

Introduced by Senator MitchellFebruary 27, 2015

An act to amend Sections 17920 and 17920.3 of the Health and Safety Code, relating to housing standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 655, as introduced, Mitchell. Housing standards: mold.

(1) The State Housing Law, which is administered by the Department of Housing and Community Development, prescribes standards for buildings used for human habitation and establishes definitions for this purpose. The law provides that a building, or a portion of it, in which certain conditions are found to exist, such as a lack of sanitation, as specified, is substandard. The law provides that a violation of these provisions is a misdemeanor.

This bill would specify that visible or otherwise demonstrable mold growth, excepting mold caused by inappropriate housekeeping practices or improper use of ventilation, is a type of inadequate sanitation and therefore a substandard condition. The bill would define mold as living or dead fungi or its related products or parts, including spores and hyphae. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(2) 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 17920 of the Health and Safety Code is
2 amended to read:
3 17920. As used in this part:
4 ~~(a)~~
5 (a) “Approved” means acceptable to the department.
6 ~~(b)~~
7 (b) “Building” means a structure subject to this part.
8 ~~(c)~~
9 (c) “Building standard” means building standard as defined in
10 Section 18909.
11 ~~(d)~~
12 (d) “Department” means the Department of Housing and
13 Community Development.
14 ~~(e)~~
15 (e) “Enforcement” means diligent effort to secure compliance,
16 including review of plans and permit applications, response to
17 complaints, citation of violations, and other legal process. Except
18 as otherwise provided in this part, “enforcement” may, but need
19 not, include inspections of existing buildings on which no
20 complaint or permit application has been filed, and effort to secure
21 compliance as to these existing buildings.
22 ~~(f)~~
23 (f) “Fire protection district” means any special district, or any
24 other municipal or public corporation or district, which is
25 authorized by law to provide fire protection and prevention
26 services.
27 ~~(g)~~
28 (g) “Labeled” means equipment or materials to which has been
29 attached a label, symbol, or other identifying mark of an
30 organization, approved by the department, that maintains a periodic
31 inspection program of production of labeled products, installations,
32 equipment, or materials and by whose labeling the manufacturer
33 indicates compliance with appropriate standards or performance
34 in a specified manner.
35 ~~(h)~~
36 (h) “Listed” means all products that appear in a list published
37 by an approved testing or listing agency.
38 ~~(i)~~

1 (i) “Listing agency” means an agency approved by the
2 department that is in the business of listing and labeling products,
3 materials, equipment, and installations tested by an approved
4 testing agency, and that maintains a periodic inspection program
5 on current production of listed products, equipment, and
6 installations, and that, at least annually, makes available a published
7 report of these listings.

8 (j) “Mold” means living or dead fungi or its related products
9 or parts, including spores and hyphae.

10 ~~(j)~~

11 (k) “Noise insulation” means the protection of persons within
12 buildings from excessive noise, however generated, originating
13 within or without such buildings.

14 ~~(k)~~

15 (l) “Nuisance” means any nuisance defined pursuant to Part 3
16 (commencing with Section 3479) of Division 4 of the Civil Code,
17 or any other form of nuisance recognized at common law or in
18 equity.

19 ~~(l)~~

20 (m) “Public entity” has the same meaning as defined in Section
21 811.2 of the Government Code.

22 ~~(m)~~

23 (n) “Testing agency” means an agency approved by the
24 department as qualified and equipped for testing of products,
25 materials, equipment, and installations in accordance with
26 nationally recognized standards.

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

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

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

38 (1) Lack of, or improper water closet, lavatory, or bathtub or
39 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 a health officer or, if an agreement does not exist with an agency
- 18 that has a health officer, the infestation can be determined by a
- 19 code enforcement officer, as defined in Section 829.5 of the Penal
- 20 Code, upon successful completion of a course of study in the
- 21 appropriate subject matter as determined by the local jurisdiction.
- 22 *(13) Any visible or otherwise demonstrable mold growth,*
- 23 *excluding the presence of mold that is caused by inappropriate*
- 24 *housekeeping practices or improper use of natural or mechanical*
- 25 *ventilation.*
- 26 ~~(13)~~
- 27 (14) General dilapidation or improper maintenance.
- 28 ~~(14)~~
- 29 (15) Lack of connection to required sewage disposal system.
- 30 ~~(15)~~
- 31 (16) Lack of adequate garbage and rubbish storage and removal
- 32 facilities, as determined by a health officer or, if an agreement
- 33 does not exist with an agency that has a health officer, the lack of
- 34 adequate garbage and rubbish removal facilities can be determined
- 35 by a code enforcement officer as defined in Section 829.5 of the
- 36 Penal Code.
- 37 (b) Structural hazards shall include, but not be limited to, the
- 38 following:
- 39 (1) Deteriorated or inadequate foundations.
- 40 (2) Defective or deteriorated flooring or floor supports.

- 1 (3) Flooring or floor supports of insufficient size to carry
2 imposed loads with safety.
- 3 (4) Members of walls, partitions, or other vertical supports that
4 split, lean, list, or buckle due to defective material or deterioration.
- 5 (5) Members of walls, partitions, or other vertical supports that
6 are of insufficient size to carry imposed loads with safety.
- 7 (6) Members of ceilings, roofs, ceiling and roof supports, or
8 other horizontal members which sag, split, or buckle due to
9 defective material or deterioration.
- 10 (7) Members of ceilings, roofs, ceiling and roof supports, or
11 other horizontal members that are of insufficient size to carry
12 imposed loads with safety.
- 13 (8) Fireplaces or chimneys which list, bulge, or settle due to
14 defective material or deterioration.
- 15 (9) Fireplaces or chimneys which are of insufficient size or
16 strength to carry imposed loads with safety.
- 17 (c) Any nuisance.
- 18 (d) All wiring, except that which conformed with all applicable
19 laws in effect at the time of installation if it is currently in good
20 and safe condition and working properly.
- 21 (e) All plumbing, except plumbing that conformed with all
22 applicable laws in effect at the time of installation and has been
23 maintained in good condition, or that may not have conformed
24 with all applicable laws in effect at the time of installation but is
25 currently in good and safe condition and working properly, and
26 that is free of cross connections and siphonage between fixtures.
- 27 (f) All mechanical equipment, including vents, except equipment
28 that conformed with all applicable laws in effect at the time of
29 installation and that has been maintained in good and safe
30 condition, or that may not have conformed with all applicable laws
31 in effect at the time of installation but is currently in good and safe
32 condition and working properly.
- 33 (g) Faulty weather protection, which shall include, but not be
34 limited to, the following:
 - 35 (1) Deteriorated, crumbling, or loose plaster.
 - 36 (2) Deteriorated or ineffective waterproofing of exterior walls,
37 roofs, foundations, or floors, including broken windows or doors.
 - 38 (3) Defective or lack of weather protection for exterior wall
39 coverings, including lack of paint, or weathering due to lack of
40 paint or other approved protective covering.

1 (4) Broken, rotted, split, or buckled exterior wall coverings or
2 roof coverings.

3 (h) Any building or portion thereof, device, apparatus,
4 equipment, combustible waste, or vegetation that, in the opinion
5 of the chief of the fire department or his deputy, is in such a
6 condition as to cause a fire or explosion or provide a ready fuel to
7 augment the spread and intensity of fire or explosion arising from
8 any cause.

9 (i) All materials of construction, except those that are
10 specifically allowed or approved by this code, and that have been
11 adequately maintained in good and safe condition.

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

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

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

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

27 (m) All buildings or portions thereof that are not provided with
28 the fire-resistive construction or fire-extinguishing systems or
29 equipment required by this code, except those buildings or portions
30 thereof that conformed with all applicable laws at the time of their
31 construction and whose fire-resistive integrity and
32 fire-extinguishing systems or equipment have been adequately
33 maintained and improved in relation to any increase in occupant
34 load, alteration or addition, or any change in occupancy.

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

38 (o) Inadequate structural resistance to horizontal forces.

39 “Substandard building” includes a building not in compliance
40 with Section 13143.2.

1 However, a condition that would require displacement of sound
2 walls or ceilings to meet height, length, or width requirements for
3 ceilings, rooms, and dwelling units shall not by itself be considered
4 sufficient existence of dangerous conditions making a building a
5 substandard building, unless the building was constructed, altered,
6 or converted in violation of those requirements in effect at the time
7 of construction, alteration, or conversion.

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