

ASSEMBLY BILL

No. 178

Introduced by Assembly Member Cox

February 6, 2001

An act to add Section 1941.5 to the Civil Code, and to amend Section 17920.3 of the Health and Safety Code, relating to housing standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 178, as introduced, Cox. Housing standards: molds.

(1) Existing law defines the respective duties of landlords and tenants.

This bill would additionally require landlords of residential dwelling units to disclose to prospective tenants or lessees the presence of mold within or on a unit to an extent that endangers the health, property, safety, or welfare of the occupants. The bill would also impose a civil penalty not to exceed \$1,000 for each violation of this requirement.

(2) Existing law, the State Housing Law, defines a “substandard building” to include any building in which there is a danger to human life or health, as specified. A violation of this provision is punishable as a misdemeanor.

This bill would add visible mold on any interior wall, floor, ceiling, or any portion thereof, to the list of dangerous conditions that constitute a substandard building. By increasing the scope of an existing crime, the bill would create a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1941.5 is added to the Civil Code, to
2 read:

3 1941.5. (a) The landlord of a residential dwelling unit who
4 knows or has reason to believe that mold is or has been present
5 within or on the unit to an extent that endangers the life, limb,
6 health, property, safety, or welfare of the occupants or prospective
7 occupants thereof, shall provide written notice to each prospective
8 tenant, prior to renting or leasing the unit, of both of the following:

- 9 (1) The existence of the mold.
- 10 (2) The specific location or locations of the mold.

11 (b) A landlord shall be exempt from providing written notice
12 pursuant to subdivision (a) if state or local health, building, or
13 housing officials determine that the mold has been eliminated or
14 sufficiently mitigated so as not to pose a risk to the life, limb,
15 health, property, safety, or welfare of the occupants or prospective
16 occupants.

17 (c) In addition to any other remedy available at law, a person
18 or entity that violates this section is liable for a civil penalty
19 payable to the prospective tenant of not more than one thousand
20 dollars (\$1,000) for each violation.

21 SEC. 2. Section 17920.3 of the Health and Safety Code is
22 amended to read:

23 17920.3. Any building or portion thereof including any
24 dwelling unit, guestroom or suite of rooms, or the premises on
25 which the same is located, in which there exists any of the
26 following listed conditions to an extent that endangers the life,
27 limb, health, property, safety, or welfare of the public or the
28 occupants thereof, shall be deemed and hereby is declared to be a
29 substandard building:

30 (a) Inadequate sanitation shall include, but not be limited to, the
31 following:

- 32 (1) Lack of, or improper water closet, lavatory, or bathtub or
33 shower in a dwelling unit.



- 1 (2) Lack of, or improper water closets, lavatories, and bathtubs
- 2 or showers per number of guests in a hotel.
- 3 (3) Lack of, or improper kitchen sink.
- 4 (4) Lack of hot and cold running water to plumbing fixtures in
- 5 a hotel.
- 6 (5) Lack of hot and cold running water to plumbing fixtures in
- 7 a dwelling unit.
- 8 (6) Lack of adequate heating.
- 9 (7) Lack of, or improper operation of required ventilating
- 10 equipment.
- 11 (8) Lack of minimum amounts of natural light and ventilation
- 12 required by this code.
- 13 (9) Room and space dimensions less than required by this code.
- 14 (10) Lack of required electrical lighting.
- 15 (11) Dampness of habitable rooms.
- 16 (12) Infestation of insects, vermin, or rodents as determined by
- 17 the health officer.
- 18 (13) General dilapidation or improper maintenance.
- 19 (14) Lack of connection to required sewage disposal system.
- 20 (15) Lack of adequate garbage and rubbish storage and
- 21 removal facilities as determined by the health officer.
- 22 (b) Structural hazards shall include, but not be limited to, the
- 23 following:
- 24 (1) Deteriorated or inadequate foundations.
- 25 (2) Defective or deteriorated flooring or floor supports.
- 26 (3) Flooring or floor supports of insufficient size to carry
- 27 imposed loads with safety.
- 28 (4) Members of walls, partitions, or other vertical supports that
- 29 split, lean, list, or buckle due to defective material or deterioration.
- 30 (5) Members of walls, partitions, or other vertical supports that
- 31 are of insufficient size to carry imposed loads with safety.
- 32 (6) Members of ceilings, roofs, ceilings and roof supports, or
- 33 other horizontal members ~~which~~ that sag, split, or buckle due to
- 34 defective material or deterioration.
- 35 (7) Members of ceiling, roofs, ceiling and roof supports, or
- 36 other horizontal members that are of insufficient size to carry
- 37 imposed loads with safety.
- 38 (8) Fireplaces or chimneys ~~which~~ that list, bulge, or settle due
- 39 to defective material or deterioration.



- 1 (9) Fireplaces or chimneys ~~which~~ *that* are of insufficient size
2 or strength to carry imposed loads with safety.
- 3 (c) Any nuisance.
- 4 (d) All wiring, except *wiring* that ~~which~~ conformed with all
5 applicable laws in effect at the time of installation if it is currently
6 in good and safe condition and working properly.
- 7 (e) All plumbing, except *plumbing* that ~~which~~ conformed with
8 all applicable laws in effect at the time of installation and ~~which~~
9 *that* has been maintained in good condition, or ~~which~~ *that* may not
10 have conformed with all applicable laws in effect at the time of
11 installation but is currently in good and safe condition and working
12 properly, and ~~which~~ *that* is free of cross connections and siphonage
13 between fixtures.
- 14 (f) All mechanical equipment, including vents, except
15 *mechanical equipment* that ~~which~~ conformed with all applicable
16 laws in effect at the time of installation and ~~which~~ *that* has been
17 maintained in good and safe condition, or ~~which~~ *that* may not have
18 conformed with all applicable laws in effect at the time of
19 installation but is currently in good and safe condition and working
20 properly.
- 21 (g) Faulty weather protection, which shall include, but not be
22 limited to, the following:
- 23 (1) Deteriorated, crumbling, or loose plaster.
- 24 (2) Deteriorated or ineffective waterproofing of exterior walls,
25 roof, foundations, or floors, including broken windows or doors.
- 26 (3) Defective or lack of weather protection for exterior wall
27 coverings, including lack of paint, or weathering due to lack of
28 paint or other approved protective covering.
- 29 (4) Broken, rotted, split, or buckled exterior wall coverings or
30 roof coverings.
- 31 (h) Any building or portion thereof, device, apparatus,
32 equipment, combustible waste, or vegetation which, in the opinion
33 of the chief of the fire department or his *or her* deputy, is in such
34 a condition as to cause a fire or explosion or provide a ready fuel
35 to augment the spread and intensity of fire or explosion arising
36 from any cause.
- 37 (i) All materials of construction, except those which are
38 specifically allowed or approved by this code, and ~~which~~ have
39 been adequately maintained in good and safe condition.



1 (j) Those premises on which an accumulation of weeds,
2 vegetation, junk, dead organic matter, debris, garbage, offal,
3 rodent harborages, stagnant water, combustible materials, and
4 similar materials or conditions constitute fire, health, or safety
5 hazards.

6 (k) Any building or portion thereof ~~which~~ *that* is determined to
7 be an unsafe building due to inadequate maintenance, in
8 accordance with the latest edition of the Uniform Building Code.

9 (l) All buildings or portions thereof not provided with adequate
10 exit facilities as required by this code, except those buildings or
11 portions thereof whose exit facilities conformed with all
12 applicable laws at the time of their construction and ~~which~~ *that*
13 have been adequately maintained and increased in relation to any
14 increase in occupant load, alteration or addition, or any change in
15 occupancy.

16 When an unsafe condition exists through lack of, or improper
17 location of, exits, additional exits may be required to be installed.

18 (m) All buildings or portions thereof ~~which~~ *that* are not
19 provided with the fire-resistive construction or fire-extinguishing
20 systems or equipment required by this code, except those buildings
21 or portions thereof ~~which~~ *that* conformed with all applicable laws
22 at the time of their construction and whose fire-resistive integrity
23 and fire-extinguishing systems or equipment have been
24 adequately maintained and improved in relation to any increase in
25 occupant load, alteration or addition, or any change in occupancy.

26 (n) All buildings or portions thereof occupied for living,
27 sleeping, cooking, or dining purposes ~~which~~ *that* were not
28 designed or intended to be used for ~~such~~ *these* occupancies.

29 (o) Inadequate structural resistance to horizontal forces.

30 (p) *Visible mold on any interior wall, floor, ceiling, or any*
31 *portion thereof, regardless of whether the affected surface is*
32 *ordinarily exposed to view.*

33 “Substandard building” includes a building not in compliance
34 with Section 17920.7.

35 However, a condition ~~which~~ *that* would require displacement of
36 sound walls or ceilings to meet height, length, or width
37 requirements for ceilings, rooms, and dwelling units shall not by
38 itself be considered sufficient existence of dangerous conditions
39 making a building a substandard building, unless the building was
40 constructed, altered, or converted in violation of ~~such~~ *those*



1 requirements in effect at the time of construction, alteration, or
2 conversion.

3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

