

Date of Hearing: April 13, 2016

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Susan Talamantes Eggman, Chair

AB 2228 (Cooley) – As Amended March 17, 2016

**SUBJECT:** Code enforcement officers.

**SUMMARY:** Establishes the Code Enforcement Officers Standards Act which requires the Board of Directors of the California Association of Code Enforcement Officers to develop and maintain standards for the designation of Certified Code Enforcement Officers. Specifically, **this bill:**

- 1) Establishes the Code Enforcement Officers Standards Act (CEOSA) which requires the Board of Directors (Board) of the California Association of Code Enforcement Officers (CACEO) to develop and maintain standards for the designation of Certified Code Enforcement Officers (CCEOs).
- 2) Provides that the following terms have the following meaning:
  - a) "Board" means the duly elected Board of Directors of CACEO;
  - b) "CACEO" means California Association of Code Enforcement Officers, a public benefits corporation domiciled in California;
  - c) "CCEO means a Certified Code Enforcement certified pursuant to the CEOSA; and,
  - d) "Code Enforcement Officer" means an person who is not a peace officer and who is employed by a governmental subdivision, public or quasi-public corporation, public agency, public service corporation, a town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, and whose duties include enforcement of a statute, rule, regulation, or standard, and who is authorized to issue citations or file formal complaints.
- 3) Requires the Board to develop and maintain standards for the various classes of CCEOs that it designates. The standards for education, training, and certification shall be adopted by the board and meet the minimum requirements of the CEOSA, and CCEOs shall not have the powers of arrest unless authorized by the city, county, or city and county charter, code, or regulations in which they operate. CCEOs shall not have access to summary criminal history information, but persons employed by a city, county or city and county upon a showing of compelling need if the criteria for access under existing law is otherwise met.
- 4) Requires the Board to review all applications from cities, counties, city and counties, and accredited educational institutions who seek to develop and provide education designed to qualify participants as CCEOs. All applications that are submitted are subject to the Board's review and approval to determine if they demonstrate the equivalency of the standards adopted under the rules of the Board in order to qualify as Code Enforcement Officer Education Program Providers (program providers).

- 5) States that all program providers are subject to ongoing program review and evaluation under the Board's administrative rules. A program provider shall renew its program provider application and obtain approval under the Board's administrative rules no later than 36 months from the date of the last approval or else it shall lapse.
- 6) Provides that all students, participants, and employees who successfully pass the minimum education and certification requirements of the program provider approved curriculum shall, subject to the same fees as other registered CCEOs under the Board's administrative rules, be granted status as CCEOs in an equivalent manner as applicants who attained certification through the CACEO education and certification program and academics.
- 7) States that the development and perpetual advancement of code enforcement officer professional standards and actively providing related educational offerings that lead to increased professional competence and ethical behavior shall be the highest priority for the board in its licensing, certification, and disciplinary functions. Whenever the advancement of code enforcement officer professional standards and the provision of related educational offerings is inconsistent with other interests sought to be promoted, the former shall be paramount.
- 8) Provides that the Board's administrative rules shall designate minimum training, qualifications, and experience requirements for applicants to qualify for the CCEO designation, including, but not limited to, training and competency requirements in the areas of land use and zoning laws, health and housing codes, building and fire codes, environmental regulations, sign standards, public nuisance laws, applicable constitutional law, investigation and enforcement techniques, application of remedies, officer safety, and community engagement. The Board may, by administrative rule, designate additional classes of certifications to help meet its mission.
- 9) Requires the Board to conspicuously and continually publish its list of CCEOs on the CACEO Internet Web site, containing the registrant's full name, summary status as to individual disciplinary concerns, active or inactive status, date of active CCEO expiration, and business address, unless the business address is a residence, which shall be treated as confidential.
- 10) States that a CCEO shall hold a valid certificate designating the person as a CCEO issued by the CACEO, shall at all times remain a member in good standing of the CACEO, and shall be subject to ongoing continuing education and registration requirements as designated by the board's administrative rules.
- 11) Provides that a failure to maintain the continuing education requirements shall cause the certification status to lapse, subject to redemption as specified by the Board's administrative rules. Once a certification lapses, the certification status shall automatically convert to inactive CCEO status unless it is redeemed. The rights, privileges, and procedures or limitations on redemption of inactive CCEOs shall be specified in the Board's administrative rules.
- 12) Requires the Board to annually set fees in amounts that are reasonably related and necessary to cover the cost of administering this chapter. The fees shall be set by the Board and

published on the CACEO Internet Web site and maintained at the CACEO's headquarters.

- 13) Provides that the Board shall maintain a register of each application for a certificate of registration under this chapter. The register shall include all of the following:
  - (a) The name, residence, date of birth, and driver's license number (including state or country of origin) of the applicant;
  - (b) The name and address of the employer or business of the applicant;
  - (c) The date of the application;
  - (d) The education and experience qualifications of the applicant;
  - (e) The action taken by the Board regarding the application and the date of the action;
  - (f) The serial number of any certificate of registration issued to an applicant; and,
  - (g) Any other information required by Board rule.
- 14) States that a person may not hold himself or herself out to be a Certified Code Enforcement Officer in this state or use the title "Certified Code Enforcement Officer" in this state unless the person holds a certificate of registration pursuant to this chapter.
- 15) Requires the Board, by administrative rule, to create a process to timely consider and review all applicants who hold certification from any other agency, and allow them to seek review and potential approval of the qualifications to potentially be recognized as a CCEO in this state. A denial of full recognition as a CCEO shall be accompanied by written justification and a list of required steps that may be required for the individual applicant to complete the registration and certification process. Recognition fees shall be set as specified.
- 16) Provides that Board shall adopt administrative rules to process information, investigate allegations or suspicions of applicants or licensees providing false information, failing to disclose material information on the registration application, or not providing any information that may, either before or during the certification process, disqualify the applicant or certificant as specified. The Board shall adopt procedures and guidelines to impose any discipline, revocation of certification, or sanction, for cause, against any applicant, registrant, or certificant.
- 17) States that the administrative rules shall provide the applicant or registrant with adequate and fair notice and hearing opportunities prior to the board taking any adverse action against the applicant or certificant.
- 18) Provides that any factual finding after a hearing that the Board concludes is cause for revocation, suspension, or other disciplinary or administrative action against a registration or certification shall result in an order after hearing that meets the fair notification requirements of this section.

- 19) All orders after hearing shall be deemed final under the Board's authority and procedures and may be appealed as specified in the Code of Civil Procedure.
- 20) States that the requirements of the CEOSA do not interfere with the regulations or certification requirements for building inspectors as specified.
- 21) Makes a number of findings and declarations.

**EXISTING LAW:**

- 1) Defines "code enforcement officer" as a person who is employed by a governmental subdivision, public or quasi-public corporation, public agency, public service corporation, a town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, and whose duties include enforcement of a statute, rule, regulation, or standard, and who is authorized to issue citations or file formal complaints.
- 2) Defines a "code enforcement officer" as any person who is not a peace officer and who is employed by any governmental subdivision; public or quasi-public corporation; public agency; public service corporation; or any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements; whose duties include enforcement of any statute, rules, regulations, or standards; and who is authorized to issue citations, or file formal complaints.
- 3) Allows cities to make and enforce all local, police, sanitary and other regulations not in conflict with state law.

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

**COMMENTS:**

- 1) **Bill Summary.** This bill establishes the Code Enforcement Officers Standards Act which requires the Board of Directors of the California Association of Code Enforcement Officers to develop and maintain standards for the designation of Certified Code Enforcement Officers.

This bill is jointly sponsored by the League of California Cities and the California Association of Code Enforcement Officers.

- 2) **Author's Statement.** According to the author, "Code enforcement officers employed by a city or county, or city and county, possess specialized training, but the level of training these officers receive varies based on the city or county in which they live. There is currently no uniform training standard.

"In recent years, the California Association of Code Enforcement Officers has received over 30 safety incident reports involving code enforcement officers. These include a 2015 incident in which two men pointed a rifle at a code enforcement officer serving legal papers, as well as a 2012 incident in which an officer was shot while serving an inspection warrant.

“There have also been several notable cases of misconduct by code enforcement officers in which local jurisdictions were required to pay large amounts in settlements. For example, in 2014, San Jacinto paid \$746,559 in damages for disability discrimination after code enforcement officers did a sweep of unlicensed group homes without warrants and unlawfully questioned residents. In 2005, the City of Sacramento was found to be liable for \$717,000 in compensatory and punitive damages for seizing and destroying property without required due process. Lack of proper training led to code officers being in danger, as well as a liability to local governments.

“AB 2228 establishes a framework through which code enforcement officers may receive state recognized certification, if they so choose. Setting standards, minimum qualifications, and ongoing educational requirements for local code enforcement officers who elect to attain the Certified Code Enforcement title helps local agencies identify, select, and train qualified public officers to enforce laws and codes necessary to help preserve safe, well-ordered communities.

- 3) **Arguments in Support.** Supporters argue that the bill will provide a level of trust to the public and public agencies as to the competency of code enforcement officers.
- 4) **Arguments in Opposition.** None on file.
- 5) **Double-Referral.** This bill was heard in the Public Safety Committee on April 5, 2016, where it passed with a 6-1 vote.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

California Association of Code Enforcement Officers [CO-SPONSOR]  
League of California Cities [CO-SPONSOR]  
California College and University Police Chiefs Association  
California Narcotic Officers Association  
Los Angeles County Professional Peace Officers Association  
Los Angeles Deputy Sheriffs  
Los Angeles Police Protective League  
Riverside Sheriffs Association

##### **Opposition**

None on file

**Analysis Prepared by:** Debbie Michel / L. GOV. / (916) 319-3958