

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

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INFORMATION BULLETIN 2008-02 (SHL, FBH)

**TO: City and County Building Officials
Manufacturer's - Low Flush Water Closets
Factory-Built Housing Manufacturers
Interested Parties (SHL, FBH)
Division Staff**

SUBJECT: 2007 LEGISLATIVE CHANGES

This Information Bulletin summarizes important legislative changes for 2008 to California laws that impact housing construction and maintenance in California. The amendments, repeals, and additions to the California laws summarized in this Information Bulletin become effective on January 1, 2008, unless otherwise specified in the legislation.

Chapter 596, Statutes of 2007 (Assembly Bill No. 382, Committee on Housing & Community Development) The annual Committee omnibus bill amends Section 798.6 of the Civil Code, amends Sections 65583, 65863.7, 65863.11, and 65863.13 of, adds Section 53583.5 to, and repeals Section 65584.5 of, the Government Code, amends Sections 17958.4, 33334.3, 33413, 33413.1, 34278, 50199.21, 50199.50, 50199.55, 50843, 50862.5, 53545, and 115928 of, adds Sections 18210.7, 50409, and 115928.5 to, repeals Section 19205 of, repeals Chapter 7 (commencing with Section 33701) of Part 1 of Division 24 of, repeals Chapter 4 (commencing with Section 50559) of Part 2 of Division 31 of, repeals Part 2.2 (commencing with Section 18800) and Part 5 (commencing with Section 19950) of Division 13 of, and repeals Part 3 (commencing with Section 34800) and Part 11 (commencing with Section 37850) of Division 24 of, the Health & Safety Code, and amends Section 5803 of the Revenue & Taxation Code, relating to housing.

- Section 17958.4 of the Health & Safety Code is amended, allowing a city, county, or city and county to require safety release mechanisms on security window bars installed on or after January 1, 2008, to meet the standards in the current edition of the California Building Standards Code.

- The Manufactured Housing Communities Act, Part 2.2 of Division 13 of the Health & Safety Code commencing with Section 18800 is repealed. This Act, adopted in 1992 to address manufactured housing communities, was never implemented. The provisions of the Mobilehome Parks Act, contained in the Health and Safety Code commencing with section 18200, govern manufactured housing communities.
- Section 18210.7 is added to the Health and Safety Code. This section defines a “manufactured home community”. Due to the repeal of the Manufactured Home Communities Act noted above, a definition for these communities was added to the Mobilehome Parks Act.
- Section 19205 of the Health & Safety Code is repealed, deleting an obsolete provision requiring HCD to consider whether or not to propose building standards requiring the installation of seismic gas shutoff valves or excess flow gas shutoff devices in all dwellings and to explain their decision in writing.
- Section 19950 of the Health & Safety Code is repealed, deleting an outdated provision which prohibits a local government from preventing the use of stove, refrigerator, and sink combinations units in low-cost senior housing financed in whole or in part by the state or federal government. These appliances are generally well accepted today so this provision is unnecessary.
- Section 115928 of the Health & Safety Code is amended, requiring an anti-entrapment device cover be installed whenever a building permit is issued for the remodel or re-modification of an existing swimming pool rather than when the permit is issued generally for a single-family home.

Chapter 599, Statutes of 2007 (Assembly Bill 607, Brownley) amends Section 1941.1 of the Civil Code and adds Section 17958.3 to the Health & Safety Code relating to locking mail receptacles at residential hotels.

- Section 1941.1 of the Civil Code is amended, requiring all residential hotels to provide locking mail receptacles or be deemed untenable. This provision becomes operative on July 1, 2008.
- Section 17958.3 of the Health & Safety Code is added to the State Housing Law, requiring all residential hotels to provide locking mail receptacles and requiring that they be consistent with applicable standards for apartment housing mail receptacles in the United States Postal Service Domestic Mail Manual including installation and maintenance.

Each mail receptacle must comply with the requirements of the Fair Housing Act. A city, county, or city and county may enact and enforce ordinances which provide greater protections, additional standards, and increased remedies with

respect to the provision of a locking mail receptacle for each residential unit in a residential hotel. These provisions become operative on July 1, 2008.

Chapter 499, Statutes of 2007 (Assembly Bill 715, Laird) amends and renumbers Section 17921.5 of, adds Sections 17921.4 and 18944.11 to, and repeals and adds Section 17921.3 of, the Health & Safety Code, relating to water conservation, toilets, and urinals.

- Section 17921.3 of the Health & Safety Code is added, requiring all water closets and urinals sold in the State to meet specified performance, testing, and labeling requirements in accordance with a specified timeline including, but not limited to, the following:
 - Update California's standards for toilets and urinals to the current standards set forth by ASME standards.
 - Require that all water closets sold or installed in the State to use no more than an average of 1.6 gallons per flush.
 - Require that all urinals sold or installed in the State to use no more than one gallon per flush.
 - Require, on or after January 1, 2014, that all water closet and urinals sold or installed in the State must be high-efficiency as defined in this section.
 - Require that all manufacturers that sell water closets and urinals in the State to offer for sale a specified percentage of high-efficiency models compared to the total number of models starting in 2010 and increasing each year thereafter.

- Section 17921.4 of the Health & Safety Code is added, requiring nonwater-supplied urinals, approved for installation in the State, to meet specified requirements and establishes new definitions.
 - All nonwater-supplied urinals must meet ASME testing, labeling, and performance standards and be listed by an ANSI accredited third-party certification agency.
 - All nonwater-supplied urinals must provide a trap seal that meets CPC standards, permit the uninhibited flow of waste to the sanitary drainage system, be cleaned and maintained in accordance with the manufacturer's guidelines, and installed according to specified guidelines.

- Section 18944.11 of the Health & Safety Code is added, requiring, on or before July 1, 2009, any state agency that adopts or proposes building standards relating to plumbing systems, to consider whether to develop standards governing the use of nonwater-supplied urinals for submission to the California Building Standards Commission.

Chapter 537, Statutes of 2007 (Assembly Bill 1406, Huffman) amends Section 13553 of the Water Code, relating to recycled water conservation.

- Section 13553 of the Water Code is amended, including “condominium” in the list of structures that could allow for the use of recycled water for toilet and urinal flushing. Any agency that delivers recycled water to a condominium project must file a specified report with the appropriate regional water quality board and receive written approval from the Department of Public Health.

Chapter 536, Statutes of 2007 (Assembly Bill 1470, Huffman) adds the heading of Article 1 (commencing with Section 2851), and repeals and adds Article 2 (commencing with Section 2860) of, Chapter 9, Part 2 of Division 1 of, the Public Utilities Code, relating to solar hot water systems.

- Article 2 of Chapter 9, Part 2 of Division 1 of, the Public Utilities Code is added, creating the Solar Hot Water and Efficiency Act of 2007. This Act would establish a \$250 million 10-year incentive based program with the goal of encouraging the installation of 200,000 solar hot water systems to offset natural gas usage for water and space heating in California.

Chapter 532, Statutes of 2007 (Assembly Bill 1560, Huffman) adds Section 17921.10 to the Health & Safety Code, and amends Section 25402 of the Public Resources Code, relating to water conservation and efficiency.

- Section 17921.10 of the Health & Safety Code and Section 25402 of the Public Resources Code are amended, requiring the California Energy Commission to incorporate standards for water efficiency and conservation into the existing building standards governing energy efficiency.

HCD would be authorized to include best practices and requirements related to environmentally preferable water devices and measures in proposed building standards as long as they do not adversely impact affordable housing.

HCD and the Energy Commission would be required to issue joint findings regarding the impact on performance, safety, and affordable housing before the adoption of water efficiency and conservation standards.

Chapter 364, Statutes of 2007 (Senate Bill 5, Machado) adds Sections 65007, 65302.9, 65860.1, 65865.5, 65962, and 66474.5 to the Government Code, adds Section 50465 to the Health & Safety Code, and adds Chapter 4 (commencing with Section 8200) to Part 1 of, and adds Part 6 (commencing with Section 9600) to, Division 5 of, the Water Code, relating to flood management.

- Section 50465 of the Health & Safety Code is added, requiring the Department of Water Resources to propose for approval and adoption, on or before January 1, 2009, requirements to the California Building Standards Code that pertain to

building standards affected by the Central Valley Flood Protection Plan in areas where flood levels are expected to exceed three feet for a 200-year flood event.

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 or Factory-Built Housing 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 or Factory-Built Housing requirements, please contact the appropriate Department Program staff at (916) 445-9471. You may also contact the Department via our web comment site at <http://www.hcd.ca.gov/comments/>.

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