

**Introduced by Senator Costa**

February 17, 2000

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An act to amend Sections 17021.5, 17021.6, and 17055 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1545, as introduced, Costa. Housing: employee housing.

(1) Under the Employee Housing Act, certain accommodations meeting the definition of employee housing are exempt from specified local land use ordinances or regulations. The act provides that the owner of any employee housing who has qualified, or is intended to qualify, for a permit to operate under the act is eligible to be exempt from these land use ordinances or regulations.

This bill would instead provide with respect to owners of employee housing providing accommodations for 12 or fewer employees, as specified, that only owners of any new employee housing constructed on or after January 1, 1993, are eligible to be exempt from these local land use ordinances or regulations.

(2) Under existing law, if a complainant alleges, and the court finds, that residents of the employee housing were in imminent peril as a result of serious violations of the act, the complainant is not required to wait more than 5 days for the enforcement agency to bring the civil action and the complainant is authorized to do so after 5 days and is entitled to all rights and remedies pursuant to the act.

This bill would delete the 5-day waiting period.

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. Section 17021.5 of the Health and Safety  
2 Code is amended to read:

3 17021.5. (a) Any *new* employee housing *constructed*  
4 *on or after January 1, 1993*, which has qualified, or is  
5 intended to qualify, for a permit to operate pursuant to  
6 this part may invoke the provisions of this section.

7 (b) Any employee housing providing  
8 accommodations for six or fewer employees shall be  
9 deemed a single-family structure with a residential land  
10 use designation for the purposes of this section. For the  
11 purpose of all local ordinances, employee housing shall  
12 not be included within the definition of a boarding house,  
13 rooming house, hotel, dormitory, or other similar term  
14 that implies that the employee housing is a business run  
15 for profit or differs in any other way from a family  
16 dwelling. No conditional use permit, zoning variance, or  
17 other zoning clearance shall be required of employee  
18 housing that serves six or fewer employees that is not  
19 required of a family dwelling of the same type in the same  
20 zone. Use of a family dwelling for purposes of employee  
21 housing serving six or fewer persons shall not constitute  
22 a change of occupancy for purposes of Part 1.5  
23 (commencing with Section 17910) or local building  
24 codes.

25 (c) Except as otherwise provided in this part,  
26 employee housing that serves six or fewer employees shall  
27 not be subject to any business taxes, local registration fees,  
28 use permit fees, or other fees to which other family  
29 dwellings of the same type in the same zone are not  
30 likewise subject. Nothing in this subdivision shall be  
31 construed to forbid the imposition of local property taxes,  
32 fees for water services and garbage collection, fees for  
33 normal inspections, local bond assessments, and other  
34 fees, charges, and assessments to which other family  
35 dwellings of the same type in the same zone are likewise

1 subject. Neither the State Fire Marshal nor any local  
2 public entity shall charge any fee to the owner, operator  
3 or any resident for enforcing fire inspection regulations  
4 pursuant to state law or regulation or local ordinance,  
5 with respect to employee housing which serves six or  
6 fewer persons.

7 (d) For the purposes of any contract, deed, or  
8 covenant for the transfer of real property, employee  
9 housing which serves six or fewer employees shall be  
10 considered a residential use of property and a use of  
11 property by a single household, notwithstanding any  
12 disclaimers to the contrary. For purposes of this section,  
13 “employee housing” includes employee housing defined  
14 in subdivision (b) of Section 17008, even if the housing  
15 accommodations or property are not located in a rural  
16 area, as defined by Section 50101.

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

24 SEC. 2. Section 17021.6 of the Health and Safety Code  
25 is amended to read:

26 17021.6. (a) The owner of any *new* employee  
27 housing *constructed on or after January 1, 1993*, who has  
28 qualified, or is intended to qualify, for a permit to operate  
29 pursuant to this part may invoke the provisions of this  
30 section.

31 (b) Any employee housing providing  
32 accommodations for 12 or fewer employees shall be  
33 deemed an agricultural land use designation for the  
34 purposes of this section. For the purpose of all local  
35 ordinances, employee housing shall not be deemed a use  
36 that implies that the employee housing is an activity that  
37 differs in any other way from an agricultural use. No  
38 conditional use permit, zoning variance, or other zoning  
39 clearance shall be required of employee housing that  
40 serves 12 or fewer employees that is not required of any

1 other agricultural activity in the same zone. The  
2 permitted occupancy in employee housing in an  
3 agricultural zone shall include agricultural employees  
4 who do not work on the property where the employee  
5 housing is located.

6 (c) Except as otherwise provided in this part,  
7 employee housing that serves 12 or fewer employees shall  
8 not be subject to any business taxes, local registration fees,  
9 use permit fees, or other fees to which other agricultural  
10 activities in the same zone are not likewise subject.  
11 Nothing in this subdivision shall be construed to forbid  
12 the imposition of local property taxes, fees for water  
13 services and garbage collection, fees for normal  
14 inspections, local bond assessments, and other fees,  
15 charges, and assessments to which other agricultural  
16 activities in the same zone are likewise subject. Neither  
17 the State Fire Marshal nor any local public entity shall  
18 charge any fee to the owner, operator, or any resident  
19 for enforcing fire inspection regulation pursuant to state  
20 law or regulation or local ordinance, with respect to  
21 employee housing that serves 12 or fewer persons.

22 (d) For the purposes of any contract, deed, or  
23 covenant for the transfer of real property, employee  
24 housing which serves 12 or fewer employees shall be  
25 considered an agricultural use of property,  
26 notwithstanding any disclaimers to the contrary. For  
27 purposes of this section, “employee housing” includes  
28 employee housing defined in subdivision (b) of Section  
29 17008, even if the housing accommodations or property  
30 are not located in a rural area, as defined by Section 50101.

31 (e) The Legislature hereby declares that it is the  
32 policy of this state that each county and city shall permit  
33 and encourage the development and use of sufficient  
34 numbers and types of employee housing facilities as are  
35 commensurate with local need. This section shall apply  
36 equally to any charter city, general law city, county, city  
37 and county, district, and any other local public entity. For  
38 the purposes of this section, “12 or fewer employees” does  
39 not include the family members of any employee.

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

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

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

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

SEC. 3. Section 17055 of the Health and Safety Code is amended to read:

17055. (a) Any person residing in employee housing subject to this part may file an administrative complaint orally or in writing with the enforcement agency. The enforcement agency shall deliver a summary or copy of the complaint, by mail or in person, to the owner or operator, at the time of filing the complaint.

(b) If a civil action under this part has not been filed by the enforcement agency within 34 days after receipt of the complaint, or within 34 days after the administrative complaint has been denied, and if the agency determines that the conditions alleged in the complaint continue to exist, the complainant may bring a civil action for injunctive or declaratory relief and appropriate statutory damages, civil penalties, actual damages, penalties, and other remedies which arise from any violation of this part, building standards published in the State Building Standards Code relating to employee housing, regulations adopted pursuant to this part, or conditions of the permit.

1 (c) In any civil action under this section, if the  
2 enforcement agency certifies that the employee housing  
3 is in compliance with this part, building standards  
4 published in the State Building Standards Code relating  
5 to employee housing, regulations adopted pursuant to  
6 this part, and conditions of the permit, no injunctive relief  
7 related to mandatory repairs shall be granted with  
8 respect to any alleged violation covered by the  
9 certificate.

10 (d) In any civil action brought by a private person or  
11 entity under this section, the private person or entity may  
12 be granted reasonable attorney's fees and costs, in  
13 addition to any other remedy granted, if the private  
14 person or entity prevails, and if the trier of fact finds that  
15 the violations involve retaliation or are so extensive and  
16 of such a nature that the immediate health and safety of  
17 residents or the public is endangered or has been  
18 endangered.

19 (e) If a complainant alleges, and the court finds, that  
20 residents of the employee housing were in imminent  
21 peril as a result of serious violations of this part, the  
22 complainant is not required to wait ~~more than five days~~  
23 for the enforcement agency to bring the civil action ~~and~~  
24 ~~may do so after five days and be entitled to all rights and~~  
25 ~~remedies pursuant to this part.~~

