

AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**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 amended, 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 *the* 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 *a notice to abate with a shorter time if deemed necessary by the enforcement agency to prevent or remedy an immediate threat to the health and safety of the public or occupants. It would also 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, *regulation, or ordinance* 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 any of the following:
- 7 (A) The abatement of public nuisances.



1 (B) The correction of any violation of any law, regulation, or  
2 local ordinance that would also be a violation of Section 1941.1 of  
3 the Civil Code.

4 (C) The enforcement of zoning ordinances adopted pursuant to  
5 Chapter 4 (commencing with Section 65800) of Division 1 of Title  
6 7 or any other constitutional or statutory authority.

7 (D) Inspections and abatement of violations of Article 1  
8 (commencing with Section 13100) of Chapter 2 of Part 2 of  
9 Division 12 of the Health and Safety Code and regulations or  
10 ordinances adopted pursuant to that article.

11 (E) Inspections and abatement of violations of the State  
12 Housing Law (Part 1.5 (commencing with Section 17910) of  
13 Division 13 of the Health and Safety Code) and regulations or  
14 ordinances adopted pursuant that part.

15 (F) Inspections and abatement of violations of the California  
16 Building Standards Code (Title 24 of the California Code of  
17 Regulations).

18 (G) Inspections and abatement related to local ordinances and  
19 regulations that implement any of the foregoing, if the fee, cost,  
20 or charge has not been paid within 45 days of notice thereof, by  
21 making the amount of the unpaid fee, cost, or charge a proposed  
22 lien against the property that is the subject of the enforcement  
23 activity.

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

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



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

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

6 (b) (1) A city, county, or city and county shall provide the  
7 owner of the property with written notice in plain language of the  
8 proposed lien, a description of the basis for the amounts  
9 comprising the lien, a minimum of 45 days after notice to pay the  
10 fee, cost, or charge, and an opportunity to appear before the  
11 legislative body and be heard regarding the amount of the  
12 proposed lien. The notice shall be mailed by certified mail to the  
13 last known address of the owner of the property.

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

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

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



1 17958.8. Local ordinances or regulations governing  
2 alterations and repair of existing buildings shall permit the  
3 replacement, retention, and extension of original materials and the  
4 use of original methods of construction for any building or  
5 accessory structure, including a hotel, lodginghouse, motel,  
6 apartment house, or dwelling, or portions thereof, as long as the  
7 portion of the building and structure subject to the replacement,  
8 retention, or extension of original materials and the use of original  
9 methods of construction complies with the building code  
10 provisions governing that portion of the building or accessory  
11 structure at the time of construction, and the other rules and  
12 regulations of the department or alternative local standards  
13 governing that portion at the time of its construction and adopted  
14 pursuant to Section 13143.2 and the building or accessory  
15 structure does not become or continue to be a substandard  
16 building.

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

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

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

31 17980. (a) If any building is constructed, altered, converted,  
32 or maintained in violation of any provision of, or in violation of  
33 any order or notice that gives a reasonable time to correct that  
34 violation issued by an enforcement agency pursuant to; this part,  
35 the building standards published in the California Building  
36 Standards Code, or other rules and regulations adopted pursuant  
37 to this part, or if a nuisance exists in any building or upon the lot  
38 on which it is situated, the enforcement agency shall, after 30 days'  
39 notice to abate the nuisance, *or a notice to abate with a shorter*  
40 *period of time if deemed necessary by the enforcement agency to*



1 *prevent or remedy an immediate threat to the health and safety of*  
2 *the public or occupants of the structure*, institute any appropriate  
3 action or proceeding to prevent, restrain, correct, or abate the  
4 violation or nuisance.

5 (b) (1) Whenever the enforcement agency has inspected or  
6 caused to be inspected any building and has determined that the  
7 building is a substandard building or a building described in  
8 Section 17920.10, the enforcement agency shall commence  
9 proceedings to abate the violation by repair, rehabilitation,  
10 vacation, or demolition of the building. The enforcement agency  
11 shall not require the vacating of a residential building unless it  
12 concurrently requires expeditious demolition or repair to comply  
13 with this part, the building standards published in the California  
14 Building Standards Code, or other rules and regulations adopted  
15 pursuant to this part. The owner shall have the choice of repairing  
16 or demolishing. However, if the owner chooses to repair, the  
17 enforcement agency shall require that the building be brought into  
18 compliance according to a reasonable and feasible schedule for  
19 expeditious repair. The enforcement agency may require vacation  
20 and demolition or may itself vacate the building, repair, demolish,  
21 or institute any other appropriate action or proceeding, if any of the  
22 following occur:

23 (A) The repair work is not done within the period required by  
24 the notice.

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

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

31 (2) In deciding whether to require vacation of the building or  
32 to repair as necessary, the enforcement agency shall give  
33 preference to the repair of the building whenever it is economically  
34 feasible to do so without having to repair more than 75 percent of  
35 the dwelling, as determined by the enforcement agency, and shall  
36 give full consideration to the needs for housing as expressed in the  
37 local jurisdiction's housing element.

38 (c) (1) Notwithstanding subdivision (b) and notwithstanding  
39 local ordinances, tenants in a residential building shall be provided  
40 *copies of any of the following:*

1 (A) *The* notice of any violation described in subdivision (a) that  
2 affects the health and safety of the occupants and that causes the  
3 building to be substandard pursuant to Section ~~17920.3, an~~  
4 ~~17920.3.~~

5 (B) *An* order of the code enforcement agency issued after  
6 inspection of the premises declaring the dwelling to be in violation  
7 of any provision described in subdivision ~~(a), the~~ (a).

8 (C) *The* enforcement agency’s decision to repair or ~~demolish,~~  
9 ~~or the~~ *demolish.*

10 (D) *The* issuance of a building or demolition permit following  
11 the abatement order of an enforcement agency.

12 ~~(2) Notice pursuant to this subdivision shall be provided to each~~

13 (2) *Each document provided pursuant to paragraph (1) shall*  
14 *be provided to each* affected residential unit by the enforcement  
15 agency that issued the order or notice, in the manner prescribed by  
16 subdivision (a) of Section 17980.6.

17 (d) All notices issued by the enforcement agency to correct  
18 violations or to abate nuisances shall contain a provision notifying  
19 the owner that, in accordance with Sections 17274 and 24436.5 of  
20 the Revenue and Taxation Code, a tax deduction may not be  
21 allowed for interest, taxes, depreciation, or amortization paid or  
22 incurred in the taxable year. In addition, in Los Angeles County,  
23 the notice shall contain a provision notifying the owner that within  
24 10 days of recordation of a notice of substandard conditions or  
25 similar document, the owner is required to comply with Section  
26 17997.

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

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

32 17980.1. (a) If a building is identified by a city, city and  
33 county, or county pursuant to Article 4 (commencing with Section  
34 19160) of Chapter 2 of Part 3 of Division 13, or Section 8875.2 of  
35 the Government Code as being potentially hazardous to life in the  
36 event of an earthquake or is identified for any other reason to be  
37 hazardous to life in the event of an earthquake, or is identified  
38 pursuant to this part as being potentially hazardous to life or health,  
39 an order requiring the building to be retrofitted to local *seismic*  
40 building standards or repaired so as not to violate any law,



1 *regulation, or ordinance* applicable to the maintenance and use of  
2 the building, may be executed by the enforcement agency or its  
3 agents or contractors if all of the following conditions are satisfied:

4 (1) The hazardous condition is of a nature that would endanger  
5 the immediate health and safety of residents or the public in the  
6 event of an earthquake or because of the nature of the violations  
7 of this part ~~of any other laws or any other laws, regulations, or~~  
8 *ordinances* applicable to the maintenance and use of the building.

9 (2) The extent and nature of a hazardous condition related to  
10 seismic safety is such that it could be corrected with the application  
11 of current technology.

12 (3) Any abatement order of the enforcement agency is not  
13 complied with or not so far complied with as the enforcement  
14 agency may regard as reasonable, within the time therein  
15 designated.

16 (b) If the owner does not comply with the abatement order  
17 within a reasonable time after issuance of the order, the  
18 enforcement agency may, as an alternative to any other remedy  
19 permitted under law, seek the remedy provided by this section if  
20 the court finds the owner in violation of the abatement order and  
21 finds that the abatement order was issued in order to correct a  
22 hazardous condition which would endanger the immediate health  
23 and safety of residents or the public in the event of an earthquake  
24 or because of any violation of this part.

25 (c) After serving notice upon the owner not less than 48 hours  
26 prior to the filing of the application in accordance with the  
27 procedures for notice specified by this subdivision, the  
28 enforcement agency, in accordance with this section, Sections  
29 17980.1 to 17980.3, inclusive, and Chapter 5 (commencing with  
30 Section 564) of Title 7 of Part 2 of the Code of Civil Procedure,  
31 may thereafter apply to the superior court in the county where the  
32 property is situated by petition for an order directing the owner and  
33 any mortgagees or lienors of record to show cause why an  
34 individual or group as proposed by the enforcement agency should  
35 not be appointed as a receiver, and why the receiver should not  
36 remove or remedy the condition and obtain a lien, as provided in  
37 Section 17980.2, in favor of the enforcement agency against the  
38 property, with the lien having the priority as specified in  
39 subdivision (b) of Section 17980.2, to secure repayment of the



1 costs incurred by the receiver in removing or remedying the  
2 condition. The application shall contain all of the following:

3 (1) Proof by affidavit that an abatement order of the  
4 enforcement agency has been issued and served on the owner,  
5 mortgagees, and lienors in accordance with this section, and that  
6 the notice containing the same particulars as are required in the  
7 abatement order, including the work to be done, has been filed in  
8 the office of the county recorder in which mechanic's liens  
9 affecting the property would be filed.

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

13 (3) A statement that a condition that constitutes a serious  
14 hazard and is a serious threat to life, health, or safety continues to  
15 exist upon the property, and a description of the property and the  
16 factors constituting the unsafe condition.

17 (4) A plan describing how the receiver shall perform the  
18 required work, and how rents, issues, and profits shall be collected  
19 and distributed among the owner, mortgagee, lienor, and  
20 enforcement agency or receiver, and including an estimate as to the  
21 costs of the required work, the approximate time when the repairs  
22 will be completed, a statement as to whether a displacement of any  
23 occupant is required, and provisions regarding assistance for  
24 displaced occupants.

25 (d) The order to show cause shall be returnable not less than  
26 five days after service is completed and shall provide for personal  
27 service of a copy thereof and the papers on which it is based on the  
28 owners and mortgagees of record and lienors. Alternative service  
29 may be made upon the owner by posting upon the property and  
30 thereafter mailing to the owner at the last known address, and upon  
31 the mortgagee or lienor by mailing to the address set forth in the  
32 recorded mortgage or lien and by publication in a newspaper of  
33 general circulation in the county where the premises are located.  
34 The service shall be completed on filing proof of service thereof  
35 in the office of the county clerk.

36 (e) On the return of the order to show cause, the proceeding  
37 regarding that order shall have precedence over every other  
38 business of the court, unless the court finds that some other  
39 pending proceeding, having a similar statutory precedence, shall  
40 have priority. If the court finds good cause therefor, and finds that



1 the cost of repairs, when added to any valid encumbrances on the  
2 building, shall not exceed the projected value of the building when  
3 repaired, then the court shall appoint a receiver named in the  
4 application or another person deemed appropriate, in accordance  
5 with this section and Section 17980.2. However, prior to the  
6 appointment of a receiver, if the owner or any mortgagee or lienor  
7 or other person having an interest in the property applies to the  
8 court to be permitted to remove or remedy the conditions, and  
9 demonstrates the ability promptly to undertake the work required,  
10 and posts security for the performance thereof within the time, and  
11 in the amount and manner deemed necessary by the court, then the  
12 court may, in lieu of appointing the receiver, issue an order  
13 permitting that person to perform the work within a time fixed by  
14 the court.

15 (f) If the conditions have not been satisfactorily remedied or  
16 removed within the time fixed in the abatement order, then the  
17 court shall appoint a receiver. If, after granting a court order  
18 permitting a person to perform the work, but before the time fixed  
19 by the court for the completion thereof, it appears to the  
20 enforcement agency that the person permitted to do the work is not  
21 proceeding in a timely fashion, the enforcement agency may  
22 petition the court for a hearing to determine whether a receiver  
23 should be appointed immediately. On the failure of the owner,  
24 mortgagee, lienor, or other person having an interest in the  
25 property to complete the work in accordance with the provisions  
26 of the order, the costs of the receiver thereafter appointed in  
27 removing or remedying the condition, and for other charges herein  
28 provided for, shall be reimbursed, paid, or made subject to a lien  
29 pursuant to Section 17980.2, or any combination of these.

30 (g) Upon the appointment of a receiver by the court, which  
31 shall include the posting of a bond by the receiver, pursuant to  
32 subdivision (b) of Section 567 of the Code of Civil Procedure, a  
33 copy of the order making the appointment, authenticated by a  
34 certificate of the clerk of the court and particularly describing the  
35 property which is subject to the receivership, shall be recorded in  
36 each county in which any portion of the land is located. However,  
37 if the court determines that the receiver will be acting under the  
38 general direction of the enforcement agency, the receiver may be  
39 deemed a public officer pursuant to Section ~~9995.220~~ 995.220 of  
40 the Code of Civil Procedure.



1 (h) In addition to the powers specifically requested by the  
2 enforcement agency for the receiver, the receiver shall be  
3 authorized to employ attorneys, accountants, contractors,  
4 architects, engineers, and other clerical and professional personnel  
5 to assist the receiver in the performance of these duties and  
6 responsibilities.

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

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

15 17980.8. An enforcement agency that properly declares any  
16 dwelling a nuisance and, using the notice requirements and  
17 procedures specified in Subchapter 1 (commencing with Section  
18 1) of Chapter 1 of Part 1 of Title 25 of the California Code of  
19 Regulations, confirms the declaration by resolution of its  
20 governing board shall be deemed to have acquired jurisdiction to  
21 abate the nuisance by repairing or causing to have repairs made to  
22 the property, by razing or removing the dwelling or in any other  
23 way causing the nuisance to be abated.

24 (b) The enforcement agency shall keep an itemized account of  
25 all of the expenses involved in abating the nuisance, including the  
26 razing or removing of the dwelling. The enforcement agency shall  
27 cause to be posted conspicuously on the property where the  
28 nuisance was abated, repairs were made, or where the dwelling  
29 was razed or removed, an expense statement. This statement shall  
30 be verified by the officer of the enforcement agency in charge of  
31 doing the work, showing the reasonable gross and net expense of  
32 the abatement actions taken by the agency, including the expense  
33 of inspections; repairs, if any; the cost of the razing or removing  
34 of the building, if applicable; and any other costs of abatement,  
35 together with a notice of the time and place when and where the  
36 statement shall be submitted to the governing board of the  
37 enforcement agency for approval and confirmation. In addition to  
38 being posted on the property, this statement shall be sent by  
39 certified mail to each owner and other interested party, as specified



1 in Subchapter 1 (commencing with Section 1) of Chapter 1 of Part  
2 1 of Title 25 of the California Code of Regulations.

3 (c) At the meeting noticed pursuant to subdivision (b), the  
4 governing board shall consider any objections or protests, if any,  
5 that may be raised by the property owner liable to be assessed for  
6 the cost of the work, or by any other interested persons. If the  
7 governing board confirms the statement of costs of abatement,  
8 those costs shall be the obligation of each owner of the property  
9 to pay to the public entity that has incurred them.

10 (d) Notwithstanding any other provision of law, any hearing  
11 required under this section shall be conducted in accordance with  
12 requirements adopted by the enforcement agency that are in  
13 substantial compliance with those contained in Chapter 13  
14 (commencing with Section 1301), or the successor provisions to  
15 that chapter, of the most recent edition of the Uniform Housing  
16 Code of the International Conference of Building Officials or as  
17 specified in Subchapter 1 (commencing with Section 1) of Chapter  
18 1 of Part 1 of Title 25 of the California Code of Regulations.

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

21 17980.10. If an enforcement agency has recorded with a  
22 county recorder any notice of substandard or untenable  
23 conditions issued pursuant to this part for a residential structure,  
24 and if the enforcement agency anticipates that it will pursue the  
25 remedies provided by subdivision (b) of Section 17980.7 or  
26 subdivision (c) of Section 17980.9, or *Section 17274 or 22436.5*  
27 *of the Revenue and Taxation Code*, it may require the private  
28 owner of that structure, within 10 days of recordation, to submit  
29 to the enforcement agency the following information:

30 (a) If the property owner is an individual, the name, address,  
31 driver's license number or identification card number, social  
32 security number or tax identification number, and any other  
33 information deemed necessary by the enforcement agency to file  
34 the documents necessary to utilize Section 17274 of the Revenue  
35 and Taxation Code.

36 (b) If the property owner is a corporation, trust, real estate trust,  
37 or any other entity whose taxes are subject to Part 11 (commencing  
38 with Section 23001) of the Revenue and Taxation Code, the name,  
39 address, tax identification number, and any other information  
40 deemed necessary by the enforcement agency to file the



1 documents necessary to utilize Section 22436.5 of the Revenue  
2 and Taxation Code.

3 (c) If the property owner is a limited liability company,  
4 partnership, limited partnership, trust, or real estate investment  
5 trust, or any other entity which has owners, partners, members, or  
6 investors whose state taxes are subject to Part 10 (commencing  
7 with Section 17001) of the Revenue and Taxation Code and whose  
8 income, deductions, or tax credits are subject to any change  
9 because of interest payments, taxes, depreciation, or amortization  
10 related to the substandard housing, the name, address, driver's  
11 license number or identification card number, social security  
12 number or tax identification number, and any other information  
13 deemed necessary by the enforcement agency to file the  
14 documents necessary to utilize Section 17274 of the Revenue and  
15 Taxation Code.

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

18 17991. (a) The sale or other transfer of property to a third  
19 party shall not render moot an administrative or judicial action or  
20 proceeding pursuant to this article, including an action under  
21 Section 17982, instituted by an enforcement agency, or a receiver  
22 on behalf of an enforcement agency, against the owner of record  
23 on the date a citation for, or other notice of, a violation of this part  
24 was issued.

25 (b) In the event of any sale or other transfer or property to a  
26 third party during the period between the issuance of the notice of  
27 violation and the abatement of the violation, or any administrative  
28 or judicial actions related thereto, within five days after the sale or  
29 transfer occurs, the transferor shall record a Notice of Conveyance  
30 of Substandard Property with the county recorder where the  
31 property is located, identifying the name and address of the buyer  
32 of transferee and executed with a signature that the information is  
33 true and correct, under penalty of perjury.

34 (c) In the event of any sale of other transfer of property to a third  
35 party during the period between the issuance of the notice of  
36 violation and the abatement of the violation, or any administrative  
37 or judicial actions related thereto, the transferor shall provide all  
38 of the following information to the enforcement agency with five  
39 days after the sale or transfer occurs:



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

5 (2) If the buyer or transferee is an individual person, the name,  
6 address, and driver's license number or identification number or  
7 that individual.

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

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

14 17992. Any person who obtains an ownership interest in any  
15 property after a notice of pendency of an action or proceeding was  
16 recorded with respect to the property pursuant to Section 17985 or  
17 any other notice of a violation of this part was recorded with the  
18 county recorder of the county in which the property is located, and  
19 where there has been no withdrawal or expungement of the notice,  
20 shall be subject to any order to correct a violation, including time  
21 limitations, specified in a citation issued pursuant to Sections  
22 17980 and 17981 or any other notice of a violation of this part that  
23 was recorded with the county recorder of the county in which the  
24 property is located.

