



## **Laws and Regulations 2016 Edition**

Selected Citations from the California Business and Professions Code, Civil Code, Education Code, Elections Code, Government Code, Health and Safety Code, Labor Code, Penal Code, Public Resource Code, Public Utilities Code, Revenue and Taxation Code and Vehicle Code

Selected Citations from the United States Code Annotated, Title 42,  
Selected Citations from the California Code of Regulations, Title 25,  
Selected Citations from the Code of Federal Regulations, Title 24,  
and the United States Department of Housing and  
Urban Development Interpretative Bulletins.

Includes Law Changes through 1/1/2016  
and Regulation Changes through 10/1/2015

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**DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT**

**LAWS AND REGULATIONS**

**2016 EDITION**



**VOLUME 1**

Aquerre Technologies™

## ABOUT THIS PUBLICATION

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Data Automation and Information Processing Products and Services

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## FOREWARD

The California Department of Housing and Community Development is pleased to present the 2016 edition of the Bluebooks, Volumes 1 and 2 of the *California Department of Housing and Community Development Laws and Regulations*. Its purpose is to provide a convenient resource for the government and private sectors, housing, professionals, attorneys, clients, and the general public to identify California's statutes and regulations governing housing and community development that are applicable to the Division of Codes and Standards.

### Scope and Contents of Legislation:

**California Legislation** is currently amended through chapter 807 of the 2015 Regular Session and through Chapter 1 of the First Extraordinary Session of the 2015-2016 Legislature. All California legislative enactments in 2015 are effective January 1, 2016, unless otherwise indicated.

**California Code of Regulations** is currently amended through 2015 Register No. 10 (October 23, 2015).

**Federal Legislation** is currently amended through the First Session of the 114<sup>th</sup> Congress (Public Laws 114-1 to 114-71).

The **Code of Federal Regulations** is currently amended through October 1, 2015.

All changes have been incorporated in text, and effective dates have been added where applicable.

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## KEY

### Presentation of Legislation Changes in Statutes

- Additions or changes in statutes affected by 2014-2015 legislation are indicated by underlining.
- Deleted language in statutes is indicated by strike-through.

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## ABOUT THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

The California Department of Housing and Community Development is one of six Departments within the Business Consumer Services and Housing Agency (BCSH). As California's principal housing agency, the mission of HCD is to provide leadership, policies and programs to preserve and expand safe and affordable housing opportunities and promote strong communities for all Californians.

For Housing and Community Development information on the internet, please visit: <http://www.hcd.ca.gov>



# 2016 TABLE OF CODE SECTIONS ADDED, AMENDED, REPEALED, OR OTHERWISE AFFECTED

## CALIFORNIA LEGISLATION

### BUSINESS AND PROFESSIONS CODE

<b>Section Affected</b>	<b>Type of Change</b>	<b>Published At</b>
7110.5	Amended	Stats. 2014, Ch. 392, Sec. 4

### CIVIL CODE

<b>Section Affected</b>	<b>Type of Change</b>	<b>Published At</b>
714	Amended	Stats. 2014, Ch. 521, Sec. 2
798.37.5	Amended	Stats. 2014, Ch. 298, Sec. 1
798.56a	Amended	Stats. 2015, Ch. 376, Sec. 1
798.61	Amended	Stats. 2015, Ch. 376, Sec. 2
798.70	Amended	Stats. 2015, Ch. 288, Sec. 1
798.70	Added	Stats. 2015, Ch. 288, Sec. 2
798.71	Amended	Stats. 2015, Ch. 288, Sec. 3
798.71	Added	Stats. 2015, Ch. 288, Sec. 4
798.74	Amended	Stats. 2015, Ch. 288, Sec. 5
798.74	Added	Stats. 2015, Ch. 288, Sec. 6
798.88	Amended	Stats. 2015, Ch. 176, Sec. 1
798.88	Repealed	Stats. 2015, Ch. 176, Sec. 2
1793.02	Amended	Stats. 2014, Ch. 226, Sec. 1
1795.6	Amended	Stats. 2014, Ch. 226, Sec. 2
1941.7	Added	Stats. 2015, Ch. 720, Sec. 1

### GOVERNMENT CODE

<b>Section Affected</b>	<b>Type of Change</b>	<b>Published At</b>
65850.5	Amended	Stats. 2014, Ch. 521, Sec. 3
65850.7	Added	Stats. 2015, Ch. 598, Sec. 1

### HEALTH AND SAFETY CODE

<b>Section Affected</b>	<b>Type of Change</b>	<b>Published At</b>
17920	Amended	Stats. 2015, Ch. 720, Sec. 2
17920.3	Amended	Stats. 2015, Ch. 720, Sec. 3
17921.5	Added	Stats. 2014, Ch. 606, Sec. 1
17926	Amended	Stats. 2014, Ch. 298, Sec. 4
17980	Amended	Stats. 2014, Ch. 81, Sec. 1
18029.1	Added	Stats. 2015, Ch. 581, Sec. 1
18080.5	Amended	Stats. 2015, Ch. 376, Sec. 3

18114.1	Amended	Stats. 2014, Ch. 493, Sec. 1
18940.6	Added	Stats. 2014, Ch. 606, Sec. 2
19300	Added	Stats. 2015, Ch. 449, Sec. 1

### LABOR CODE

<b>Section Affected</b>	<b>Type of Change</b>	<b>Published At</b>
1684	Amended	Stats. 2014, Ch. 750, Sec. 1
1685	Amended	Stats. 2014, Ch. 750, Sec. 2
1690	Amended	Stats. 2014, Ch. 750, Sec. 3
1690.1	Amended	Stats. 2014, Ch. 750, Sec. 4
1694	Amended	Stats. 2014, Ch. 750, Sec. 5
1695	Amended	Stats. 2014, Ch. 750, Sec. 6
1695.55	Amended	Stats. 2014, Ch. 750, Sec. 7
1696.2	Amended	Stats. 2014, Ch. 750, Sec. 8
1696.5	Amended	Stats. 2014, Ch. 750, Sec. 9
1697	Amended	Stats. 2014, Ch. 750, Sec. 10

### PUBLIC UTILITIES CODE

<b>Section Affected</b>	<b>Type of Change</b>	<b>Published At</b>
381.2	Amended	Stats. 2015, Ch. 590, Sec. 6.
2790	Amended	Stats. 2015, Ch. 589, Sec. 2

### VEHICLE CODE

<b>Section Affected</b>	<b>Type of Change</b>	<b>Published At</b>
34500	Amended	Stats. 2014, Ch. 860, Sec. 16.5

### TITLE 25, CALIFORNIA CODE OF REGULATIONS

<b>Section Affected</b>	<b>Type of Change</b>	<b>Published At</b>
4353	Amended	Register 2014, No. 15
4369	Amended	Register 2014, No. 15

### TITLE 24, CODE OF FEDERAL REGULATIONS

<b>Section Affected</b>	<b>Type of Change</b>	<b>Published At</b>
3280.5	Amended	80 FR 53727, Sept. 8, 2015
3280.305	Amended	80 FR 53727, Sept. 8, 2015
3282.7	Amended	80 FR 53727, Sept. 8, 2015
3282.8	Amended	80 FR 53727, Sept. 8, 2015
3282.203	Amended	80 FR 53727, Sept. 8, 2015
3282.252	Amended	80 FR 53727, Sept. 8, 2015
3282.361	Amended	80 FR 53727, Sept. 8, 2015



3282.362	Amended	80 FR 53727, Sept. 8, 2015
3282.552	Amended	80 FR 53727, Sept. 8, 2015
3282.601	Added	80 FR 53727, Sept. 8, 2015
3282.602	Added	80 FR 53727, Sept. 8, 2015
3282.603	Added	80 FR 53727, Sept. 8, 2015
3282.604	Added	80 FR 53727, Sept. 8, 2015
3282.605	Added	80 FR 53727, Sept. 8, 2015
3282.606	Added	80 FR 53727, Sept. 8, 2015
3282.607	Added	80 FR 53727, Sept. 8, 2015
3282.608	Added	80 FR 53727, Sept. 8, 2015
3282.609	Added	80 FR 53727, Sept. 8, 2015
3282.610	Added	80 FR 53727, Sept. 8, 2015
3282.611	Added	80 FR 53727, Sept. 8, 2015
3285.5	Amended	80 FR 53727, Sept. 8, 2015
3285.402	Amended	79 FR 53614, Sept. 10, 2014
3285.801	Amended	80 FR 53727, Sept. 8, 2015
3286.505	Amended	79 FR 53618, Sept. 10, 2014



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**Laws and Regulations  
2016 Edition**

**Employee Housing Act**

**Health and Safety Code**





# EMPLOYEE HOUSING ACT

## HEALTH AND SAFETY CODE

### Division 13. Housing

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# EMPLOYEE HOUSING ACT

## HEALTH AND SAFETY CODE

### Division 13. Housing

#### Part 1. Employee Housing Act

##### Chapter 1. General Provisions and Definitions

###### § 17000. Citation of part

This part shall be known as the Employee Housing Act.

HISTORY

Added by Stats. 1979, Ch. 62.

###### § 17001. Employee housing compliance with building standards

Buildings used for human habitation, and buildings accessory thereto, within employee housing shall comply with the building standards published in the State Building Standards Code relating to employee housing and with the other regulations adopted pursuant to this part, unless a local ordinance prescribing minimum standards adopted in accordance with Sections 17958.5 and 17958.7 which is equal to such regulations is applicable. Notwithstanding the provisions of Section 17050, if such a local ordinance is applicable to buildings used for human habitation, and buildings accessory thereto, within employee housing, these buildings shall comply with the construction and erection provisions of the ordinance.

HISTORY

Amended by Stats. 1992, Ch. 1298, Sec. 4. Effective January 1, 1993.

###### § 17002. Approval of alternate material, appliance, installation, device, arrangement, or method of construction

The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part if such alternate has been approved by the Department of Housing and Community Development.

The Department of Housing and Community Development may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, or method of construction offered is, for the purpose intended, at least the equivalent of that prescribed in this part in quality, strength, effectiveness, fire resistance, durability and safety, for the protection of life and health.

This section shall not apply to a local ordinance which is applicable pursuant to Section 17001.

HISTORY

Added by Stats. 1979, Ch. 62.

###### § 17003. "Commission"

"Commission," as used in this part, means the Commission of Housing and Community Development.

HISTORY

Added by Stats. 1979, Ch. 62.

###### § 17003.5. Commission as Department of Housing and Community Development

Any reference in this division to the Commission of Housing and Community Development shall be deemed to be to the Department of Housing and Community Development and the department may exercise all the powers and shall perform all the duties of the commission.

HISTORY

Added by Stats. 1981, Ch. 996.

###### § 17004. "Department"

"Department," as used in this part, means the Department of Housing and Community Development.

HISTORY

Added by Stats. 1979, Ch. 62.

###### § 17005. "Employee"

"Employee," as used in this part, does not include any of the following:

- (a) A person engaged in household domestic service.
- (b) A person employed under circumstances in which his wages are incidental to professional training and where the employer is exempt from taxation under subdivision (b) of Section 4 of Article XIII of the California Constitution.
- (c) A person employed incidental to training for, or in furtherance of, a religious vocation and where the employer is exempt from taxation under subdivision (f) of Section 3 of Article XIII of the California Constitution.

## HISTORY

Added by Stats. 1979, Ch. 62.

**§ 17005.5. "Employee community housing"; "Community"**

(a) "Employee community housing" means a community of single family detached dwellings which meet all of the following requirements:

- (1) Each dwelling has a minimum of four rooms, including a separate kitchen and a separate bathroom.
- (2) Each dwelling is owned or operated by an employer, and maintained by such employer in compliance with the provisions of the State Housing Law, and the regulations adopted pursuant thereto, which materially affect health and safety.
- (3) Each dwelling is inhabited by not more than one family, which includes at least one permanent year-round employee of the employer who owns or operates the dwelling.
- (4) Each dwelling has direct access to a publicly owned and maintained road.
- (5) Each dwelling is located within a community, as defined in subdivision (b).

(b) "Community" means not less than 200 single family detached dwellings meeting the requirements of subdivision (a), which are adjacent or in close proximity to each other, and which have maintenance services available to the residents of the dwelling units provided by persons employed by the employer for the express purpose of providing such services.

## HISTORY

Added by Stats. 1979, Ch. 1031.

**§ 17006. "Resident-employment housing"**

"Resident-employment housing," as used in this part, means apartment houses, hotels, motels, or dwellings, where living quarters are provided for five or more employees employed in the management, maintenance, or operation of an apartment house, hotel, motel, or dwellings.

## HISTORY

Amended by Stats. 1992, Ch. 1298, Sec. 5. Effective January 1, 1993.

**§ 17007. "Enforcement agency"**

"Enforcement agency," as used in this part, means the Department of Housing and Community Development, or any city, county, or city and county which has assumed responsibility for the enforcement of this part, pursuant to Section 17050.

## HISTORY

Added by Stats. 1979, Ch. 62.

**§ 17008. "Employee housing"**

(a) "Employee housing," as used in this part, means any portion of any housing accommodation, or property upon which a housing accommodation is located, if all of the following factors exist:

(1) The accommodations consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, maintained in one or more buildings or one or more sites, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.

(2) The accommodations are maintained in connection with any work or place where work is being performed, whether or not rent is involved.

(b) (1) "Employee housing," as used in this part, also includes any portion of any housing accommodation or property upon which housing accommodations are located, if all of the following factors exist:

- (A) The housing accommodations or property are located in any rural area, as defined by Section 50101.
- (B) The housing accommodations or property are not maintained in connection with any work or workplace.
- (C) The housing accommodations or property are provided by someone other than an agricultural employer, as defined in Section 1140.4 of the Labor Code.

(D) The housing accommodations or property are used by five or more agricultural employees of any agricultural employer or employers for any of the following:

- (i) Temporary or seasonal residency.
- (ii) Permanent residency, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle.

(iii) Permanent residency, if the housing accommodation is subject to the State Housing Law and is more than 30 years old and at least 51 percent of the structures in the housing accommodation, or 51 percent of the accommodation if not separated into units, are occupied by agricultural employees.

(E) "Employee housing" does not include a hotel, motel, inn, tourist hotel, multifamily dwelling, or single-family house if all of the following factors exist:

(i) The housing is offered and rented to nonagricultural employees on the same terms that it is offered and rented to agricultural employees.

(ii) None of the occupants of the housing are employed by the owner or property manager of the housing or any party with an interest in the housing.

(iii) None of the occupants of the housing have rent deducted from their wages.

(iv) The owner or property manager of the housing is not an agricultural employer as defined in Section 1140.4 of the Labor Code, or an agent, as it relates to the housing in question, of an agricultural employer.

(v) Negotiation of the terms of occupancy of the housing is conducted between each occupant and the owner of the housing or between each occupant and a manager of the property who is employed by the owner of the housing.

(vi) The occupants are not required to live in the housing as a condition of employment or of securing employment and the occupants are not referred to live in the housing by the employer of the occupants, the agent of the employer of the occupants, or an agricultural employer as defined in Section 1140.4 of the Labor Code.

(vii) The housing accommodation was not at any time prior to January 1, 1984, employee housing as defined in subdivision (a).

(2) "Employee housing," as defined by this subdivision, does not include a hotel, motel, inn, tourist hotel, or permanent housing as defined by subdivision (d) of Section 17010, which has not been maintained, prior to January 1, 1984, or is not maintained on or after that date, as employee housing, as defined in subdivision (a).

(3) If at any time prior to January 1, 1984, a housing accommodation was employee housing, as defined in subdivision (a), and on or after January 1, 1984, was employee housing, as defined in this subdivision, the owner and operator shall comply with all requirements of this part. The owner and operator of any other housing accommodation which is employee housing pursuant to this subdivision shall be subject to the licensing and inspection provisions of this part and shall comply with all other provisions of this part, except that if any portion of the housing accommodation is held out for rent or lease to the general public, the construction and physical maintenance standards of the housing accommodation shall be consistent with the applicable provisions of the State Housing Law, Part 1.5 (commencing with Section 17910), the Mobilehome-Manufactured Homes Act, Part 2 (commencing with Section 18000); or the Mobilehome Parks Act, Part 2.1 (commencing with Section 18200). The owner or operator of the employee housing shall designate all units or spaces which are employee housing, as defined in this subdivision, for the purpose of inspection and licensing by the enforcement agency, subject to confirmation by the enforcement agency, based on all relevant evidence.

(c) "Employee housing" does not include employee community housing, as defined by Section 17005.5, which has been granted an exemption pursuant to Section 17031.3; housing, and the premises upon which it is situated, owned by a public entity; or privately owned housing, including ownership by a nonprofit entity, and the premises upon which it is situated, financed with public funds equaling 50 percent or more of the original development or purchase cost.

(d) "Employee housing" means the same as "labor camp," as that term may be used in this or other codes and, notwithstanding any local ordinance to the contrary in a general law or charter city, county, or city and county, shall be deemed a residential use if it exists in structures that are single-family houses or apartment houses as those terms are used in the State Housing Law (Part 1.5 (commencing with Section 17910)).

#### HISTORY

Amended by Stats. 1995, Ch. 561, Sec. 1. Effective January 1, 1996.

#### § 17008.7. [Repealed]

Added Stats 1996 ch 954 § 1, effective September 26, 1996. Repealed Stats 1998 ch 371 § 1. The repealed section related to housing assisted under Farmworker Housing Assistance Program.

#### § 17009. "Labor supply employee housing"

"Labor supply employee housing," as used in this part, means any place, area, or piece of land where housing is provided for five or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation that, for a fee or in-kind payment, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer, and that, for a fee or in-kind payment, provides in connection therewith one or more of the following services:

(a) Furnishes board, lodging, or transportation for such employees or prospective employees.

(b) Supervises, times, checks, counts, weighs, or otherwise directs or measures the work of such employees.

(c) Disburses wage payments to such employees.

#### HISTORY

Amended by Stats. 1992, Ch. 1298, Sec. 7. Effective January 1, 1993.

**§ 17009.5. "Person"**

(a) "Person," as used in this part, includes any natural person, firm, association, organization, partnership, business trust, company, joint stock company, corporation, limited liability company, joint venture, or other organizations of persons.

(b) "Person," as used in this part, may be used interchangeably with "tenant" or "employee," and those terms are used interchangeably when the context does not imply an employer or an owner of employee housing.

## HISTORY

Amended by Stats. 1994, Ch. 1010, Sec. 160. Effective January 1, 1995.

**§ 17010. "Temporary employee housing"; "Seasonal employee housing"; "Permanent employee housing"; "Permanent single-family employee housing"**

(a) "Temporary employee housing," as used in this part, means a labor camp which is not operated on the same site annually and which is established for one operation and is then removed.

(b) "Seasonal employee housing," as used in this part, means any camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year.

(c) "Permanent employee housing," as used in this part, means any labor camp which is not temporary or seasonal.

(d) "Permanent single-family employee housing," as used in this part, means single-family detached dwellings, mobilehomes, as defined in Section 18008, manufactured homes, as defined in Section 18007, or factory-built housing, as defined in Section 19971, constructed and maintained in accordance with applicable state or federal laws, including required permits and inspections. Each dwelling shall be inhabited by only one family, which includes at least one permanent year-round employee. "Permanent single-family employee housing" does not include housing accommodations or property, as defined in subparagraph (D) of paragraph (1) of subdivision (b) of Section 17008.

## HISTORY

Amended by Stats. 1992, Ch. 1298, Sec. 9. Effective January 1, 1993.

**§ 17011. "Sleeping place"**

"Sleeping place," as used in this part, means a dwelling, bunkhouse, tent, mobilehome, or other structure or shelter in which employees are housed in any employee housing.

## HISTORY

Amended by Stats. 1992, Ch. 1298, Sec. 10. Effective January 1, 1993.

**§ 17012. [Repealed]**

Added Stats 1979 ch 62 § 1, effective May 14, 1979. Repealed Stats 1992 ch 1298 § 11 (AB 3526). The repealed section defined of "willful violation."

**Chapter 2. Application and Scope****§ 17020. Provisions of part applicable in all parts of state**

(a) Except as otherwise provided in this part, the provisions of this part, building standards published in the State Building Standards Code relating to employee housing, and the other rules and regulations promulgated pursuant to the provisions of this part which relate to labor camps apply in all parts of the state and supersede any ordinance or regulations enacted by any city, county, or city and county applicable to labor camps. Rules and regulations adopted or continued in effect prior to January 1, 1980, by former Chapter 4 (commencing with Section 2610) of Part 9 of Division 2 of the Labor Code are hereby continued in effect as rules and regulations under this part until amended or repealed by the Department of Housing and Community Development.

(b) Building standards, as defined by Section 18909, shall remain in effect only until January 1, 1985, or until adopted, amended, or superseded by provisions published in the State Building Standards Code relating to employee housing pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, whichever occurs sooner.

## HISTORY

Amended by Stats. 1992, Ch. 1298, Sec. 12. Effective January 1, 1993.

**§ 17021. Particular local requirements reserved to local jurisdictions**

(a) Except as provided in Sections 17021.5 and 17021.6, local use zone requirements, local fire zones, property line, source of water supply and method of sewage disposal requirements are hereby specifically and entirely reserved to the local jurisdictions.

(b) Notwithstanding any other provision of law, with respect to a building permit, grading permit, or other approval from a city or county building department for the rehabilitation of real property improvements that are or will be employee housing for agricultural employees, or from a city or county health department for the operation, construction, or repair of a water system or waste disposal system servicing employee housing for agricultural employees, all of the following processing requirements shall apply:

(1) The local building or health department shall have up to 60 calendar days to approve or deny a complete application or permit request accompanied by applicable fees, or a shorter time period if required by the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code). An application or permit request may be denied on procedural grounds only if the denial occurs within 30 calendar days and the denial includes an itemization of the procedural defects. An application or permit request may be denied on substantive grounds if the denial includes an itemization of all substantive defects.

(2) If the application or permit request is not approved or denied by the local building or health department within the period prescribed by paragraph (1), then the Department of Housing and Community Development may approve the application or permit request if it determines that the plans are consistent with all applicable building codes and health and safety requirements. At that time, the applicant may initiate any work consistent with the application or permit approved pursuant to this subdivision. Upon completion of the work, any other state or local agency shall accept the improvements as if they had been approved by the local building or health department. However, if that other local agency identifies any defects that would have resulted in that agency's disapproval of the improvements or plans thereto, those defects may be identified by the agency and shall be corrected by the applicant. The local building or health department shall inspect the plans and improvements prior to and during rehabilitation and issue a certificate of completion if the work is consistent with the plans and all applicable building codes and health and safety requirements.

(c) Nothing in this section shall be construed to exempt an application or permit request from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(d) For purposes of this section, "agricultural employee" has the same meaning specified in subdivision (b) of Section 1140.4 of the Labor Code.

(e) The Department of Housing and Community Development may recover from a local building or health department costs incurred to review an application or permit request in compliance with paragraph (2) of subdivision (b). The amount recoverable may not exceed the applicable plan check fee published by the International Conference of Building Officials.

#### HISTORY

Amended by Stats. 2001, Ch. 118, Sec. 15. Effective July 30, 2001.

### § 17021.5. Single-family structure with residential land use designation; Taxes and fees

(a) Any employee housing which has qualified, or is intended to qualify, for a permit to operate pursuant to this part may invoke the provisions of this section.

(b) Any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone. Use of a family dwelling for purposes of employee housing serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) or local building codes.

(c) Except as otherwise provided in this part, employee housing that serves six or fewer employees shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other family dwellings of the same type in the same zone are not likewise subject. Nothing in this subdivision shall be construed to forbid the imposition of local property taxes, fees for water services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments to which other family dwellings of the same type in the same zone are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee to the owner, operator or any resident for enforcing fire inspection regulations pursuant to state law or regulation or local ordinance, with respect to employee housing which serves six or fewer persons.

(d) For the purposes of any contract, deed, or covenant for the transfer of real property, employee housing which serves six or fewer employees shall be considered a residential use of property and a use of property by a single household, notwithstanding any disclaimers to the contrary. For purposes of this section, "employee housing" includes employee housing defined in subdivision (b) of Section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Section 50101.

(e) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local needs. This section shall apply equally to any charter city, general law city, county, city and county, district and any other local public entity.

#### HISTORY

Amended by Stats. 1993, Ch. 952, Sec. 1. Effective January 1, 1994.

### § 17021.6. Agricultural land use designation; Taxes and fees

(a) The owner of any employee housing who has qualified or intends to qualify for a permit to operate pursuant to this part may invoke this section.

(b) Any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

(c) Except as otherwise provided in this part, employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other agricultural activities in the same zone are not likewise subject. This subdivision does not forbid the imposition of local property taxes, fees for water services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments to which other agricultural activities in the same zone are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee to the owner, operator, or any resident for enforcing fire inspection regulation pursuant to state law or regulations or local ordinance, with respect to employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

(d) For the purposes of any contract, deed, or covenant for the transfer of real property, employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be considered an agricultural use of property, notwithstanding any disclaimers to the contrary. For purposes of this section, "employee housing" includes employee housing defined in subdivision (b) of Section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Section 50101.

(e) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local need. This section shall apply equally to any charter city, general law city, county, city and county, district, and any other local public entity.

(f) If any owner who invokes the provisions of this section fails to maintain a permit to operate pursuant to this part throughout the first 10 consecutive years following the issuance of the original certificate of occupancy, both of the following shall occur:

(1) The enforcement agency shall notify the appropriate local government entity.

(2) The public agency that has waived any taxes, fees, assessments, or charges for employee housing pursuant to this section may recover the amount of those taxes, fees, assessments, or charges from the landowner, less 10 percent of that amount for each year that a valid permit has been maintained.

(g) Subdivision (f) shall not apply to an owner of any prospective, planned, or unfinished employee housing facility who has applied to the appropriate state and local public entities for a permit to construct or operate pursuant to this part prior to January 1, 1996.

**HISTORY**

Amended by Stats. 2011, Ch. 74, Sec. 1. Effective January 1, 2012.

**§ 17021.7. Applicability of Mobilehome Parks Act to mobilehomes and recreational vehicles used to house agricultural employees**

Notwithstanding subdivision (b) of Section 18214, subdivision (b) of Section 18862.39, and subdivision (b) of Section 18862.47, mobilehomes and recreational vehicles used to house agricultural employees shall be maintained in conformity with the applicable requirements of the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)).

**HISTORY**

Amended by Stats. 2003, Ch. 814, Sec. 1. Effective January 1, 2004.

**§ 17022. Enforcement of occupational safety and health standards**

Enforcement of occupational safety and health standards established pursuant to Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code is hereby specifically and entirely reserved to the Division of Industrial Safety.

**HISTORY**

Added by Stats. 1979, Ch. 62.

**§ 17022.5. Model plans for employee housing**

The department shall adopt, and make available to the public, model or prototype plans for several types of employee housing, including, but not limited to, barracks, seasonal housing, family housing, and recreational vehicle parks. Any person intending to construct employee housing may adopt one or more of these models as the plans for the proposed housing.

**HISTORY**

Added by Stats. 1986, Ch. 1495, Sec. 2.