

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DIVISION OF CODES AND STANDARDS**

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To: **City and County Building Officials**
State Housing Law Interested Parties
Division Staff

SUBJECT: 2001 Legislative Changes

This Information Bulletin summarizes the year 2001 legislative changes to the California Health and Safety Code and other statutes that impact housing maintenance, use, and construction in this state. The amendments and additions to the statutes listed below became effective on January 1, 2002.

- **Chapter 584 of the 2001 Statutes (SB 732/Ortiz)** amends Civil Code Section 1102.6 and adds Chapter 18 (commencing with Section 26100) to Division 20 of the Health & Safety Code
 - The new chapter, known as the Toxic Mold Protection Act of 2001, requires the Department of Health Services (DHS) to convene a task force of people from multiple disciplines to advise DHS on the development of permissible exposure limits to mold. Code enforcement officials will enforce the Act, once implemented.
 - If deemed feasible after study and in consultation with the task force, DHS, shall adopt among other things, permissible exposure limits to mold for indoor environments that target the general population and adopt practical standards to assess the health threat posed by the presence of mold in an indoor environment. DHS, may also develop alternative standards for facilities with occupants who are at greater risk of adverse health effects to molds.
 - DHS shall, in consultation with the task force, develop and distribute remediation guidelines for molds in indoor environments after determination of permissible exposure limits.

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- DHS shall develop, and make available to the public and other government agencies, educational materials and resources to inform the public about the health effects of molds and methods to prevent, identify and remedy mold growth
- The new law also requires disclosure of the presence of indoor mold in real estate disclosure statements during the transfer of property and to prospective and current tenants, when the transferor or lessor knows, or has reasonable cause to believe, that unreasonable levels of mold are present. This notice is not required until after DHS adopts standards and guidelines (H&S Code 26147) but sellers and landlords must comply with current legal obligations (H&S Code 26149).
- Enforcement of the standards, once adopted by DHS, may be performed by public health officers, code enforcement officers, environmental health officers, city attorneys and any other appropriate government entities. These same entities may respond to complaints about mold and enforce any standards adopted by DHS, and/or the disclosure requirements of Sections 26147 and 26148.

Please direct your questions regarding the above Toxic Mold Protection Act to the Department of Health Services at (916) 324-2208

- **Chapter 244 of the 2001 Statutes (AB 326/Dutra)** amends, repeals, and adds Section 13132.7 of the Health and Safety Code, relating to roof covering materials.
 - Section 13132.7 currently prescribes numerous requirements for the fire safety of roofs, including a general mandate for the use of fire retardant wood roofing materials. Current law further provides that no wood roofing materials shall be sold in California unless the materials have passed at least five years of the ten year natural weathering test conducted in accordance with the Uniform Building Code at a testing facility recognized by the State Fire Marshal. This section is repealed automatically on July 1, 2002.
 - Effective July 1, 2002, new Section 13132.7 is added to prohibit the sale or use of wood-roofing materials in the state unless they are both (a) approved and listed by the State Fire Marshal as complying with the requirements of section 13132.7, and (b) passed at least five years of the ten year natural weathering test conducted in accordance with the Uniform Building Code at a testing facility recognized by the State Fire Marshal.

Please direct your questions regarding wooden roofing materials to the State Fire Marshal at (916) 445-8200.

- **Chapter 414 of the 2001 Statutes (AB 472/Cedillo)** adds to the Code of Civil Procedure Sections 568.2 and 568.3 and amends Section 17980.6 of, and adds Chapter 6.1 (commencing with Section 50651) to, Part 2 of Division 31 of, the Health and Safety Code, relating to housing.
 - New Section 568.2 requires receivers managing substandard rental housing to notify the court about the need for repairs, and clarifies that the appointment of a receiver to carry out repair or abatement orders on rental property is an interim remedy that may be implemented prior to a final civil or criminal judgment against the property owner.
 - New Section 568.3 allows any tenant of residential property subject to receivership to file a motion for the purpose of seeking further instructions or orders from the court, if either of the following is true:
 - (a) Substandard conditions exist, as defined by HSC Section 17920.3, or;
 - (b) Dispute or controversy exists concerning the powers or duties of the receiver affecting a tenant or the public.
 - Chapter 6.1 (commencing with Section 50651 of the Health and Safety Code) provides new remedies that require owners of residential rental property, whose tenants are displaced by housing code enforcement activities, to pay relocation benefits to the tenants under specified conditions. Tenants that caused the unsafe substandard condition would not be eligible for relocation benefits. The remedies include specific procedures, time frames and requirements an owner must comply with when required to relocate tenants of substandard rental housing.
 - If a residential property owner fails to pay relocation expenses when required to do so, the enforcement agency may advance relocation payments to the displaced residents and recover its costs plus penalties from the property owner or the owner's agent. The enforcement agency may place a lien against the property after proper notification is given to the owner.
 - Minor amendments were made to Section 17980.6 of the Health and Safety Code recognizing local ordinances with similar relocation payment remedies. In addition, the prior cross-reference to HSC Section 17980.6 was moved to HSC Section 17980.6. Amendments to HSC Section 17980.7 under this bill were superceded by the later enactment of Chapter 594 (AB 1467/Kehoe).

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- **Chapter 594 of the 2001 Statutes (AB 1467/Kehoe)** amends Sections 17980.7 and 17980.9 of the Health and Safety Code.

- Section 17980.7 is amended to allow courts to appoint nonprofit organizations or community development corporations as receivers to rehabilitate substandard rental properties and to allow the receiver to secure debts for rehabilitation of the substandard building by recording a lien on the property. It also included remedies for violations of HSC Section 17980.6.
- Section 17980.9 was amended to include the City of San Diego in an existing program, formally only available in the City of Los Angeles, involving the abatement of a nuisance within vacant single-family dwellings. The number of days, after providing appropriate notice, before enforcement action may occurs is lowered from 30 to 15 days.

Please direct questions regarding Chapter 414 and 594 to the Department's State Housing Law Program at (916) 445-9471

This summary of legislative changes is not represented as a complete digest of all legislation effecting persons regulated by these laws. The complete text of each bill discussed above may be obtained through the Internet at www.leginfo.ca.gov

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