

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 178**

**Introduced by Assembly Member Cox**

February 6, 2001

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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 amended, 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~~ *who knew or should have known that mold is or has been present in the building, the heating, ventilating, or air conditioning system, or the surrounding environments to provide a specified notice to current tenants and 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 if the mold exceeds specified standards.* The bill would also impose a civil penalty not to exceed \$1,000 for each violation of this requirement. *The bill would specify that these provisions shall not be operative unless Senate Bill 732 of the 2001–02 Regular Session is enacted, adds specified provisions, and becomes effective on or before January 1, 2002. The requirements of the bill would not apply until the State Department of Health Services adopts specified standards.*

(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,~~ *mold contamination of the indoor air* 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.~~ *A landlord who knew or should have known that*  
8 *mold is or has been present in the building, the heating,*  
9 *ventilating, or air conditioning system, or the surrounding*  
10 *environments, shall provide written notice if the mold exceeds the*  
11 *standards adopted pursuant to Sections 26102 and 26120 of the*  
12 *Health and Safety Code to each prospective tenant, prior to renting*  
13 *or leasing the unit, ~~of~~ and to the current tenant. The notice shall*  
14 *include both of the following:*

- 15 (1) The existence of the mold.
- 16 (2) The specific location or locations of the mold.

17 (b) *The notice required by this section shall include disclosure*  
18 *of the potential health risks and the health impact that may result*  
19 *from exposure to mold.*

20 (c) A landlord shall be exempt from providing written notice  
21 pursuant to subdivision (a) if state or local health, building, or  
22 housing officials determine that the mold has been eliminated or



1 sufficiently mitigated so as not to pose a risk to the life, limb,  
2 health, property, safety, or welfare of the occupants or prospective  
3 occupants.

4 ~~(e)~~

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

9 (e) *As used in this section "landlord" includes, but is not*  
10 *limited to, residential, commercial, and industrial landlords.*

11 (f) *The requirements of the section shall not apply until the State*  
12 *Department of Health Services adopts standards pursuant to*  
13 *Sections 26102 and 26120 of the Health and Safety Code, as added*  
14 *by Senate Bill 732 of the 2001–02 Regular Session.*

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

17 17920.3. Any building or portion thereof including any  
18 dwelling unit, guestroom or suite of rooms, or the premises on  
19 which the same is located, in which there exists any of the  
20 following listed conditions to an extent that endangers the life,  
21 limb, health, property, safety, or welfare of the public or the  
22 occupants thereof, shall be deemed and hereby is declared to be a  
23 substandard building:

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

26 (1) Lack of, or improper water closet, lavatory, or bathtub or  
27 shower in a dwelling unit.

28 (2) Lack of, or improper water closets, lavatories, and bathtubs  
29 or showers per number of guests in a hotel.

30 (3) Lack of, or improper kitchen sink.

31 (4) Lack of hot and cold running water to plumbing fixtures in  
32 a hotel.

33 (5) Lack of hot and cold running water to plumbing fixtures in  
34 a dwelling unit.

35 (6) Lack of adequate heating.

36 (7) Lack of, or improper operation of required ventilating  
37 equipment.

38 (8) Lack of minimum amounts of natural light and ventilation  
39 required by this code.

40 (9) Room and space dimensions less than required by this code.



- 1 (10) Lack of required electrical lighting.
- 2 (11) Dampness of habitable rooms.
- 3 (12) Infestation of insects, vermin, or rodents as determined by
- 4 the health officer.
- 5 (13) General dilapidation or improper maintenance.
- 6 (14) Lack of connection to required sewage disposal system.
- 7 (15) Lack of adequate garbage and rubbish storage and
- 8 removal facilities as determined by the health officer.
- 9 (b) Structural hazards shall include, but not be limited to, the
- 10 following:
  - 11 (1) Deteriorated or inadequate foundations.
  - 12 (2) Defective or deteriorated flooring or floor supports.
  - 13 (3) Flooring or floor supports of insufficient size to carry
  - 14 imposed loads with safety.
  - 15 (4) Members of walls, partitions, or other vertical supports that
  - 16 split, lean, list, or buckle due to defective material or deterioration.
  - 17 (5) Members of walls, partitions, or other vertical supports that
  - 18 are of insufficient size to carry imposed loads with safety.
  - 19 (6) Members of ceilings, roofs, ceilings and roof supports, or
  - 20 other horizontal members that sag, split, or buckle due to defective
  - 21 material or deterioration.
  - 22 (7) Members of ceiling, roofs, ceiling and roof supports, or
  - 23 other horizontal members that are of insufficient size to carry
  - 24 imposed loads with safety.
  - 25 (8) Fireplaces or chimneys that list, bulge, or settle due to
  - 26 defective material or deterioration.
  - 27 (9) Fireplaces or chimneys that are of insufficient size or
  - 28 strength to carry imposed loads with safety.
- 29 (c) Any nuisance.
- 30 (d) All wiring, except wiring that conformed with all
- 31 applicable laws in effect at the time of installation if it is currently
- 32 in good and safe condition and working properly.
- 33 (e) All plumbing, except plumbing that conformed with all
- 34 applicable laws in effect at the time of installation and that has been
- 35 maintained in good condition, or that may not have conformed
- 36 with all applicable laws in effect at the time of installation but is
- 37 currently in good and safe condition and working properly, and
- 38 that is free of cross connections and siphonage between fixtures.
- 39 (f) All mechanical equipment, including vents, except
- 40 mechanical equipment that conformed with all applicable laws in



1 effect at the time of installation and that has been maintained in  
2 good and safe condition, or that may not have conformed with all  
3 applicable laws in effect at the time of installation but is currently  
4 in good and safe condition and working properly.

5 (g) Faulty weather protection, which shall include, but not be  
6 limited to, the following:

7 (1) Deteriorated, crumbling, or loose plaster.

8 (2) Deteriorated or ineffective waterproofing of exterior walls,  
9 roof, foundations, or floors, including broken windows or doors.

10 (3) Defective or lack of weather protection for exterior wall  
11 coverings, including lack of paint, or weathering due to lack of  
12 paint or other approved protective covering.

13 (4) Broken, rotted, split, or buckled exterior wall coverings or  
14 roof coverings.

15 (h) Any building or portion thereof, device, apparatus,  
16 equipment, combustible waste, or vegetation which, in the opinion  
17 of the chief of the fire department or his or her deputy, is in such  
18 a condition as to cause a fire or explosion or provide a ready fuel  
19 to augment the spread and intensity of fire or explosion arising  
20 from any cause.

21 (i) All materials of construction, except those which are  
22 specifically allowed or approved by this code and have been  
23 adequately maintained in good and safe condition.

24 (j) Those premises on which an accumulation of weeds,  
25 vegetation, junk, dead organic matter, debris, garbage, offal,  
26 rodent harborages, stagnant water, combustible materials, and  
27 similar materials or conditions constitute fire, health, or safety  
28 hazards.

29 (k) Any building or portion thereof that is determined to be an  
30 unsafe building due to inadequate maintenance, in accordance  
31 with the latest edition of the Uniform Building Code.

32 (l) All buildings or portions thereof not provided with adequate  
33 exit facilities as required by this code, except those buildings or  
34 portions thereof whose exit facilities conformed with all  
35 applicable laws at the time of their construction and that have been  
36 adequately maintained and increased in relation to any increase in  
37 occupant load, alteration or addition, or any change in occupancy.

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



1 (m) All buildings or portions thereof that are not provided with  
2 the fire-resistive construction or fire-extinguishing systems or  
3 equipment required by this code, except those buildings or  
4 portions thereof that conformed with all applicable laws at the time  
5 of their construction and whose fire-resistive integrity and  
6 fire-extinguishing systems or equipment have been adequately  
7 maintained and improved in relation to any increase in occupant  
8 load, alteration or addition, or any change in occupancy.

9 (n) All buildings or portions thereof occupied for living,  
10 sleeping, cooking, or dining purposes that were not designed or  
11 intended to be used for these occupancies.

12 (o) Inadequate structural resistance to horizontal forces.

13 (p) ~~Visible mold on any interior wall, floor, ceiling, or any~~  
14 ~~portion thereof, regardless of whether the affected surface is~~  
15 ~~ordinarily exposed to view. Mold contamination of the indoor air.~~

16 “Substandard building” includes a building not in compliance  
17 with Section 17920.7.

18 However, a condition that would require displacement of sound  
19 walls or ceilings to meet height, length, or width requirements for  
20 ceilings, rooms, and dwelling units shall not by itself be considered  
21 sufficient existence of dangerous conditions making a building a  
22 substandard building, unless the building was constructed, altered,  
23 or converted in violation of those requirements in effect at the time  
24 of construction, alteration, or conversion.

25 SEC. 3. *Section 1 of this bill shall not become operative unless*  
26 *Senate Bill 732 of the 2001–02 Regular Session is enacted, adds*  
27 *Sections 26102 and 26120 to the Health and Safety Code, and*  
28 *becomes effective on or before January 1, 2002.*

29 SEC. 4. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 the only costs that may be incurred by a local agency or school  
32 district will be incurred because this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the penalty  
34 for a crime or infraction, within the meaning of Section 17556 of  
35 the Government Code, or changes the definition of a crime within  
36 the meaning of Section 6 of Article XIII B of the California  
37 Constitution.

