

AMENDED IN SENATE APRIL 27, 2000

SENATE BILL

No. 1545

Introduced by Senator Costa

February 17, 2000

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1545, as amended, 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~~

~~Under the Employee Housing Act, 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 ~~dwelling 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~~

1 normal inspections, local bond assessments, and other
2 fees, charges, and assessments to which other family
3 dwellings of the same type in the same zone are likewise
4 subject. Neither the State Fire Marshal nor any local
5 public entity shall charge any fee to the owner, operator
6 or any resident for enforcing fire inspection regulations
7 pursuant to state law or regulation or local ordinance,
8 with respect to employee housing which serves six or
9 fewer persons.

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

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

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

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

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

~~conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves 12 or fewer employees that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in an agricultural zone shall include agricultural employees who do not work on the property where the employee housing is located.~~

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

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

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

1 ~~the purposes of this section, “12 or fewer employees” does~~
2 ~~not include the family members of any employee.~~

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

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

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

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

21 ~~SEC. 3.—~~

22 *SECTION 1.* Section 17055 of the Health and Safety
23 Code is amended to read:

24 17055. (a) Any person residing in employee housing
25 subject to this part may file an administrative complaint
26 orally or in writing with the enforcement agency. The
27 enforcement agency shall deliver a summary or copy of
28 the complaint, by mail or in person, to the owner or
29 operator, at the time of filing the complaint.

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

1 housing, regulations adopted pursuant to this part, or
2 conditions of the permit.

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

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

21 (e) If a complainant alleges, and the court finds, that
22 residents of the employee housing were in imminent
23 peril as a result of serious violations of this part, the
24 complainant is not required to wait for the enforcement
25 agency to bring the civil action.

