



April 21, 2021

The Honorable Laura Friedman  
Member, California State Assembly  
State Capitol, Room 6011  
Sacramento, CA 95814

**Re: Assembly Bill 838 (Friedman): State Housing Law: Enforcement Response to Complaints  
As Amended April 5, 2021 – OPPOSE UNLESS AMENDED**

Dear Assembly Member Friedman,

The Urban Counties of California (UCC), the California State Association of Counties (CSAC), the League of California Cities (Cal Cities), and the Rural County Representatives of California (RCRC) write to share our “Oppose Unless Amended” position with your Assembly Bill 838, 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 838 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 a final inspection pursuant to Section 110 of the California Building Code.” The bill is not specific in how a county or city must calculate, or how often it must recalculate, “at least as promptly” in order to comply with the proposed requirement in AB 838.

Despite the language in subdivision (g) of Section 17970.5, the bill’s 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 838 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, Cal Cities, 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](mailto:clee@counties.org), Jason Rhine (Cal Cities) at [jrhine@counties.org](mailto:jrhine@counties.org), Jean Kinney Hurst (UCC) at [jkh@hbeadvocacy.com](mailto:jkh@hbeadvocacy.com), or Tracy Rhine (RCRC) at [trhine@rcrcnet.org](mailto:trhine@rcrcnet.org).

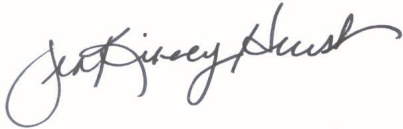
Sincerely,



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 Lorena Gonzalez, Chair, Assembly Appropriations Committee  
Honorable Members, Assembly Appropriations Committee  
Consultant, Assembly Appropriations Committee  
Consultant, Assembly Republican Caucus