

First Supplement to Memorandum 2018-53

California Public Records Act Clean-Up: Cumulative Draft of Material Previously Reviewed

This supplement addresses three points relating to the cumulative draft that is attached to Memorandum 2018-52:¹

- (1) Legislation enacted in 2018.
- (2) Legislative history of Government Code Section 6254.7(c), relating to violation of building standards.
- (3) Inclusion of additional references in the Commission’s proposed Comments.

The following materials are attached as Exhibits:

	<i>Exhibit p.</i>
• Gov’t Code § 6254.7 as it existed before it was amended to address housing violations (1971 Cal. Stat. ch. 1601, § 1)	1
• Gov’t Code § 6254.7 as it existed just after it was amended to address housing violations (1972 Cal. Stat. ch. 400, § 1)	2
• Current version of Gov’t Code § 6254.7 (1992 Cal. Stat. ch. 612, § 1)	3
• Legislative history materials from State Archives relating to 1972 Cal. Stat. ch. 400	4

Unless otherwise specified, all further statutory references in this supplement are to the Government Code.

LEGISLATION ENACTED IN 2018

The 2018 legislative session recently ended and Governor Brown has acted on all of the bills sent to him for approval. The following changes were made to the California Public Records Act (“CPRA”):²

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Gov’t Code §§ 6250-6276.48.

- **Section 6253.2** was amended by 2018 Cal. Stat. ch. 35, § 4 (AB 1811 (Committee on Budget)), an urgency measure. Section 6253.2 was also amended by 2018 Cal. Stat. ch. 92, § 87 (SB 1289 (Committee on Judiciary)) (maintenance of the codes) to correct a cross-reference, but that amendment will not go into effect because it is subordinate to the revisions made by AB 1811. See 2018 Cal. Stat. ch. 92, § 246 (subordination clause); Gov't Code § 9605 (bill conflict rules).
- **Section 6253.4** was amended by 2018 Cal. Stat. ch. 92, § 88 (SB 1289 (Committee on Judiciary)) (maintenance of the codes) to insert subdivision and paragraph labels.
- **Section 6254 (as amended by 2017 Cal. Stat. ch. 560, § 1)** was amended by 2018 Cal. Stat. ch. 960, § 1 (AB 748 (Ting)). The revisions affected subdivisions (f), (v), (y), and (ad). Section 6254 was also amended by 2018 Cal. Stat. ch. 423, § 27 (SB 1494 (Committee on Public Safety)) (public safety omnibus) to correct cross-references in subdivision (f), but that amendment will not go into effect because it is subordinate to the revisions made by AB 748. See Gov't Code § 9605 (bill conflict rules); see also 2018 Cal. Stat. ch. 423, § 130 (subordination clause).
- **Section 6254.3** was amended by 2018 Cal. Stat. ch. 92, § 89 (SB 1289 (Committee on Judiciary)) (maintenance of the codes) to correct a spelling error.
- **Section 6259** was amended by 2018 Cal. Stat. ch. 463, § 1 (SB 1244 (Wieckowski)).
- **Section 6268** was amended by 2018 Cal. Stat. ch. 92, § 90 (SB 1289 (Committee on Judiciary)) (maintenance of the codes) to make various technical changes.
- **Section 6270.6** was added to the CPRA by 2018 Cal. Stat. ch. 408, § 2 (SB 929 (McGuire)).
- **Section 6270.7** was added to the CPRA by 2018 Cal. Stat. ch. 257, § 1 (AB 2019 (Aguiar-Curry)).
- **Section 6276.14** was amended by 2018 Cal. Stat. ch. 903, § 2 (SB 1504 (Committee on Public Employment & Retirement)).
- **Section 6276.34** was amended by 2018 Cal. Stat. ch. 903, § 3 (SB 1504 (Committee on Public Employment & Retirement)).

The staff discussed and incorporated some of these changes in the draft of “Chapter 5. Health Care” that is attached to Memorandum 2018-54.³ Later, the staff will incorporate the other 2018 developments into the Commission’s next cumulative draft and the remainder of the Commission’s proposed recodification. In so doing, we will raise questions as needed.

3. See the Notes in Memorandum 2018-54 on proposed Sections 7926.225 (re revisions to Section 6254(v)), 7926.230 (re revisions to Section 6254(y)), 7926.300 (re revisions to Section 6253.2), and 7926.500 (re addition of Section 6270.7).

If there is other 2018 legislation affecting the CPRA, or someone has a concern regarding the above description of recent legislative developments, please notify the Commission.

LEGISLATIVE HISTORY OF GOVERNMENT CODE SECTION 6254.7(c)

Subdivisions (a), (b), (d), (e), and (f) of existing Section 6254.7 concern pollution data and other pollution-related matters. In contrast, subdivision (c) concerns violations of building standards and safety requirements. It says:

(c) All records of notices and orders directed to the owner of any building of violations of housing or building codes, ordinances, statutes, or regulations which constitute violations of standards provided in Section 1941.1 of the Civil Code, and records of subsequent action with respect to those notices and orders, are public records.

Because subdivision (c) deals with a distinct topic, the staff suggested recodifying it in a separate article (“Article 3. Building Standards and Safety Requirements”) instead of in “Article 2. Pollution” with the rest of the substance of Section 6254.7. We pointed out that this organizational scheme would “slightly complicate the task of conforming the many statutes that cross-refer to Section 6254.7,” but would “help draw attention to the provision.”⁴

In August, the Commission preliminarily approved the above approach and decided to include a Note specifically soliciting input on it in the tentative recommendation.⁵ The Commission also asked the staff to check the legislative history of Section 6254.7(c), to see if there is any reason to keep the substance of that provision together with the adjacent pollution-related material.⁶

The staff has since done such research, with assistance from reference librarians at State Archives. Attached as Exhibit pages 1-20 are the legislative history documents we obtained.

According to a bill analysis, Section 6254.7(c) was intended to make clear that “all records of violations of housing or building codes, ordinances, statutes or regulations are public records.”⁷ Proponents of the bill reportedly stressed that “inspections are conducted for the benefit of present and future building

4. Memorandum 2018-32, Attachment p. 13; see also *id.* at pp. 11-14 (proposed Sections 7924.500-7924.700).

5. *Draft Minutes* (Aug. 2018), p. 4.

6. *Id.*

7. Assembly Committee on Urban Development & Housing Analysis of AB 1054 (May 1, 1972) (reproduced at Exhibit pp. 5-6, 13-14).

occupants” and disclosure of inspection results “is necessary to enable a tenant to intelligently act to protect the health and safety of himself and his family.”⁸

Another analysis states:

This measure would amend Government Code Section 6254.7 which presently provides that specified records of air pollution districts or other state or local agency or districts relating to air or other pollution are public records to further provide that codes, ordinances, statutes or regulations are public records.⁹

Aside from this statement, the documents we obtained do not discuss the pollution-related content of Section 6254.7.

In sum, the substance of Section 6254.7(c) does not appear to be inextricably linked to the pollution-related content of that section. To the staff, it seems reasonable to **recodify the substance of Section 6254.7(c) in a separate article entitled “Building Standards and Safety Requirements,” which would be adjacent to the article containing the pollution-related content.** It does not seem necessary to lump the two topics together in a single article, so long as they are kept in close proximity.

Is that approach still acceptable to the Commission for purposes of a tentative recommendation?

INCLUSION OF ADDITIONAL REFERENCES IN PROPOSED COMMENTS

On re-reading the Commission’s cumulative draft and preparing the initial draft of Chapter 5 of Part 5 (attached to Memorandum 2018-54), it occurred to the staff that some of the proposed Comments could be improved by inserting additional references to other code sections.

To give just one example, proposed Section 7926.405 (continuing the substance of Section 6254.18(a)) protects the confidentiality of “personal medical history”¹⁰ and other personal information that is

received, collected, or compiled by a public agency regarding the employees, volunteers, board members, owners, partners, officer, or contractors of a reproductive health services facility who have notified the public agency pursuant to Section 7926.415 if the personal information is contained in a document that relates to the facility.

8. *Id.*

9. Exhibit p. 16 (underscore in original).

10. See proposed Section 7926.400(b) (continuing the substance of Section 6254.18(b)), which is shown at pages 10-11 of the attachment to Memorandum 2018-54.

The proposed Comment would refer to various provisions that continue other aspects of Section 6254.18:

Comment. Section 7926.405 continues former Section 6254.18(a) without substantive change.

See Section 7926.400 (defining “contractor,” “personal information,” “public agency,” and “reproductive health services facility”). See also Sections 7926.410 (*proceeding for access to employment history information*), 7926.415 (*notification requirement for individual*), 7926.420 (*duration of privacy protections*), 7926.425 (*notice of separation*), and 7926.430 (*disclosure of data regarding age, race, ethnicity, national origin, or gender, without individually identifiable information*).¹¹

It may also be helpful to refer to the not-yet-drafted provision that would continue the substance of Section 6254(c), which provides:

6254. Except as provided in Sections 6254.7 and 6254.13, this chapter does not require the disclosure of any of the following records:

....
(c) Personnel, *medical*, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.¹²

Inserting such a reference in the proposed Comment will be easier to do, however, after the proposed recodification includes a provision that would continue the substance of Section 6254(c).

Other Comments might benefit from similar additions, making them more useful to readers. **The staff plans to review all of the proposed Comments and insert additional references to related statutory material when we prepare a complete draft of a tentative recommendation for the Commission to review.** We will flag, or otherwise draw attention to, any changes that we make.

Is this plan acceptable to the Commission?

Respectfully submitted,

Barbara Gaal
Chief Deputy Counsel

11. Emphasis added.

12. Emphasis added.

Gov't Code § 6254.7 as it existed before it was amended to address housing violations (1971 Cal. Stat. ch. 1601, § 1):

CHAPTER 1601

An act to amend Section 6254.7 of the Government Code, relating to public records.

[Approved by Governor November 22, 1971. Filed with
Secretary of State November 22, 1971.]

The people of the State of California do enact as follows:

SECTION 1. Section 6254.7 of the Government Code is amended to read:

6254.7. (a) All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which any air pollution control district or any other state or local agency or district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

(b) All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

(c) Trade secrets are not public records under this section. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

Gov't Code § 6254.7 as it existed just after it was amended to address housing violations (1972 Cal. Stat. ch. 400, § 1):

CHAPTER 400

An act to amend Section 6254.7 of the Government Code, relating to public records.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6254.7 of the Government Code as amended by Chapter 1601 of the Statutes of 1971 is amended to read:

6254.7. (a) All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which any air pollution control district or any other state or local agency or district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

(b) All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

(c) All records of notices and orders directed to the owner of any building of violations of housing or building codes, ordinances, statutes, or regulations which constitute violations of standards provided in Section 1941.1 of the Civil Code, and records of subsequent action with respect to such notices and orders, are public records.

— New

(d) Trade secrets are not public records under this section. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

Current version of Gov't Code § 6254.7 (1992 Cal. Stat. ch. 612, § 1):

6254.7. (a) All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which any air pollution control district or air quality management district, or any other state or local agency or district, requires any applicant to provide before the applicant builds, erects, alters, replaces, operates, sells, rents, or uses the article, machine, equipment, or other contrivance, are public records.

(b) All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

(c) All records of notices and orders directed to the owner of any building of violations of housing or building codes, ordinances, statutes, or regulations which constitute violations of standards provided in Section 1941.1 of the Civil Code, and records of subsequent action with respect to those notices and orders, are public records.

(d) Except as otherwise provided in subdivision (e) and Chapter 3 (commencing with Section 99150) of Part 65 of the Education Code, trade secrets are not public records under this section. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(e) Notwithstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets as defined in subdivision (d), are public records. Data used to calculate emission data are not emission data for the purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

(f) Data used to calculate the costs of obtaining emissions offsets are not public records. At the time that an air pollution control district or air quality management district issues a permit to construct to an applicant who is required to obtain offsets pursuant to district rules and regulations, data obtained from the applicant consisting of the year the offset transaction occurred, the amount of offsets purchased, by pollutant, and the total cost, by pollutant, of the offsets purchased is a public record. If an application is denied, the data shall not be a public record.

ab 1054
APR 7 1972
Corrections

AMENDMENTS TO ASSEMBLY BILL NO. 1054

AMENDMENT 1

On page 2 of the printed bill, in line
9, after "plan" insert a comma.

Note. This is the first of 17 pages of legislative history materials from State Archives relating to 1972 Cal. Stat. ch. 400, which amended Government Code Section 6254.7 to address housing violations (see new subdivision (c)).

DESCRIPTION:

This bill would specify that all records of violations of housing or building codes, ordinances, statutes or regulations are public records.

BACKGROUND:

Section 6254 and Subsection (f) of Section 6254 of the Government Code read in part as follows:

"(The Public Records Act) shall not be construed to require disclosure of records that are (f) records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the Office of the Attorney General and the Department of Justice, and any state or local policy agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes."

Legislative Counsel has indicated that it would not be unreasonable to conclude that records of violations of housing and building codes of local agencies could be included within the provisions of Subsection (f) of Section 6254. Thus, under existing law, local agencies may take the option of making such records available to the public or to refuse to disclose such records.

STAFF COMMENT:

Proponents of this legislation feel that inspections are conducted for the benefit of present and future building occupants

AB 1054 - LaCoste (cont)

and that the disclosure of their findings is necessary to enable a tenant to intelligently act to protect the health and safety of himself and his family.

Opposition: California Real Estate Association.

#

5/1/72 jdp

ENROLLED BILL MEMORANDUM TO GOVERNOR	DATE July 17, 1972
BILL NO. AB 1054	AUTHOR LaCoste

Vote—Senate

Ayes— 22
 Noes— 1 - Harmer

Vote—Assembly

Ayes— Unanimous
 Noes—

AB 1054 specifies that records of notices and orders to building owners of violations of housing or building laws which are violations of specified standards, and records of subsequent actions are public records.

The California Real Estate Association has no objections to the bill in its final amended form. (per Doug Gillies)

Recommendation APPROVE	Legislative Secretary <i>WE</i>
---------------------------	------------------------------------

BERNARD CZESLA
CHIEF DEPUTY

J. GOULD
OWEN K. KUNS
RAY H. WHITAKER

KENT L. DECHAMBEAU
ERNEST H. KUNZ
STANLEY M. LOURIMORE
SHERWIN C. MACKENZIE, JR.
EDWARD F. NOWAK
EDWARD K. PURCELL
PRINCIPAL DEPUTIES

ANN M. MACKAY
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3021 STATE CAPITOL
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ROBERT D. GRONKE
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THOMAS R. HEUER
L. DOUGLAS KINNEY
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THOMAS D. WHELAN
DAVID E. WHITTINGTON
JIMMIE WING
CHRISTOPHER ZIRKLE
DEPUTIES

Sacramento, California
July 14, 1972

Honorable Ronald Reagan
Governor of California
Sacramento, California

Assembly Bill No. *1054*

Dear Governor Reagan:

Pursuant to your request we have reviewed the above-numbered bill authored by *Assemblyman La Costa* and, in our opinion, the title and form are sufficient and the bill if approved by the Governor will be constitutional. The digest on the printed bill as enrolled correctly reflects the views of this office.

Very truly yours,
George H. Murphy
Legislative Counsel

By *Edward K. Purcell*
Principal Deputy

Copy to Honorable *Ernest D. La Costa*
pursuant to Joint Rule 34.

AMENDED IN SENATE JUNE 23, 1972 1601 P

AMENDED IN ASSEMBLY APRIL 27, 1972

CALIFORNIA LEGISLATURE—1972 REGULAR SESSION

ASSEMBLY BILL

No. 1054

Introduced by Assemblyman LaCoste

March 14, 1972

REFERRED TO COMMITTEE ON URBAN DEVELOPMENT AND HOUSING

An act to amend Section 6254.7 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1054, as amended, LaCoste (Urban Dev. & H.). Public records.

(Specifies that records of notices and orders to building owners of violations of housing or building laws which are violations of specified standards, and records of subsequent actions are public records.)

Vote—Majority; Appropriation—No;
Fiscal Committee—No.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6254.7 of the Government Code
- 2 as amended by Chapter 1601 of the Statutes of 1971 is
- 3 amended to read:
- 4 6254.7. (a) All information, analyses, plans, or
- 5 specifications that disclose the nature, extent, quantity, or
- 6 degree of air contaminants or other pollution which any
- 7 article, machine, equipment, or other contrivance will

ENROLLED BILL REPORT

AGENCY Business and Transportation	BILL NUMBER AB 1054
DEPARTMENT, BOARD OR COMMISSION Housing and Community Development (C/S)	AUTHOR La Coste

Public Records:

Amends the Government Code to provide that all records of notices of orders regarding violations of standards regarding an "untenantable building" shall be retained as public records.

Analysis:

This department has considered such records to be public property. We see no problems with the bill.

C

RECOMMENDATION Sign			
DEPARTMENT DIRECTOR <i>Donald J. Benitez</i>	DATE EX 10	AGENCY SECRETARY <i>Harold W. ...</i>	DATE 11 19 1971

§ 1941.1. [Same: When dwelling untenable]

A dwelling shall be deemed untenable for purposes of Section 1941 if it substantially lacks any of the following affirmative standard characteristics:

- (a) Effective waterproofing and weather protection of roof and exterior walls, including unbroken windows and doors.
- (b) Plumbing facilities which conformed to applicable law in effect at the time of installation, maintained in good working order.
- (c) A water supply approved under applicable law, which is under the control of the tenant, capable of producing hot and cold running water, or a system which is under the control of the landlord, which produces hot and cold running water, furnished to appropriate fixtures, and connected to a sewage disposal system approved under applicable law.
- (d) Heating facilities which conformed with applicable law at the time of installation, maintained in good working order.
- (e) Electrical lighting, with wiring and electrical equipment which conformed with applicable law at the time of installation, maintained in good working order.
- (f) Building, grounds and appurtenances at the time of the commencement of the lease or rental agreement in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control of the landlord kept in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin.
- (g) An adequate number of appropriate receptacles for garbage and rubbish, in clean condition and good repair at the time of the commencement of the lease or rental agreement, with the landlord providing appropriate serviceable receptacles thereafter, and being responsible for the clean condition and good repair of such receptacles under his control.
- (h) Floors, stairways, and railings maintained in good repair.

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COMMITTEES
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NATURAL RESOURCES AND
CONSERVATION
LOCAL GOVERNMENT
GOVERNMENT ADMINISTRATION

Assembly California Legislature

ERNEST LACOSTE
ASSEMBLYMAN, THIRTIETH DISTRICT
VICE CHAIRMAN
AGRICULTURE

July 7, 1972

Honorable Ronald Reagan
Governor, State of California
State Capitol
Sacramento, California 95814

Re: AB 1054

Dear Governor Reagan:

The above bill has passed the Legislature and is now on your desk for signature.

The measure specifies that records of violations of housing or building laws are public records.

Existing provisions of the California Public Records Act gives local government the option as to whether or not to make reports of investigations of violations of housing or building codes and ordinances available to the public. This bill eliminates that option.

The thrust of the bill would permit the lessee of a commercial building or tenant of an apartment house to know what formal violations have been discovered by the local building inspector.

The California Real Estate Association is in support of the bill in its final draft.

I would appreciate your signature of approval.

Respectfully yours,


ERNEST LACOSTE

LaC:is

DESCRIPTION:

This bill would specify that all records of violations of housing or building codes, ordinances, statutes or regulations are public records.

BACKGROUND:

Section 6254 and Subsection (f) of Section 6254 of the Government Code read in part as follows:

"(The Public Records Act) shall not be construed to require disclosure of records that are (f) records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the Office of the Attorney General and the Department of Justice, and any state or local policy agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes."

Legislative Counsel has indicated that it would not be unreasonable to conclude that records of violations of housing and building codes of local agencies could be included within the provisions of Subsection (f) of Section 6254. Thus, under existing law, local agencies may take the option of making such records available to the public or to refuse to disclose such records.

STAFF COMMENT:

Proponents of this legislation feel that inspections are conducted for the benefit of present and future building occupants

AB 1054 - LaCoste (cont)

and that the disclosure of their findings is necessary to enable a tenant to intelligently act to protect the health and safety of himself and his family.

Opposition: California Real Estate Association.

#

5/1/72 jdp

June 19, 1972

AMENDMENTS TO ASSEMBLY BILL NO. 1054

AMENDMENT NO. 1

On page 2, line 4 of the printed bill after "records"
insert:

of notices and orders directed to the owner of any building.

AMENDMENT NO. 2

On page 2, line 5, after "regulations" insert:

which constitute violations of standard provided in
Section 1941.1 of the Civil Code, and records of subsequent
action with respect to such notices and orders,

AB 1054 (La Coste)
Govt. Code

6-21-72
Comm. Consultant

A
B

Public Records

1
0
5
4

HISTORY:

Source: Housing Coalition

Prior Legislation: AB 1981 (Bagley) 1970
AB 2879 (McAlister) 1971
AB 1556 (McAlister) Ch.1601, 1971

PURPOSE:

To declare as public records all violations of housing or building codes, statutes, or regulations.

ANALYSIS:

1. This measure would amend Government Code Section 6254.7 which presently provides that specified records of air pollution districts or other state or local agency or districts relating to air or other pollution are public records to further provide that codes, ordinances, statutes or regulations are public records.

COMMENT:

1. Section 6254 subparagraph (f) of the Government Code provides in part: "(The Public Records Act) shall not be construed to require disclosure of records that are records or complaints to or investigations conducted by, or records of intelligence information or security procedures of the Office of the Attorney General and Department of Justice, local or state policy agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes."

Legislative Counsel has indicated that it would not be unreasonable to conclude that records of violations of housing and building code of local agencies could be included within the above provisions and in light of the above provisions, local agencies may be arbitrary in their decision to provide information on housing code violations

2. The California Real Estate Assn. opposition has been removed by amendments drawn on June 21, 1972.

###

Need info: ^{Delbert} ^{Chappie}

1. Position of Dept of Home
+ Comm Dev? Neutral
Position
2. C R E A ? ^{amend or} Gillies - Oppose
3. Bldg Trades? 443-3302 ^{back}
4. Paul McCann? 443-7933
Coe Build ^{scanned} - would
not ^{oppose} it.
5. Housing Coalition. Frank.
do they have info to send?
Sharon 443-5274
^{indish} no position
6. Common Cause? ~~Frank~~
do they have info to send?
7. Can Jon Green send info?
Need Green 443-5200

STATE CAPITOL
SACRAMENTO, CALIFORNIA 95814
TELEPHONE: 445-8983

Senate
California Legislature

SENATOR RALPH C. DILLS
THIRTY-SECOND DISTRICT

1056 1101
2879

AB 2879
McAlister

Legislative Analyst
June 21, 1972

ANALYSIS OF ASSEMBLY BILL NO. 1054 (LaCoste)
As Amended in Assembly April 27, 1972
1972 Session

AB 1054 (Am. 4/27/72)

Fiscal Effect:

Cost: None.

Revenue: None.

Analysis:

The Department of Housing and Community Development has always considered its inspection records on the enforcement of housing and building codes, in areas where it has such enforcement authority, to be a matter of public record. This practice may or may not be followed by local enforcement authorities in areas of their jurisdiction.

However, currently there is no specific statewide statutory provision that inspection records of these agencies are, in fact, public records.

This measure provides such statutory stipulation, specifying that all records of violations of housing or building codes, ordinances, statutes or regulations are public records.

Assuming that all of the affected agencies already maintain such records, this bill has no fiscal implication.

JUN 21 1972

AMENDMENTS TO ASSEMBLY BILL NO. 1054
AS AMENDED IN ASSEMBLY APRIL 27, 1972

AMENDMENT 1

On page 2, line 6 of the printed bill, as amended
in Assembly April 27, 1972, after "records" insert:

of notices and orders directed to the owner of any building

AMENDMENT 2

On page 2, line 7, after "regulations" insert:

which constitute violations of standards provided in
Section 1941.1 of the Civil Code, and records of subsequent
action with respect to such notices and orders,