

Date of Hearing: June 19, 2013

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
Ed Chau, Chair

SB 488 (Hueso) – As Amended: May 7, 2013

SENATE VOTE: 34-0

SUBJECT: Substandard housing: regulations.

SUMMARY: Authorizes local code enforcement officers to determine an infestation of insects, vermin, or rodents and lack of adequate garbage and rubbish storage and removal facilities for purposes of deeming a building to be substandard. Specifically, this bill:

- 1) Authorizes code enforcement officers to determine an infestation of insects, vermin, or rodents, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction, if an agreement does not exist with an agency that has a health officer to make such determinations.
- 2) Authorizes code enforcement officers to determine a lack of adequate garbage and rubbish storage and removal facilities if an agreement does not exist with an agency that has a health officer to make such determinations.
- 3) Makes various findings and declarations related to exposure to pests and the resulting health impacts.

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 the health officer;
- 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 the health officer.

(Civil Code Section 17920.3)

FISCAL EFFECT: None

COMMENTS:

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. Inadequate sanitation is one of those conditions, which the law specifies includes, but is not limited to, 15 different conditions. Two of those conditions are infestation of insects, vermin, or rodents and a lack of adequate garbage facilities. While each jurisdiction's code enforcement department is typically responsible for inspecting buildings and determining whether a building is substandard, in the case of infestations and a lack of garbage facilities the law specifies that those determinations can only be made by a health officer.

A health officer is typically a county position; very few cities have a health officer. Many cities across the state do not have an agreement for the services of a health officer, so there is no way to legally determine an infestation or inadequate garbage facilities in these jurisdictions. This leaves tenants living in infested housing with little recourse to ensure their housing is safe and habitable.

A 2011, the California Healthy Housing Coalition conducted an informal survey of code enforcement officers through the California Association of Code Enforcement Officers and found that 40 percent had experienced barriers to enforcing pest infestations in their community. The types of barriers generally fell into the following categories:

1. Efficiency—Extra coordination and time is needed for additional inspection by the county, delaying resolution.

2. Responsiveness—For a variety of reasons, counties can be slow to do inspections, delaying resolution.
3. Fiscal—Cities unable to pay for county services, resulting in an inability to resolve problems.
4. Legal—Cities without county services cannot cite or mandate compliance, resulting in a reliance on voluntary compliance to resolve problems.

SB 488 allows local code enforcement officers to determine infestations and inadequate garbage facilities if there is no agreement in place for a health officer to perform this work. The bill requires that in order to determine infestations, code enforcement officers must first complete a course of study in the appropriate subject matter as determined by the local jurisdiction.

According to the bill's sponsors, pest infestations are a common problem in California's housing, particularly in rental housing, and can have significant impacts on residents' health, including triggering asthma and skin conditions. They state that a wide range of healthy homes programs, legal aid organizations, and public health groups that conduct home visits list pests as one of the most common problems they encounter that make a home unhealthy. One of the sponsors, the Regional Asthma Management and Prevention Initiative (RAMP) cites as an example a healthy homes program finding in the City of San Diego of pest infestations in more than 90 percent of the 400 plus housing units they inspected. SB 488 will ensure that infestations can be addressed throughout the state rather than just in jurisdictions that have a health officer or have the resources to contract with a health officer.

Proposed amendment: On page 2, after line 24, insert language into the findings and declarations stating the Legislature's intent that only one entity at a time, either the health officer or local code enforcement, may enforce regulations pertaining to infestations and adequate garbage facilities within a jurisdiction.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Code Enforcement Officers (co-sponsor)
California Pan-Ethnic Health Network (co-sponsor)
Regional Asthma Management and Prevention Initiative (co-sponsor)
California Narcotic Officer's Association
California Police Chiefs Association
Healthy Homes Collaborative
Pacoima Beautiful
San Diego Regional Asthma Coalition
San Francisco Asthma Task Force
YMCA Childcare Resources Services

Opposition

None on file

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