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HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 - 19997] (*Division 13 enacted by Stats. 1939, Ch. 60.*)

PART 1. EMPLOYEE HOUSING ACT [17000 - 17062.5] (*Part 1 added by Stats. 1979, Ch. 62.*)

CHAPTER 1. General Provisions and Definitions [17000 - 17011] (*Chapter 1 added by Stats. 1979, Ch. 62.*)

17000. This part shall be known as the Employee Housing Act.

(*Added by Stats. 1979, Ch. 62.*)

17001. Buildings used for human habitation, and buildings accessory thereto, within employee housing shall comply with the building standards published in the State Building Standards Code relating to employee housing and with the other regulations adopted pursuant to this part, unless a local ordinance prescribing minimum standards adopted in accordance with Sections 17958.5 and 17958.7 which is equal to such regulations is applicable. Notwithstanding the provisions of Section 17050, if such a local ordinance is applicable to buildings used for human habitation, and buildings accessory thereto, within employee housing, these buildings shall comply with the construction and erection provisions of the ordinance.

(*Amended by Stats. 1992, Ch. 1298, Sec. 4. Effective January 1, 1993.*)

17002. The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part if such alternate has been approved by the Department of Housing and Community Development.

The Department of Housing and Community Development may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, or method of construction offered is, for the purpose intended, at least the equivalent of that prescribed in this part in quality, strength, effectiveness, fire resistance, durability and safety, for the protection of life and health.

This section shall not apply to a local ordinance which is applicable pursuant to Section 17001.

(*Added by Stats. 1979, Ch. 62.*)

17003. "Commission," as used in this part, means the Commission of Housing and Community Development.

(*Added by Stats. 1979, Ch. 62.*)

17003.5. Any reference in this division to the Commission of Housing and Community Development shall be deemed to be to the Department of Housing and Community Development and the department may exercise all the powers and shall perform all the duties of the commission.

(*Added by Stats. 1981, Ch. 996.*)

17004. "Department," as used in this part, means the Department of Housing and Community Development.

(*Added by Stats. 1979, Ch. 62.*)

17005. "Employee," as used in this part, does not include any of the following:

- (a) A person engaged in household domestic service.
- (b) A person employed under circumstances in which his wages are incidental to professional training and where the employer is exempt from taxation under subdivision (b) of Section 4 of Article XIII of the California Constitution.
- (c) A person employed incidental to training for, or in furtherance of, a religious vocation and where the employer is exempt from taxation under subdivision (f) of Section 3 of Article XIII of the California Constitution.

(Added by Stats. 1979, Ch. 62.)

17005.5. (a) "Employee community housing" means a community of single family detached dwellings which meet all of the following requirements:

- (1) Each dwelling has a minimum of four rooms, including a separate kitchen and a separate bathroom.
- (2) Each dwelling is owned or operated by an employer, and maintained by such employer in compliance with the provisions of the State Housing Law, and the regulations adopted pursuant thereto, which materially affect health and safety.
- (3) Each dwelling is inhabited by not more than one family, which includes at least one permanent year-round employee of the employer who owns or operates the dwelling.
- (4) Each dwelling has direct access to a publicly owned and maintained road.
- (5) Each dwelling is located within a community, as defined in subdivision (b).

(b) "Community" means not less than 200 single family detached dwellings meeting the requirements of subdivision (a), which are adjacent or in close proximity to each other, and which have maintenance services available to the residents of the dwelling units provided by persons employed by the employer for the express purpose of providing such services.

(Added by Stats. 1979, Ch. 1031.)

17006. "Resident-employment housing," as used in this part, means apartment houses, hotels, motels, or dwellings, where living quarters are provided for five or more employees employed in the management, maintenance, or operation of an apartment house, hotel, motel, or dwellings.

(Amended by Stats. 1992, Ch. 1298, Sec. 5. Effective January 1, 1993.)

17007. "Enforcement agency," as used in this part, means the Department of Housing and Community Development, or any city, county, or city and county which has assumed responsibility for the enforcement of this part, pursuant to Section 17050.

(Added by Stats. 1979, Ch. 62.)

17008. (a) "Employee housing," as used in this part, means any portion of any housing accommodation, or property upon which a housing accommodation is located, if all of the following factors exist:

- (1) The accommodations consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, maintained in one or more buildings or one or more sites, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.
- (2) The accommodations are maintained in connection with any work or place where work is being performed, whether or not rent is involved.

(b) (1) Except as provided in paragraphs (2) and (3), "employee housing," as used in this part, also includes any portion of any housing accommodation or property upon which housing accommodations are located, if all of the following factors exist:

- (A) The housing accommodations or property are located in any rural area, as defined by Section 50101.
- (B) The housing accommodations or property are not maintained in connection with any work or workplace.
- (C) The housing accommodations or property are provided by someone other than an agricultural employer, as defined in Section 1140.4 of the Labor Code.
- (D) The housing accommodations or property are used by five or more agricultural employees of any agricultural employer or employers for any of the following:
 - (i) Temporary or seasonal residency.
 - (ii) Permanent residency, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle.

(iii) Permanent residency, if the housing accommodation is subject to the State Housing Law and is more than 30 years old and at least 51 percent of the structures in the housing accommodation, or 51 percent of the accommodation if not separated into units, are occupied by agricultural employees.

(2) "Employee housing" does not include a hotel, motel, inn, tourist hotel, multifamily dwelling, or single-family house if all of the following factors exist:

(A) The housing is offered and rented to nonagricultural employees on the same terms that it is offered and rented to agricultural employees.

(B) None of the occupants of the housing are employed by the owner or property manager of the housing or any party with an interest in the housing.

(C) None of the occupants of the housing have rent deducted from their wages.

(D) The owner or property manager of the housing is not an agricultural employer as defined in Section 1140.4 of the Labor Code, or an agent, as it relates to the housing in question, of an agricultural employer.

(E) Negotiation of the terms of occupancy of the housing is conducted between each occupant and the owner of the housing or between each occupant and a manager of the property who is employed by the owner of the housing.

(F) The occupants are not required to live in the housing as a condition of employment or of securing employment and the occupants are not referred to live in the housing by the employer of the occupants, the agent of the employer of the occupants, or an agricultural employer as defined in Section 1140.4 of the Labor Code.

(G) The housing accommodation was not at any time before January 1, 1984, employee housing as defined in subdivision (a).

(3) "Employee housing," as defined by this subdivision, does not include a hotel, motel, inn, tourist hotel, or permanent housing as defined by subdivision (d) of Section 17010, that has not been maintained, before January 1, 1984, or is not maintained on or after that date, as employee housing, as defined in subdivision (a).

(c) If at any time before January 1, 1984, a housing accommodation was employee housing, as defined in subdivision (a), and on or after January 1, 1984, was employee housing, as defined in subdivision (b), the owner and operator shall comply with all requirements of this part. The owner and operator of any other housing accommodation which is employee housing pursuant to subdivision (b) shall be subject to the licensing and inspection provisions of this part and shall comply with all other provisions of this part, except that if any portion of the housing accommodation is held out for rent or lease to the general public, the construction and physical maintenance standards of the housing accommodation shall be consistent with the applicable provisions of the State Housing Law, Part 1.5 (commencing with Section 17910), the Manufactured Housing Act, Part 2 (commencing with Section 18000); or the Mobilehome Parks Act, Part 2.1 (commencing with Section 18200). The owner or operator of the employee housing shall designate all units or spaces which are employee housing, as defined in this subdivision, for the purpose of inspection and licensing by the enforcement agency, subject to confirmation by the enforcement agency, based on all relevant evidence.

(d) "Employee housing" does not include employee community housing, as defined by Section 17005.5, that has been granted an exemption pursuant to Section 17031.3; housing, and the premises upon which it is situated, owned by a public entity; or privately owned housing, including ownership by a nonprofit entity, and the premises upon which it is situated, financed with public funds equaling 50 percent or more of the original development or purchase cost.

(e) "Employee housing" means the same as "labor camp," as that term may be used in this or other codes and, notwithstanding any local ordinance to the contrary in a general law or charter city, county, or city and county, shall be deemed a residential use if it exists in structures that are single-family houses or apartment houses as those terms are used in the State Housing Law (Part 1.5 (commencing with Section 17910)).

(Amended by Stats. 2019, Ch. 866, Sec. 7. (AB 1783) Effective January 1, 2020.)

17008.5. A tenant who is an agricultural employee residing in employee housing has all rights applicable to a person residing in employee housing, including the following:

(a) The right to file a verified complaint with the Civil Rights Department alleging a violation of housing discrimination, or to assert any other right, under the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code).

(b) Any protections for tenants or lessees under the Civil Code or the Labor Code, except as otherwise provided in Section 17031.6.

(c) Any protection or right under the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code).

(Amended by Stats. 2022, Ch. 48, Sec. 56. (SB 189) Effective June 30, 2022.)

17008.7. "Fund," as used in this part, means the Employee Housing Regulation Fund established by Section 17036.

(Added by Stats. 2023, Ch. 40, Sec. 10. (AB 129) Effective July 10, 2023.)

17009. "Labor supply employee housing," as used in this part, means any place, area, or piece of land where housing is provided for five or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation that, for a fee or in-kind payment, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer, and that, for a fee or in-kind payment, provides in connection therewith one or more of the following services:

- (a) Furnishes board, lodging, or transportation for such employees or prospective employees.
- (b) Supervises, times, checks, counts, weighs, or otherwise directs or measures the work of such employees.
- (c) Disburses wage payments to such employees.

(Amended by Stats. 1992, Ch. 1298, Sec. 7. Effective January 1, 1993.)

17009.5. (a) "Person," as used in this part, includes any natural person, firm, association, organization, partnership, business trust, company, joint stock company, corporation, limited liability company, joint venture, or other organizations of persons.

(b) "Person," as used in this part, may be used interchangeably with "tenant" or "employee," and those terms are used interchangeably when the context does not imply an employer or an owner of employee housing.

(Amended by Stats. 1994, Ch. 1010, Sec. 160. Effective January 1, 1995.)

17010. (a) "Temporary employee housing," as used in this part, means a labor camp which is not operated on the same site annually and which is established for one operation and is then removed.

(b) "Seasonal employee housing," as used in this part, means any camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year.

(c) "Permanent employee housing," as used in this part, means any labor camp which is not temporary or seasonal.

(d) "Permanent single-family employee housing," as used in this part, means single-family detached dwellings, mobilehomes, as defined in Section 18008, manufactured homes, as defined in Section 18007, or factory-built housing, as defined in Section 19971, constructed and maintained in accordance with applicable state or federal laws, including required permits and inspections. Each dwelling shall be inhabited by only one family, which includes at least one permanent year-round employee. "Permanent single-family employee housing" does not include housing accommodations or property, as defined in subparagraph (D) of paragraph (1) of subdivision (b) of Section 17008.

(Amended by Stats. 1992, Ch. 1298, Sec. 9. Effective January 1, 1993.)

17011. "Sleeping place," as used in this part, means a dwelling, bunkhouse, tent, mobilehome, or other structure or shelter in which employees are housed in any employee housing.

(Amended by Stats. 1992, Ch. 1298, Sec. 10. Effective January 1, 1993.)