

**ASSEMBLY BILL**

**No. 967**

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**Introduced by Assembly Member Hueso**

February 22, 2013

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An act to amend Sections 17920.3 and 17961 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 967, as introduced, Hueso. Substandard housing: regulations.

(1) Existing law specifies that any building, including any dwelling unit, shall be deemed to be a substandard building when a health officer determines that, among other things, an infestation of insects, vermin, or rodents exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants, or there is a lack of adequate garbage and rubbish storage and removal facilities.

This bill would authorize a local enforcement agency, including an environmental agency, housing department, or building department, to make these determinations, as specified, in addition to a health officer.

(2) Existing law provides that the housing or building department of every city, county, or city and county is required to enforce within its jurisdiction all of the State Housing Law. Existing law further provides that the health department of every city, county, or city and county, or any environmental agency or local building department, may enforce regulations related to lead hazards, as specified, and is required to coordinate enforcement activities with other interested departments and agencies in order to avoid unnecessary duplication.

This bill would specify that a local housing department is authorized to enforce regulations related to lead hazards.

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

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

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Exposure to pests, such as arthropods and rodents, in one’s  
4 home has clear health impacts. Cockroaches are known to produce  
5 allergens that trigger asthma, especially in children. A study  
6 conducted by the National Institutes of Health found that cockroach  
7 allergens are the primary contributor to childhood asthma in  
8 inner-city homes. House mice can spread a type of meningitis.  
9 Bed bug bites can cause itching and become infected, while bed  
10 bug infestations have been linked to severe mental stress.

11 (b) State law limits the enforcement authority for pest  
12 infestations to county health officers. Cities lacking an agreement  
13 or the resources needed to contract with a county for the services  
14 of the county health officer are left without any authority to address  
15 pest infestations.

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

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

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

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

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

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

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

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

- 1 (6) Lack of adequate heating.
- 2 (7) Lack of, or improper operation of required ventilating  
3 equipment.
- 4 (8) Lack of minimum amounts of natural light and ventilation  
5 required by this code.
- 6 (9) Room and space dimensions less than required by this code.
- 7 (10) Lack of required electrical lighting.
- 8 (11) Dampness of habitable rooms.
- 9 (12) Infestation of insects, vermin, or rodents as determined by  
10 ~~the~~ a health officer or, if a health officer is not available or a city  
11 has not entered into an agreement with the county for the provision  
12 of these services, as determined by a local enforcement agency,  
13 as defined in subdivision (c) of Section 105251.
- 14 (13) General dilapidation or improper maintenance.
- 15 (14) Lack of connection to required sewage disposal system.
- 16 (15) Lack of adequate garbage and rubbish storage and removal  
17 facilities, as determined by ~~the~~ a health officer or local enforcement  
18 agency, as defined in subdivision (c) of Section 105251.
- 19 (b) Structural hazards shall include, but not be limited to, the  
20 following:
  - 21 (1) Deteriorated or inadequate foundations.
  - 22 (2) Defective or deteriorated flooring or floor supports.
  - 23 (3) Flooring or floor supports of insufficient size to carry  
24 imposed loads with safety.
  - 25 (4) Members of walls, partitions, or other vertical supports that  
26 split, lean, list, or buckle due to defective material or deterioration.
  - 27 (5) Members of walls, partitions, or other vertical supports that  
28 are of insufficient size to carry imposed loads with safety.
  - 29 (6) Members of ceilings, roofs, ceilings and roof supports, or  
30 other horizontal members which sag, split, or buckle due to  
31 defective material or deterioration.
  - 32 (7) Members of ceiling, roofs, ceiling and roof supports, or other  
33 horizontal members that are of insufficient size to carry imposed  
34 loads with safety.
  - 35 (8) Fireplaces or chimneys which list, bulge, or settle due to  
36 defective material or deterioration.
  - 37 (9) Fireplaces or chimneys which are of insufficient size or  
38 strength to carry imposed loads with safety.
- 39 (c) Any nuisance.

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

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

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

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

12 (m) All buildings or portions thereof that are not provided with  
13 the fire-resistive construction or fire-extinguishing systems or  
14 equipment required by this code, except those buildings or portions  
15 thereof that conformed with all applicable laws at the time of their  
16 construction and whose fire-resistive integrity and  
17 fire-extinguishing systems or equipment have been adequately  
18 maintained and improved in relation to any increase in occupant  
19 load, alteration or addition, or any change in occupancy.

20 (n) All buildings or portions thereof occupied for living,  
21 sleeping, cooking, or dining purposes that were not designed or  
22 intended to be used for those occupancies.

23 (o) Inadequate structural resistance to horizontal forces.  
24 “Substandard building” includes a building not in compliance  
25 with Section 13143.2.

26 However, a condition that would require displacement of sound  
27 walls or ceilings to meet height, length, or width requirements for  
28 ceilings, rooms, and dwelling units shall not by itself be considered  
29 sufficient existence of dangerous conditions making a building a  
30 substandard building, unless the building was constructed, altered,  
31 or converted in violation of those requirements in effect at the time  
32 of construction, alteration, or conversion.

33 SEC. 3. Section 17961 of the Health and Safety Code is  
34 amended to read:

35 17961. (a) The housing or building department or, if there is  
36 no building department acting pursuant to this section, the health  
37 department of every city, county, or city and county, or any  
38 environmental agency authorized pursuant to Section 101275, shall  
39 enforce within its jurisdiction all of this part, the building standards  
40 published in the State Building Standards Code, and the other rules

1 and regulations adopted pursuant to this part pertaining to the  
2 maintenance, sanitation, ventilation, use, or occupancy of apartment  
3 houses, hotels, or dwellings. The health department or the  
4 environmental agency may, in conjunction with a local housing  
5 or building department acting pursuant to this section, enforce  
6 within its jurisdiction all of this part, the building standards  
7 published in the State Building Standards Code, and the other rules  
8 and regulations adopted pursuant to this part pertaining to the  
9 maintenance, sanitation, ventilation, use, or occupancy of apartment  
10 houses, hotels, or dwellings. Each department and agency, as  
11 applicable, shall coordinate enforcement activities with each other  
12 and interested departments and agencies in order to avoid  
13 unnecessary duplication.

14 (b) Notwithstanding subdivision (a), the health department of  
15 every city, county, or city and county, or any environmental agency  
16 authorized pursuant to Section 101275 may, in addition to the local  
17 building *or housing* department, if any, enforce within its  
18 jurisdiction the provisions of Section 17920.10 and shall coordinate  
19 enforcement activities with other interested departments and  
20 agencies in order to avoid unnecessary duplication.

21 (c) The State Department of Health Services may enforce  
22 Section 17920.10 if any local agency or department specified in  
23 subdivisions (a) and (b) enters into a written agreement, approved  
24 and published pursuant to local government procedures, with the  
25 State Department of Health Services to enforce that section, or  
26 provides the State Department of Health Services with a written  
27 request to enforce that section for a specific case following the  
28 identification of a lead poisoned child in that jurisdiction.