

AMENDED IN ASSEMBLY JUNE 29, 2000

AMENDED IN ASSEMBLY JUNE 12, 2000

AMENDED IN SENATE APRIL 27, 2000

SENATE BILL

No. 1545

Introduced by Senator Costa

February 17, 2000

An act to amend 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.

(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~~ *certified* by a licensed architect or

engineer *that the plans are consistent with all health and safety requirements.*

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: yes. State-mandated local program: yes.



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

SECTION 1. Section 17021 of the Health and Safety 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~~ *certified by a licensed architect or engineer that the plans are consistent with all health and safety requirements*. At that time, the applicant may initiate any work consistent with the application or permit approved pursuant to this

1 subdivision. Upon completion of the work, any other state
2 or local agency shall accept the improvements as if they
3 had been approved by the local building or health
4 department.

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

7 17055. (a) Any person residing in employee housing
8 subject to this part may file an administrative complaint
9 orally or in writing with the enforcement agency. The
10 enforcement agency shall deliver a summary or copy of
11 the complaint, by mail or in person, to the owner or
12 operator, at the time of filing the complaint.

13 (b) If a civil action under this part has not been filed
14 by the enforcement agency within 30 days after receipt
15 of the complaint,, the complainant may bring a civil
16 action for injunctive or declaratory relief and appropriate
17 statutory damages, civil penalties, actual damages,
18 penalties, and other remedies which arise from any
19 violation of this part, building standards published in the
20 State Building Standards Code relating to employee
21 housing, regulations adopted pursuant to this part, or
22 conditions of the permit.

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

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

1 (e) If a complainant alleges, and the court finds, that
2 residents of the employee housing were in imminent
3 peril as a result of serious violations of this part, the
4 complainant is not required to wait for the enforcement
5 agency to bring the civil action.

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

