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AB-548 State Housing Law: inspection. (2023-2024)

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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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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.