

September 16, 2026

Juliana Gmur
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
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Response to Test Claim 25-TC-05, Housing

Dear Director Gmur:

The Department of Finance has reviewed Test Claim 25-TC-05 submitted to the Commission on State Mandates (Commission) by the County of Sacramento (Claimant). The Claimant alleges there are state-mandated, reimbursable costs associated with Chapter 22, Statutes of 2025 (Assembly Bill 130 or AB 130).

Existing law, pursuant to Part 1.5 of Division 13 of the Health and Safety code, also known as State Housing Law, establishes statewide construction and occupancy standards for buildings that are used for human habitation.

Chapter 395, Statutes of 2021 (AB 362) added Article 2.3 to Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code to establish the procedures and requirements for inspections of homeless shelters. Specifically, AB 362 added Health and Safety code sections 17974.1 and 17974.5 to require local governments to conduct an inspection of a homeless shelter upon receiving a complaint that alleges substandard building conditions. AB 362 also specifies enforcement measures for shelter safety regulations, requires annual reporting by each city and county if there are outstanding violations, and authorizes local governments to impose penalties.

Effective July 1, 2025, AB 130 amended Health and Safety Code sections 17974.1 and 17974.5 to require cities and counties to conduct annual inspections of homeless shelters in their jurisdiction and to include in their annual report the number of complaints received that allege substandard building conditions, including if no complaints were received.

The Claimant alleges it incurred \$17,677 in state-mandated, reimbursable costs in fiscal year 2025-26 to conduct annual homeless shelter inspections and complete the annual report to comply with Health and Safety Code sections 17974.1 and 17974.5. The Claimant estimates \$113,653 in such costs for 2026-27.

The Claimant states it does not have existing fee authority to offset the costs incurred to comply with AB 130 to conduct inspections of homeless shelters. Specifically, the Claimant noted that it determined it was only able to impose a fee when inspections revealed a material violation of specific health and safety standards, pursuant to Sacramento County Code Chapter 16.20. The Claimant noted that this determination aligned with Health and Safety Code section 17970.5, subdivision (e), excerpted below.

"(e) A city, county, or city and county shall not collect a fee, cost, or charge from a property owner or property owner's agent for any inspection of, or any inspection report about, that owner's or agent's property that is conducted or issued pursuant to this section, unless the inspection reveals one or more material violations of Section 17920.10 or deems and declares the property substandard pursuant to Section 17920.3," (emphasis added).

The Claimant further cites Health and Safety Code section 17970.5, subdivision (f), that only allows an inspection fee to be charged to rental property owners but states that it does not consider homeless shelters the same as rental property owners.

Finance disagrees with the Claimant's assertion that it does not have fee authority to offset the costs incurred to comply with AB 130 because the code cited, Health and Safety Code section 17970.5, is inapplicable. However, the Claimant has authority under Health and Safety Code section 17951 to assess fees for annual inspections of homeless shelters.

Health and Safety Code section 17970.5 explicitly states that the fee restrictions and allowances are only applicable to inspections and reports carried out pursuant to that section (17950.5) and specific to receiving a complaint. However, AB 130 requirements are not in Health and Safety Code section 17970.5 and mandate annual inspections of homeless shelters without regard to complaints. Therefore, Health and Safety Code section 17970.5 does not govern the rules and procedures for annual inspections of homeless shelters and should not be interpreted to apply to AB 130 requirements in Health and Safety Code sections 17974.1 and 17974.5.

Finance is not aware of any statutory requirement that prohibits the Claimant from imposing applicable charges, fees, or assessments to cover the costs of the annual inspections on homeless shelters. Instead, Finance contends that Health and Safety Code section 17951 authorizes the Claimant to charge fees for the inspections and reports required by AB 130.

Health and Safety Code section 17951, subdivisions (a)- (c), authorizes the governing body of a county or city, including a charter city, to establish fees to offset the costs of permitting and enforcement of State Housing Law.

*“(a)(1) The governing body of any county or city including a charter city, may prescribe fees for permits, certificates or other forms or documents required or authorized by this part or rules or regulations adopted pursuant to this part.
...
(b) The governing body of any county or city, including a charter city, or fire protection district, may prescribe fees to defray the costs of enforcement required by this part to be carried out by local enforcement agencies.

(c) The amount of the fees prescribed pursuant to paragraph (1) of subdivision(a) and subdivision (b) shall not exceed the amount reasonably required to administer or process these permits, certificates, or other forms or documents, or to defray the costs of enforcement required by this part to be carried out by local enforcement agencies, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code,” (emphasis added).*

Health and Safety Code sections 17974.1 and 17974.5, as amended by AB 130, are included in Part 1.5 of the Health and Safety Code along with section 17951. Because Health and Safety Code section 17951 applies to all permits, rules, regulations, or enforcement encompassed by Part 1.5, the fee authority can be used to recover reasonable fees for annual inspections. (See *Collier v. City & Cnty. of San Francisco*, 151 Cal. App. 4th 1326, 1343-44 (2007) upholding the City's use of building permit fees collected pursuant to Health and Safety Code section 17951 for planning and fire department inspections authorized by rules adopted pursuant to Health and Safety Code section 17962.)

In addition to the authority in Health and Safety Code section 17951, assessing fees for annual inspections is considered part of a local jurisdiction's police power. (See *Dep't of Fin. v. Comm'n on State Mandates*, 59 Cal. App. 5th 546, 561-62 (2021) holding that inspections are part of the police power and that power includes the ability to charge a reasonable fee when validly exercising that power citing to *Mills v. County of Trinity*, 108 Cal. App. 3rd 656, 662(1980).) As noted, no authority has been provided that prohibits the Claimant from charging a fee for annual inspections.

Under Government Code section 17556, subdivision (d), there are no costs mandated by the state if the local agency has the authority to impose fees sufficient to pay for the mandated activities. In this instance the Claimant has authority under Health and Safety Code section 17951 and general police power to charge a fee for the annual inspections required by AB 130. For this reason, Finance believes the Commission should deny this test claim in its entirety.

If you have any questions regarding this letter, please contact Chris Hill, Principal Program Budget Analyst at (916) 445-3274.

Sincerely,

Rosanna Nguyen

ROSANNA NGUYEN

Program Budget Manager

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On September 17, 2026, I served the:

- **Current Mailing List dated September 14, 2026**
- **Finance's Response to Test Claim 25-TC-05, Housing filed September 16, 2026**

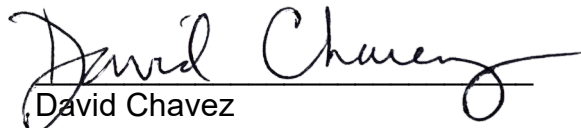
Housing, 25-TC-05

Statutes 2025, Chapter 22, Sections 33 and 36 (AB 130); Health and Safety Code Sections 17974.1 and 17974.5, effective July 1, 2025

County of Sacramento, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 17, 2026 at Sacramento, California.



David Chavez

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 9/14/26

Claim Number: 25-TC-05

Matter: Housing

Claimant: County of Sacramento

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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