

**ASSEMBLY BILL**

**No. 1034**

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**Introduced by Assembly Member Mullin**

February 20, 2003

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An act to amend Section 54988 of the Government Code, and to amend Sections 17958.8, 17980, 17980.1, 17980.8, 17991, and 17992 of, and to add Sections 17960.10 and 17980.10 to, the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1034, as introduced, Mullin. Housing: building standards.

(1) Existing law authorizes the legislative body of a city, county, or city and county to collect any fee, cost, or charge incurred in the correction of any violation of a specified provisions of law or regulations regarding untenable dwellings, fire safety, and building standards.

This bill would additionally authorize the collection of fees, costs, or charges incurred in the correction of any violation of specified regulations or ordinances.

(2) Local ordinances or regulations governing alterations and repair of existing buildings are required to permit the replacement, retention, and extension of original materials and the use of original methods of construction as long as the hotel, lodginghouse, motel, apartment house, or dwelling, or portions thereof, or building and structure accessory thereto, complies with California Building Standards Code and other requirements are met.

This bill would require the above described local ordinances or regulations to permit the replacement, retention, and extension of original materials and the use of original methods of construction for

any building or accessory structure, including a hotel, lodginghouse, motel, apartment house, or dwelling, as long as the portion of the building or accessory structure that is subject to the replacement, retention, or extension of original materials and the use of original methods of construction comply with the building code provisions governing that portion of the building or accessory structure at the time of its construction and other requirements governing the building or accessory structure at that time are met.

(3) The State Housing Law requires the housing or building department or, if there is no building department, the health department, of every city, county, or city and county, or a specified environmental agency to enforce within its jurisdiction all of the State Housing Law, the building standards published in the State Building Standards Code, and other specified rules and regulations. If there is a violation of these provisions or any order or notice that gives a reasonable time to correct that violation, or if a nuisance exists, an enforcement agency is required, after 30 days' notice to abate the nuisance, to institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance. A violation of the State Housing Law, related published building standards, or any other rule or regulation adopted pursuant to the law is a misdemeanor.

This bill would authorize the building department, housing department, or health department enforcing any of the State Housing Law to develop a list of agencies that finance or assist residential rehabilitation or repair activities for property owners or renters. It would also authorize the staff of that department to provide written or oral referrals in conjunction with, or as a result of, any inspection, notice of violation, or other activity.

The bill would revise the provisions requiring an enforcement agency to institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance, as specified.

(4) Existing law authorizes the execution of an order requiring a building to be retrofitted to local building standards if a building is identified by a city, city and county, or county pursuant to specified provisions of existing law as being potentially hazardous to life in the event of an earthquake or is identified for any other reason to be hazardous to life in the event of an earthquake if specified conditions are satisfied. If the conditions have not been satisfactorily remedied or removed within the time fixed in an abatement order, a court is required to appoint a receiver who is required to post a bond.



This bill would instead authorize the execution of an order requiring a building to be retrofitted to local building standards or repaired so as not to violate any law applicable to the maintenance and use of the building if a building is identified pursuant to the above described provisions or is identified pursuant to the State Housing Law as being potentially hazardous to life or health.

This bill would deem a receiver acting under the general direction of the enforcement agency a public officer for purposes of exempting that receiver from requirements related to the posting of a bond and would make conforming changes.

(5) Existing law authorizes an enforcement agency, under specified circumstances, to seek an order to prohibit the owner from claiming any deduction with respect to state taxes for interest, taxes, expenses, depreciation, or amortization paid or incurred with respect to a cited structure.

This bill would authorize an enforcement agency to require the private owner of a specified residential structure to provide the enforcement agency with prescribed personal identifying information, including a social security number, if the enforcement agency anticipates that it will pursue specified remedies against the owner.

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

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

1 SECTION 1. Section 54988 of the Government Code is  
 2 amended to read:  
 3 54988. (a) (1) In addition to any other remedy provided by  
 4 law, including the current powers of charter cities, the legislative  
 5 body of a city, county, or city and county may collect any fee, cost,  
 6 or charge incurred in ~~(A) the~~ *any of the following*:  
 7 (A) *The abatement of public nuisances;* ~~(B) the nuisances.~~  
 8 (B) *The correction of any violation of any law or, regulation,*  
 9 *or local ordinance that would also be a violation of Section 1941.1*  
 10 *of the Civil Code;* ~~(C) the Code.~~  
 11 (C) *The enforcement of zoning ordinances adopted pursuant to*  
 12 *Chapter 4 (commencing with Section 65800) of Division 1 of Title*  
 13 *7 or any other constitutional or statutory authority;* ~~(D) inspections~~  
 14 *authority.*



1 (D) *Inspections* and abatement of violations of Article 1  
2 (commencing with Section 13100) of Chapter 2 of Part 2 of  
3 Division 12 of the Health and Safety Code; ~~(E) inspections Code~~  
4 *and regulations or ordinances adopted pursuant to that article.*

5 (E) *Inspections* and abatement of violations of the State  
6 Housing Law, ~~Part~~ (Part 1.5 (commencing with Section 17910) of  
7 Division 13 of the Health and Safety Code ~~Code~~) and regulations  
8 *or ordinances adopted pursuant thereto;* ~~(F) inspections that part.~~

9 (F) *Inspections* and abatement of violations of the California  
10 Building Standards Code, ~~Title~~ (Title 24 of the California Code of  
11 ~~Regulations;~~ ~~or~~ ~~(G) inspections Regulations~~).

12 (G) *Inspections* and abatement related to local ordinances and  
13 regulations that implement any of the foregoing, if the fee, cost,  
14 or charge has not been paid within 45 days of notice thereof, by  
15 making the amount of the unpaid fee, cost, or charge a proposed  
16 lien against the property that is the subject of the enforcement  
17 activity. ~~Except~~

18 *Except* as provided in subdivision (c), the amount of the  
19 proposed lien may be collected at the same time and in the same  
20 manner as property taxes are collected. All laws applicable to the  
21 levy, collection, and enforcement of ad valorem taxes shall be  
22 applicable to the proposed lien, except that if any real property to  
23 which the lien would attach has been transferred or conveyed to a  
24 bona fide purchaser for value, or if a lien of a bona fide  
25 encumbrancer for value has been created and attaches thereon,  
26 prior to the date on which the first installment of taxes would  
27 become delinquent, then the lien that would otherwise be imposed  
28 by this section shall not attach to real property and the costs of  
29 enforcement relating to the property shall be transferred to the  
30 unsecured roll for collection.

31 (2) The amount of any fee, cost, or charge shall not exceed the  
32 actual cost incurred performing the inspections and enforcement  
33 activity, including permit fees, fines, late charges, and interest.

34 (3) This section shall not apply to owner-occupied residential  
35 dwelling units.

36 (4) This section does not apply to any enforcement, abatement,  
37 correction, or inspection activity regarding a violation in which the  
38 violation was evident on the plans that received a building permit.

39 (b) (1) A city, county, or city and county shall provide the  
40 owner of the property with written notice in plain language of the



1 proposed lien, a description of the basis for the amounts  
2 comprising the lien, a minimum of 45 days after notice to pay the  
3 fee, cost, or charge, and an opportunity to appear before the  
4 legislative body and be heard regarding the amount of the  
5 proposed lien. The notice shall be mailed by certified mail to the  
6 last known address of the owner of the property.

7 (2) In any city, county, or city and county, the legislative body  
8 may delegate the holding of the hearing required by paragraph (1)  
9 to a hearing board designated by the legislative body. The hearing  
10 board may be the housing appeals board established pursuant to  
11 Section 17920.5 of the Health and Safety Code or any other body  
12 designated by the legislative body. The hearing board shall make  
13 a written recommendation to the legislative body which shall  
14 include factual findings based on evidence introduced at the  
15 hearing. The legislative body may adopt the recommendation  
16 without further notice of hearing, or may set the matter for a de  
17 novo hearing before the legislative body. Notice in writing of the  
18 de novo hearing shall be provided to the property owner at least 10  
19 days in advance of the scheduled hearing.

20 (c) If the legislative body determines that the proposed lien  
21 authorized pursuant to subdivision (a) shall become a lien, the  
22 body may also cause a notice of lien to be recorded. This lien shall  
23 attach upon recordation in the office of the county recorder of the  
24 county in which the property is situated and shall have the same  
25 force, priority, and effect as a judgment lien, not a tax lien. The  
26 notice shall, at a minimum, identify the record owner or possessor  
27 of the property, set forth the last known address of the record owner  
28 or possessor, set forth the date upon which the lien was created  
29 against the property, and include a description of the real property  
30 subject to the lien and the amount of the lien.

31 SEC. 2. Section 17958.8 of the Health and Safety Code is  
32 amended to read:

33 17958.8. Local ordinances or regulations governing  
34 alterations and repair of existing buildings shall permit the  
35 replacement, retention, and extension of original materials and the  
36 use of original methods of construction ~~as long as the~~ *for any*  
37 *building or accessory structure, including a hotel, lodginghouse,*  
38 *motel, apartment house, or dwelling, or portions thereof, or as long*  
39 *as the portion of the building and structure accessory thereto,*  
40 *subject to the replacement, retention, or extension of original*



1 *materials and the use of original methods of construction* complies  
 2 ~~with the provisions published in the California Building Standards~~  
 3 ~~Code~~ *building code provisions governing that portion of the*  
 4 *building or accessory structure at the time of construction,* and the  
 5 other rules and regulations of the department or alternative local  
 6 standards *governing that portion at the time of its construction and*  
 7 *adopted pursuant to Section 13143.2 and the building or accessory*  
 8 *structure* does not become or continue to be a substandard  
 9 building.

10 SEC. 3. Section 17960.10 is added to the Health and Safety  
 11 Code, to read:

12 17960.10. The building department, housing department, or  
 13 health department enforcing any of the provisions of this part may  
 14 develop a list of public or private agencies that finance or assist  
 15 residential rehabilitation or repair activities for real property  
 16 owners or renters. Notwithstanding any other provision of law, the  
 17 staff of that department may provide written or oral referrals to any  
 18 of those financing or assistance agencies in conjunction with, or  
 19 as a result of, any inspection, notice of violation, or other activity  
 20 and may include on the list any loan or grant program operated by  
 21 the city, county, or city and county employing that staff.

22 SEC. 4. Section 17980 of the Health and Safety Code is  
 23 amended to read:

24 17980. (a) If any building is constructed, altered, converted,  
 25 or maintained in violation of any provision of, or *in violation* of  
 26 any order or notice that gives a reasonable time to correct that  
 27 violation issued by an enforcement agency pursuant to, this part,  
 28 the building standards published in the California Building  
 29 Standards Code, or other rules and regulations adopted pursuant  
 30 to this part, or if a nuisance exists in any building or upon the lot  
 31 on which it is situated, the enforcement agency shall, after 30 days'  
 32 notice to abate the nuisance, institute any appropriate action or  
 33 proceeding to prevent, restrain, correct, or abate the violation or  
 34 nuisance.

35 (b) (1) Whenever the enforcement agency has inspected or  
 36 caused to be inspected any building and has determined that the  
 37 building is a substandard building or a building described in  
 38 Section 17920.10, the enforcement agency shall commence  
 39 proceedings to abate the violation by repair, rehabilitation,  
 40 vacation, or demolition of the building. The enforcement agency



1 shall not require the vacating of a residential building unless it  
2 concurrently requires expeditious demolition or repair to comply  
3 with this part, the building standards published in the California  
4 Building Standards Code, or other rules and regulations adopted  
5 pursuant to this part. The owner shall have the choice of repairing  
6 or demolishing. However, if the owner chooses to repair, the  
7 enforcement agency shall require that the building be brought into  
8 compliance according to a reasonable and feasible schedule for  
9 expeditious repair. The enforcement agency may require vacation  
10 and demolition or may itself vacate the building, repair, demolish,  
11 or institute any other appropriate action or proceeding, if any of the  
12 following occur:

13 (A) The repair work is not done ~~as scheduled~~ *within the period*  
14 *required by the notice.*

15 (B) The owner does not make a timely choice of repair or  
16 demolition.

17 (C) The owner selects an option which cannot be completed  
18 within a reasonable period of time, as determined by the  
19 enforcement agency, for any reason, including, but not limited to,  
20 an outstanding judicial or administrative order.

21 (2) In deciding whether to require vacation of the building or  
22 to repair as necessary, the enforcement agency shall give  
23 preference to the repair of the building whenever it is economically  
24 feasible to do so without having to repair more than 75 percent of  
25 the dwelling, as determined by the enforcement agency, and shall  
26 give full consideration to the needs for housing as expressed in the  
27 local jurisdiction's housing element.

28 (c) (1) Notwithstanding subdivision (b) and notwithstanding  
29 local ordinances, tenants in a residential building shall be provided  
30 notice of any violation described in subdivision (a) that affects the  
31 health and safety of the occupants and that ~~violates Section 1941.1~~  
32 ~~of the Civil Code~~ *causes the building to be substandard pursuant*  
33 *to Section 17920.3*, an order of the code enforcement agency  
34 issued after inspection of the premises declaring the dwelling to be  
35 in violation of any provision described in subdivision (a), the  
36 enforcement agency's decision to repair or demolish, or the  
37 issuance of a building or demolition permit following the  
38 abatement order of an enforcement agency.

39 (2) Notice pursuant to this subdivision shall be provided to each  
40 affected residential unit by the enforcement agency that issued the



1 order or notice, in the manner prescribed by subdivision (a) of  
2 Section 17980.6.

3 (d) All notices issued by the enforcement agency to correct  
4 violations or to abate nuisances shall contain a provision notifying  
5 the owner that, in accordance with Sections 17274 and 24436.5 of  
6 the Revenue and Taxation Code, a tax deduction may not be  
7 allowed for interest, taxes, depreciation, or amortization paid or  
8 incurred in the taxable year. In addition, in Los Angeles County,  
9 the notice shall contain a provision notifying the owner that within  
10 10 days of recordation of a notice of substandard conditions or  
11 similar document, the owner is required to comply with Section  
12 17997.

13 (e) The enforcement agency may charge the owner of the  
14 building for its postage or mileage cost for sending or posting the  
15 notices required to be given by this section.

16 SEC. 5. Section 17980.1 of the Health and Safety Code is  
17 amended to read:

18 17980.1. (a) If a building is identified by a city, city and  
19 county, or county pursuant to Article 4 (commencing with Section  
20 19160) of Chapter 2 of Part 3 of Division 13, or Section 8875.2 of  
21 the Government Code as being potentially hazardous to life in the  
22 event of an earthquake or is identified for any other reason to be  
23 hazardous to life in the event of an earthquake, *or is identified*  
24 *pursuant to this part as being potentially hazardous to life or*  
25 *health*, an order requiring the building to be retrofitted to local  
26 building standards *or repaired so as not to violate any law*  
27 *applicable to the maintenance and use of the building*, may be  
28 executed by the enforcement agency or its agents or contractors if  
29 all of the following conditions are satisfied:

30 (1) The hazardous condition is of a nature ~~which~~ *that* would  
31 endanger the immediate health and safety of residents or the public  
32 in the event of an earthquake *or because of the nature of the*  
33 *violations of this part of any other laws applicable to the*  
34 *maintenance and use of the building*.

35 (2) The extent and nature of ~~the~~ *a* hazardous condition *related*  
36 *to seismic safety* is such that it could be corrected with the  
37 application of current technology.

38 (3) Any abatement order of the enforcement agency is not  
39 complied with or not so far complied with as the enforcement



1 agency may regard as reasonable, within the time therein  
2 designated.

3 (b) If the owner does not comply with the abatement order  
4 within a reasonable time after issuance of the order, the  
5 enforcement agency may, as an alternative to any other remedy  
6 permitted under law, seek the remedy provided by this section if  
7 the court finds the owner in violation of the abatement order and  
8 finds that the abatement order was issued in order to correct a  
9 hazardous condition which would endanger the immediate health  
10 and safety of residents or the public in the event of an earthquake  
11 *or because of any violation of this part.*

12 (c) After serving notice upon the owner not less than 48 hours  
13 prior to the filing of the application in accordance with the  
14 procedures for notice specified by this subdivision, the  
15 enforcement agency, in accordance with this section, Sections  
16 17980.1 to 17980.3, inclusive, and Chapter 5 (commencing with  
17 Section 564) of Title 7 of Part 2 of the Code of Civil Procedure,  
18 may thereafter apply to the superior court in the county where the  
19 property is situated by petition for an order directing the owner and  
20 any mortgagees or lienors of record to show cause why an  
21 individual or group as proposed by the enforcement agency should  
22 not be appointed as a receiver, and why the receiver should not  
23 remove or remedy the condition and obtain a lien, as provided in  
24 Section 17980.2, in favor of the enforcement agency against the  
25 property, with the lien having the priority as specified in  
26 subdivision (b) of Section 17980.2, to secure repayment of the  
27 costs incurred by the receiver in removing or remedying the  
28 condition. The application shall contain all of the following:

29 (1) Proof by affidavit that an abatement order of the  
30 enforcement agency has been issued and served on the owner,  
31 mortgagees, and lienors in accordance with this section, and that  
32 the notice containing the same particulars as are required in the  
33 abatement order, including the work to be done, has been filed in  
34 the office of the county recorder in which mechanic's liens  
35 affecting the property would be filed.

36 (2) A statement that the abatement order has not been complied  
37 with or not so far complied with as the enforcement agency may  
38 regard as reasonable within the time period therein designated.

39 (3) A statement that a condition ~~which~~ *that* constitutes a serious  
40 earthquake hazard and is a serious threat to life, health, or safety



1 continues to exist upon the property, and a description of the  
2 property and the factors constituting the unsafe condition.

3 (4) A plan describing how the receiver shall perform the  
4 required work, and how rents, issues, and profits shall be collected  
5 and distributed among the owner, mortgagee, lienor, and  
6 enforcement agency or receiver, and including an estimate as to the  
7 costs of the required work, the approximate time ~~by which~~ *when*  
8 the repairs will be completed, a statement as to whether a  
9 displacement of any occupant is required, and provisions  
10 regarding assistance for displaced occupants.

11 (d) The order to show cause shall be returnable not less than  
12 five days after service is completed and shall provide for personal  
13 service of a copy thereof and the papers on which it is based on the  
14 owners and mortgagees of record and lienors. Alternative service  
15 may be made upon the owner by posting upon the property and  
16 thereafter mailing to the owner at the last known address, and upon  
17 the mortgagee or lienor by mailing to the address set forth in the  
18 recorded mortgage or lien and by publication in a newspaper of  
19 general circulation in the county where the premises are located.  
20 The service shall be completed on filing proof of service thereof  
21 in the office of the county clerk.

22 (e) On the return of the order to show cause, the proceeding  
23 regarding that order shall have precedence over every other  
24 business of the court, unless the court finds that some other  
25 pending proceeding, having a similar statutory precedence, shall  
26 have priority. If the court finds good cause therefor, and finds that  
27 the cost of repairs, when added to any *valid* encumbrances on the  
28 building, shall not exceed the projected value of the building when  
29 repaired, then the court shall appoint a receiver named in the  
30 application or another person deemed appropriate, in accordance  
31 with this section and Section 17980.2. However, prior to the  
32 appointment of a receiver, if the owner or any mortgagee or lienor  
33 or other person having an interest in the property applies to the  
34 court to be permitted to remove or remedy the conditions, and  
35 demonstrates the ability promptly to undertake the work required,  
36 and posts security for the performance thereof within the time, and  
37 in the amount and manner deemed necessary by the court, then the  
38 court may, in lieu of appointing the receiver, issue an order  
39 permitting that person to perform the work within a time fixed by  
40 the court.



1 (f) If the conditions have not been satisfactorily remedied or  
2 removed within the time fixed in the abatement order, then the  
3 court shall appoint a receiver. If, after granting a court order  
4 permitting a person to perform the work, but before the time fixed  
5 by the court for the completion thereof, it appears to the  
6 enforcement agency that the person permitted to do the work is not  
7 proceeding in a timely fashion, the enforcement agency may  
8 petition the court for a hearing to determine whether a receiver  
9 should be appointed immediately. On the failure of the owner,  
10 mortgagee, lienor, or other person having an interest in the  
11 property to complete the work in accordance with the provisions  
12 of the order, the costs of the receiver thereafter appointed in  
13 removing or remedying the condition, and for other charges herein  
14 provided for, shall be reimbursed, paid, or made subject to a lien  
15 pursuant to Section 17980.2, or any combination of these.

16 (g) Upon the appointment of a receiver by the court, which  
17 shall include the posting of a bond by the receiver, pursuant to  
18 subdivision (b) of Section 567 of the Code of Civil Procedure, a  
19 copy of the order making the appointment, authenticated by a  
20 certificate of the clerk of the court and particularly describing the  
21 property which is subject to the receivership, shall be recorded in  
22 each county in which any portion of the land is located. *However,*  
23 *if the court determines that the receiver will be acting under the*  
24 *general direction of the enforcement agency, the receiver may be*  
25 *deemed a public officer pursuant to Section 9995.220 of the Code*  
26 *of Civil Procedure.*

27 (h) In addition to the powers specifically requested by the  
28 enforcement agency for the receiver, the receiver shall be  
29 authorized to employ attorneys, accountants, contractors,  
30 architects, engineers, and other clerical and professional personnel  
31 to assist the receiver in the performance of these duties and  
32 responsibilities.

33 (i) Notwithstanding Section 6103 or 27383 of the Government  
34 Code, a county clerk or county recorder, or clerk of the court may  
35 charge a fee to any party, including a public agency, for the cost,  
36 incurred pursuant to this section, of filing, recording, or  
37 authentication of documents at the request of that party.

38 SEC. 6. Section 17980.8 of the Health and Safety Code, as  
39 added by Section 2 of Chapter 1194 of the Statutes of 1989, is  
40 amended to read:



1 17980.8. An enforcement agency ~~which~~ *that* properly  
2 declares any dwelling a nuisance and, using the notice  
3 requirements and procedures specified in Subchapter 1  
4 (commencing with Section 1) of Chapter 1 of Part 1 of Title 25 of  
5 the California Code of Regulations, confirms the declaration by  
6 resolution of its governing board shall be deemed to have acquired  
7 jurisdiction to abate the nuisance by repairing or causing to have  
8 repairs made to the property, by razing or removing the dwelling  
9 or in any other way causing the nuisance to be abated.

10 (b) The enforcement agency shall keep an itemized account of  
11 all of the expenses involved in abating the nuisance, including the  
12 razing or removing of the dwelling. The enforcement agency shall  
13 cause to be posted conspicuously on the property ~~from which~~  
14 *where* the nuisance was abated, repairs *were* made, or ~~from which~~  
15 *where* the dwelling was razed or removed, an expense statement.  
16 This statement shall be verified by the officer of the enforcement  
17 agency in charge of doing the work, showing the reasonable gross  
18 and net expense of the abatement actions taken by the agency,  
19 including the expense of inspections; repairs, if any; the cost of the  
20 razing or removing of the building, if applicable; and any other  
21 costs of abatement, together with a notice of the time and place  
22 when and where the statement shall be submitted to the governing  
23 board of the enforcement agency for approval and confirmation.  
24 In addition to being posted on the property, this statement shall be  
25 sent by certified mail to each owner and other interested party, as  
26 specified in Subchapter 1 (commencing with Section 1) of Chapter  
27 1 of Part 1 of Title 25 of the California Code of Regulations.

28 (c) At the meeting noticed pursuant to subdivision (b), the  
29 governing board shall consider any objections or protests, if any,  
30 ~~which~~ *that* may be raised by the property owner liable to be  
31 assessed for the cost of ~~such~~ *the* work, or by any other interested  
32 persons. If the governing board confirms the statement of costs of  
33 abatement, those costs shall be the obligation of each owner of the  
34 property to pay to the public entity ~~which~~ *that* has incurred them.

35 (d) Notwithstanding any other provision of law, any hearing  
36 required under this section shall be conducted in accordance with  
37 requirements adopted by the enforcement agency that are in  
38 substantial compliance with those contained in Chapter 13  
39 (commencing with Section 1301), or the successor provisions to  
40 that chapter, of the most recent edition of the Uniform Housing



1 Code of the International Conference of Building Officials *or as*  
2 *specified in Subchapter 1 (commencing with Section 1) of Chapter*  
3 *1 of Part 1 of Title 25 of the California Code of Regulations.*

4 SEC. 7. Section 17980.10 is added to the Health and Safety  
5 Code, to read:

6 17980.10. If an enforcement agency has recorded with a  
7 county recorder any notice of substandard or untenable  
8 conditions issued pursuant to this part for a residential structure,  
9 and if the enforcement agency anticipates that it will pursue the  
10 remedies provided by subdivision (b) of Section 17980.7 or  
11 subdivision (c) of Section 17980.9, it may require the private  
12 owner of that structure, within 10 days of recordation, to submit  
13 to the enforcement agency the following information:

14 (a) If the property owner is an individual, the name, address,  
15 driver's license number or identification card number, social  
16 security number or tax identification number, and any other  
17 information deemed necessary by the enforcement agency to file  
18 the documents necessary to utilize Section 17274 of the Revenue  
19 and Taxation Code.

20 (b) If the property owner is a corporation, trust, real estate trust,  
21 or any other entity whose taxes are subject to Part 11 (commencing  
22 with Section 23001) of the Revenue and Taxation Code, the name,  
23 address, tax identification number, and any other information  
24 deemed necessary by the enforcement agency to file the  
25 documents necessary to utilize Section 22436.5 of the Revenue  
26 and Taxation Code.

27 (c) If the property owner is a limited liability company,  
28 partnership, limited partnership, trust, or real estate investment  
29 trust, or any other entity which has owners, partners, members, or  
30 investors whose state taxes are subject to Part 10 (commencing  
31 with Section 17001) of the Revenue and Taxation Code and whose  
32 income, deductions, or tax credits are subject to any change  
33 because of interest payments, taxes, depreciation, or amortization  
34 related to the substandard housing, the name, address, driver's  
35 license number or identification card number, social security  
36 number or tax identification number, and any other information  
37 deemed necessary by the enforcement agency to file the  
38 documents necessary to utilize Section 17274 of the Revenue and  
39 Taxation Code.



1 SEC. 8. Section 17991 of the Health and Safety Code is  
2 amended to read:

3 17991. (a) The sale or other transfer of property to a third  
4 party shall not render moot an *administrative or judicial* action or  
5 proceeding pursuant to this article, including an action under  
6 Section 17982, instituted by an enforcement agency, *or a receiver*  
7 *on behalf of an enforcement agency*, against the owner of record  
8 on the date a citation for, *or other notice of*, a violation of this part  
9 was issued.

10 (b) *In the event of any sale or other transfer or property to a*  
11 *third party during the period between the issuance of the notice of*  
12 *violation and the abatement of the violation, or any administrative*  
13 *or judicial actions related thereto, within five days after the sale*  
14 *or transfer occurs, the transferor shall record a Notice of*  
15 *Conveyance of Substandard Property with the county recorder*  
16 *where the property is located, identifying the name and address of*  
17 *the buyer of transferee and executed with a signature that the*  
18 *information is true and correct, under penalty of perjury.*

19 (c) *In the event of any sale or other transfer of property to a third*  
20 *party during the period between the issuance of the notice of*  
21 *violation and the abatement of the violation, or any administrative*  
22 *or judicial actions related thereto, the transferor shall provide all*  
23 *of the following information to the enforcement agency with five*  
24 *days after the sale or transfer occurs:*

25 (1) *If the seller or transferor is not an individual person, the*  
26 *name, address, and driver's license number or identification card*  
27 *number of each individual who has an interest in excess of 5*  
28 *percent in the entity which is selling or transferring the property.*

29 (2) *If the buyer or transferee is an individual person, the name,*  
30 *address, and driver's license number or identification number or*  
31 *that individual.*

32 (3) *If the buyer or transferee is not an individual person, the*  
33 *name, address, and driver's license number or identification card*  
34 *number of each individual who has an interest in excess of 5*  
35 *percent in the entity that is the buyer or transferee of the property.*

36 SEC. 9. Section 17992 of the Health and Safety Code is  
37 amended to read:

38 17992. Any person who obtains an ownership interest in any  
39 property after a notice of pendency of an action or proceeding was  
40 recorded with respect to ~~such~~ *the* property pursuant to Section



1 17985 or any other notice of a violation of this part was recorded  
2 with the county recorder of the county in which the property is  
3 located, and where there has been no withdrawal or expungement  
4 of the notice, shall be subject to any order to correct a violation,  
5 including time limitations, specified in a citation issued pursuant  
6 to Sections 17980 and 17981 or any other notice of a violation of  
7 this part that was recorded with the county recorder of the county  
8 in which the property is located.

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