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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 3. Permits and Fees [17030 - 17039]** ( *Chapter 3 added by Stats. 1979, Ch. 62.*  )

**17030.** (a) Every person operating employee housing shall obtain a permit to operate that employee housing from the enforcement agency, unless otherwise exempted by this part. It shall be unlawful for any person to operate employee housing without a valid permit to operate issued by the enforcement agency, as required by this part. Permits to operate shall be issued annually by the enforcement agency, except as provided in this section and Section 17030.5.

(b) Employee housing on a dairy farm which meets the requirements of Section 32505 of the Food and Agricultural Code, consisting only of permanent single-family employee housing, may be exempted from the requirement of obtaining a permit to operate employee housing, as provided in Section 17031. This housing shall meet the requirements of the State Housing Law before an exemption is granted.

(c) A permit to operate shall be valid from the date of issuance through December 31 of the year of issuance, or December 31 of the year designated by the enforcement agency for permanent single-family employee housing. Permits to operate employee housing may prescribe conditions on the use or occupancy of the employee housing.

(d) The Department of Housing and Community Development shall be the enforcement agency for any employee housing owned or operated by a railroad corporation.

(Amended by Stats. 1992, Ch. 1298, Sec. 18. Effective January 1, 1993.)

**17030.5.** (a) A permit to operate employee housing consisting only of permanent single-family housing may, when approved by the enforcement agency, be issued for a longer period of time not to exceed five years.

(b) No permit to operate employee housing shall be issued for a period of time longer than one year during the first year of operation of the employee housing, or if within the previous two years the employee housing has been found to be in violation of this part or the regulations adopted pursuant thereto. Whenever the enforcement agency issues a permit for a period of time longer than one year, it shall make written findings indicating the reasons for issuing such a permit.

(c) The findings of the enforcement agency pursuant to subdivision (b) shall include, but not be limited to, the following information:

(1) The year the dwellings in the employee housing were constructed.

(2) The number of years the employee housing has been operated with a valid permit to operate.

(3) The number and character of any complaints received during the time the employee housing has been operating either with or without a permit.

(4) Any violations cited in the last inspection of the employee housing.

(Amended by Stats. 1992, Ch. 1298, Sec. 19. Effective January 1, 1993.)

**17030.10.** (a) The department shall establish an application and review process for certifying that a person is an affordable housing organization qualified to operate agricultural employee housing that is approved pursuant to Section 17021.8.

(b) A person desiring certification as a qualified affordable housing organization may, in the form and manner prescribed by the department, submit an application to the department. Except as provided in subdivision (c), department shall review an application so submitted, and shall certify the person as a qualified affordable housing organization if the following requirements are satisfied:

(1) The applicant has demonstrated relevant prior experience in California and current capacity, as capable of operating the housing and related facilities for its remaining useful life, either by itself or through a management agent.

(2) The applicant is one of the following:

(A) A not-for-profit corporation organized pursuant to Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code that satisfies both of the following:

(i) The not-for-profit corporation has as its principal purpose the ownership, development, or management of housing or community development projects for persons and families of low or moderate income and very low income.

(ii) The not-for-profit corporation has a broadly representative board, a majority of whose members are community based and have a proven track record of local community service.

(B) A local public housing agency. For purposes of this subdivision, "local public housing agency" means a housing authority, redevelopment agency, or any other agency of a city, county, or city and county, whether general law or chartered, that is authorized to own, develop, or manage housing or community development projects for persons and families of low or moderate income and very low income.

(C) A not-for-profit, charitable corporation organized on a multicounty, state, or multistate basis that satisfies both of the following:

(i) The charitable corporation has as its principal purpose the ownership, development, or management of housing or community development projects for persons and families of low or moderate income and very low income.

(ii) The charitable corporation owns or operates at least three comparable rent- and income-restricted affordable rental properties governed under a regulatory agreement with a department or agency of the State of California or the United States, either directly or by serving as the managing general partner of limited partnerships or managing member of limited liability corporations.

(D) A multicounty, state, or multistate agency that satisfies both of the following:

(i) The agency is authorized to own, develop, or manage housing or community development projects for persons and families of low or moderate income and very low income.

(ii) The agency owns and operates at least three comparable rent- and income-restricted affordable rental properties governed under a regulatory agreement with a department or agency of the State of California or the United States, either directly or by serving as the managing general partner of limited partnerships or managing member of limited liability corporations.

(E) Any other not-for-profit organization that the department determines is sufficiently similar to any of the organizations described in this paragraph.

(3) Except for local public housing agencies with elected legislative bodies, the applicant does not have a member among its officers or directorate with a financial interest in an agricultural employer, as defined in Section 1140.4 of the Labor Code, or a farm labor contractor, as defined in Section 1682 of the Labor Code. The department shall allow officers or members of the directorate of an applicant to self-certify for purposes of this requirement.

(c) If an applicant has previously received development funds from the department, is in good standing, and meets the requirements of paragraph (3) of subdivision (b), the department may automatically deem such organizations certified.

*(Amended by Stats. 2020, Ch. 264, Sec. 12. (AB 107) Effective September 29, 2020.)*

**17031.** (a) (1) The operator of employee housing on a dairy farm that meets the requirements of Section 32505 of the Food and Agricultural Code, consisting only of permanent single-family employee housing, may request an exemption from the requirement of obtaining an annual permit to operate. The employee housing camp operator shall notify each tenant of the permanent single-family employee housing in writing that such an exemption is being requested. The request for exemption shall be made in writing to the enforcement agency.

(2) An exemption shall be granted to permanent single-family employee housing unless the housing is in violation of the State Housing Law, building standards published in the California Building Standards Code relating to employee housing, or the other regulations adopted pursuant to the State Housing Law in a manner that materially affects the health and safety of the occupants, or in the case of a mobilehome or manufactured home, is in violation of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401, et seq.) or regulations of the department pursuant to Section 18028 in a

manner that materially affects the health and safety of the occupants, or has been found in violation of this chapter within the previous two years.

(b) Whenever the enforcement agency issues an exemption from the requirement of obtaining a permit to operate, it shall make written findings indicating the reasons for issuing the exemption. Exemptions shall be reviewed annually by the enforcement agency.

The findings of the enforcement agency shall include, but not be limited to, all of the following information:

- (1) The year the dwellings in the employee housing were constructed.
- (2) The number of years the employee housing has been operated with a valid permit to operate.
- (3) The number and character of any complaints received during the time the employee housing has been operating either with or without a permit.
- (4) Any violations cited in the last inspection of the employee housing.

(c) Failure to maintain any permanent housing in accordance with the State Housing Law, or, in the case of mobilehomes or manufactured homes, failure to maintain these mobilehomes or manufactured homes in accordance with the provisions of Part 2.1 (commencing with Section 18200) of Division 13, and the regulations adopted pursuant thereto, in a manner which materially affects the health and safety of the occupants, shall be considered cause for revocation of an exemption.

*(Amended by Stats. 2000, Ch. 471, Sec. 3. Effective January 1, 2001.)*

**17031.3.** (a) Every person operating or owning employee community housing shall obtain a permit to operate such housing as a labor camp pursuant to this part unless an exemption is granted by the enforcement agency pursuant to this section. A request for an exemption for each community shall be made in writing to the enforcement agency. The person requesting the exemption shall give written notice to each employee/tenant of the employee community housing that an exemption is being requested. The notice shall state the address and telephone number of the enforcement agency, and shall state that any employee/tenant may inform the enforcement agency of violations of health and safety standards within his or her dwelling unit.

(b) The enforcement agency, after a review of all relevant facts, shall grant an exemption to the owner or operator of the employee community housing unless it finds any of the following:

- (1) The housing is in violation of provisions of the State Housing Law or the regulations adopted pursuant thereto in a manner which materially affects the health and safety of the residents of the housing.
- (2) The housing, within the previous two years, has been found in violation of the provisions of this part or the regulations adopted pursuant thereto in a manner which materially affects the health and safety of the residents of the housing.
- (3) The housing does not meet the requirements of employee community housing as defined by Section 17005.5.

(c) An exemption granted for employee community housing in one community shall not apply to employee community housing in other communities operated or owned by the same person.

(d) Employee community housing granted an exemption pursuant to this section, during the period of such exemption, shall be subject to the provisions of the State Housing Law. During this period, any notice of violation of such law and verification of corrective action shall be forwarded to the department. Not less than once every 10 years after an exemption is granted pursuant to this part, every person operating or owning employee community housing shall give written notice to each employee/tenant of the employee community housing which shall state the address and telephone number of the enforcement agency, and shall state that any employee/tenant may inform the enforcement agency of violations of health and safety standards within his or her dwelling unit.

(e) The exemption granted pursuant to this section shall be rescinded by the enforcement agency if the employee community housing is not operated or maintained in substantial compliance with Section 17005.5.

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

**17031.4.** When the enforcement agency is a local agency, upon granting an exemption pursuant to Section 17031.3, the enforcement agency shall submit the following information to the department:

- (a) The year the housing was constructed.
- (b) The number of years, if any, the housing has been operated as employee housing with a valid permit to operate.
- (c) The number and character of any complaints received during the time the housing has been operated as employee housing.
- (d) Any violations of the provisions of this part and the State Housing Law which materially affect health and safety cited in the last inspection of the housing.

(e) That the employee community housing has been exempted pursuant to Section 17031.3, and conforms with the requirements of Section 17005.5.

*(Amended by Stats. 1992, Ch. 1298, Sec. 21. Effective January 1, 1993.)*

**17031.5.** (a) No person operating employee housing shall terminate or modify a tenancy by increasing rent, decreasing services, threatening to bring or bringing an action to evict, refusing to renew a tenancy, or in any other way intimidating, threatening, restraining, coercing, blacklisting, or discharging an employee or tenant because of the tenant's exercise of any of the following acts:

- (1) Complaining in good faith, orally or in writing, to the operator, landlord, or employer about tenantability or about any right provided by this part.
- (2) Exercising any legal right with respect to the housing provided by this part.
- (3) Complaining in good faith, orally or in writing, to any applicable enforcement agency about tenantability or about any right provided by this part.
- (4) Bringing an action to enforce any rights provided for by this part or Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.
- (5) Bringing an action under Section 1942.5 of the Civil Code.

(b) The tenant shall have a defense of retaliation in any action for possession if the employer or landlord acted in violation of this section. If the employer or landlord acts to discharge an employee or tenant or to modify or terminate a tenancy within six months after the employee or tenant has exercised any of the acts enumerated in subdivision (a), there is a rebuttable presumption affecting the burden of proof that the employer's or landlord's action was retaliatory.

(c) No tenant shall have a defense of retaliation in an action for possession where tenantability is an issue of fact and the untenable condition was caused by the deliberate or negligent act or omission of the tenant or a member of his or her family, or other persons on the premises with his or her consent.

*(Amended by Stats. 1992, Ch. 1298, Sec. 22. Effective January 1, 1993.)*

**17031.6.** (a) In any action brought pursuant to Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, in order to evict a tenant from employee housing, this section shall apply to that proceeding, notwithstanding any other provision of law including, but not limited to, Section 1170.5 of the Code of Civil Procedure.

(b) If, in an action subject to this section, a tenant alleges both of the following in an answer or other response to an unlawful detainer action, the trial on that action shall be set not earlier than 30 days from the date of filing the answer, and in no event prior to the completion of reasonable and diligently pursued discovery, as determined by the court, unless both parties stipulate to an earlier date:

- (1) The tenant is not guilty of unlawful detainer because he or she has engaged in protected activity pursuant to Section 1942.5 of the Civil Code or Section 17031.5 of this code.
- (2) The landlord's claim that the eviction is to allow the landlord to remove the subject rental unit from use as employee housing or from the market in order to rehabilitate or demolish it is a pretext to retaliate against the tenant.

(c) If, in an action subject to this section, a tenant alleged that he or she is not guilty of unlawful detainer because he or she has engaged in protected activity pursuant to Section 1942.5 of the Civil Code or Section 17031.5, and the landlord alleges or introduces evidence at trial that the purpose of the eviction is to allow the landlord to remove the subject rental unit from use as employee housing or from the market in order to rehabilitate or demolish it, the court shall immediately continue the trial for not less than 30 days, unless both parties stipulate to a waiver of this requirement.

(d) (1) If, pursuant to this section, a trial is delayed or continued, the court, may, upon a noticed motion for a payment order by the lessor, order the monthly payment of the reasonable monthly rental value to the court, if rent were otherwise due, as a condition of issuing the delay or continuance order.

- (2) "Reasonable monthly rental value," as used in this subdivision, means the amount determined by the court after deducting from the contract rent any set offs, including, but not limited to, a reduction in the rent because the dwelling is partially or completely untenable or rent abatements due to the tenant or lessee. In addition, in determining whether to order the payment of a reasonable monthly rental value to the court, or in ascertaining its amount, the court shall consider the probability of the tenant or lessee prevailing in the trial, the financial ability of the tenant or lessee to maintain this action, and any other factor relevant to the proposed payment order.

**17031.7.** (a) No person operating employee community housing that has been granted an exemption pursuant to Section 17031.3, or who is in the process of applying for such exemption, shall take any retaliatory employment action against an employee/tenant because of the employee/tenant's exercise of any of the following acts:

- (1) Exercising any legal right with respect to the housing.
- (2) Complaining, orally or in writing, to the landlord or employer about tenantability of the housing.
- (3) Complaining, orally or in writing, to any applicable agency about tenantability of the housing.
- (4) Bringing an action to enforce any rights provided for by this part or Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

(b) "Retaliatory employment action" includes discharge from employment, wage decrease, demotion, or any other action detrimental to the employee/tenant's employment status because of the employee/tenant's exercise of the enumerated acts.

(c) Any person subject to this section shall also be subject to the provisions of Section 1942.5 of the Civil Code.

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

**17031.8.** (a) An agency that exercises the responsibility for the enforcement of this part pursuant to Section 17050 shall submit to the Department of Housing and Community Development, on forms provided by the department, the information specified in subdivision (c) by March 31 of each year regarding the previous calendar year.

(b) The Department of Housing and Community Development shall gather the information specified in subdivision (c) for all permittees for which it acts as the enforcement agency and include a summary of the information from the permittees and enforcement agencies in the annual report submitted pursuant to Section 50408 regarding housing programs administered by the department. This subdivision shall be inoperative from July 1, 2009, to June 30, 2012, inclusive.

(c) The following information shall be provided for purposes of subdivisions (a) and (b) for the reporting year:

- (1) The number and location of employee housing accommodations, including the number of permits to operate issued for employee housing accommodations.
- (2) The number and location of inactive employee housing accommodations.
- (3) The number and location of employee housing accommodations found operating without a permit.
- (4) The number of employees occupying employee housing accommodations with a permit.
- (5) The number of employees occupying accommodations found to be operating without a permit.
- (6) The number and types of inspections and reinspections performed.
- (7) A schedule of fees charged, the amount of fees collected for each type of fee charged and the total amount of fees collected.
- (8) The number of complaints received during the reporting year and the character of any violations found for each accommodation operating under permit, operating without a permit, or inactive.
- (9) The number and character of violations of this part and regulations adopted pursuant to this part found during inspection of each accommodation operating under permit, or operating without a permit.
- (10) The number of violations of this part and regulations adopted pursuant to this part that resulted in civil citations.
- (11) The number of cases referred to prosecutorial agencies such as the Attorney General or local district attorneys, the number of cases filed to enforce this part, and the amounts of all fines and civil penalties collected as a result of the enforcement of this part.
- (12) The number of staff hours dedicated to the implementation of the Employee Housing Act (Part 1 (commencing with Section 17000)).

(13) The number and location of employee housing receiving an exemption pursuant to Section 17031, 17031.3, 17031.4, or 17033.

(d) The information specified in subdivision (c) shall be maintained by the department and provided to members of the public who have requested it in writing.

*(Repealed and added by Stats. 2009, Ch. 341, Sec. 2. (SB 73) Effective January 1, 2010.)*

**17032.** Application for a permit to operate shall be made to the enforcement agency at least 45 days prior to the date of initial occupancy and shall be on the forms supplied by the enforcement agency and shall contain at least the following information:

- (a) The name and address and telephone numbers of the employee housing owner and operator.
- (b) The location of the employee housing.
- (c) Approximate number of occupants to be housed.
- (d) A description of the facilities comprising the employee housing.
- (e) Approximate dates of occupancy.

The operator shall obtain an amended permit to operate when there is any change in the foregoing information applicable to the employee housing.

*(Amended by Stats. 1992, Ch. 1298, Sec. 25. Effective January 1, 1993.)*

**17033.** Section 17032 shall not apply to employee housing owned or operated by railroad corporations. Application for a permit to operate employee housing owned or operated by a railroad corporation shall be made to the Department of Housing and Community Development within 30 days of initial occupancy and shall contain at least the following information:

- (a) The name and address and telephone numbers of the employee housing owner and operator.
- (b) The present location of the employee housing.
- (c) The present approximate number of occupants to be housed.
- (d) A description of the present facilities comprising the employee housing.
- (e) Approximate dates of present occupancy. An amended permit shall not be required if there is any change in the foregoing information applicable to the railroad employee housing, provided, however, the railroad corporation shall make this information available to the department upon reasonable request.

*(Amended by Stats. 1993, Ch. 589, Sec. 94. Effective January 1, 1994.)*

**17034.** If any person who holds an annual permit to operate employee housing violates any of the provisions of this part, building standards published in the State Building Standards Code relating to employee housing, the other regulations adopted pursuant to the provisions of this part, or conditions of the permit, the enforcement agency shall proceed according to Section 17055 immediately upon discovery of such a violation.

*(Amended by Stats. 1992, Ch. 1298, Sec. 27. Effective January 1, 1993.)*

**17035.** (a) The department shall establish and maintain a roster of all employee housing having a valid permit to operate.

(b) The department shall establish and maintain a roster of all affordable housing organizations certified pursuant to Section 17030.10.

*(Amended by Stats. 2019, Ch. 866, Sec. 13. (AB 1783) Effective January 1, 2020.)*

**17036.** (a) Except as provided in Section 18930, the department shall adopt regulations that it determines are necessary for the administration and enforcement of this part. The regulations adopted, amended, or repealed shall prescribe reasonable requirements for issuance of permits and establish procedures for suspension of permits, including appeal procedures.

(b) The department shall establish a schedule of fees to pay for the cost of administration and enforcement of this part, that includes, but is not limited to, the following minimum permit fees:

(1) A two-hundred-dollar (\$200) issuance fee for a permit to operate employee housing for each employee housing facility.

(2) A twenty-seven-dollar (\$27) permit operation fee for each employee the operator intends to house where that housing is supplied by the operator, and at least twenty-seven dollars (\$27) for each lot or site provided for parking or the placement of manufactured homes, mobilehomes, or recreational vehicles or other accommodations by employees.

(c) (1) The department may adjust the fees established pursuant to subdivision (b), if necessary, to finance the costs of administration and enforcement of this part.

(2) Any fee adjustment pursuant to paragraph (1) shall be deemed a change in regulation for purposes of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) The department may adopt additional regulations to facilitate the development of employee housing pursuant to Sections 17021.5 and 17021.6.

(e) There is hereby established in the State Treasury the Employee Housing Regulation Fund. Moneys collected by the department pursuant to this part and regulations adopted pursuant thereto shall be deposited in the fund. Moneys deposited in the fund shall be available, subject to appropriation by the Legislature, to the department for expenditure in carrying out this part. The department shall set the fees with the primary objective that the aggregate revenue deposited in the fund shall not, on an annual basis, exceed the costs of the department's activities mandated by this part. The total money contained in the fund on June 30 of each fiscal year shall not exceed the operating expenses and statewide general administrative costs that the department needs to enforce this part for one year. If the total money contained in the fund exceeds this amount, the department shall make appropriate reductions in the schedule of fees authorized by this section.

*(Amended by Stats. 2024, Ch. 80, Sec. 82. (SB 1525) Effective January 1, 2025.)*

**17037.** A person, or the agent or officer thereof, constructing, operating, or maintaining employee housing shall comply with the requirements of this part, with building standards published in the State Building Standards Code relating to employee housing, and with the other regulations adopted pursuant to this part.

(a) A person operating or maintaining employee housing without first having obtained a permit to operate from the enforcement agency shall pay double the fees prescribed for the permit to operate the employee housing.

(b) A person found for a second or subsequent time within a five-year period to be operating or maintaining employee housing without first having obtained a permit to operate from the enforcement agency shall pay 10 times the fees prescribed for the permit to operate the employee housing. The two or more violations referenced in this paragraph may be with regard either to the same enforcement agency or to two or more different enforcement agencies.

(c) Notwithstanding Section 17061, a landowner who obtained approval of an agricultural employee housing development pursuant to Section 17021.8 shall be subject to an administrative penalty issued by the department if the landowner fails to select an alternative certified person to operate and maintain the agricultural employee housing development as required by subdivision (c) of Section 17037.5.

*(Amended by Stats. 2019, Ch. 866, Sec. 14. (AB 1783) Effective January 1, 2020.)*

**17037.5.** (a) A person who ceases to operate or maintain employee housing that is subject to the permit requirement pursuant to this part shall complete and submit annually a Certificate of Non-Operation to the enforcement agency. The Certificate of Non-Operation shall be submitted for two years following the discontinuation of the use of any area on the property as employee housing. The Certificate of Non-Operation shall attest under penalty of perjury that the employee housing has been destroyed, or is no longer owned or operated, or has not been and shall not be occupied by five or more employees during the calendar year.

(b) The Certificate of Non-Operation shall include the owner's name and address, the operator's name and address, the employee housing name and location, the maximum number of employees who have occupied or shall occupy the employee housing during the calendar year, and any other information considered relevant by the enforcement agency. The Certificate of Non-Operation shall be completed and submitted to the enforcement agency no later than 30 calendar days after the enforcement agency provides the form to the owner or operator.

(c) If a certified person's permit required by Section 17030 expires or the certified person is otherwise unable or unwilling to continue to operate and maintain an agricultural employee housing that was approved pursuant to Section 17021.8 for the agreed time period as required by Section 17021.8, the landowner who obtained that approval within 90 days of the certified person's ceasing operation and maintenance of the agricultural employee housing, shall select an alternative certified affordable housing organization to operate and maintain the agricultural employee housing.

*(Amended by Stats. 2019, Ch. 866, Sec. 15. (AB 1783) Effective January 1, 2020.)*

**17038.** At all employee housing, a responsible person shall be appointed by the operator to maintain the employee housing in compliance with the use, maintenance, and occupancy requirements of this part and the regulations adopted pursuant thereto. In addition, at all employee housing, an operating telephone number shall be posted conspicuously for the purposes of emergencies and complaints.

*(Amended by Stats. 1992, Ch. 1298, Sec. 32. Effective January 1, 1993.)*

**17039.** (a) Every occupant of employee housing shall properly use the facilities furnished and shall comply with the relevant maintenance and sanitation provisions of this part.

(b) The provisions of Chapter 6 (commencing with Section 17060) do not apply to this section.

*(Added by Stats. 1997, Ch. 49, Sec. 1. Effective January 1, 1998.)*