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DIVISION OF CODES AND STANDARDS**

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INFORMATION BULLETIN 2005-06 (SHL, EH)

**TO: City and County Building Officials
Employee Housing Operators
Employee Housing Local Enforcement Agencies
Interested Parties (SHL, EH)
Division Staff**

SUBJECT: 2004 LEGISLATIVE CHANGES

This Information Bulletin summarizes the legislative changes for 2005 to California Laws that impact housing construction in California. The amendments and additions to the California Laws summarized in this Information Bulletin become effective on January 1, 2005, unless otherwise specified in the legislation.

Chapter 318, Statutes of 2004 (Assembly Bill No. 224, Kehoe) amends Section 13132.7 of the Health and Safety Code, and adds new Section 1353.7 of the Civil Code, relating to roof covering materials.

- Health and Safety Code Section 13132.7 is amended to require governing documents, as defined in Civil Code Section 1353.7, of a common interest development located within a very high fire severity zone to allow for at least one type of fire retardant roof covering material meeting Health and Safety Code Section 13132.7 requirements.
- Civil Code Section 1353.7 is added to prohibit a common interest development from requiring a homeowner to install or repair a roof in a manner that is in violation of Section 13132.7 of the Health and Safety Code; and requiring governing documents to allow for at least one type of fire retardant roof covering material complying with HSC Section 13132.7.

Chapter 659, Statutes of 2004 (Assembly Bill No. 2533, Salinas) amends Section 8875.8 of the Government Code, relating to seismic safety.

- Government Code Section 8875.8 is amended to require that a building owner (unless previously in compliance with subdivision (a) of this section regarding notice content and posting requirements for unreinforced masonry buildings located in seismic zone 4) to comply with the new signage requirements. The new sign requirement applies to building owners who have received actual or constructive notice on or after December 31, 2004, that their building is identified as an unreinforced masonry building.

The size and verbiage specifications for the new signage are located in Government Code Section 8875.8 subsection (b). The size of the sign shall not be less than 8" x 10", with the first two words of the following statement printed in 50-point bold type and the remaining words in at least 30-point type. The text shall read as follows:

"Earthquake Warning." This is an unreinforced masonry building. You may not be safe inside or near unreinforced masonry buildings during an earthquake."

The owner of any unreinforced masonry building who is required to, but does not comply with, the new sign requirements is subject to administrative penalties and civil action for injunctive relief as specified in this section.

Chapter 642, Statutes of 2004 (Assembly Bill No. 2638, Cogdil) adds Section 17280.1 of the Education Code and adds Sections 18948.1 and 129851 of the Health and Safety Code, relating to building standards.

- Education Code Section 17280.1 is amended to require the Division of the State Architect to make available upon request, copies of the written rules and regulations clarifying the application of the California Building Standards Code.
- Health and Safety Code Section 18948.1 is added and requires a local enforcement agency make available upon request, copies of the written rules and regulations clarifying the application of the California Building Standards Code. Local enforcement agencies may charge a fee to cover the costs of making copies.
- Health and Safety Code Section 129851 is added and requires the Office of Statewide Health Planning and Development to make available upon request, copies of the written rules and regulations clarifying the application of the California Building Standards Code.

Chapter 473, Statutes of 2004 (Assembly Bill No. 3022, Committee on Housing and Community Development) amends Sections 33334.22, 50781, and 50784 of the Health and Safety Code, and adds Article 2.5 (commencing with Section 17975) to Chapter 5 of part 1.5 of Division 13 of the Health and Safety Code,

and repeals Chapter 6.1(commencing with Section 50651) of Part 2 of Division 31 of the Health and Safety Code (HSC) relating to housing.

- Health and Safety Code, Division 31, Part 2, Chapter 6.1, commencing with Section 50651, is repealed, and is relocated, renumbered, and recodified in HSC Section 17975. This article relates to assistance for tenants displaced from a residential unit as a result of an order to vacate issued by a local enforcement agency under specified conditions and imposes duties on local building or housing development with regard to notices, eligibility, payments, and enforcement.

Chapter 308, Statutes of 2004 (Assembly Bill No. 3032, Yee) amends Sections 8875.8 and 8875.9 of the Government Code, relating to seismic safety.

- Government Code Section 8875.8 is amended to be consistent with Chapter 659, Statutes of 2004, regarding earthquake warning signs for unreinforced masonry buildings.
- Government Code Section 8875.9 is amended to exempt unreinforced masonry construction if the walls are nonload-bearing, with steel or concrete frame and buildings brought into compliance with an adopted hazardous building ordinance or mitigation program from the sign requirements of Section 8875.8. The amendments also allow a local jurisdiction to authorize the posting of a sign stating the improvements have been made to the building in accordance with the seismic safety standards.

Chapter 663, Statutes of 2004 (Assembly Bill No. 3033, Yee) amends Section 8875.4, adds and repeals Section 8875.10 of the Government Code, and repeals Section 19169 of the Health and Safety Code, relating to seismic safety.

- Government Code Section 8875.4 is amended to require the annual report by the Seismic Safety Commission to include a review and assessment of the effectiveness of building reconstruction standards adopted by cities and counties. Commencing on or before January 1, 2007, the report must include an evaluation of the impact and effectiveness of section 8875.10.
- Government Code Section 8875.10 is added to prohibit a city or county from imposing any additional building or site conditions, fees or exactions on or before the issuance of a building permit that is required for the owner of a potentially hazardous building, to mitigate seismic related conditions and comply with all other applicable codes and laws. This section is repealed as of January 1, 2009, unless later extended or deleted by statute.
- Health and Safety Code Section 19169 requiring an annual report by the Seismic Safety Commission to the Legislature on or before June 30, 1985, is repealed.

Chapter 193, Statutes of 2004 (Senate Bill No. 111, Knight) amends and repeals various reporting requirements, including Sections 16109 and 18944.34 of the Health and Safety Code.

- Health and Safety Code Section 16109 is amended to remove the requirement that the Coordinating Council of the California Building Standards Commission by January 1, 1991, report to the Legislature on recommendations for expediting and facilitating design review and plan approval of buildings utilizing earthquake mitigation technologies.
- Health and Safety Code Section 18944.34 is repealed and removes the requirement for the California Building Standards Commission by January 1, 2002, to report to the Legislature regarding the implementation of standards for the construction of straw-bale structures.

Chapter 720, Statutes of 2004 (Senate Bill No. 1369, Kuehl) amends Section 51182 of the Government Code, and amends Section 4291 of the Public Resources Code, relating to fire protection.

- Government Code Section 51182 is amended to establish specific requirements for vegetation removal (including expanding the firebreak from 30 feet to 100 feet or greater) for all persons owning, leasing, operating or maintaining any occupied dwelling or structure in, upon, or adjoining specified areas and land in very high fire hazard severity zones as designated by local agencies. Additionally, the provisions of this section do not prevent an insurance company from requiring clearance distance greater than 100 feet when so warranted.

The amendments require the owner, prior to constructing a new dwelling or structure that will be occupied, or rebuilding an occupied dwelling or structure damaged in a very high fire hazard severity zone which requires a building permit, to obtain from the local building official a certification regarding compliance with state and local building standards and to provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage. The owner shall also be required to obtain from the local building official a copy of the final inspection report and to provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

- Public Resources Code Section 4291 is amended to authorize the Director of Forestry and Fire Protection to cause the removal of vegetation that is not in compliance with the requirements of this section. Additionally, the amendment authorizes that a lien may be placed upon the building, structure, or grounds for the expense of the vegetation removal.

As used in this section, the term “person” is added to mean a private individual, organization, partnership, limited liability company, or corporation.

Chapter 818, Statutes of 2004 (Senate Bill No. 1777, Ducheny) amends Section 65584.1 of the Government Code; and amends Sections 17021.6, 18021.7, 50451, 50452, and 50453, and repeals Section 50524, of the Health and Safety Code. For purposes of this Bulletin, only Section 17021.6 relating to employee housing is addressed.

- Health and Safety Code Section 17021.6 is amended to remove “12 or fewer employees”, and now specifies that employee housing consisting of no more than 12 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use for purposes designated in this section.

Chapter 144, Statutes of 2004 (Senate Bill No. 1815, Johnson) amends Section 17951 of the Health and Safety Code, relating to building standards.

- Health and Safety Code Section 17951 is amended to provide that a permittee is entitled to reimbursement of permit fees if the local enforcement agency fails to conduct an inspection of the permitted work within 60 days of receiving notice that the work is completed. The amendment includes a requirement that the permit issuing agency disclose to the permittee in clear language on the permit or an accompanying document that the permittee may be entitled to reimbursement of permit fees.

This summary of legislative changes is not represented to be a complete digest of all new laws affecting persons regulated by the State Housing Law, the Employee Housing Act or other California law. The complete text of each law can be reviewed through the Official California Legislative information website using the internet address:

www.leginfo.ca.gov .

For questions regarding the State Housing Law and Employee Housing requirements please contact our State Housing Law and Employee Housing Programs staff at (916) 445-9471. You may also contact the Department via our web comment at:

<http://www.hcd.ca.gov/comments/>.

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