



PLEASE POST

City of Emeryville

INCORPORATED 1896

1333 Park Avenue, Emeryville, CA 94608-3517
t (510) 596-4300 | f (510) 596-4389

Member Sukhdeep Kaur
Member Courtney Welch

Actions taken by Advisory Bodies are not official actions of the City Council, but must be considered and potentially ratified at a regular City Council meeting.

BUDGET AND GOVERNANCE COMMITTEE

Regular Meeting

Emeryville City Hall, Garden Level
1333 Park Avenue Emeryville, CA 94608
February 3, 2026 – 3:30 PM

AGENDA

All writings that are public records and relate to an agenda item, which are distributed to a majority of the legislative body less than 72 hours prior to the meeting is noticed, will be made available via email by request to the Committee Secretary. In compliance with the Americans with Disabilities Act, a person requiring an accommodation, auxiliary aid, or service to participate in this meeting should contact the Committee Secretary as far in advance as possible, but no later than 72 hours prior to the scheduled event. The best effort to fulfill the request will be made. Assistive listening devices will be made available for anyone with hearing difficulty and must be returned to the Committee Secretary at the end of the meeting. All documents are available in alternative formats upon request. No animals shall be allowed at, or brought in to, a public meeting by any person except (i) as to members of the public or City staff utilizing the assistance of a service animal, which is defined as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability; or (ii) as to police officers utilizing the assistance of a dog(s) in law enforcement duties.


1. Call to Order
2. Roll Call
3. Public Comment
 - 3.1 *Submit a written comment card at www.emeryville.org/advisorybodies.*
4. Approval of October 7, 2025 Regular Meeting Action Minutes
5. Action Item
 - 5.1 Election of Committee Chair
6. Information Items
 - 6.1 Residential Landlord and Tenant Relations Ordinance Definition of Small Landlord [EMC 5-40.02 (e)(2)]
 - 6.2 State Law and City Ordinances Pertaining to Substandard Multifamily Housing
7. Future Agenda Items
 - 7.1 Review Fees for Pet License
8. Announcements / Member Comments
9. Adjournment

Public comment for agenda items can be submitted online via a written comment card at www.emeryville.org/advisorybodies, or submitted by email to the Committee Secretary. If you would like to support, oppose, or otherwise comment on an upcoming agenda item, please send in your comments prior to the meeting.

FURTHER INFORMATION may be obtained by contact Sharon Friedrichsen, Committee Secretary, at 510-596-4352 or sharon.friedrichsen@emeryville.org. The next regular meeting is scheduled for May 5, 2026, at 3:30 PM.

DATED: JANUARY 28, 2026

Post On: JANUARY 30, 2026
Post Until: FEBRUARY 4, 2026


Lorrayne Leong, Deputy City Clerk



City of Emeryville

INCORPORATED 1896

1333 Park Avenue. Emeryville, CA 94608-3517

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BUDGET AND GOVERNANCE COMMITTEE MINUTES

Regular Meeting

Emeryville City Hall, Council Chambers

1333 Park Avenue Emeryville, CA 94608

October 7, 2025 – 3:30 PM

1. Call to Order

Chair Welch called the meeting to order at 3:37 p.m.

2. Roll Call

Present – Kaur, Welch

3. Public Comment

0 speakers.

4. Approval of September 18, 2025, Meeting Minutes

Action: M/S/C (Motion/Second/Carried) Kaur/Welch

Vote: All Ayes.

5. Action Items

5.1. *Discussion and Recommendations on City Investment Policy*

Action: M/S/C Welch/Kaur to recommend the City Investment Policy with necessary legislative amendments. 0 speakers.

Vote: All Ayes.

5.2 *Review Holding One Council Meeting Per Month and Holding Monthly Council Committee Meetings*

Action: M/S/C Welch/Kaur to recommend the item be returned to the full City Council for discussion at a future meeting. 0 speakers.

Vote: All Ayes.

6. Information Items

7. Future Agenda Items

7.1. *Review Ordinances on Multi-Family Residential Inspections for Lead, Mold and Substandard Conditions*

7.2. *Review fees for pet licenses*

8. Announcements / Member Comments

8.1. Next Meeting – December 2, 2025, at 3:30 p.m.

9. Adjournment

The meeting adjourned at 5:18 p.m.



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: February 3, 2026

TO: Budget and Governance Committee

FROM: Chadrick Smalley, Community Development Director

SUBJECT: **State Law and City Ordinances Pertaining to Substandard Multifamily Housing**

BACKGROUND

On May 20, 2025, then-Vice Mayor, current Mayor Kaur requested a future agenda item to discuss City ordinances related to substandard multifamily housing considering recent state legislation. The City Council referred this request to the Budget and Governance Committee. Through later correspondence with the Mayor, it was clarified that the state legislation in question is AB 838 (2021), AB 548 (2023), and SB 1465 (2024) (Attachments 1, 2, 3, respectively). This staff report addresses each of these laws and how the City's ordinances, policies and procedures are in compliance.

DISCUSSION

AB 838 (2021) – Requires enforcement response to tenant complaints of substandard conditions and/or lead hazards

AB 838 added Section 17970.5 to the California Health and Safety Code ("HSC") to create a mandatory inspection and documentation framework for complaints submitted by tenants, residents, occupants, or their agents.

Pursuant to HSC 17970.5 (a), cities and counties receiving a complaint of alleged substandard conditions under HSC 17920.3 or lead hazards under HSC 17920.10 must inspect the unit, any portion of the building intended for human occupancy, and the surrounding premises that may be in violation of HSC 17920.3 or 17920.10.

A City is not required to conduct an inspection in response to complaints that do not allege substandard conditions or lead hazards, nor complaints submitted by a tenant, resident or occupant who submitted a complaint about the same property within the last

180 days for which the City determined after inspection the complaint was unfounded (HSC 17970.5 (c)).

Inspectors must document all violations observable through a reasonably competent visual inspection and notify the property owner of each violation and the required corrective action. Cities and counties must provide free, certified copies of inspection reports and citations to the complaining tenant or agent, and all potentially affected tenants, if the violation could affect multiple units.

Pursuant to HSC 17970.5 (e), property owners may not be charged for inspections unless the inspection reveals substandard conditions under HSC 17920.3 or material lead hazard violations under HSC 17920.10.

Additionally, cities and counties may not require that tenants give prior notice to property owners, be current on rent, be in compliance with lease terms, or not be in a legal dispute with the property owner, as a condition of submitting a complaint or conducting the inspection (HSC 17970.5(g)).

AB 548 (2023) – Requires policy regarding inspection of additional units in multiunit buildings when a substandard condition in one unit may affect others.

AB 548 added Section 17970.7 to the HSC, requiring a multi-unit inspection policy when a substandard condition in one unit may affect other units. This requirement became effective January 1, 2025.

Pursuant to HSC 17970.7(b) the policy must include criteria for determining cross-unit impacts that take into account factors such as building type, age, and size, cause of the substandard condition and history of violations. The policy also must require code enforcement officers to reasonably attempt to inspect, at a minimum, units that are adjacent to the unit in which the violation was found and allow for inspection of all units on the premises if severe building-wide violations are found.

If the code enforcement officer determines that a substandard condition could reasonably affect other units, cities and counties are required to provide the property owner with a notice or order to repair within a reasonable time after the inspection is completed (HSC 17970.7(c)(1)), advise the owner of each known violation and each action required to remedy the violation, and schedule a reinspection to verify correction of the violations (HSC 17970.7(c)(2)).

SB 1465 (2024) – Expands definition of residential rental unit, expands code enforcement authority

SB 1465 revised HSC sections 17920 and 17920.3 to broaden the definition of “substandard building” to include buildings where a specified listed condition exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the

nearby residents, in addition to occupants of the building and the public as the statute previously provided. Additionally, the law was clarified such that the standard applies *regardless of the zoning designation or approved use of the building*.

SB 1465 also explicitly incorporated local municipal code violations into state enforcement authority (HSC 17980(a)) and prohibits cities and counties from commencing repair-based abatement solely because a unit is illegally occupied if specific conditions are met (including owner declaration under penalty of perjury that the occupant is not a legal tenant and that the building poses no risk to tenant, nearby residents or the public) (HSC 17980(c)(3)).

Previously, State law authorized enforcement agencies (as well as tenants and tenant organizations) to seek a court order for the appointment of a receiver for a substandard building if the property owner fails to comply with an order to abate a violation that results in a substantial endangerment of the health and safety of residents or the public. That law authorized the court to retain jurisdiction for up to 18 months after discharging the receiver. SB 1465 revised these provisions to specify that courts may appoint or replace receivers even when a receiver was appointed under other laws (HSC 17980.7 (c)), that courts may retain jurisdiction beyond 18 months to ensure continuing compliance (HSC 17980.7 (c)(10)), and that appeals no longer stay enforcement proceedings absent an extraordinary writ (HSC 17980.7 (i)).

State law also previously required property owners provide relocation assistance to tenants displaced from a rental unit as a result of an order to vacate by a county or city due to violations so extensive that the immediate health and safety of the residents is endangered. SB 1465 clarified that this provision applies to units rented by a lawful tenant for habitation regardless of the zoning designation or approved uses of the property (HSC 17975 (b)).

Summary

In summary, these three state laws strengthen and broaden the City's ability to enforce codes relating to habitability of residential units and require the City to:

- Respond to tenant complaints regarding substandard housing conditions and lead hazards, and conduct inspections
- Ensure inspections extend to units that may be reasonably expected to be impacted by substandard conditions found in the complainant's unit
- Provide documentation on complaints and inspection reports to property owners and tenants
- Reinspect units to verify compliance
- Apply these standards regardless of the zoning or approved use of the building

City Ordinances, Policies and Procedures

Applicable Codes

HSC section 17920.3 is the state's legal definition of substandard housing, covering a wide range of topics including, but not limited to, sanitation, structural integrity, wiring, plumbing, mechanical equipment, weather protection, fire hazards and exiting (see Attachment 4). For a building to be considered substandard, one or more of those listed condition in HSC 17920.3 must exist to the "extent that endangers the life, limb, health, property, safety or welfare of the occupants of the buildings, nearby residents or the public".

The International Property Maintenance Code (IPMC) is a model code that many jurisdictions use to interpret and operationalize the general standards found in HSC 17920.3. Cities and counties may adopt the IPMC into their municipal codes, but the IPMC does not override or weaken the standards in HSC 17920.3.

The IPMC covers nearly every topic addressed by HSC 17920.3 but provides more specificity and objective standards for these items, which facilitates enforcement. For example, while HSC 17920.3(a)(6) includes "Lack of adequate heating" as a component of "inadequate sanitation" and therefore a characteristic of a substandard building, IPMC section 602.2 – 602.4 requires a building's heating system to be capable of maintaining specific indoor temperature levels, e.g. 68 degrees Fahrenheit, in specific circumstances.

In summary, HSC 17920.3 provides a mandatory baseline standard in general terms, while the IPMC provides detailed model guidelines.

Many cities in California, including most cities in Alameda County, have adopted the IPMC. The City of Emeryville is included among these, historically adopting the IPMC in conjunction with the triennial building code adoption cycle. On November 18, 2025 the City Council adopted the second reading of Ordinance No. 25-004, adopting the 2025 IPMC, effective January 1, 2026. The IPMC is codified in the Emeryville Municipal Code (EMC) as Chapter 9 of Title 8, Building Regulations.

Code Enforcement Process

In April 2023, the City hired a Code Enforcement Officer, assigned to the Building Division of the Community Development Department. This was a long-sought organizational change, as previously code enforcement activities were undertaken on an ad-hoc basis by staff in various departments, with building code-related enforcement

handled by the Chief Building Official. The addition of the Code Enforcement Officer allowed for the centralization of code enforcement tasks and improved the uniformity and responsiveness of the code enforcement process.

The City's code enforcement process is complaint-driven. Any individual may submit a complaint to the Code Enforcement Officer through various means, including the City's online "see-click-fix" system, an emailed or hard copy "Request for Service" form available on the City's website, or directly contacting the Code Enforcement Officer.

Upon receipt of a complaint, the Code Enforcement Officer investigates the complaint, principally through a field inspection, to verify whether a code violation exists. The City's aim is to resolve violations voluntarily and cooperatively whenever possible. Oftentimes, violations are corrected once the responsible party is made aware of violations by means of telephone or email contact by the Code Enforcement Officer. In the event initial contact does not resolve the violation, the Code Enforcement Officer may issue a "Notice of Violation" pursuant to EMC 1-7.04, which is required to include a description of the violation, actions required to correct the violation, a time period within which to complete corrective actions, and how abatement of the violation will be verified.

In the event the responsible party does not comply with the Notice of Violation, the City may issue an "Administrative Citation" pursuant to EMC 1-7.05. The Administrative Citation is required to contain much of the same information as the Notice of Violation but may also include fines. The amount of the fine is established by the resolution of the City Council. For violation of the Building Regulations (EMC Title 8) and Planning Regulations (EMC Title 9), these fines are included in the City's Master Fee Schedule and are currently \$102 per violation for a first violation, \$205 per violation for a second violation within 12 months of a first, and \$513 per violation for a third violation within 12 months of a first. Administrative Citations are subject to appeal through request of an Administrative Hearing before a hearing officer pursuant to EMC 1-7.07, and the determination of the hearing officer is final. EMC 1-7.11 provides that individuals aggrieved by the decision of the hearing officer may obtain judicial review of the hearing officer's determination.

Multifamily Buildings Inspection Policy

On December 26, 2024, the Chief Building Official/Fire Code Official issued the "AB 548 City of Emeryville Policy and Procedure; Need-Based Expanded Code Enforcement Inspections in Multifamily Buildings" effective January 1, 2025 (Attachment 5). This policy was developed in response to the requirements of AB 548 for multifamily unit inspection protocols and outlines the process by which the Code Enforcement Officer responds to complaints involving multi-unit buildings.

SUMMARY

As noted above, AB 838 (2021), AB 548 (2023) and SB 1465 (2024) all relate to the City's enforcement of habitability standards outlined in HSC 17920.3. The City has adopted the IPMC into the EMC to implement the provisions of HSC 17920.3, and the EMC enables the Code Enforcement Officer to respond to violations of the IPMC through the issuance of Notices of Violation and Administrative Citations. The City's AB 548 Policy implements the provisions of AB 548 regarding inspection of multi-unit buildings. To recapitulate the requirements of these three pieces of state legislation for the City, and the City's response:

- Respond to tenant complaints regarding substandard housing conditions and lead hazards, and conduct inspections

The City uses a complaint-based approach to code enforcement, and complaints may be submitted to the City through various means. Complaints result in an investigation and inspection by the Code Enforcement Officer to determine whether violations exist.

- Ensure inspections extend to units that may be reasonably expected to be impacted by substandard conditions found in the complainant's unit

The City has a policy pertaining to inspections in multi-unit buildings, which require, at a minimum, inspection of units above, below and adjacent to the unit in which a violation is found.

- Provide documentation on complaints and inspection reports to property owners and tenants

The City's standard practice is to provide documentation to property owners and tenants of code enforcement complaints and reports. This practice is also included in the City's AB 548 policy.

- Reinspect units to verify compliance

The City's standard practice is to confirm compliance via reinspection by the Code Enforcement Officer. This implemented through the requirements of EMC 1-7.04 for Notices of Violation to include information to the property owner on how to verify corrections, as well as the City's AB 548 policy.

- Apply these standards regardless of the zoning or approved use of the building

The City applies these standards regardless of the zoning or approved use of the building, in compliance with State law.

ATTACHMENTS

1. AB 838 (2021)
2. AB 548 (2023)
3. SB 1465 (2024)
4. HSC 17920.3
5. AB 548 Policy

Assembly Bill No. 838

CHAPTER 351

An act to add Section 17970.5 to the Health and Safety Code, relating to building standards.

[Approved by Governor September 28, 2021. Filed with
Secretary of State September 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 838, Friedman. State Housing Law: enforcement response to complaints.

Existing law, the State Housing Law, a violation of which is a crime, establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law authorizes a city or county to designate and charge a specified department or officer with the enforcement of the State Housing Law, the building standards published in the California Building Standards Code, or any other rules and regulations adopted pursuant to the State Housing Law for the protection of the public health, safety, and general welfare.

Existing law deems a building, portion of a building, or premises on which a building is located to be a substandard building if any one of specified conditions exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants. Existing law deems a building, portion of a building, or premises on which a building is located to be in violation of the State Housing Law if it contains lead hazards, as specified, that are likely to endanger the health of the public or the occupants.

This bill would, beginning July 1, 2022, require a city or county that receives a complaint of a substandard building or a lead hazard violation, as described above, from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, except as specified, to inspect the building, portion of the building intended for human occupancy, or premises of the building, document the lead hazard violations that would be discovered based upon a reasonably competent and diligent visual inspection of the property, and identify any building, portion of a building intended for human occupancy, or premises on which such a building is located that is determined to be substandard, as applicable. The bill would require the city or county, as applicable, to advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and to schedule a reinspection to verify correction of the violations. The bill would require a city or county to provide free, certified copies of an inspection report and citations issued, if any, to the complaining tenant, resident, occupant, or agent, and to all potentially affected tenants, residents, occupants, or the

agents of those individuals, as specified. The bill would prohibit the inspection or the report from being subject to any unreasonable conditions, as specified, and prohibit a city, county, or city and county from collecting a fee, cost, or charge from a property owner or property owner's agent for any inspection of, or any inspection report about, that owner's or agent's property that is conducted or issued pursuant to the bill's provisions, unless the inspection reveals one or more material lead hazard violations or deems and declares the property substandard, as described above. The bill would prohibit a city or county from unreasonably refusing to communicate with a tenant, resident, occupant, or agent regarding a matter covered by this bill.

By imposing new duties on local government officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

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

SECTION 1. Section 17970.5 is added to the Health and Safety Code, to read:

17970.5. (a) Notwithstanding any other provision of this part, a city or county that receives a complaint from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, regarding a potential violation of Section 17920.10 or regarding a building being substandard pursuant to Section 17920.3 shall do all of the following:

(1) Inspect the building or portion thereof intended for human occupancy, including any dwelling unit, guestroom, or suite of rooms, or the premises on which it is located, that may be in violation of Section 17920.10 or that may be substandard pursuant to Section 17920.3.

(2) Document any violations of Section 17920.10 that would be discovered based upon a reasonably competent and diligent visual inspection of the property and identify any building or portion thereof intended for human occupancy, including any dwelling unit, guestroom, or suite of rooms, or the premises on which it is located, that is determined to be substandard pursuant to Section 17920.3, as applicable. The documentation shall be included in the inspection report described in subdivision (d).

(3) As applicable, advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and schedule a reinspection to verify correction of the violations.

(b) A city or county shall perform an inspection conducted pursuant to subdivision (a) at least as promptly as that city or county conducts an inspection in response to a request for final inspection pursuant to Section 110 of the California Building Code.

(c) Notwithstanding subdivisions (a) and (b), a city or county is not required to conduct an inspection in response to either of the following types of complaints:

(1) A complaint that does not allege one or more substandard conditions.

(2) A complaint submitted by a tenant, resident, or occupant who, within the past 180 days, submitted a complaint about the same property that the chief building inspector or their designee reasonably determined, after inspection, was frivolous or unfounded.

(d) A city or county shall provide free, certified copies of an inspection report and citations issued pursuant to this section, if any, to the complaining tenant, resident, occupant, or their agent. If inspection reveals a condition potentially affecting multiple tenants, residents, or occupants, including, but not limited to, conditions relating to the premises, common areas, or structural features, then the city or county shall provide free copies of the inspection report and citations issued to all potentially affected tenants, residents, occupants, or their agents.

(e) A city, county, or city and county shall not collect a fee, cost, or charge from a property owner or property owner's agent for any inspection of, or any inspection report about, that owner's or agent's property that is conducted or issued pursuant to this section, unless the inspection reveals one or more material violations of Section 17920.10 or deems and declares the property substandard pursuant to Section 17920.3.

(f) Nothing in this section limits or alters the existing authority of a city, county, or city and county to impose fees on rental property owners to support a rental property inspection program, or to otherwise impose generally applicable charges, fees, or assessments to cover the costs of inspections or inspection reports required by this section.

(g) An inspection or report required by this section shall not be subject to any unreasonable conditions, including any requirements that:

(1) The tenant, resident, occupant, or agent first make a demand for correction upon the owner of the property.

(2) The tenant be current on rent.

(3) The tenant otherwise be in compliance with their rental agreement.

(4) The tenant, resident, or occupant not be involved in a legal dispute with the owner of the property.

(h) A city or county shall not unreasonably refuse to communicate with a tenant, resident, occupant, or the agent of a tenant, resident, or occupant regarding any matter covered by this section.

(i) The requirements of this section shall not be construed to impose a mandatory duty pursuant to Section 815.6 of the Government Code, and shall not be construed to affect the availability of any immunity otherwise applicable to the city or county or its employees, including, but not limited to, Sections 818.2, 818.4, 818.6, 820.2, 821, 821.2, and 821.4 of the Government Code.

(j) (1) An action to enforce the requirements of this section shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

(2) For purposes of Section 1085 of the Code of Civil Procedure, the requirements of this section shall be construed as acts which the law specially enjoins, as a duty resulting from an office, trust, or station.

(k) This section shall become operative July 1, 2022.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code, and because the only other costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

Assembly Bill No. 548

CHAPTER 744

An act to add Section 17970.7 to the Health and Safety Code, relating to housing.

[Approved by Governor October 11, 2023. Filed with Secretary of State October 11, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 548, Boerner. State Housing Law: inspection.

Existing law, the State Housing Law, a violation of which is a crime, establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law authorizes an officer, employee, or agent of an enforcement agency to enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of the State Housing Law, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of the State Housing Law that the enforcement agency has the power to enforce.

Existing law deems a building, portion of a building, or premises on which a building is located to be a substandard building if any one of specified conditions exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants. Existing law deems a building, portion of a building, or premises on which a building is located to be in violation of the State Housing Law if it contains lead hazards, as specified, that are likely to endanger the health of the public or the occupants.

This bill would require local enforcement agencies, by January 1, 2025, to develop policies and procedures for inspecting a building with multiple units if an inspector or code enforcement officer has determined that a unit is substandard or is in violation of the State Housing Law, and the inspector or code enforcement officer determines that the defects or violations have the potential to affect other units of the building, as specified. If the local enforcement agency determines the substandard condition could reasonably affect other units, the bill would require notice be given to the property owner, as specified, and the units reinspected to verify correction of the violations. By imposing new duties on local government officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement

for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. Section 17970.7 is added to the Health and Safety Code, to read:

17970.7. (a) By January 1, 2025, local enforcement agencies shall develop policies and procedures for inspecting a building with multiple units if an inspector or code enforcement officer has determined that a unit is substandard pursuant to Section 17920.3, or is in violation of Section 17920.10, and the inspector or code enforcement officer determines that the defects or violations have the potential to affect other units of the building.

(b) The policies and procedures developed pursuant to subdivision (a) shall meet all of the following requirements:

(1) Include criteria that inspectors or code enforcement officers shall use to determine if the substandard condition could reasonably affect other units, taking into account factors, including, but not limited to, the building type, age, size, type of construction, cause of the substandard condition, and history of violations.

(2) Require inspectors or code enforcement officers to reasonably attempt to inspect additional units at the property, including at least units adjacent to, above, and below the unit in which the defect or violation was found, consistent with existing law and inspection practices.

(3) Allow for the inspection of all of the units on the premises if severe, buildingwide defects or violations are found.

(c) (1) Upon determining that a substandard condition in a unit could reasonably affect other units, the local enforcement agency shall provide the property owner with a notice or order to repair or abate within a reasonable time after the inspection is completed.

(2) The local enforcement agency shall advise the owner or operator of each known violation and of each action required to remedy the violation and schedule a reinspection to verify correction of the violations.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Senate Bill No. 1465

CHAPTER 487

An act to amend Sections 17920, 17920.3, 17975, 17980, 17980.7, 17980.11, and 17992 of the Health and Safety Code, relating to housing.

[Approved by Governor September 22, 2024. Filed with
Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1465, Archuleta. State building standards.

(1) Existing law, the State Housing Law, establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law requires, for those purposes, that any building, including any dwelling unit, be deemed to be a substandard building when a health officer determines that any one of specified listed conditions exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants.

This bill would instead specify that a building be deemed a substandard building when a health officer determines that any of those listed conditions exist to the extent that it endangers the life, limb, health, property, safety, or welfare of the occupants of the building, nearby residents, or the public. The bill would clarify that the term “substandard building” for purposes of the State Housing Law means a residential building or any other building or portion thereof that is deemed to be substandard pursuant to the provisions described above, and would clarify that standard applies regardless of the zoning designation or approved use of the building. The bill would make conforming changes to this effect.

By imposing new inspection requirements on local entities, this bill would impose a state-mandated local program.

(2) The State Housing Law provides for relocation assistance to a tenant displaced from a residential rental unit as a result of an order to vacate by a local enforcement agency under specified conditions.

This bill would define the term “residential rental unit” for those purposes to mean any unit rented by a tenant for human habitation that is located in a building or portion thereof that is deemed or found to be a substandard building.

(3) The State Housing Law requires the housing or building department or, if there is no building department, the health department, of every city or county or a specified environmental agency to enforce within its jurisdiction all of the State Housing Law, the building standards published in the California 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 appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

This bill would state that violations of municipal codes are included within these provisions. The bill would define the term "petition" for those purposes to include a complaint. If an enforcement agency determines that a building or portion thereof is substandard under these provisions based solely on the building or portion thereof being illegally occupied, then the bill would prohibit the enforcement agency from commencing proceedings to abate the violation by repair if specified conditions are met, including that the owner declares under penalty of perjury that the occupant is not a legal tenant. By expanding the crime of perjury, this bill would impose a state-mandated local program.

(4) The State Housing Law authorizes the enforcement agency, a tenant, or tenant association or organization to seek, and the court to order, the appointment of a receiver for the substandard building if the owner of a property with substandard conditions fails to comply within a reasonable time period with the terms of a specified order or notice to repair or abate a violation that results in a substantial endangerment of the health and safety of residents or the public. Existing law authorizes the court to retain jurisdiction for up to 18 months after discharging the receiver.

This bill would specify that the appointment of a receiver for the substandard building pursuant to another provision of law does not prevent an enforcement agency from seeking, or the court from appointing or replacing, a receiver pursuant to these provisions. The bill would authorize the court to extend the 18-month time period for retaining jurisdiction to ensure continuing compliance. The bill would provide that an appeal of a court order or judgment issued pursuant to this article shall not stay proceedings upon the order or judgment, absent an extraordinary writ being issued by the appropriate appeals court upon a properly filed petition, as defined.

(5) Under the State Housing Law, a person who obtains an ownership interest in property after the recording of a notice of pendency of an action or proceeding brought pursuant to the State Housing Law with respect to the property or a notice of a violation of that law, and if there is no withdrawal or expungement of the notice, is subject to the order to correct a violation and any other recorded notice of a violation of the State Housing Law.

This bill would specify that a person described above is subject to any costs and fees of any receiver appointed or enforcement agency, as applicable.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

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

SECTION 1. Section 17920 of the Health and Safety Code is amended to read:

17920. For purposes of this part, the following definitions apply:

- (a) “Approved” means acceptable to the department.
- (b) “Building” means a structure subject to this part.
- (c) “Building standard” means building standard as defined in Section 18909.
- (d) “Department” means the Department of Housing and Community Development.
- (e) “Enforcement” means diligent effort to secure compliance, including review of plans and permit applications, response to complaints, citation of violations, and other legal process. Except as otherwise provided in this part, “enforcement” may, but need not, include inspections of existing buildings on which no complaint or permit application has been filed, and effort to secure compliance as to these existing buildings.
- (f) “Fire protection district” means any special district, or any other municipal or public corporation or district, which is authorized by law to provide fire protection and prevention services.
- (g) “Labeled” means equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization, approved by the department, that maintains a periodic inspection program of production of labeled products, installations, equipment, or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.
- (h) “Listed” means all products that appear in a list published by an approved testing or listing agency.
- (i) “Listing agency” means an agency approved by the department that is in the business of listing and labeling products, materials, equipment, and installations tested by an approved testing agency, and that maintains a periodic inspection program on current production of listed products, equipment, and installations, and that, at least annually, makes available a published report of these listings.
- (j) “Mold” means microscopic organisms or fungi that can grow in damp conditions in the interior of a building.
- (k) “Noise insulation” means the protection of persons within buildings from excessive noise, however generated, originating within or without such buildings.
- (l) “Nuisance” means any nuisance defined pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code, or any other form of nuisance recognized at common law or in equity.
- (m) “Public entity” has the same meaning as defined in Section 811.2 of the Government Code.
- (n) “Substandard building” means a building, or portion thereof, including any building used for human habitation, that is declared substandard pursuant to Section 17920.3.

(o) “Testing agency” means an agency approved by the department as qualified and equipped for testing of products, materials, equipment, and installations in accordance with nationally recognized standards.

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

17920.3. Any building or portion thereof, regardless of zoning designation or approved uses of the building, including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the occupants of the building, nearby residents, or the public shall be deemed and hereby is declared to be a substandard building:

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

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

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

(3) Lack of, or improper kitchen sink.

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

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

(6) Lack of adequate heating.

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

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

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

(10) Lack of required electrical lighting.

(11) Dampness of habitable rooms.

(12) 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, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.

(13) Visible mold growth, as determined by a health officer or a code enforcement officer, as defined in Section 829.5 of the Penal Code, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.

(14) General dilapidation or improper maintenance.

(15) Lack of connection to required sewage disposal system.

(16) 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 as defined in Section 829.5 of the Penal Code.

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

- (1) Deteriorated or inadequate foundations.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration.
- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (8) Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration.
- (9) Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.
- (c) Any nuisance.
- (d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
- (e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.
- (f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.
- (g) Faulty weather protection, which shall include, but not be limited to, the following:
 - (1) Deteriorated, crumbling, or loose plaster.
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
 - (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or the chief's deputy, is in such a condition as to cause a fire or

explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

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

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

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

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

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

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

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

(o) Inadequate structural resistance to horizontal forces.

“Substandard building” includes a building not in compliance with Section 13143.2.

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

SEC. 3. Section 17975 of the Health and Safety Code is amended to read:

17975. (a) Any tenant who is displaced or subject to displacement from a residential rental unit as a result of an order to vacate or an order requiring the vacation of a residential unit by a local enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered, shall be entitled to receive relocation benefits from the owner as specified in this article. The local

enforcement agency shall determine the eligibility of tenants for benefits pursuant to this article.

(b) For purposes of this section, “residential rental unit” includes a unit rented by a tenant for human habitation, regardless of the zoning designation or approved uses of the building, that is located in a building or portion thereof that is deemed or found to be a substandard building.

SEC. 4. Section 17980 of the Health and Safety Code is amended to read:

17980. (a) If a building is constructed, altered, converted, or maintained in violation of any provision of, or in violation of any order or notice that gives a reasonable time to correct that violation issued by an enforcement agency pursuant to this part, the building standards published in the California Building Standards Code, municipal code, or other rules and regulations adopted pursuant to this part, or if a nuisance exists in a building or upon the lot on which it is situated, the enforcement agency shall, after 30 days’ notice to abate the nuisance or violation, or a notice to abate with a shorter period of time if deemed necessary by the enforcement agency to prevent or remedy an immediate threat to the health and safety of the occupants of the building, nearby residents, or the public, institute appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance. Notwithstanding the above, if a person has purchased and is in the process of diligently abating any violation at a residential property that had been foreclosed on or after January 1, 2008, an enforcement agency shall not commence an action or proceeding until at least 60 days after the person takes title to the property, unless a shorter period of time is deemed necessary by the enforcement agency, in its sole discretion, to prevent or remedy an immediate threat to the health and safety of the neighboring community, public, or occupants of the structure.

(b) If an entity releases a lien securing a deed of trust or mortgage on a property for which a notice of pendency of action, as defined in Section 405.2 of the Code of Civil Procedure, has been recorded against the property by an enforcement agency pursuant to subdivision (a) of Section 17985 of the Health and Safety Code or Section 405.7 or 405.20 of the Code of Civil Procedure, it shall notify in writing the enforcement agency that issued the order or notice within 30 days of releasing the lien.

(c) (1) Whenever the enforcement agency has inspected or caused to be inspected a building and has determined that the building is a substandard building or a building described in Section 17920.10, the enforcement agency shall commence proceedings to abate the violation by repair, rehabilitation, vacation, or demolition of the building. The enforcement agency shall not require the vacating of a residential building unless it concurrently requires expeditious demolition or repair to comply with this part, the building standards published in the California Building Standards Code, or other rules and regulations adopted pursuant to this part. The owner shall have the choice of repairing or demolishing. However, if the owner chooses to repair, the enforcement agency shall require that the building be brought into compliance according to a reasonable and feasible schedule for

expeditious repair. The enforcement agency may require vacation and demolition or may itself vacate the building, repair, demolish, or institute any other appropriate action or proceeding, if any of the following occurs:

(A) The repair work is not done within the period required by the notice.

(B) The owner does not make a timely choice of repair or demolition.

(C) The owner selects an option that cannot be completed within a reasonable period of time, as determined by the enforcement agency, for any reason, including, but not limited to, an outstanding judicial or administrative order.

(2) In deciding whether to require vacation of the building or to repair as necessary, the enforcement agency shall give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 75 percent of the dwelling, as determined by the enforcement agency, and shall give full consideration to the needs for housing as expressed in the local jurisdiction's housing element.

(3) If the enforcement agency determines that a building or portion thereof is substandard under this section based solely on the building or portion thereof being illegally occupied, the enforcement agency shall not commence court proceedings to abate the violation by repair if all of the following conditions are met:

(A) The owner declares under penalty of perjury that the occupant is illegally occupying the building.

(B) The owner filed and is diligently prosecuting an unlawful detainer action against the occupant or the occupant is being removed pursuant to Section 602 of the Penal Code.

(C) The enforcement agency determines the building poses no risk to tenants, nearby residents, or the public.

(d) (1) Notwithstanding subdivision (c) and notwithstanding local ordinances, tenants in a residential building shall be provided copies of any of the following:

(A) The notice of a violation described in subdivision (a) that affects the health and safety of the occupants and that causes the building to be substandard pursuant to Section 17920.3 or in violation of Section 17920.10.

(B) An order of the code enforcement agency issued after inspection of the premises declaring the dwelling to be in violation of a provision described in subdivision (a).

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

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

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

(e) All notices issued by the enforcement agency to correct violations or to abate nuisances shall contain a provision notifying the owner that, in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation

Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year.

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

(g) If the enforcement agency determines that there is an infestation pursuant to paragraph (12) of subdivision (a) of Section 17920.3 or Section 116130, the enforcement agency's abatement order shall require the abatement of any other conditions listed in Section 17920.3 that the enforcement agency determines to have caused the infestation.

SEC. 5. Section 17980.7 of the Health and Safety Code is amended to read:

17980.7. If the owner fails to comply within a reasonable time with the terms of the order or notice issued pursuant to Section 17980.6, the following provisions shall apply:

(a) The enforcement agency may seek and the court may order imposition of the penalties provided for under Chapter 6 (commencing with Section 17995).

(b) (1) The enforcement agency may seek and the court may order the owner to not claim any deduction with respect to state taxes for interest, taxes, expenses, depreciation, or amortization paid or incurred with respect to the cited structure, in the taxable year of the initial order or notice, in lieu of the enforcement agency processing a violation in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code.

(2) If the owner fails to comply with the terms of the order or notice to correct the condition that caused the violation pursuant to Section 17980.6, the court may order the owner to not claim these tax benefits for the following year.

(c) The enforcement agency, tenant, or tenant association or organization may seek and the court may order, the appointment of a receiver for the substandard building pursuant to this subdivision. In its petition to the court, the enforcement agency, tenant, or tenant association or organization shall include proof that notice of the petition was posted in a prominent place on the substandard building and mailed first-class mail to all persons with a recorded interest in the real property upon which the substandard building exists not less than three days prior to filing the petition. The petition shall be served on the owner pursuant to Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. The appointment of a receiver for the substandard building pursuant to another provision of law shall not prevent an enforcement agency from seeking, or the court from appointing or replacing, a receiver pursuant to this section. In such instance, the provisions of this section shall apply in addition to the original provision of law.

(1) In appointing a receiver, the court shall consider whether the owner has been afforded a reasonable opportunity to correct the conditions cited in the notice of violation.

(2) The court shall not appoint any person as a receiver unless the person has demonstrated to the court their capacity and expertise to develop and supervise a viable financial and construction plan for the satisfactory rehabilitation of the building. A court may appoint as a receiver a nonprofit organization or community development corporation. In addition to the duties and powers that may be granted pursuant to this section, the nonprofit organization or community development corporation may also apply for grants to assist in the rehabilitation of the building.

(3) If a receiver is appointed, the owner and the owner's agent of the substandard building shall be enjoined from collecting rents from the tenants, interfering with the receiver in the operation of the substandard building, and encumbering or transferring the substandard building or real property upon which the building is situated.

(4) Any receiver appointed pursuant to this section shall have all of the following powers and duties in the order of priority listed in this paragraph, unless the court otherwise permits:

(A) To take full and complete control of the substandard property.

(B) To manage the substandard building and pay expenses of the operation of the substandard building and real property upon which the building is located, including taxes, insurance, utilities, general maintenance, and debt secured by an interest in the real property.

(C) To secure a cost estimate and construction plan from a licensed contractor for the repairs necessary to correct the conditions cited in the notice of violation.

(D) To enter into contracts and employ a licensed contractor as necessary to correct the conditions cited in the notice of violation.

(E) To collect all rents and income from the substandard building.

(F) To use all rents and income from the substandard building to pay for the cost of rehabilitation and repairs determined by the court as necessary to correct the conditions cited in the notice of violation.

(G) To borrow funds to pay for repairs necessary to correct the conditions cited in the notice of violation and to borrow funds to pay for any relocation benefits authorized by paragraph (6) and, with court approval, secure that debt and any moneys owed to the enforcement agency or the receiver for services performed pursuant to this article with a lien on the real property upon which the substandard building is located. The lien shall be recorded in the county recorder's office in the county within which the building is located.

(H) To exercise the powers granted to receivers under Section 568 of the Code of Civil Procedure.

(5) The receiver shall be entitled to the same fees, commissions, and necessary expenses as receivers in actions to foreclose mortgages.

(6) If the conditions of the premises or the repair or rehabilitation thereof significantly affect the safe and sanitary use of the substandard building by any tenant, to the extent that the tenant cannot safely reside in their unit, then the receiver shall provide relocation benefits in accordance with subparagraph (A) of paragraph (3) of subdivision (d).

(7) The relocation compensation provided for in this section shall not preempt any local ordinance that provides for greater relocation assistance.

(8) In addition to any reporting required by the court, the receiver shall prepare monthly reports to the state or local enforcement agency that shall contain information on at least the following items:

(A) The total amount of rent payments received.

(B) Nature and amount of contracts negotiated relative to the operation or repair of the property.

(C) Payments made toward the repair of the premises.

(D) Progress of necessary repairs.

(E) Other payments made relative to the operation of the building.

(F) Amount of tenant relocation benefits paid.

(9) The receiver shall be discharged when the conditions cited in the notice of violation have been remedied in accordance with the court order or judgment and a complete accounting of all costs and repairs has been delivered to the court. Upon removal of the condition, the owner, the mortgagee, or any lienor of record may apply for the discharge of all moneys not used by the receiver for removal of the condition and all other costs authorized by this section.

(10) After discharging the receiver, the court may retain jurisdiction for a time period not to exceed 18 consecutive months, which may be extended by order of the court to ensure continuing compliance, and require the owner and the enforcement agency responsible for enforcing Section 17980 to report to the court in accordance with a schedule determined by the court.

(11) The prevailing party in an action pursuant to this section shall be entitled to reasonable attorney's fees and court costs as may be fixed by the court.

(12) The county recorder may charge and collect fees for the recording of all notices and other documents required by this section pursuant to Article 5 (commencing with Section 27360) of Chapter 6 of Division 2 of Title 3 of the Government Code.

(13) This section shall not be construed to limit those rights available to tenants and owners under any other provision of the law.

(14) This section shall not be construed to deprive an owner of a substandard building of all procedural due process rights guaranteed by the California Constitution and the United States Constitution, including, but not limited to, receipt of notice of the violation claimed and an adequate and reasonable period of time to comply with any orders that are issued by the enforcement agency or the court.

(15) Upon the request of a receiver, a court may require the owner of the property to pay all unrecovered costs associated with the receivership in addition to any other remedy authorized by law.

(d) If the court finds that a building is in a condition that substantially endangers the health and safety of residents pursuant to Section 17980.6, upon the entry of any order or judgment, the court shall do all of the following:

(1) Order the owner to pay all reasonable and actual costs of the enforcement agency, including, but not limited to, inspection costs, investigation costs, enforcement costs, attorney's fees or costs, and all costs of prosecution.

(2) Order that the local enforcement agency shall provide the tenant with notice of the court order or judgment.

(3) (A) Order that if the owner undertakes repairs or rehabilitation as a result of being cited for a notice under this chapter, and if the conditions of the premises or the repair or rehabilitation thereof significantly affect the safe and sanitary use of the premises by any lawful tenant, so that the tenant cannot safely reside in the premises, then the owner shall provide or pay relocation benefits to each lawful tenant. These benefits shall consist of actual reasonable moving and storage costs and relocation compensation. The actual moving and storage costs shall consist of all of the following:

(i) Transportation of the tenant's personal property to the new location. The new location shall be in close proximity to the substandard premises, except where relocation to a new location beyond a close proximity is determined by the court to be justified.

(ii) Packing, crating, unpacking, and uncrating the tenant's personal property.

(iii) Insurance of the tenant's property while in transit.

(iv) The reasonable replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person, their agent, or their employee) in the process of moving, where insurance covering the loss, theft, or damage is not reasonably available.

(v) The cost of disconnecting, dismantling, removing, reassembling, reconnecting, and reinstalling machinery, equipment, or other personal property of the tenant, including connection charges imposed by utility companies for starting utility service.

(B) (i) The relocation compensation shall be an amount equal to the differential between the contract rent and the fair market rental value determined by the federal Department of Housing and Urban Development for a unit of comparable size within the area for the period that the unit is being repaired, not to exceed 120 days.

(ii) If the court finds that a tenant has been substantially responsible for causing or substantially contributing to the substandard conditions, then the relocation benefits of this section shall not be paid to this tenant. Each other tenant on the premises who has been ordered to relocate due to the substandard conditions and who is not substantially responsible for causing or contributing to the conditions shall be paid these benefits and moving costs at the time that the tenant actually relocates.

(4) Determine the date when the tenant is to relocate, and order the tenant to notify the enforcement agency and the owner of the address of the premises to which the tenant has relocated within five days after the relocation.

(5) (A) Order that the owner shall offer the first right to occupancy of the premises to each tenant who received benefits pursuant to subparagraph

(A) of paragraph (3), before letting the unit for rent to a third party. The owner's offer on the first right to occupancy to the tenant shall be in writing, and sent by first-class certified mail to the address given by the tenant at the time of relocation. If the owner has not been provided the tenant's address by the tenant as prescribed by this section, the owner shall not be required to provide notice under this section or offer the tenant the right to return to occupancy.

(B) The tenant shall notify the owner in writing that the tenant will occupy the unit. The notice shall be sent by first-class certified mail no later than 10 days after the notice has been mailed by the owner.

(6) Order that failure to comply with any abatement order under this chapter shall be punishable by civil contempt, penalties under Chapter 6 (commencing with Section 17995), and any other penalties and fines as are available.

(e) The initiation of a proceeding or entry of a judgment pursuant to this section or Section 17980.6 shall be deemed to be a "proceeding" or "judgment" as provided by paragraph (4) or (5) of subdivision (a) of Section 1942.5 of the Civil Code.

(f) The term "owner," for the purposes of this section, shall include the owner, including any public entity that owns residential real property, at the time of the initial notice or order and any successor in interest who had actual or constructive knowledge of the notice, order, or prosecution.

(g) These remedies shall be in addition to those provided by any other law.

(h) This section and Section 17980.6 shall not impair the rights of an owner exercising the owner's rights established pursuant to Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code.

(i) Notwithstanding Section 917.5 of the Code of Civil Procedure, an appeal of a court order or judgment issued pursuant to this article shall not stay proceedings upon the order or judgment, absent an extraordinary writ being issued by the appropriate appeals court upon a properly filed petition.

(j) For purposes of this section, "petition" includes a complaint.

SEC. 6. Section 17980.11 of the Health and Safety Code is amended to read:

17980.11. If an enforcement agency has recorded with a county recorder any notice of substandard or untenable conditions issued pursuant to this part for a residential structure, and if the enforcement agency anticipates that it will pursue the remedies provided by subdivision (b) of Section 17980.7 or subdivision (c) of Section 17980.9, or Section 17274 or 24436.5 of the Revenue and Taxation Code, it may require the private owner of that structure, within 10 days of recordation, to submit to the enforcement agency the following information:

(a) If the property owner is an individual, the name, address, driver's license number or identification card number, social security number or tax identification number, and any other information deemed necessary by the

enforcement agency to file the documents necessary to utilize Section 17274 of the Revenue and Taxation Code.

(b) If the property owner is a corporation, trust, real estate trust, or any other entity whose taxes are subject to Part 11 (commencing with Section 23001) of the Revenue and Taxation Code, the name, address, tax identification number, and any other information deemed necessary by the enforcement agency to file the documents necessary to utilize Section 24436.5 of the Revenue and Taxation Code.

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

SEC. 7. Section 17992 of the Health and Safety Code is amended to read:

17992. Any person who obtains an ownership interest in any property after a notice of pendency of an action or proceeding was recorded with respect to the property pursuant to Section 17985 or any other notice of a violation of this part was recorded with the county recorder of the county in which the property is located, and where there has been no withdrawal or expungement of the notice, shall be subject to any order to correct a violation, including time limitations, specified in a citation issued pursuant to Sections 17980 and 17981 or any other notice of a violation of this part that was recorded with the county recorder of the county in which the property is located and is liable for any costs and fees of the receiver or enforcement agency, as applicable.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

State of California

HEALTH AND SAFETY CODE

Section 17920.3

17920.3. Any building or portion thereof, regardless of zoning designation or approved uses of the building, including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the occupants of the building, nearby residents, or the public shall be deemed and hereby is declared to be a substandard building:

- (a) Inadequate sanitation shall include, but not be limited to, the following:
 - (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
 - (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
 - (3) Lack of, or improper kitchen sink.
 - (4) Lack of hot and cold running water to plumbing fixtures in a hotel.
 - (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
 - (6) Lack of adequate heating.
 - (7) Lack of, or improper operation of required ventilating equipment.
 - (8) Lack of minimum amounts of natural light and ventilation required by this code.
 - (9) Room and space dimensions less than required by this code.
 - (10) Lack of required electrical lighting.
 - (11) Dampness of habitable rooms.
 - (12) 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, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.
 - (13) Visible mold growth, as determined by a health officer or a code enforcement officer, as defined in Section 829.5 of the Penal Code, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.
 - (14) General dilapidation or improper maintenance.
 - (15) Lack of connection to required sewage disposal system.
 - (16) 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 as defined in Section 829.5 of the Penal Code.

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

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration.

(9) Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.

(c) Any nuisance.

(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

(e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.

(f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

(g) Faulty weather protection, which shall include, but not be limited to, the following:

(1) Deteriorated, crumbling, or loose plaster.

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

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

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

(h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or the

chief's deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

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

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

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

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

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

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

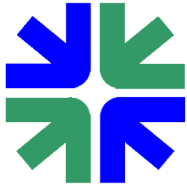
(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

"Substandard building" includes a building not in compliance with Section 13143.2.

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

(Amended by Stats. 2024, Ch. 487, Sec. 2. (SB 1465) Effective January 1, 2025.)



City of Emeryville

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DATE: December 26, 2024

TO: City of Emeryville Multifamily Property Owners

FROM: Vic Gonzales, Chief Building/Fire Official

SUBJECT: AB 548 City of Emeryville Policy and Procedure; Need-Based Expanded Code Enforcement Inspections in Multifamily Buildings (Effective Jan 1, 2025)

California's AB 548 (2023) emerged from the understanding that substandard conditions in one unit of a multifamily building can affect neighboring units due to the building type, age, size, construction method, cause of the substandard condition, and history of violations.

The AB 548 mandates the City Emeryville Code Enforcement Division to enact a policy that acknowledges these interconnected vulnerabilities.

Anticipating risks is key to resident well-being. To comply with California Health and Safety Code Section 17920.3 and 17920.10, this policy establishes proactive inspection procedures and staff training requirements in order to identify units adjacent to, above, below, or directly connected to a unit that has been identified as substandard due to defects or violations that may impact other units within the building.

Identification of Units Requiring Inspection:

- Upon discovering a housing unit within a multifamily building that is in violation of the standards of HSC Section 17920.3 and/or 17920.10, or codified International Property Maintenance Code, the inspector or officer shall identify the specific additional units to inspect with the intent of better assessing the building condition and/or potential causes of the identified condition at issue.
- Factors to be considered in making the determination to expand the inspection to additional units shall include at a minimum, the building type, age, size, construction method, cause of the substandard condition, and history of violations, and may include other suitable and appropriate criteria that is evidently applicable based on the inspector or officer's experience-based knowledge.

- The selected additional units shall include, at a minimum, units adjacent to, above, and below the unit in which the defect or violation was found.
- The inspections of adjacent units shall be promptly scheduled following the discovery of substandard conditions in the affected unit.

Notification to Property Owner and Tenant:

- Notify the property owner and/or occupant/tenant of the affected unit regarding the identified substandard conditions and find an agreeable inspection day and time.
- Inform the property owner of the necessity to inspect adjacent units to assess potential risks and prevent further deterioration. Let them know their presence is not required, and that they will receive prompt notice of inspection findings.

Procedure for Inspection:

- Inspectors/officers shall follow standard inspection protocols and document findings thoroughly.
- If access to adjacent units is denied, inspectors/officers shall follow applicable procedures to obtain necessary access, such as obtaining administrative warrants.

Documentation and Reporting:

- Document findings of the inspections, including photographs and detailed notes.
- Create Code Enforcement Case for documentation.
- Submit comprehensive reports outlining any substandard conditions identified in the adjacent units.

Corrective Action:

- Following adopted procedures, recommend and enforce corrective actions for identified substandard conditions in accordance with relevant codes, regulations, and agency practices.
- Work collaboratively with property owners to ensure timely rectification of issues.

Follow-Up Inspection:

- Schedule follow-up inspections of both the affected and adjacent units to ensure compliance with corrective actions.

Record Keeping:

- Maintain detailed records of all inspections, findings, and chronology taken for future reference.
- Update Code Enforcement Cases.

Inspector Training and Certification:

To ensure the effective implementation of this policy, the Division shall:

1. Initial Training:

- a) Provide comprehensive initial training to all building and housing inspectors on the requirements of California Health and Safety Code Sections 17920.3 and 17920.10, including:
 - Identifying substandard conditions
 - Recognizing potential risks to adjacent units
 - Applying appropriate inspection procedures
 - Documenting inspection findings accurately

2. Annual Refresher Training:

- Conduct annual refresher training to update inspectors on changes in building codes, regulations, and best practices.
- Reinforce the importance of identifying and addressing potential hazards in adjacent units.

3. Certification:

- Implement a certification program to ensure that inspectors possess the necessary knowledge and skills to carry out inspections effectively.
- Require inspectors to maintain current certifications.

**Protecting resident safety and structural integrity is the core of this policy.
Your commitment to these procedures is essential in building a
healthy and secure living environment for everyone.**