

AMENDED IN ASSEMBLY AUGUST 29, 2000

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

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**SENATE BILL**

**No. 1545**

**Introduced by Senator Costa**

February 17, 2000

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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 60 calendar days and would provide that if the application or permit is not approved or denied within the 60-day period, the Department of Housing and Community Development may approve the application or permit request if it determines that the plans are consistent with all *applicable building codes and* 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 *all applicable codes 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 ~~40~~ 21 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 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 30  
26 calendar days and the denial includes an itemization of  
27 the procedural defects. An application or permit request  
28 may be denied on substantive grounds if the denial  
29 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), then the Department of Housing and Community  
5 Development may approve the application or permit  
6 request if it determines that the plans are consistent with  
7 all *applicable building codes and* health and safety  
8 requirements. At that time, the applicant may initiate any  
9 work consistent with the application or permit approved  
10 pursuant to this subdivision. Upon completion of the  
11 work, any other state or local agency shall accept the  
12 improvements as if they had been approved by the local  
13 building or health department. However, if that other  
14 local agency identifies any defects that would have  
15 resulted in that agency's disapproval of the  
16 improvements or plans thereto, those defects may be  
17 identified by the agency and shall be corrected by the  
18 applicant. The local building or health department shall  
19 inspect the plans and improvements prior to and during  
20 rehabilitation and issue a certificate of completion if the  
21 work is consistent with the plans and all *applicable*  
22 *building codes and* health and safety requirements.

23 (c) Nothing in this section shall be construed to  
24 exempt an application or permit request from complying  
25 with the California Environmental Quality Act (Division  
26 13 (commencing with Section 21000) of the Public  
27 Resources Code).

28 (d) For purposes of this section, "agricultural  
29 employee" has the same meaning specified in subdivision  
30 (b) of Section 1140.4 of the Labor Code.

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

33 17055. (a) Any person residing in employee housing  
34 subject to this part may file an administrative complaint  
35 orally or in writing with the enforcement agency. The  
36 enforcement agency shall deliver a summary or copy of  
37 the complaint, by mail or in person, to the owner or  
38 operator, at the time of filing the complaint.

39 (b) If a civil action under this part has not been filed  
40 by the enforcement agency within ~~10~~ 21 days after receipt

1 of the complaint, the complainant may bring a civil  
2 action for injunctive or declaratory relief and appropriate  
3 statutory damages, civil penalties, actual damages,  
4 penalties, and other remedies which arise from any  
5 violation of this part, building standards published in the  
6 State Building Standards Code relating to employee  
7 housing, regulations adopted pursuant to this part, or  
8 conditions of the permit.

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

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

27 (e) If a complainant alleges, and the court finds, that  
28 residents of the employee housing were in imminent  
29 peril as a result of serious violations of this part, the  
30 complainant may immediately proceed with the filing of  
31 a civil action without regard to the ~~10-day~~ 21-day waiting  
32 period specified in subdivision (b).

33 SEC. 3. Notwithstanding Section 17610 of the  
34 Government Code, if the Commission on State Mandates  
35 determines that this act contains costs mandated by the  
36 state, reimbursement to local agencies and school  
37 districts for those costs shall be made pursuant to Part 7  
38 (commencing with Section 17500) of Division 4 of Title  
39 2 of the Government Code. If the statewide cost of the  
40 claim for reimbursement does not exceed one million

1 dollars (\$1,000,000), reimbursement shall be made from  
2 the State Mandates Claims Fund.

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