

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

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, ~~as defined,~~ *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 SEC. 2. Section 17920.3 of the Health and Safety Code is
26 amended to read:

27 17920.3. Any building or portion thereof including any
28 dwelling unit, guestroom or suite of rooms, or the premises on
29 which the same is located, in which there exists any of the
30 following listed conditions to an extent that endangers the life,

1 limb, health, property, safety, or welfare of the public or the
2 occupants thereof shall be deemed and hereby is declared to be a
3 substandard building:

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

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

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

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

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

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

15 (6) Lack of adequate heating.

16 (7) Lack of, or improper operation of required ventilating
17 equipment.

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

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

21 (10) Lack of required electrical lighting.

22 (11) Dampness of habitable rooms.

23 (12) Infestation of insects, vermin, or rodents as determined by
24 a health officer or, if an agreement does not exist with an agency
25 that has a health officer, the infestation can be determined by a
26 code enforcement officer, as defined in Section 829.5 of the Penal
27 Code, *upon successful completion of a course of study in the*
28 *appropriate subject matter as determined by the local jurisdiction.*

29 (13) General dilapidation or improper maintenance.

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

31 (15) Lack of adequate garbage and rubbish storage and removal
32 facilities, as determined by a health officer or, if an agreement
33 does not exist with an agency that has a health officer, the lack of
34 adequate garbage and rubbish removal facilities can be determined
35 by a code enforcement officer as defined in Section 829.5 of the
36 Penal Code.

37 (b) Structural hazards shall include, but not be limited to, the
38 following:

39 (1) Deteriorated or inadequate foundations.

40 (2) Defective or deteriorated flooring or floor supports.

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

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

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

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

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

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

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

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

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

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

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

1 (o) Inadequate structural resistance to horizontal forces.
2 “Substandard building” includes a building not in compliance
3 with Section 13143.2.

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

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

13 17961. (a) The housing or building department or, if there is
14 no building department acting pursuant to this section, the health
15 department of every city, county, or city and county, or any
16 environmental agency authorized pursuant to Section 101275, shall
17 enforce within its jurisdiction all of this part, the building standards
18 published in the State Building Standards Code, and the other rules
19 and regulations adopted pursuant to this part pertaining to the
20 maintenance, sanitation, ventilation, use, or occupancy of apartment
21 houses, hotels, or dwellings. The health department or the
22 environmental agency may, in conjunction with a local housing
23 or building department acting pursuant to this section, enforce
24 within its jurisdiction all of this part, the building standards
25 published in the State Building Standards Code, and the other rules
26 and regulations adopted pursuant to this part pertaining to the
27 maintenance, sanitation, ventilation, use, or occupancy of apartment
28 houses, hotels, or dwellings. Each department and agency, as
29 applicable, shall coordinate enforcement activities with each other
30 and interested departments and agencies in order to avoid
31 unnecessary duplication.

32 (b) Notwithstanding subdivision (a), the health department of
33 every city, county, or city and county, or any environmental agency
34 authorized pursuant to Section 101275 may, in addition to the local
35 building or housing department, if any, enforce within its
36 jurisdiction the provisions of Section 17920.10 and shall coordinate
37 enforcement activities with other interested departments and
38 agencies in order to avoid unnecessary duplication.

39 (c) The State Department of *Public Health Services* may enforce
40 Section 17920.10 if any local agency or department specified in

1 subdivisions (a) and (b) enters into a written agreement, approved
2 and published pursuant to local government procedures, with the
3 State Department of *Public Health Services* to enforce that section,
4 or provides the State Department of *Public Health Services* with
5 a written request to enforce that section for a specific case
6 following the identification of a lead poisoned child in that
7 jurisdiction.

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