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HEALTH AND SAFETY CODE - HSC

DIVISION 31. HOUSING AND HOME FINANCE [50000 - 54913] (*Division 31 repealed and added by Stats. 1977, Ch. 610.*)

PART 1. STATE HOUSING POLICY AND GENERAL PROVISIONS [50000 - 50300] (*Part 1 added by Stats. 1977, Ch. 610.*)

CHAPTER 4. General Provisions [50200 - 50205] (*Chapter 4 added by Stats. 1979, Ch. 97.*)

50200. The exercise of powers specified in this division will be in all respects for the benefit of the people of the state, for their well-being and prosperity, and for the improvement of their social and economic conditions. Therefore, this division shall be liberally construed to effect its purposes. In the event of conflict between this division and any other provision of law, the provisions of this division shall be deemed controlling. If any clause, sentence, paragraph, or section of this division is held invalid by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining provisions.

(*Added by Stats. 1979, Ch. 97.*)

50201. Nothing in this division shall preclude the establishment of direct relationships between the federal government and local public entities or shall in any way alter the authority of local public entities to directly receive federal funds, nor shall anything in this division be construed to supersede or affect any other provision of law relating to the control of funds by local public entities. Further, nothing in this division shall affect the authority or reduce the obligations specified in Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code with respect to payment of relocation assistance or prevent the receipt or disbursement of federal funds made available to any governmental agency for such purpose.

(*Amended by Stats. 1982, Ch. 466, Sec. 74.*)

50202. Nothing in this division shall authorize the imposition of rent regulations or controls except by a regulatory contract between the agency or the department, as the case may be, and its housing sponsor or developer, for housing units financed, insured, coinsured or otherwise assisted by the agency or by the department, as the case may be. Except for the federal government, the right to control rent on such units shall reside exclusively in the agency or the department, as the case may be, and the housing sponsor or developer so regulated shall not otherwise be subject to controls on rent imposed by any state or local agency or other local public entity.

(*Amended by Stats. 1982, Ch. 1447, Sec. 2.*)

50203. Nothing in this division shall be construed to authorize the creation of a debt or liability of the state within the meaning of Section 1 of Article XVI of the State Constitution.

(*Added by Stats. 1979, Ch. 97.*)

50204. State assistance shall not be awarded to, or otherwise available to or utilized in, any housing development that is subject to a requirement as a threshold or condition to apply or be eligible for the award of any funding that the development proponent receive a letter of acknowledgment, letter of approval, or similar document from the legislative body of a local agency or from a member of a local legislative body. For purposes of this section, "state assistance" includes any state funds, a state tax credit, or a federal tax credit administered by the state.

(*Added by Stats. 2018, Ch. 800, Sec. 1. (AB 829) Effective January 1, 2019.*)

50205. (a) As used in this section:

- (1) "Employer" means a person or entity who has petitioned, or will petition, to import an H-2A worker pursuant to Section 1188 of Title 8 of the United States Code to work on the employer's agricultural land.

(2) "H-2A worker" means a nonimmigrant person excluded from the term "immigrant," for purposes of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), pursuant to Section 1101(a)(15)(H)(ii)(a) of Title 8 of the United States Code employed to work for an employer.

(3) "State funding" means any provision of moneys or other financial assistance provided by the state or a state agency, including, but not limited to, grants, loans, and write-downs of land costs, but does not include any allocation of federal or state low-income housing tax credits pursuant to Chapter 3.6 (commencing with Section 50199.4) of this part or Sections 12206, 17058, or 23610.5 of the Revenue and Taxation Code.

(b) (1) Notwithstanding any other law and subject to paragraph (2), state funding shall not be provided to an employer or its agent who employs at least one H-2A worker for the purposes of funding predevelopment of, developing, or operating any housing.

(2) Any employer or other recipient of state funding who utilizes state funding for the purposes described in paragraph (1) shall reimburse the state or state agency that provided the funding in an amount equal to the amount of that state funding expended for those purposes.

(3) This subdivision shall not apply to any contract or other enforceable agreement pursuant to which the state or a state agency provides state funding that was entered into prior to January 1, 2020.

(4) The department shall not be responsible for inspecting units that are not subsidized by funding received by the department.

(5) A person or entity who receives state funding on and after January 1, 2020, and expends any of those funds for the purpose of funding predevelopment of, developing, or operating any housing shall submit a declaration to the entity administering the funding which declares the following:

(A) (i) The person or entity is not an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205.

(ii) The person or entity will not rent, sell, or sublease housing funded pursuant to this chapter to an agricultural employer, as defined in Section 1140.4 of the Labor Code, or its agent, or a farm labor contractor, as defined in Section 1682 of the Labor Code, or its agent, who employs at least one H-2A worker, as defined in Section 50205, until the expiration of the regulatory agreement or affordability covenant, as applicable.

(B) The declaration described in subparagraph (A) may be met through the inclusion in a regulatory agreement, contract, or affordability covenant, as applicable, with the entity administering the funding program that is signed by the person or entity receiving funds.

(Amended by Stats. 2021, Ch. 296, Sec. 36. (AB 1096) Effective January 1, 2022.)