

ASSEMBLY BILL

No. 1037

Introduced by Assembly Member V. Manuel Pérez

February 22, 2013

An act to amend Section 17021.6 of the Health and Safety Code, relating to employee housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1037, as introduced, V. Manuel Pérez. Employee Housing Act: agricultural land use.

The Employee Housing Act requires a person operating employee housing to obtain a permit to operate that housing from the agency that enforces the act, which can either be the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for enforcing the act. The act designates any employee housing consisting of no more than 36 beds in a group quarters or 12 units of spaces designed for use by a single family or household as an agricultural land use, and exempts that housing from specified land use regulations of a local government and specified taxes and fees.

This bill would designate as an agricultural land use any employee housing consisting of no more than 36 beds in a group quarters, 12 units or spaces designed for use by single families or households, or 48 units or spaces operated by a governmental or nonprofit agency and designed for use by single families or households.

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

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

1 SECTION 1. Section 17021.6 of the Health and Safety Code
 2 is amended to read:

3 17021.6. (a) The owner of any employee housing who has
 4 qualified or intends to qualify for a permit to operate pursuant to
 5 this part may invoke this section.

6 (b) Any employee housing consisting of no more than 36 beds
 7 in a group ~~quarters or quarters~~, 12 units or spaces designed for
 8 use by a single ~~family or household~~ *families or households*, or 48
 9 *units or spaces operated by a governmental or nonprofit agency*
 10 *and designed for use by single families or households* shall be
 11 deemed an agricultural land use for the purposes of this section.
 12 For the purpose of all local ordinances, employee housing shall
 13 not be deemed a use that implies that the employee housing is an
 14 activity that differs in any other way from an agricultural use. No
 15 conditional use permit, zoning variance, or other zoning clearance
 16 shall be required of this employee housing that is not required of
 17 any other agricultural activity in the same zone. The permitted
 18 occupancy in employee housing in a zone allowing agricultural
 19 uses shall include agricultural employees who do not work on the
 20 property where the employee housing is located.

21 (c) Except as otherwise provided in this part, employee housing
 22 consisting of no more than 36 beds in a group ~~quarters or quarters~~,
 23 12 units or spaces designed for use by a single ~~family or household~~
 24 *families or households*, or 48 *units or spaces operated by a*
 25 *governmental or nonprofit agency and designed for use by single*
 26 *families or households* shall not be subject to any business taxes,
 27 local registration fees, use permit fees, or other fees to which other
 28 agricultural activities in the same zone are not likewise subject.
 29 This subdivision does not forbid the imposition of local property
 30 taxes, fees for water services and garbage collection, fees for
 31 normal inspections, local bond assessments, and other fees, charges,
 32 and assessments to which other agricultural activities in the same
 33 zone are likewise subject. Neither the State Fire Marshal nor any
 34 local public entity shall charge any fee to the owner, operator, or
 35 any resident for enforcing fire inspection regulation pursuant to
 36 state law or regulations or local ordinance, with respect to
 37 employee housing consisting of no more than 36 beds in a group
 38 ~~quarters or quarters~~, 12 units or spaces designed for use by a single

1 ~~family or household~~ *families or households, or 48 units or spaces*
2 *operated by a governmental or nonprofit agency and designed for*
3 *use by single families or households.*

4 (d) For the purposes of any contract, deed, or covenant for the
5 transfer of real property, employee housing consisting of no more
6 than 36 beds in a ~~group-quarters or quarters~~, 12 units or spaces
7 designed for use by ~~a single family or household~~ *families or*
8 *households, or 48 units or spaces operated by a governmental or*
9 *nonprofit agency and designed for use by single families or*
10 *households shall be considered an agricultural use of property,*
11 *notwithstanding any disclaimers to the contrary. For purposes of*
12 *this section, “employee housing” includes employee housing*
13 *defined in subdivision (b) of Section 17008, even if the housing*
14 *accommodations or property are not located in a rural area, as*
15 *defined by Section 50101.*

16 (e) The Legislature hereby declares that it is the policy of this
17 state that each county and city shall permit and encourage the
18 development and use of sufficient numbers and types of employee
19 housing facilities as are commensurate with local need. This section
20 shall apply equally to any charter city, general law city, county,
21 city and county, district, and any other local public entity.

22 (f) If any owner who invokes the provisions of this section fails
23 to maintain a permit to operate pursuant to this part throughout
24 the first 10 consecutive years following the issuance of the original
25 certificate of occupancy, both of the following shall occur:

26 (1) The enforcement agency shall notify the appropriate local
27 government entity.

28 (2) The public agency that has waived any taxes, fees,
29 assessments, or charges for employee housing pursuant to this
30 section may recover the amount of those taxes, fees, assessments,
31 or charges from the landowner, less 10 percent of that amount for
32 each year that a valid permit has been maintained.

33 (g) Subdivision (f) shall not apply to an owner of any
34 prospective, planned, or unfinished employee housing facility who
35 has applied to the appropriate state and local public entities for a
36 permit to construct or operate pursuant to this part prior to January
37 1, 1996.

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