



May 13, 2020

The Honorable Laura Friedman
Member, California State Assembly
State Capitol, Room 2137
Sacramento, CA 95814

**Re: Assembly Bill 3352 (Friedman): State Housing Law: Enforcement Response to Complaints
As Amended May 12, 2020 – OPPOSE UNLESS AMENDED
Set for hearing in Assembly Housing and Community Development May 20, 2020**

Dear Assembly Member Friedman,

The Urban Counties of California (UCC), the California State Association of Counties (CSAC), the League of California Cities (League), and the Rural County Representatives of California (RCRC) write to share our “Oppose Unless Amended” position with your AB 3352, which would make a number of changes to local building code enforcement processes and procedures. Counties and cities support the goal of ensuring that tenants have safe and healthy housing consistent with code requirements but are concerned about some of the limitations your bill would place on local agency discretion in responding to code complaints.

AB 3352 would require a city or county that receives a complaint of a substandard building or a lead hazard violation to inspect the building “at least as promptly as the city or county conducts an inspection for an application of a residential building permit.” The bill is not specific in how a county must calculate, or how often it must recalculate, “at least as promptly” in order to comply with the proposed requirement in AB 3352.

Even more concerning, AB 3352 provides that a city or county “shall...promptly...[c]ite any violations...” This would restrict local agencies’ critical enforcement discretion to prioritize and appropriately respond to building code violations. Local government resources are limited, and agencies must have the ability to determine which violations are severe and require immediate coercive response, and which cases would produce better results through education and compliance assistance. Further, these provisions could be construed to create a “mandatory duty” for local agencies that may result in litigation and financial liability for cities and counties. This bill should be amended to clearly preserve enforcement discretion and disclaim any potential tort liability for local governments.

AB 3352 would also require a city or county to provide free copies of the inspection report and citations issued, if any, to the tenant, resident, occupant, or agent, and to all potentially affected tenants, residents, occupants, or the agents of those individuals. The bill disclaims any reimbursable state mandate on the grounds that local agencies have authority to charge fees for these services – but this is not clear from the substantive provisions of the bill. Counties and cities must have clear and explicit authority to recoup costs associated with building code enforcement and the time and staff resources local agencies invest in

responding to building code issues. The bill should be amended to ensure that counties can fully recover costs from property owners.

Again, UCC, CSAC, the League, and RCRC agree with the underlying premise of your bill – that every Californian has a desire to live in quality housing and that local governments enact building codes to ensure housing meets minimum health and safety requirements. As such, we would appreciate the opportunity to work with you to address our concerns outlined above and remove our opposition.

Should you have any questions, please do not hesitate to contact Christopher Lee (CSAC) at clee@counties.org, Jason Rhine (LCC) at jrhine@counties.org, Jean Kinney Hurst (UCC) at jkh@hbeadvocacy.com, or Tracy Rhine (RCRC) at trhine@rcrcnet.org.

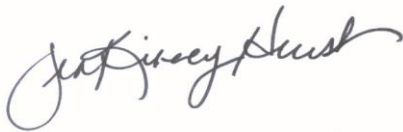
Sincerely,



Christopher Lee
California State Association of Counties



Jason Rhine
League of California Cities



Jean Kinney Hurst
Urban Counties of California



Tracy Rhine
Rural County Representatives of California

cc: The Honorable David Chiu, Chair, Assembly Housing and Community Development Committee
Members, Assembly Housing and Community Development Committee
Lisa Engel, Chief Consultant, Assembly Housing and Community Development Committee
William Weber, Consultant, Assembly Republican Caucus