

Senate Bill No. 1167

CHAPTER 81

An act to amend Sections 17980, 116125, 116130, 116135, 116140, and 116145 of the Health and Safety Code, relating to vector control.

[Approved by Governor July 7, 2014. Filed with Secretary
of State July 7, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1167, Hueso. Vector control.

(1) Existing law requires a person who possesses a place that is infested with rodents to immediately proceed and continue in good faith to exterminate and destroy the rodents. Existing law authorizes the State Department of Public Health, a county board of supervisors, or a governing board of a city to take specified actions, including purchasing poison, traps, and other materials, for the purpose of exterminating and destroying rodents.

This bill would additionally require that person to abate specified conditions that are causing the infestation. The bill would also authorize the department, the county board of supervisors, and the governing body of a city to abate specified conditions that are causing the infestation.

(2) Existing law requires the building department of every city or county to enforce within its jurisdiction all the provisions published in the State Building Standards Code and other housing standards. Existing law provides various methods of remediating building code and safety violations, including repair, rehabilitation, vacation, or demolition of the building.

This bill would require, whenever the enforcement agency determines that there is an infestation, as specified, that the enforcement agency's abatement order include abatement of any other specified conditions that the agency determines to have caused the infestation.

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

SECTION 1. Section 17980 of the Health and Safety Code is amended to read:

17980. (a) If a building is constructed, altered, converted, or maintained in violation of any provision of, or in violation of any order or notice that gives a reasonable time to correct that violation issued by an enforcement agency pursuant to this part, the building standards published in the California Building Standards Code, or other rules and regulations adopted pursuant to this part, or if a nuisance exists in a building or upon the lot on which it is situated, the enforcement agency shall, after 30 days' notice to abate the nuisance or violation, or a notice to abate with a shorter period of

time if deemed necessary by the enforcement agency to prevent or remedy an immediate threat to the health and safety of the public or occupants of the structure, institute appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance. Notwithstanding the above, if a person has purchased and is in the process of diligently abating any violation at a residential property that had been foreclosed on or after January 1, 2008, an enforcement agency shall not commence an action or proceeding until at least 60 days after the person takes title to the property, unless a shorter period of time is deemed necessary by the enforcement agency, in its sole discretion, to prevent or remedy an immediate threat to the health and safety of the neighboring community, public, or occupants of the structure.

(b) If an entity releases a lien securing a deed of trust or mortgage on a property for which a notice of pendency of action, as defined in Section 405.2 of the Code of Civil Procedure, has been recorded against the property by an enforcement agency pursuant to subdivision (a) of Section 17985 of the Health and Safety Code or Section 405.7 or 405.20 of the Code of Civil Procedure, it shall notify in writing the enforcement agency that issued the order or notice within 30 days of releasing the lien.

(c) (1) Whenever the enforcement agency has inspected or caused to be inspected a building and has determined that the building is a substandard building or a building described in Section 17920.10, the enforcement agency shall commence proceedings to abate the violation by repair, rehabilitation, vacation, or demolition of the building. The enforcement agency shall not require the vacating of a residential building unless it concurrently requires expeditious demolition or repair to comply with this part, the building standards published in the California Building Standards Code, or other rules and regulations adopted pursuant to this part. The owner shall have the choice of repairing or demolishing. However, if the owner chooses to repair, the enforcement agency shall require that the building be brought into compliance according to a reasonable and feasible schedule for expeditious repair. The enforcement agency may require vacation and demolition or may itself vacate the building, repair, demolish, or institute any other appropriate action or proceeding, if any of the following occur:

(A) The repair work is not done within the period required by the notice.

(B) The owner does not make a timely choice of repair or demolition.

(C) The owner selects an option which cannot be completed within a reasonable period of time, as determined by the enforcement agency, for any reason, including, but not limited to, an outstanding judicial or administrative order.

(2) In deciding whether to require vacation of the building or to repair as necessary, the enforcement agency shall give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 75 percent of the dwelling, as determined by the enforcement agency, and shall give full consideration to the needs for housing as expressed in the local jurisdiction's housing element.

(d) (1) Notwithstanding subdivision (c) and notwithstanding local ordinances, tenants in a residential building shall be provided copies of any of the following:

(A) The notice of a violation described in subdivision (a) that affects the health and safety of the occupants and that causes the building to be substandard pursuant to Section 17920.3 or in violation of Section 17920.10.

(B) An order of the code enforcement agency issued after inspection of the premises declaring the dwelling to be in violation of a provision described in subdivision (a).

(C) The enforcement agency's decision to repair or demolish.

(D) The issuance of a building or demolition permit following the abatement order of an enforcement agency.

(2) Each document provided pursuant to paragraph (1) shall be provided to each affected residential unit by the enforcement agency that issued the order or notice, in the manner prescribed by subdivision (a) of Section 17980.6.

(e) All notices issued by the enforcement agency to correct violations or to abate nuisances shall contain a provision notifying the owner that, in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year.

(f) The enforcement agency may charge the owner of the building for its postage or mileage cost for sending or posting the notices required to be given by this section.

(g) If the enforcement agency determines that there is an infestation pursuant to paragraph (12) of subdivision (a) of Section 17920.3 or Section 116130, the enforcement agency's abatement order shall require the abatement of any other conditions listed in Section 17920.3 that the enforcement agency determines to have caused the infestation.

SEC. 2. Section 116125 of the Health and Safety Code is amended to read:

116125. Every person possessing a place that is infested with rodents, as soon as their presence comes to his or her knowledge, shall at once proceed and continue in good faith to endeavor to exterminate and destroy the rodents, by poisoning, trapping, and other appropriate means, and to abate the conditions listed in Section 17920.3 that are causing the infestation.

SEC. 3. Section 116130 of the Health and Safety Code is amended to read:

116130. The department, the board of supervisors of each county, local health officers, or inspectors appointed by any of them, as provided in this article and Chapter 3 (commencing with Section 116250), may inspect a place for the purpose of ascertaining whether it is infested with rodents and whether the requirements of this article and Chapter 3 (commencing with Section 116250) as to their extermination and destruction, and the abatement of the conditions listed in Section 17920.3 that are causing the infestation are being complied with. However, no building occupied as a dwelling,

hotel, or rooming house, shall be entered for inspection purposes except between the hours of 9 a.m., and 5 p.m.

SEC. 4. Section 116135 of the Health and Safety Code is amended to read:

116135. The board of supervisors of each county and the governing body of each city, whenever it may by resolution determine that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease, communicable to mankind, or when it determines that it is necessary to prevent great and irreparable damage to crops or other property, may appropriate money for the purchase of, and may purchase, poison, traps, and other materials for the purpose of exterminating and destroying rodents and abating the conditions listed in Section 17920.3 that are causing the infestation in that county or city, and may employ and pay inspectors, who shall prosecute the work of extermination, destruction, and abatement on both private and public property in the county or city.

SEC. 5. Section 116140 of the Health and Safety Code is amended to read:

116140. Whenever a person possessing a place that is infested with rodents, fails, neglects, or refuses to proceed and to continue to endeavor to exterminate and destroy the rodents and abate the conditions listed in Section 17920.3 that are causing the infestation, as required in this article and Chapter 3 (commencing with Section 116250), the department and its inspectors, the county board of supervisors and its inspectors, and the local health officer, shall at once cause the rodents to be exterminated and destroyed and the conditions listed in Section 17920.3 that are causing the infestation to be abated.

SEC. 6. Section 116145 of the Health and Safety Code is amended to read:

116145. The expense of exterminating and destroying the rodents and abating the conditions listed in Section 17920.3 that are causing the infestation is a charge against the county or city in which the work is done, and the board of supervisors or other governing body shall allow and pay it.