

AMENDED IN ASSEMBLY AUGUST 18, 2000

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 *for agricultural employees*, 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 *for agricultural employees*. The bill would also require the local building or

health department to approve or deny a complete application or permit request within ~~30~~ 60 calendar days and would provide that if the application or permit is not approved or denied within the ~~30-day~~ 60-day period, ~~it is deemed approved if the complete plans are signed and certified by a licensed architect or engineer~~ *the Department of Housing and Community Development may approve the application or permit request if it determines* that the plans are consistent with all health and safety requirements. It would also require the local building or health department to inspect the *plans and improvements prior to and 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~~ 10 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 *for agricultural employees*,
13 or from a city or county health department for the
14 operation, construction, or repair of a water system or
15 waste disposal system servicing employee housing *for*
16 *agricultural employees*, all of the following processing
17 requirements shall apply:

18 (1) The local building or health department shall have
19 up to ~~30~~ 60 calendar days to approve or deny a complete
20 application or permit request accompanied by applicable
21 fees, or a shorter time period if required by the Permit
22 Streamlining Act (Chapter 4.5 (commencing with
23 Section 65920) of Division 1 of Title 7 of the Government
24 Code). An application or permit request may be denied
25 on procedural grounds only if the denial occurs within~~40~~
26 30 calendar days and the denial includes an itemization
27 of the procedural defects. An application or permit
28 request may be denied on substantive grounds if the
29 denial includes an itemization of all substantive defects.

1 (2) If the application or permit request is not
2 approved or denied by the local building or health
3 department within the period prescribed by paragraph
4 ~~(1), the application or permit request is deemed~~
5 ~~approved if the complete plans related thereto bear a~~
6 ~~signature and seal of a licensed architect or engineer and~~
7 ~~the architect or engineer certifies that the plans are (1),~~
8 *then the Department of Housing and Community*
9 *Development may approve the application or permit*
10 *request if it determines that the plans are consistent with*
11 *all health and safety requirements. At that time, the*
12 *applicant may initiate any work consistent with the*
13 *application or permit approved pursuant to this*
14 *subdivision. Upon completion of the work, any other state*
15 *or local agency shall accept the improvements as if they*
16 *had been approved by the local building or health*
17 *department. However, if that other local agency*
18 *identifies any defects that would have resulted in that*
19 *agency's disapproval of the improvements or plans*
20 *thereto, those defects may be identified by the agency to*
21 ~~the applicant and architect or engineer who signed the~~
22 ~~plans and shall be corrected by the applicant.~~ *The local*
23 *building or health department shall inspect the*
24 ~~improvements during rehabilitation and issue~~ *inspect the*
25 *plans and improvements prior to and during*
26 *rehabilitation and issue* a certificate of completion if the
27 work is consistent with the plans and all health and safety
28 requirements.

29 (c) Nothing in this section shall be construed to
30 exempt ~~the local agency~~ *an application or permit request*
31 *from complying with the California Environmental*
32 *Quality Act (Division 13 (commencing with Section*
33 *21000) of the Public Resources Code).*

34 (d) *For purposes of this section, "agricultural*
35 *employee" has the same meaning specified in subdivision*
36 *(b) of Section 1140.4 of the Labor Code.*

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

39 17055. (a) Any person residing in employee housing
40 subject to this part may file an administrative complaint

1 orally or in writing with the enforcement agency. The
2 enforcement agency shall deliver a summary or copy of
3 the complaint, by mail or in person, to the owner or
4 operator, at the time of filing the complaint.

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

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

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

33 (e) If a complainant alleges, and the court finds, that
34 residents of the employee housing were in imminent
35 peril as a result of serious violations of this part, the
36 ~~complainant is not required to wait for the enforcement~~
37 ~~agency to bring the civil action.~~ *complainant may*
38 *immediately proceed with the filing of a civil action*
39 *without regard to the 10-day waiting period specified in*
40 *subdivision (b).*

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

