

AMENDED IN ASSEMBLY APRIL 10, 2003

AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1034

Introduced by Assembly Member Mullin

February 20, 2003

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~~ *provision* 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:



- 1 (A) The abatement of public nuisances.
- 2 (B) The correction of any violation of any law, regulation, or
3 local ordinance that would also be a violation of Section 1941.1 of
4 the Civil Code.
- 5 (C) The enforcement of zoning ordinances adopted pursuant to
6 Chapter 4 (commencing with Section 65800) of Division 1 of Title
7 7 or any other constitutional or statutory authority.
- 8 (D) Inspections and abatement of violations of Article 1
9 (commencing with Section 13100) of Chapter 2 of Part 2 of
10 Division 12 of the Health and Safety Code and regulations or
11 ordinances adopted pursuant to that article.
- 12 (E) Inspections and abatement of violations of the State
13 Housing Law (Part 1.5 (commencing with Section 17910) of
14 Division 13 of the Health and Safety Code) and regulations or
15 ordinances adopted pursuant *to* that part.
- 16 (F) Inspections and abatement of violations of the California
17 Building Standards Code (Title 24 of the California Code of
18 Regulations).
- 19 (G) Inspections and abatement related to local ordinances and
20 regulations that implement any of the foregoing, if the fee, cost,
21 or charge has not been paid within 45 days of notice thereof, by
22 making the amount of the unpaid fee, cost, or charge a proposed
23 lien against the property that is the subject of the enforcement
24 activity.
- 25 Except as provided in subdivision (c), the amount of the
26 proposed lien may be collected at the same time and in the same
27 manner as property taxes are collected. All laws applicable to the
28 levy, collection, and enforcement of ad valorem taxes shall be
29 applicable to the proposed lien, except that if any real property to
30 which the lien would attach has been transferred or conveyed to a
31 bona fide purchaser for value, or if a lien of a bona fide
32 encumbrancer for value has been created and attaches thereon,
33 prior to the date on which the first installment of taxes would
34 become delinquent, then the lien that would otherwise be imposed
35 by this section shall not attach to real property and the costs of
36 enforcement relating to the property shall be transferred to the
37 unsecured roll for collection.
- 38 (2) The amount of any fee, cost, or charge shall not exceed the
39 actual cost incurred performing the inspections and enforcement
40 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 violation*, or a notice to abate with
40 a shorter period of time if deemed necessary by the enforcement



1 agency to prevent or remedy an immediate threat to the health and
2 safety of the public or occupants of the structure, institute any
3 appropriate action or proceeding to prevent, restrain, correct, or
4 abate the 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 *or in*
4 *violation of Section 17920.10.*

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).

8 (C) The enforcement agency’s decision to repair or demolish.

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

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

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

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

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

30 17980.1. (a) If a building is identified by a city, city and
31 county, or county pursuant to Article 4 (commencing with Section
32 19160) of Chapter 2 of Part 3 of Division 13, or Section 8875.2 of
33 the Government Code as being potentially hazardous to life in the
34 event of an earthquake or is identified for any other reason to be
35 hazardous to life in the event of an earthquake, or is identified
36 pursuant to this part as being potentially hazardous to life or health,
37 an order requiring the building to be retrofitted to local seismic
38 building standards or repaired so as not to violate any law,
39 regulation, or ordinance applicable to the maintenance and use of



1 the building, may be executed by the enforcement agency or its
2 agents or contractors if all of the following conditions are satisfied:

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

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

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

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

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



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

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

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

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

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

34 (e) On the return of the order to show cause, the proceeding
35 regarding that order shall have precedence over every other
36 business of the court, unless the court finds that some other
37 pending proceeding, having a similar statutory precedence, shall
38 have priority. If the court finds good cause therefor, and finds that
39 the cost of repairs, when added to any valid encumbrances on the
40 building, shall not exceed the projected value of the building when



1 repaired, then the court shall appoint a receiver named in the
2 application or another person deemed appropriate, in accordance
3 with this section and Section 17980.2. However, prior to the
4 appointment of a receiver, if the owner or any mortgagee or lienor
5 or other person having an interest in the property applies to the
6 court to be permitted to remove or remedy the conditions, and
7 demonstrates the ability promptly to undertake the work required,
8 and posts security for the performance thereof within the time, and
9 in the amount and manner deemed necessary by the court, then the
10 court may, in lieu of appointing the receiver, issue an order
11 permitting that person to perform the work within a time fixed by
12 the court.

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

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

39 (h) In addition to the powers specifically requested by the
40 enforcement agency for the receiver, the receiver shall be



1 authorized to employ attorneys, accountants, contractors,
2 architects, engineers, and other clerical and professional personnel
3 to assist the receiver in the performance of these duties and
4 responsibilities.

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

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

13 17980.8. (a) An enforcement agency that properly declares
14 any dwelling a nuisance and, using the notice requirements and
15 procedures specified in Subchapter 1 (commencing with Section
16 1) of Chapter 1 of Part 1 of Title 25 of the California Code of
17 Regulations, confirms the declaration by resolution of its
18 governing board shall be deemed to have acquired jurisdiction to
19 abate the nuisance by repairing or causing to have repairs made to
20 the property, by razing or removing the dwelling or in any other
21 way causing the nuisance to be abated.

22 (b) The enforcement agency shall keep an itemized account of
23 all of the expenses involved in abating the nuisance, including the
24 razing or removing of the dwelling. The enforcement agency shall
25 cause to be posted conspicuously on the property where the
26 nuisance was abated, repairs were made, or where the dwelling
27 was razed or removed, an expense statement. This statement shall
28 be verified by the officer of the enforcement agency in charge of
29 doing the work, showing the reasonable gross and net expense of
30 the abatement actions taken by the agency, including the expense
31 of inspections; repairs, if any; the cost of the razing or removing
32 of the building, if applicable; and any other costs of abatement,
33 together with a notice of the time and place when and where the
34 statement shall be submitted to the governing board of the
35 enforcement agency for approval and confirmation. In addition to
36 being posted on the property, this statement shall be sent by
37 certified mail to each owner and other interested party, as specified
38 in Subchapter 1 (commencing with Section 1) of Chapter 1 of Part
39 1 of Title 25 of the California Code of Regulations.



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

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

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

19 17980.10. If an enforcement agency has recorded with a
20 county recorder any notice of substandard or untenable
21 conditions issued pursuant to this part for a residential structure,
22 and if the enforcement agency anticipates that it will pursue the
23 remedies provided by subdivision (b) of Section 17980.7 or
24 subdivision (c) of Section 17980.9, or Section 17274 or 22436.5
25 of the Revenue and Taxation Code, it may require the private
26 owner of that structure, within 10 days of recordation, to submit
27 to the enforcement agency the following information:

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

34 (b) If the property owner is a corporation, trust, real estate trust,
35 or any other entity whose taxes are subject to Part 11 (commencing
36 with Section 23001) of the Revenue and Taxation Code, the name,
37 address, tax identification number, and any other information
38 deemed necessary by the enforcement agency to file the
39 documents necessary to utilize Section 22436.5 of the Revenue
40 and Taxation Code.



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

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

16 17991. (a) The sale or other transfer of property to a third
17 party shall not render moot an administrative or judicial action or
18 proceeding pursuant to this article, including an action under
19 Section 17982, instituted by an enforcement agency, or a receiver
20 on behalf of an enforcement agency, against the owner of record
21 on the date a citation for, or other notice of, a violation of this part
22 was issued.

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

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

38 (1) If the seller or transferor is not an individual person, the
39 name, address, and driver's license number or identification card



1 number of each individual who has an interest in excess of 5
2 percent in the entity which is selling or transferring the property.

3 (2) If the buyer or transferee is an individual person, the name,
4 address, and driver's license number or identification number ~~or~~
5 *of* that individual.

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

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

12 17992. Any person who obtains an ownership interest in any
13 property after a notice of pendency of an action or proceeding was
14 recorded with respect to the property pursuant to Section 17985 or
15 any other notice of a violation of this part was recorded with the
16 county recorder of the county in which the property is located, and
17 where there has been no withdrawal or expungement of the notice,
18 shall be subject to any order to correct a violation, including time
19 limitations, specified in a citation issued pursuant to Sections
20 17980 and 17981 or any other notice of a violation of this part that
21 was recorded with the county recorder of the county in which the
22 property is located.

