

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 2132 (Levine) – As Introduced February 12, 2018

**SUBJECT:** Building permit fees: waiver.

**SUMMARY:** Authorizes cities and counties to waive or reduce all building permit fees for improvements to the home of seniors with a qualifying disability that are made to accommodate that disability. Specifically, **this bill:**

- 1) Allows each city, county, or city and county to waive or reduce all building permit fees for improvements that are made to accommodate the home of a senior, at least 60 years of age, with a qualifying disability.
- 2) Defines “qualifying disability” to mean a disability that is recognized by the Community Development Department or by the Department of Housing and Community Development (HCD).
- 3) Instructs HCD to create a standardized application form that can be used to apply for this program, including the requirements for proof of a qualifying disability.

**EXISTING LAW:**

- 1) Provides that local governments have the constitutional power to make and enforce all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.
- 2) Allows the governing body of any county or city, including a charter city, to prescribe fees for permits (including building permits), certifications, or other forms or documents required or authorized by law or rules and regulations adopted pursuant to existing law.
- 3) Specifies that the amount of fees prescribed in 2), above, shall not exceed the amount reasonably required to administer or process these permits, certifications, or other forms or documents, or to defray the costs of enforcement required by existing law to be carried out by local enforcement, and shall not be levied for general revenue purposes. Requires the fees to be imposed pursuant to existing law that specifies the requirements and public noticing procedures for adopting various fees.
- 4) Authorizes cities and counties to waive or reduce all building permit fees for home improvements to the home of a veteran with a qualifying disability they received in connection to their service.

**FISCAL EFFECT:** This bill is keyed fiscal.

**COMMENTS:**

- 1) **Bill Summary.** This bill allows a city or county to waive all building permit fees for improvements that are made to accommodate the home of a senior, at least 60 years of age, with a qualifying disability. This bill also directs HCD to create a standardized application form that can be used to apply for this program, including the requirements for proof of a qualifying disability, as determined by HCD. This bill is sponsored by the author.
- 2) **Author's Statement.** According to the author, "California's elderly population is growing at a rapid rate. By 2030, the senior population is expected to reach an estimated 8.6 million. With such a large population it is important that steps are taken to alleviate the financial difficulties often associated with age. According to the 2016 study "Older Adult Falls Seen by Emergency Medical Service Providers" published in the *American Journal of Preventative Medicine*, falling is the leading cause for Emergency Medical Service visits among people age 65 and older. In addition, findings from the 2015 California Retirement Security for All Report show that 29% of the California aging population lives below 200% of the Federal Poverty Level. This legislation addresses the constraints of fixed incomes and higher incidents of injury among the elderly. AB 2132 would alleviate the financial burden of permit building fees for seniors with disabilities so that they will be able to alter their homes to better accommodate those disabilities."
- 3) **Background on Building Permit Fees.** Existing law states that local governments have the constitutional power to make and enforce all local, police, sanitary, and other ordinances and regulations not in conflict with general laws, and this power extends to regulation of the construction and occupancy of buildings. The governing body of any county or city, including a charter city, can prescribe fees for permits (including building permits), certifications, or other forms or documents required or authorized by law or rules and regulations adopted pursuant to existing law. Existing law says that the amount of fees shall not exceed the amount reasonably required to administer or process these permits, or to defray the costs of enforcement required by existing law to be carried out by local enforcement, and shall not be levied for general revenue purposes. Existing law provides the requirements and public noticing procedures that must be followed by local agencies to adopt various fees, including building permit fees.
- 4) **Prior Legislation.** AB 1592 (Olsen) of 2012, would have allowed the governing body of any city or county to grant financial assistance, relief, and support to disabled veterans by reducing or waiving building inspection or permit fees charged by the city or county for the modification of a dwelling owned by a disabled veteran for the purpose of making the dwelling more accessible. This bill was not referred out of the Senate Rules Committee.

SB 330 (Berryhill), Chapter 281, Statutes of 2017, allows cities and counties to waive or reduce all building permit fees for home improvements to the home of a veteran with a qualifying disability they received in connection to their service.

- 5) **Policy Considerations.** The Committee may wish to consider the following:
- a) **Incorrect References.** This bill defines a “qualifying disability” to mean a disability that is recognized by the Community Development Department or by HCD. However, it does not explain whether this term means a local Community Development Department. Additionally, HCD does not maintain a running list of disabilities that it recognizes.
  - b) **Lack of Clarity.** The bill is unclear about what types of disability it actually covers. No clear distinction is made with regard to whether the bill applies to people with physical disabilities, mental disabilities, or both.
  - c) **Unclear in Its Implementation Process.** The bill language does not establish clear parameters as to how the reducing or waiving of fees would work, should a city or county choose to implement it.
- 6) **Committee Amendments.** In order to address the issues raised above, the Committee may wish to consider amending the bill as follows:
- a) Notwithstanding Section 17951, each city, county, or city and county may waive or reduce all building permit fees for improvements to the home of a person at least 60 years of age with a qualifying disability that are made to accommodate that disability.
  - (b) A local agency that opts to waive or reduce building fees pursuant to subdivision (a) shall adopt an ordinance to establish a standardized application form that can be used to apply for the waiver or reduction, including the requirements for proof of a qualifying disability.**
  - (cb) “Qualifying disability” means a *physical* disability as defined in subdivision (m) of Government Code Section 12926. that is recognized by the Community Development Department or by the Department of Housing and Community Development with proof of the disability provided as required in subdivision (c).**
- ~~(c)The Department of Housing and Community Development shall prepare a standardized application form that can be used to apply for this program, including the requirements for proof of a qualifying disability.~~
- 7) **Arguments in Support.** Supporters argue that this effort will make it easier for seniors to deal with the housing crisis and help them make adjustments to their homes in order to be able to stay in them.
- 8) **Arguments in Opposition.** None on file.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Association of Regional Center Agencies (if amended)  
California Building Industry Association  
California Association for Health Services at Home  
California Association of Area Agencies on Aging  
Disability Rights California

**Opposition**

None on file

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