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HEALTH AND SAFETY CODE - HSC

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

PART 1.5. REGULATION OF BUILDINGS USED FOR HUMAN HABITATION [17910 - 17998.3] (*Part 1.5 added by Stats. 1961, Ch. 1844.)*

CHAPTER 5. Administration and Enforcement [17960 - 17992] (*Chapter 5 added by Stats. 1961, Ch. 1844.)*

ARTICLE 2. Inspection [17970 - 17972] (*Article 2 added by Stats. 1961, Ch. 1844.)*

17970. Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part which the enforcement agency has the power to enforce.

(*Amended by Stats. 1979, Ch. 1152.*)

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.

(Added by Stats. 2021, Ch. 351, Sec. 1. (AB 838) Effective January 1, 2022. Operative July 1, 2022, by its own provisions.)

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.

(Added by Stats. 2023, Ch. 744, Sec. 1. (AB 548) Effective January 1, 2024.)

17971. The owner, or authorized agent of any owner, of any building or premises may enter the building or premises whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part.

(Amended by Stats. 1979, Ch. 1152.)

17972. No person authorized by this article to enter buildings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the dwelling, nor enter any

dwelling in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

(Added by Stats. 1961, Ch. 1844.)