

AMENDED IN ASSEMBLY JUNE 12, 2000

AMENDED IN SENATE APRIL 27, 2000

**SENATE BILL**

**No. 1545**

**Introduced by Senator Costa**

February 17, 2000

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An act to amend ~~Section~~ *Sections 17021 and 17055* of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

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

~~Under~~

*(1) The Employee Housing Act reserves to local jurisdictions specified planning and zoning requirements that include, among other things, the source of water supply and method of sewage disposal, except as specified.*

*This bill would impose specified processing requirements with respect to a building permit, grading permit, or other approval from a city or county building department for the construction or rehabilitation of real property improvements that are or will be employee housing, or from a city or county health department for the operation, construction, or repair of a water system or waste disposal system servicing employee housing. The bill would also require the local building or health department to approve or deny a complete application or permit request within 30 calendar days and would provide that if the application or permit is not approved or denied within the 30-day period, it is deemed approved if the complete plans are signed by a licensed architect or engineer.*

*Because the bill would increase the duties of local public officials, it would impose a state-mandated local program.*

*(2) Under the Employee Housing Act, if a civil action has not been filed by the enforcement agency within 34 days after receipt of the complaint has been denied, 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.*

*This bill would provide instead that a complainant may bring a civil action for injunctive relief if the enforcement agency has not filed a civil action within 30 days after receipt of the complaint.*

*(3) 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.*

*(4) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

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

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

- 1 SECTION 1. Section 17021 of the Health and Safety
- 2 Code is amended to read:



17021. (a) Except as provided in Sections 17021.5 and 17021.6, local use zone requirements, local fire zones, property line, source of water supply and method of sewage disposal requirements are hereby specifically and entirely reserved to the local jurisdictions.

(b) Notwithstanding any other provision of law, with respect to a building permit, grading permit, or other approval from a city or county building department for the construction or rehabilitation of real property improvements that are or will be employee housing, or from a city or county health department for the operation, construction, or repair of a water system or waste disposal system servicing employee housing, all of the following processing requirements shall apply:

(1) The local building or health department shall have up to 30 calendar days to approve or deny a complete application or permit request accompanied by applicable fees, or a shorter time period if required by the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code). An application or permit request may be denied on procedural grounds only if the denial occurs within 10 calendar days and the denial includes an itemization of the procedural defects. An application or permit request may be denied on substantive grounds if the denial includes an itemization of all substantive defects.

(2) If the application or permit request is not approved or denied by the local building or health department within the period prescribed by paragraph (1), the application or permit request is deemed approved if the complete plans related thereto are signed by a licensed architect or engineer. At that time, the applicant may initiate any work consistent with the application or permit approved pursuant to this subdivision. Upon completion of the work, any other state or local agency shall accept the improvements as if they had been approved by the local building or health department.

SEC. 2. Section 17055 of the Health and Safety Code is amended to read:

1 17055. (a) Any person residing in employee housing  
2 subject to this part may file an administrative complaint  
3 orally or in writing with the enforcement agency. The  
4 enforcement agency shall deliver a summary or copy of  
5 the complaint, by mail or in person, to the owner or  
6 operator, at the time of filing the complaint.

7 (b) If a civil action under this part has not been filed  
8 by the enforcement agency within ~~34~~ 30 days after receipt  
9 of the complaint, ~~or within 34 days after the~~  
10 ~~administrative complaint has been denied, and if the~~  
11 ~~agency determines that the conditions alleged in the~~  
12 ~~complaint continue to exist,~~ the complainant may bring  
13 a civil action for injunctive or declaratory relief and  
14 appropriate statutory damages, civil penalties, actual  
15 damages, penalties, and other remedies which arise from  
16 any violation of this part, building standards published in  
17 the State Building Standards Code relating to employee  
18 housing, regulations adopted pursuant to this part, or  
19 conditions of the permit.

20 (c) In any civil action under this section, if the  
21 enforcement agency certifies that the employee housing  
22 is in compliance with this part, building standards  
23 published in the State Building Standards Code relating  
24 to employee housing, regulations adopted pursuant to  
25 this part, and conditions of the permit, no injunctive relief  
26 related to mandatory repairs shall be granted with  
27 respect to any alleged violation covered by the  
28 certificate.

29 (d) In any civil action brought by a private person or  
30 entity under this section, the private person or entity may  
31 be granted reasonable attorney's fees and costs, in  
32 addition to any other remedy granted, if the private  
33 person or entity prevails, and if the trier of fact finds that  
34 the violations involve retaliation or are so extensive and  
35 of such a nature that the immediate health and safety of  
36 residents or the public is endangered or has been  
37 endangered.

38 (e) If a complainant alleges, and the court finds, that  
39 residents of the employee housing were in imminent  
40 peril as a result of serious violations of this part, the

1 complainant is not required to wait for the enforcement  
2 agency to bring the civil action.

3 *SEC. 3. Notwithstanding Section 17610 of the*  
4 *Government Code, if the Commission on State Mandates*  
5 *determines that this act contains costs mandated by the*  
6 *state, reimbursement to local agencies and school*  
7 *districts for those costs shall be made pursuant to Part 7*  
8 *(commencing with Section 17500) of Division 4 of Title*  
9 *2 of the Government Code. If the statewide cost of the*  
10 *claim for reimbursement does not exceed one million*  
11 *dollars (\$1,000,000), reimbursement shall be made from*  
12 *the State Mandates Claims Fund.*

