

Date of Hearing: June 18, 2014

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Ed Chau, Chair

SB 1167 (Hueso) – As Amended: March 26, 2014

SENATE VOTE: 37-0

SUBJECT: Vector infestations

SUMMARY: Requires property owners to abate substandard building conditions causing pest infestations, in addition to destroying the pests.

EXISTING LAW:

- 1) Lists various conditions that, if they exist in a building containing dwelling units to an extent that there is a danger to the life, limb, health, property, safety, or welfare of the public or the occupants of the building, require that the building be declared substandard

(Health and Safety Code Section 17920.3)

- 2) Includes inadequate sanitation on the list of conditions that can mean a building is substandard, and specifies that inadequate sanitation includes, but is not limited to, the following:
  - a) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit;
  - b) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel;
  - c) Lack of, or improper kitchen sink;
  - d) Lack of hot and cold running water to plumbing fixtures in a hotel;
  - e) Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
  - f) Lack of adequate heating;
  - g) Lack of, or improper operation of required ventilating equipment;
  - h) Lack of minimum amounts of natural light and ventilation required by code;
  - i) Room and space dimensions less than required by code;
  - j) Lack of required electrical lighting;
  - k) Dampness of habitable rooms;

- l) Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction;
- m) General dilapidation or improper maintenance;
- n) Lack of connection to required sewage disposal system;
- o) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal facilities can be determined by a code enforcement officer.

(Health & Safety Code Section 17920.3)

3) Includes structural hazards, unsafe wiring, faulty plumbing systems, and faulty weather protection on the list of conditions that can mean a building is substandard.

(Health & Safety Code Section 17920.3)

4) Authorizes code enforcement officers to cite substandard conditions and to require that a property owner correct the violations.

5) Provides that, if a property owner fails to correct violations within the relevant timeframe, the enforcement agency must institute appropriate actions or proceedings to prevent, restrain, correct, or abate the violation.

(Health & Safety Code Section 17980)

6) Provides that a person who possesses any place that is infested with rodents to endeavor to exterminate and destroy the rodents.

(Health & Safety Code Section 116125)

7) Authorizes the Department of Public Health (DPH) and local health officers to inspect places for rodent infestation.

(Health & Safety Code Section 116130)

8) Provides that, if the possessor of the property fails to endeavor to exterminate and destroy rodents, DPH or the local health officer must exterminate and destroy the rodents and may place a lien against the property to recover its costs.

(Health & Safety Code Sections 116140, 116145)

9) Provides that, independent of any particular property, a city or county may also order and pay for the extermination and destruction of rodents on both private and public property.

(Health & Safety Code Section 116135)

FISCAL EFFECT: None.

COMMENTS:

Purpose of the bill: According to the sponsors, "SB 1167 would ensure that those cited for a pest infestation also address any substandard housing conditions that contribute to the infestation by simply aligning existing codes related to pest infestations and habitability. Addressing conditions that contribute to an infestation will result in more effective long-term elimination of pest infestation, healthier living conditions for residents, and healthier communities."

Pest Infestations: Current law lists various conditions that, if present in a residential building to an extent that there is a danger to public health and safety, require that the building be declared substandard. These conditions include structural hazards, unsafe wiring, faulty plumbing systems, and faulty weather protection. Inadequate sanitation is also one of these conditions, which the law specifies includes, but is not limited to, 15 different conditions. One of those conditions is an infestation of insects, vermin, or rodents.

SB 488 (Hueso), Chapter 89, Statutes of 2013, empowered local code enforcement officers, if an agreement does not exist with an agency that has a health officer, to determine an infestation of insects, vermin, or rodents for purposes of deeming a building to be substandard due to inadequate sanitation. In addition to identifying and citing substandard conditions, code enforcement officers are authorized to require that a property owner correct the violations. If the owner fails to do so after 30 days' notice, or within a shorter notice period if the enforcement agency deems it necessary to prevent or remedy an immediate threat to the health and safety of the public, the enforcement agency must institute appropriate actions or proceedings to prevent, restrain, correct, or abate the violation.

Similarly, state environmental health law requires a person who possesses (i.e., owns or leases) any place that is infested with rodents to endeavor to exterminate and destroy the rodents. The law allows the DPH and local health officers to inspect places for rodent infestation. If the possessor of the property fails to endeavor to exterminate and destroy the rodents, DPH or the local health officer must exterminate and destroy the rodents and may place a lien against the property to recover its costs. Independent of any particular property, a city or county may also order and pay for the extermination and destruction of rodents on both private and public property.

Staff Comments: This bill requires both building and health inspectors responding to an infestation to order the abatement of both the infestation and substandard building conditions that cause the infestation. Existing law already gives building inspectors the authority to cite any substandard building condition causing the infestation, but this bill would require it. This bill also expands the authority and obligations of DPH and local health officers to abate substandard conditions causing a rodent infestation. As such, this bill reduces the need for multiple inspections to address a single problem.

REGISTERED SUPPORT / OPPOSITION:

Support

Asthma Coalition of Los Angeles County  
California Association of Code Enforcement Officers (CACEO), Co-Sponsor  
California Pan-Ethnic Health Network (CPEHN)  
California Rural Legal Assistance Foundation  
Physicians for Social Responsibility-Los Angeles, Co-Sponsor  
Regional Asthma Management and Prevention (RAMP), Co-Sponsor  
Sierra Club California  
Western Center on Law & Poverty

Opposition

None on file

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