

AMENDED IN ASSEMBLY AUGUST 7, 2000

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 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 and* certified by a licensed architect or engineer that the plans are consistent with all health and safety requirements. *It would also require the local building or health department to inspect the improvements during rehabilitation and issue a certificate of completion if the work is consistent with the plans and 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:

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

3 17021. (a) Except as provided in Sections 17021.5 and
4 17021.6, local use zone requirements, local fire zones,
5 property line, source of water supply and method of
6 sewage disposal requirements are hereby specifically and
7 entirely reserved to the local jurisdictions.

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

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

29 (2) If the application or permit request is not
30 approved or denied by the local building or health
31 department within the period prescribed by paragraph
32 (1), the application or permit request is deemed
33 approved if the complete plans related thereto are

1 ~~certified by a licensed architect or engineer bear a~~
2 ~~signature and seal of a licensed architect or engineer and~~
3 ~~the architect or engineer certifies that the plans are~~
4 consistent with all health and safety requirements. At
5 that time, the applicant may initiate any work consistent
6 with the application or permit approved pursuant to this
7 subdivision. Upon completion of the work, any other state
8 or local agency shall accept the improvements as if they
9 had been approved by the local building or health
10 department. However, if that other local agency
11 identifies any defects that would have resulted in that
12 agency's disapproval of the improvements or plans
13 thereto, those defects may be identified by the agency to
14 the applicant and architect or engineer who signed the
15 plans. The local building or health department shall
16 inspect the improvements during rehabilitation and issue
17 a certificate of completion if the work is consistent with
18 the plans and all health and safety requirements.

19 (c) Nothing in this section shall be construed to
20 exempt the local agency from complying with the
21 California Environmental Quality Act (Division 13
22 (commencing with Section 21000) of the Public
23 Resources Code).

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

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

32 (b) If a civil action under this part has not been filed
33 by the enforcement agency within 30 days after receipt
34 of the ~~complaint~~, complaint, the complainant may bring
35 a civil action for injunctive or declaratory relief and
36 appropriate statutory damages, civil penalties, actual
37 damages, penalties, and other remedies which arise from
38 any violation of this part, building standards published in
39 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.

26 SEC. 3. Notwithstanding Section 17610 of the
27 Government Code, if the Commission on State Mandates
28 determines that this act contains costs mandated by the
29 state, reimbursement to local agencies and school
30 districts for those costs shall be made pursuant to Part 7
31 (commencing with Section 17500) of Division 4 of Title
32 2 of the Government Code. If the statewide cost of the
33 claim for reimbursement does not exceed one million
34 dollars (\$1,000,000), reimbursement shall be made from
35 the State Mandates Claims Fund.

