

AMENDED IN ASSEMBLY JUNE 26, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 488

Introduced by Senator Hueso

(Coauthor: Assembly Member Quirk-Silva)

February 21, 2013

An act to amend Sections 17920.3 and 17961 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 488, as amended, Hueso. Substandard housing: regulations.

(1) Existing law specifies that any building, including any dwelling unit, shall be deemed to be a substandard building when a health officer determines that, among other things, an infestation of insects, vermin, or rodents exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants, or there is a lack of adequate garbage and rubbish storage and removal facilities.

This bill would, if an agreement does not exist with an agency that has a health officer, authorize a code enforcement officer, *upon* successful ~~upon~~ completion of a course of study in the appropriate subject matter as determined by the local jurisdiction, to determine whether an infestation exists or whether there is a lack of adequate garbage and rubbish removal facilities.

(2) Existing law provides that the housing or building department of every city, county, or city and county is required to enforce within its jurisdiction all of the State Housing Law. Existing law further provides

that the health department of every city, county, or city and county, or any environmental agency or local building department, may enforce regulations related to lead hazards, as specified, and is required to coordinate enforcement activities with other interested departments and agencies in order to avoid unnecessary duplication.

This bill would specify that a local housing department is authorized to enforce regulations related to lead hazards.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Exposure to pests, such as arthropods and rodents, in one's
4 home has clear health impacts. Cockroaches are known to produce
5 allergens that trigger asthma, especially in children. A study
6 conducted by the National Institutes of Health found that cockroach
7 allergens are the primary contributor to childhood asthma in
8 inner-city homes. Mouse and rat allergen sensitization and exposure
9 also contribute to asthma exacerbations. Rats and mice are the
10 source of several infections in humans, including, but not limited
11 to, hantavirus pulmonary syndrome, murine typhus, leptospirosis,
12 and lymphocytic choriomeningitis. Bed bug bites can cause itching
13 and become infected, and bed bug infestations have been linked
14 to severe mental stress.

15 (b) Inadequate garbage and rubbish storage and removal
16 facilities can be a contributing factor to infestations of pests and
17 vermin as they provide harborage.

18 (c) State law limits the enforcement authority for pest
19 infestations and inadequate garbage and rubbish storage and
20 removal facilities to county health officers. Cities lacking an
21 agreement or the resources needed to contract with a county for
22 the services of the county health officer are left without any
23 authority to address these substandard housing conditions. Local
24 code enforcement officers could make these determinations.

25 (d) *Owners shall not be cited by both a local code enforcement*
26 *officer and a health officer for the same violation of regulations*
27 *regarding infestations of pests and inadequate garbage storage*
28 *and removal.*

1 SEC. 2. Section 17920.3 of the Health and Safety Code is
2 amended to read:

3 17920.3. Any building or portion thereof including any
4 dwelling unit, guestroom or suite of rooms, or the premises on
5 which the same is located, in which there exists any of the
6 following listed conditions to an extent that endangers the life,
7 limb, health, property, safety, or welfare of the public or the
8 occupants thereof shall be deemed and hereby is declared to be a
9 substandard building:

10 (a) Inadequate sanitation shall include, but not be limited to,
11 the following:

12 (1) Lack of, or improper water closet, lavatory, or bathtub or
13 shower in a dwelling unit.

14 (2) Lack of, or improper water closets, lavatories, and bathtubs
15 or showers per number of guests in a hotel.

16 (3) Lack of, or improper kitchen sink.

17 (4) Lack of hot and cold running water to plumbing fixtures in
18 a hotel.

19 (5) Lack of hot and cold running water to plumbing fixtures in
20 a dwelling unit.

21 (6) Lack of adequate heating.

22 (7) Lack of, or improper operation of required ventilating
23 equipment.

24 (8) Lack of minimum amounts of natural light and ventilation
25 required by this code.

26 (9) Room and space dimensions less than required by this code.

27 (10) Lack of required electrical lighting.

28 (11) Dampness of habitable rooms.

29 (12) Infestation of insects, vermin, or rodents as determined by
30 a health officer or, if an agreement does not exist with an agency
31 that has a health officer, the infestation can be determined by a
32 code enforcement officer, as defined in Section 829.5 of the Penal
33 Code, upon successful completion of a course of study in the
34 appropriate subject matter as determined by the local jurisdiction.

35 (13) General dilapidation or improper maintenance.

36 (14) Lack of connection to required sewage disposal system.

37 (15) Lack of adequate garbage and rubbish storage and removal
38 facilities, as determined by a health officer or, if an agreement
39 does not exist with an agency that has a health officer, the lack of
40 adequate garbage and rubbish removal facilities can be determined

- 1 by a code enforcement officer as defined in Section 829.5 of the
2 Penal Code.
- 3 (b) Structural hazards shall include, but not be limited to, the
4 following:
- 5 (1) Deteriorated or inadequate foundations.
 - 6 (2) Defective or deteriorated flooring or floor supports.
 - 7 (3) Flooring or floor supports of insufficient size to carry
8 imposed loads with safety.
 - 9 (4) Members of walls, partitions, or other vertical supports that
10 split, lean, list, or buckle due to defective material or deterioration.
 - 11 (5) Members of walls, partitions, or other vertical supports that
12 are of insufficient size to carry imposed loads with safety.
 - 13 (6) Members of ceilings, roofs, ceiling and roof supports, or
14 other horizontal members which sag, split, or buckle due to
15 defective material or deterioration.
 - 16 (7) Members of ceilings, roofs, ceiling and roof supports, or
17 other horizontal members that are of insufficient size to carry
18 imposed loads with safety.
 - 19 (8) Fireplaces or chimneys which list, bulge, or settle due to
20 defective material or deterioration.
 - 21 (9) Fireplaces or chimneys which are of insufficient size or
22 strength to carry imposed loads with safety.
- 23 (c) Any nuisance.
- 24 (d) All wiring, except that which conformed with all applicable
25 laws in effect at the time of installation if it is currently in good
26 and safe condition and working properly.
- 27 (e) All plumbing, except plumbing that conformed with all
28 applicable laws in effect at the time of installation and has been
29 maintained in good condition, or that may not have conformed
30 with all applicable laws in effect at the time of installation but is
31 currently in good and safe condition and working properly, and
32 that is free of cross connections and siphonage between fixtures.
- 33 (f) All mechanical equipment, including vents, except equipment
34 that conformed with all applicable laws in effect at the time of
35 installation and that has been maintained in good and safe
36 condition, or that may not have conformed with all applicable laws
37 in effect at the time of installation but is currently in good and safe
38 condition and working properly.
- 39 (g) Faulty weather protection, which shall include, but not be
40 limited to, the following:

1 (1) Deteriorated, crumbling, or loose plaster.

2 (2) Deteriorated or ineffective waterproofing of exterior walls,
3 roofs, foundations, or floors, including broken windows or doors.

4 (3) Defective or lack of weather protection for exterior wall
5 coverings, including lack of paint, or weathering due to lack of
6 paint or other approved protective covering.

7 (4) Broken, rotted, split, or buckled exterior wall coverings or
8 roof coverings.

9 (h) Any building or portion thereof, device, apparatus,
10 equipment, combustible waste, or vegetation that, in the opinion
11 of the chief of the fire department or his deputy, is in such a
12 condition as to cause a fire or explosion or provide a ready fuel to
13 augment the spread and intensity of fire or explosion arising from
14 any cause.

15 (i) All materials of construction, except those that are
16 specifically allowed or approved by this code, and that have been
17 adequately maintained in good and safe condition.

18 (j) Those premises on which an accumulation of weeds,
19 vegetation, junk, dead organic matter, debris, garbage, offal, rodent
20 harborage, stagnant water, combustible materials, and similar
21 materials or conditions constitute fire, health, or safety hazards.

22 (k) Any building or portion thereof that is determined to be an
23 unsafe building due to inadequate maintenance, in accordance with
24 the latest edition of the Uniform Building Code.

25 (l) All buildings or portions thereof not provided with adequate
26 exit facilities as required by this code, except those buildings or
27 portions thereof whose exit facilities conformed with all applicable
28 laws at the time of their construction and that have been adequately
29 maintained and increased in relation to any increase in occupant
30 load, alteration or addition, or any change in occupancy.

31 When an unsafe condition exists through lack of, or improper
32 location of, exits, additional exits may be required to be installed.

33 (m) All buildings or portions thereof that are not provided with
34 the fire-resistive construction or fire-extinguishing systems or
35 equipment required by this code, except those buildings or portions
36 thereof that conformed with all applicable laws at the time of their
37 construction and whose fire-resistive integrity and
38 fire-extinguishing systems or equipment have been adequately
39 maintained and improved in relation to any increase in occupant
40 load, alteration or addition, or any change in occupancy.

1 (n) All buildings or portions thereof occupied for living,
2 sleeping, cooking, or dining purposes that were not designed or
3 intended to be used for those occupancies.

4 (o) Inadequate structural resistance to horizontal forces.
5 “Substandard building” includes a building not in compliance
6 with Section 13143.2.

7 However, a condition that would require displacement of sound
8 walls or ceilings to meet height, length, or width requirements for
9 ceilings, rooms, and dwelling units shall not by itself be considered
10 sufficient existence of dangerous conditions making a building a
11 substandard building, unless the building was constructed, altered,
12 or converted in violation of those requirements in effect at the time
13 of construction, alteration, or conversion.

14 SEC. 3. Section 17961 of the Health and Safety Code is
15 amended to read:

16 17961. (a) The housing or building department or, if there is
17 no building department acting pursuant to this section, the health
18 department of every city, county, or city and county, or any
19 environmental agency authorized pursuant to Section 101275, shall
20 enforce within its jurisdiction all of this part, the building standards
21 published in the State Building Standards Code, and the other rules
22 and regulations adopted pursuant to this part pertaining to the
23 maintenance, sanitation, ventilation, use, or occupancy of apartment
24 houses, hotels, or dwellings. The health department or the
25 environmental agency may, in conjunction with a local housing
26 or building department acting pursuant to this section, enforce
27 within its jurisdiction all of this part, the building standards
28 published in the State Building Standards Code, and the other rules
29 and regulations adopted pursuant to this part pertaining to the
30 maintenance, sanitation, ventilation, use, or occupancy of apartment
31 houses, hotels, or dwellings. Each department and agency, as
32 applicable, shall coordinate enforcement activities with each other
33 and interested departments and agencies in order to avoid
34 unnecessary duplication.

35 (b) Notwithstanding subdivision (a), the health department of
36 every city, county, or city and county, or any environmental agency
37 authorized pursuant to Section 101275 may, in addition to the local
38 building or housing department, if any, enforce within its
39 jurisdiction the provisions of Section 17920.10 and shall coordinate

1 enforcement activities with other interested departments and
2 agencies in order to avoid unnecessary duplication.

3 (c) The State Department of Public Health may enforce Section
4 17920.10 if any local agency or department specified in
5 subdivisions (a) and (b) enters into a written agreement, approved
6 and published pursuant to local government procedures, with the
7 State Department of Public Health to enforce that section, or
8 provides the State Department of Public Health with a written
9 request to enforce that section for a specific case following the
10 identification of a lead poisoned child in that jurisdiction.

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