
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: SB 296 **Hearing Date:** March 23, 2021
Author: Limón
Version: February 3, 2021
Urgency: No **Fiscal:** Yes
Consultant: KW

Subject: *Code enforcement officers: safety standards*

HISTORY

Source: California Association of Code Enforcement Officers

Prior Legislation: AB 3319 (Jones-Sawyer) 2020, Not heard COVID

Support: California Association of Clerks and Election Officials; California College and University Police Chiefs Association; California Narcotic Officers Association; California Peace Officers Association; California Teamsters Public Affairs Council; Coalition of Public Safety Officer Support Services; Congress of Racial Equality (CORE); International Faith Based Coalition

Opposition: None known

PURPOSE

The purpose of this bill is to require all local jurisdictions that employ code enforcement officers to establish specific safety standards for each assignment based on the demands of the job.

Existing law identifies “code enforcement officers” as any person who is not described as a peace officer (Penal Code § Chapter 4.5) and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, town, city or county who has authority for health, safety, and welfare requirements, whose duties include enforcement of statutes, rules and regulations and is authorized to issue citations and file complaints. (Penal Code § Section 829.5 (a))

Existing law explains code enforcement officers include any person who is employed by the Department of Housing and Community Development while still maintain authority for health, safety, and welfare requirements pursuant to the Employee Housing Act. (Penal Code § 829.5 (b))

This bill requires all employers of code enforcement officers to design and implement safety standards for said officers.

This bill asserts that code enforcements are at greater risk to experience threat, assault, injury or death because of the nature of their work.

COMMENTS

1. Need for This Bill

According to the author:

SB 296 would direct each local jurisdiction that employs Code Enforcement Officers to develop appropriate safety standards based on the nature of their work and the issues they face.

Code Enforcement Officers are charged with enforcing State and local housing laws and various pest, mold, lead and other regulations concerning hazardous conditions. This work is critical to improving housing conditions, health, safety and quality of life for millions of Californians. However, it exposes Code Enforcement Officers to a range of hazardous conditions and environments.

Too often, Code Enforcement Officers encounter individuals who refuse to comply with a city's local codes that impact the quality of life in a local community. It is not unusual for Code Enforcement Officers to be threatened, harassed, or even assaulted. Tragically, there have even been Code Enforcement Officers murdered in the line of duty. During the current COVID-19 pandemic, these health threats to Code Enforcement Officers have been significantly increased, as they have continued their important safety work despite the additional hazards posed by the pandemic.

There are a number of strategies designed to protect a Code Enforcement Officer based on the specific nature and unique challenges of their assignment. For example, a city might decide to restructure its organization chart so that its Code Enforcement Officers might have the confidentiality of their home addresses protected, or they might ensure that a Code Enforcement Officer is provided with proper hazardous waste protections, clothing, masks, respirators and gloves.

SB 296 does not contain a specific one size fits all approach, but correctly vests discretion with the employing agency to come up with the best guidelines suited to the particular challenges of Code Enforcement Officers. This recognizes that Code Enforcement Officers encounter a very broad array of health and safety, and quality of life issues throughout the State.

2. Dangers to Code Enforcement Officers in California

In California, and across the country code enforcement officers face a number of risks to their safety. The nature of their job is to make sure others are complying with California regulations. This could entail anything from writing parking citations to ensuring businesses are complying with safety standards. Due to the potential punitive nature of the job, and the ability to levy financial penalties, code enforcement officers can face dangerous consequences.

Code enforcement officers have sought greater protections due to the risky nature of their employment. A 2019 article by the Cal-OSHA Reporter points to a survey of the California Association of Code Enforcement Officers that found that 63% of respondents had been threatened or assaulted. Additionally, only 5% of California cities provide code enforcement officers with protective vests, pepper spray, or emergency communication.¹

3. Development of Safety Standards for Code Enforcement Officers

Under existing law code enforcement officers are defined, but there is no requirement that safety protocols be defined in California code. Presently, California law defines the roles of code enforcement officers and specifies who is an officer and who is not. This bill would build upon the job description by acknowledging the risks that the nature of the job poses against code enforcement officers. This bill would help to protect code enforcement officers by mandating that those who employ code enforcement officers develop clearly defined safety standards to be enforced by local agencies.

According to the bill's sponsor, the California Association of Code Enforcement Officers (CACEO) in a letter of support:

While most or all cities have developed safety standards for peace officers and firefighters, and may believe these adequately would protect Code Enforcement Officers as well, this is incorrect. First, many jurisdictions do not have any safety standards applicable to Code Enforcement Officers. Second, those standard that apply to peace officers or firefighters rarely also apply to Code Enforcement Officers, or reflect the unique situations Code Enforcement Officers deal with, or the fact that they are civilian enforcement officials lacking the protection measures from which peace officers benefit. Simply put, Code Enforcement Officers lack adequate, and in many cases, any protection or safety standards, while they continue to risk their safety, health and lives protecting our communities. Senate Bill 296 is about the safety of our officers, and protecting those who protect our communities.

-- END --

¹ <https://www.cal-osh.com/article/code-compliance-officers-often-in-danger-seek-protections/>