

Declaration of Covenants, Conditions, and Restrictions to Address Code Violations

CDE-007

PURPOSE: This form explains what a Declaration of Covenants, Conditions, and Restrictions (CC & R) document is and how it may be used by the Code Enforcement Division of the County of Sonoma Permit & Resource Management Department (PRMD) to address a code violation.

One of the primary enforcement tools used by the Code Enforcement Division is the recordation of a Notice of Abatement Proceeding against the title of a property. This recorded notice informs prospective buyers or lenders that the County of Sonoma has an unresolved code enforcement violation of record. The County will not subordinate a recorded notice, which means the County will not temporarily remove the notice to allow the property to be refinanced or sold.

What is the CC & R?

The CC & R is a written agreement between PRMD and a property owner or prospective buyer that allows a property with a recorded Notice of Abatement Proceedings to be refinanced or sold. The CC & R is a binding agreement that specifies the conditions and time lines under which the violation(s) on a property must be corrected. The signed agreement is recorded against the deed of the property in lieu of the Notice of Abatement Proceedings already in place. The CC & R is recorded along with a document that terminates the prior abatement notice, thereby allowing a property to be sold or refinanced. A cash bond will be required to guarantee compliance.

The CC & R identifies the violation, outlines a plan of action, and time lines for compliance to resolve the violation. The CC & R addresses abatement costs, civil penalties, and the amount of the cash bond. The CC & R also identifies who is responsible for paying those costs and when they are to be paid.

How is the CC & R processed?

PRMD Code Enforcement staff draft the CC & R document which must be agreed to by all interested parties. Upon approval by all parties of interest, the final CC & R document is sent by PRMD Code Enforcement staff to the title company processing the escrow account. The CC & R document will be signed along with the other escrow papers and recorded by the title company. If no escrow is involved, the parties must sign the CC & R document at PRMD for recordation in the interest of the County. In the absence of an escrow account, all abatement costs, civil penalties, and the cash bond amount must be paid before the CC & R document is recorded.

How is the CC & R removed from the title of the property and the bond refunded?

Upon completion of all the requirements and final permit approvals specified in the CC & R, the property owner must submit a written request to remove the recorded document from the deed of the property. A processing fee is charged for drafting the release of the CC & R. The releasing document must be recorded by the property owner at the Sonoma County Recorder's Office.

The cash bond is released after the property owner submits a PRMD Refund Request form ([ACT-001](#)). Processing the refund request may take four or more weeks.