Inclusionary Housing. Each year, approximately fifty percent (50%) of students seek rental housing off-campus.^{[51] [52]}

The provision of more rental housing on Campus is a key issue in legal negotiations between UCSC and the City of Santa Cruz. The Grand Jury believes it would be helpful for the City to know how much of its affordable housing supply is rented to UCSC students.^[53]

The City could provide no data or documentation on the percentage of Inclusionary Housing units occupied by income-qualifying UCSC students. The Grand Jury learned that anecdotes and impressions substitute for data.^{[54] [55]}

Conclusion

The main function of the Civil Grand Jury is to improve transparency and accountability in local government.

If adopted, the four recommendations from the Civil Grand Jury will help the City clarify its Inclusionary Housing regulations. Doing so will provide the City and the community with clear data on which to base claims and conclusions about who occupies affordable housing in the City of Santa Cruz.

Findings

- F1.** The contradictory entries on the City’s website and in the City’s legal documents on whether Inclusionary Housing is restricted to Low, Very Low and Extremely Low income levels or whether it includes the Moderate income level is a major discrepancy with consequences about who is eligible for and who obtains Inclusionary Housing.
- F2.** The City has no data on whether Inclusionary Housing is occupied by income-verified local residents and local workers. Both groups are given preference for housing as required by Ordinance. Without data, neither the City nor the community can be assured that such housing is meeting its intended purpose.
- F3.** The City has no data on the percentage of units in Inclusionary and 100% Affordable Housing projects that are rented to UCSC students. This leaves the City and the public unable to assess the impact of UCSC on the local affordable housing supply. Such data is important for the City’s ongoing negotiations with UCSC to build more on-campus housing.

Recommendations

- R1.** The Grand Jury recommends that the Santa Cruz City Council state exactly which HCD Income Levels are covered by the City’s Inclusionary Housing Ordinance and Resolutions, and make that information public by December 31, 2024. (F1)
- R2.** The Grand Jury recommends that the Santa Cruz City Council develop an ongoing system to track, document and verify within 30 days of occupancy whether a unit is occupied by an income-verified local resident or local worker as required by the Ordinance, specifying which category the renter fulfills, and have such a system in place by January 31, 2025. (F2)
- R3.** The Grand Jury recommends that the Santa Cruz City Council document the percentage of the City’s Inclusionary and 100% Affordable Housing units that are rented to UCSC students, making that data public by February 28, 2025 with annual updates. (F3)

- R4.** The Grand Jury recommends that the Santa Cruz City Council create an Inclusionary Housing public dashboard that covers the data called for in this report by February 28, 2025. (F1, F2, F3)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz City Council	F1–F3	R1–R4	90 Days September 19, 2024

Definitions

- **Affordable housing:** a term in common use for housing that is affordable to lower income earners
- **AMI:** Area Median Income
- **HCD:** State Housing and Community Development Department
- **HUD:** U. S. Department of Housing and Urban Development^[20]
- **Housing Choice Voucher:** formerly known as Section 8 Housing. Federally assisted housing operated through the Housing Authority
- **Inclusionary Housing:** The percentage of housing in projects that is required by Ordinance to be rented or purchased at below market rates
- **Mixed-use housing:** retail on ground floor with housing above, including the required Inclusionary units
- **One Hundred Percent Affordable Housing:** Public or private projects in which all units are offered at below market-rate
- **Preferences:** Priority order for rental Inclusionary units codified in Municipal Code 24.16.045 (6). See page 6 of report for priority listing.^[15]

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Appendix A – Low and Very Low Income Rent Formula Tables for Santa Cruz

2023 MAXIMUM ALLOWABLE <u>LOW INCOME</u> BY HOUSEHOLD SIZE & MAXIMUM RENTS BY UNIT SIZE RENTAL OF AN INCLUSIONARY UNIT Per Resolution No. NS-16,452 EFFECTIVE JULY 1, 2023 ¹								
Household/ Unit Size	1 Person/ Studio	2 Person/ 1- bedroom	3 Person/ 2- bedroom	4 Person/ 3- bedroom	5 Person/ 4- bedroom	6 Person/ 5- bedroom	7 Person/ 6- bedroom	8 Person/ 7- bedroom
STEP 1: Determine HUD Median Income (100% AMI) by Household Size - Note 1	\$92,950	\$106,250	\$119,500	\$132,800	\$143,400	\$154,050	\$164,650	\$175,300
STEP 2: Reduce Step 1 by 8.16% - Note 2	\$85,365	\$97,580	\$109,749	\$121,964	\$131,699	\$141,480	\$151,215	\$160,996
STEP 3: Multiply Step 2 by 80% for the Maximum Income Limit Maximum Allowable Household Income - Note 3	\$68,292	\$78,064	\$87,799	\$97,571	\$105,359	\$113,184	\$120,972	\$128,796
STEP 4: Divide Step 3 by 12 for Maximum Allowable Monthly Income - Note 4	\$5,691	\$6,505	\$7,317	\$8,131	\$8,780	\$9,432	\$10,081	\$10,733
STEP 5: Multiply Step 3 by 25% for Maximum Rent (Owner Pays all Utilities) - Note 5	\$1,423	\$1,626	\$1,829	\$2,033	\$2,195	\$2,358	\$2,520	\$2,683

1. U.S. Dept. of Housing and Urban Development (HUD limits) <https://www.huduser.gov/portal/datasets/il/II2022/2022summary.odn> effective May 15, 2023, and the California Dept. of Housing and Community Development memo (HCD limits) <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2023.pdf> effective June 6, 2023. HCD adds extremely low, median and moderate incomes adjusted for household size and area housing costs.
 2. Percentage difference between the 1980 City and County median family incomes as determined in the 1980 census (8.16%)
 3. Maximum allowable annual gross income and assets for below-average/low-income households (80%)⁵
 4. Maximum allowable monthly income and assets⁶
 5. Maximum allowance for housing cost, including utilities. Utility costs are those established by the Santa Cruz County Housing Authority in conjunction with the Section 8 Rent Subsidy Program and are available online at https://hacosantacruz.org/wp-content/uploads/2022/12/050705_SC-UA_eff.1.01.23.pdf. If the tenant pays for any utilities, the maximum allowable rent must be reduced in accordance with the current Utility Allowance schedule.
 6. The maximum allowable assets for households seeking to rent inclusionary units shall be those limits established periodically by the Santa Cruz Housing Authority for the Section 8 Rental Assistance Program or its successor.
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Figure 3: Complete Low Income Rent Formula^[26]

2023
MAXIMUM ALLOWABLE VERY-LOW INCOME BY HOUSEHOLD SIZE & MAXIMUM RENTS BY UNIT SIZE
RENTAL OF AN INCLUSIONARY UNIT
Per Resolution No. NS-22,400

EFFECTIVE JULY 1, 2023¹

Household/ Unit Size	1 Person/ Studio	2 Person/ 1-bedroom	3 Person/ 2-bedroom	4 Person/ 3-bedroom	5 Person/ 4-bedroom	6 Person/ 5-bedroom	7 Person/ 6-bedroom	8 Person/ 7-bedroom
STEP 1: Determine HUD Median Income (100% AMI) by Household Size - Note 1	\$92,950	\$106,250	\$119,500	\$132,800	\$143,400	\$154,050	\$164,650	\$175,300
STEP 2: Multiply Step 1 by 50% for the Maximum Income Limit Maximum Allowable Household Income - Note 2	\$46,475	\$53,125	\$59,750	\$66,400	\$71,700	\$77,025	\$82,325	\$87,650
STEP 3: Divide Step 3 by 12 for Maximum Allowable Monthly Income - Note 3	\$3,873	\$4,427	\$4,979	\$5,533	\$5,975	\$6,419	\$6,860	\$7,304
STEP 4: Multiply Step 3 by 30% for Maximum Rent (Owner Pays all Utilities) - Notes 4 & 6	\$1,162	\$1,328	\$1,494	\$1,660	\$1,793	\$1,926	\$2,058	\$2,191

1 U.S. Dept. of Housing and Urban Development (HUD limits) <https://www.huduser.gov/portal/datasets/il/il2022/2022summary.odn> effective May 15, 2023 and the California Dept. of Housing and Community Development memo (HCD limits) <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2023.pdf> effective June 6, 2023. HCD adds extremely low, median and moderate incomes adjusted for household size and area housing costs.

2 Maximum allowable annual gross income and assets⁵ for very-low income households (50%) per Zoning Ordinance Section 24.22.527

3 Maximum allowable monthly income and assets⁵

4 Maximum allowance for housing cost, including utilities. Utility costs are those established by the Santa Cruz County Housing Authority in conjunction with the Section 8 Rent Subsidy Program and are available online at https://hacosantacruz.org/wp-content/uploads/2022/12/050705_SC-UA_eff.1.01.23.pdf. If the tenant pays for any utilities, the maximum allowable rent must be reduced in accordance with the current Utility Allowance schedule.

5 The maximum allowable assets for households seeking to rent inclusionary units shall be those limits established periodically by the Santa Cruz County Housing Authority for the Section 8 Rental Assistance Program or its successor.

6 For single-room occupancy units (SRO) with shared kitchen and/or bathroom, the maximum rent shall not exceed 75% of the maximum studio/1-person rent = **\$871**
 For single-room occupancy units (SRO) with kitchen and bathrooms in each unit, the maximum rent shall not exceed 85% of the maximum studio/1-person rent = **\$988**

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Figure 4: Complete Very Low Income Rent Formula^[26]

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