

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**OFFICE OF THE DIRECTOR**

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INFORMATION BULLETIN 2006-09 (SHL, EH, FBH)

**TO: City and County Building Officials
Employee Housing Operators
Employee Housing Local Enforcement Agencies
Factory-Built Housing Manufacturers
Factory-Built Housing Third Parties
Interested Parties (SHL, EH, FBH)
Division Staff**

SUBJECT: 2006 LEGISLATIVE CHANGES

This Information Bulletin summarizes the legislative changes for 2006 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, 2007, unless otherwise specified in the legislation.

Chapter 541, Statutes of 2006 (Assembly Bill No. 371, Goldberg) added Sections 13555.5 and 13557 to the Water Code, relating to recycling water.

- Section 13555.5 is added to clarify that the California Department of Transportation and the Department of General Services shall install specified pipe for state landscape irrigation if a recycled water provider meets specified conditions.
- Section 13557 is added to require that on or before July 1, 2008, the Department of Water Resources, in consultation with the Department of Health Services, must adopt and submit regulations to the California Building Standards Commission to establish a California version of Appendix J of the International Association of Plumbing and Mechanical Officials (IAPMO) Uniform Plumbing Code to provide design standards to safely plumb buildings with both potable and recycled water systems. The Department of Water Resources must adopt the regulations only if the Legislature appropriates funds for that purpose.

Chapter 853, Statutes of 2006 (Assembly Bill 1953, Chan) amended, repealed, and added Section 116875 of the Health and Safety Code, relating to lead content in plumbing pipes, fittings and fixtures in public water systems and any plumbing in a facility, including housing, providing water for human consumption.

- Existing Section 116875 remains in effect only until January 1, 2010, and is repealed as of that date unless a later enacted statute that is enacted before January 1, 2010, deletes or extends the existing section.
- A new Section 116875 becomes operative January 1, 2010, and changes the meaning of the term “lead free” from eight percent (8%) lead for pipes or pipe fittings, and four percent (4%) lead (by dry weight) for plumbing fittings and fixtures, to a weighted average lead content of not more than 0.25 percent with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings and fixtures. A formula is provided in the statute to calculate the weighted average lead content. “Lead free,” as it applies to solder and flux, remains at not more than 0.2 percent lead content.

This section applies to piping and fittings intended to convey or dispense water for human consumption through drinking or cooking, including faucets and open end-use devices. This section will continue to exempt pipes, pipe or plumbing fittings, or fixtures used in manufacturing or industrial processing, and adds irrigation purposes to the exemption.

In addition, this section also specifies that the meaning of “lead free,” for purposes other than manufacturing, industrial processing, irrigation, or water for human consumption, must be consistent with requirements of federal law.

Chapter 132, Statutes of 2006 (Senate Bill 1, Murray) added Sections 25405.5 and 25405.6, and added Chapter 8.8 (commencing with Section 25780) to Division 15 of the Public Resources Code; and amended Section 2827, and added Sections 387.5 and 2851 to the Public Utilities Code related to solar electricity.

There are numerous additions and amendments to the Public Resources Code by Senate Bill 1. Additionally, this law would require the Contractors State License Board, which operates pursuant to California Contractors License Law, to review, and revise if necessary, requirements for contractors authorized to work on the solar energy systems regulated by this enacted legislation.

- Section 25405.5 defines certain terms and clarifies that sellers of production homes must offer a solar energy system option to all customers who enter into negotiations to purchase a new production home constructed on land for which an application for a tentative subdivision map has been deemed complete on or after January 1, 2011. Sellers must disclose to these customers the total installed cost of the solar energy system option and the estimated cost savings associated with the solar energy system option.

The State Energy Resources Conservation and Development Commission must develop an offset program that allows a developer or seller of production homes to forgo the offer requirement of this law on a project by installing solar energy systems generating specified amounts of electricity on other projects. Additionally, the requirements of this section shall not operate as a substitute for the implementation of existing energy efficiency measures, and must not result in lower energy savings or lower energy efficiency levels than would otherwise be achieved by the full implementation of energy saving and efficiency standards.

- Section 25405.6 requires that no later than July 1, 2007, the California Public Utilities Commission must initiate a public proceeding to study and make findings whether, and under what conditions, solar energy systems should be required on new residential and new nonresidential buildings, including the establishment of numerical targets. The Commission will periodically update the study to incorporate any necessary revisions.

Chapter 890, Statutes of 2006 (Senate Bill No. 286, Lowenthal) amended Sections 65301, 65583, 65583.1, 65583.2, and 65588 of the Government Code; amended Sections 17021.6, 18027.3, 18552, 18909, 19163.5, 19851, 33760, 34312, 50517.5, 50530.5, and 52080 of, and amended and renumbered Section 50558 of, and repealed Section 18934.6 of, the Health and Safety Code; and amended Sections 12206, 17058, and 23610.5 of the Revenue and Taxation Code. This Omnibus bill (covering numerous subjects) makes a number of technical, non-controversial changes to laws relating to housing and recreational vehicles.

- Health and Safety Code Section 17021.6 of the Employee Housing Act provides 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 household is deemed an agricultural land use. This bill corrects a drafting error and makes the section consistent by referring throughout to 12 units or spaces for single households or 12 beds in a group quarters.

Note: the amendments made by this bill and Senate Bill 1802 (discussed below) both amending 17021.6, overlap, and the amendments made by SB 1802 supersede these in SB 286.

- Health and Safety Code Section 18027.3 of the Mobilehomes-Manufactured Housing Act of 1980 provides that recreational vehicles sold or rented in California and manufactured after a certain date shall be constructed in accordance with specified standards. This bill updates the standards and adds a reference to the National Fire Protection Association (NFPA) 1192 standards for vehicles produced after a specified date.
- Health and Safety Code Section 18909 of the California Building Standards Law was amended to update the “building standard” exemption in the California Building Standards Law to be consistent with the definition of “special occupancy park” as defined in the Special Occupancy Parks Act. The terms “recreational vehicle parks,” “temporary recreational vehicle park,” and “travel trailer parks” were removed, and the term “special occupancy park” was added. The term “special occupancy park” as defined includes the types of park removed from the application of the “building standard” definition. Section

18909 continues to make the term “building standard” applicable to permanent buildings and structures within a mobilehome or special occupancy park and under the control and ownership of the park operator.

- Health and Safety Code Section 18934.6 of the California Building Standards Law was repealed as it contains language nearly identical to Health and Safety Code Section 18934.7.
- Health and Safety Code Section 19163.5 was amended to correct the statutory cross-reference to the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983. Current law allows cities and counties to adopt higher seismic safety standards for emergency facilities, except as otherwise provided in the Act (Health and Safety Code, §§129675, et seq.).
- Health and Safety Code Section 50558 was amended and renumbered as Section 17921.5 of the State Housing Law. This section authorizes the department to adopt minimum standards regulating the use and application of cellular concrete. The renumbering makes the adoption and implementation more clearly subject to State Housing Law procedures and impacts.

Chapter 520, Statutes of 2006 (Senate Bill No. 1802, Ducheny) amended Sections 17021.6, 18214 and 18862.39 of the Health and Safety Code (HSC), relating to employee housing, mobilehome and special occupancy parks.

- Health and Safety Code Section 17021.6 was amended to increase the number of beds in a group quarters from 12 to 36 and added clarifying language. The existing provisions in this section continue to forbid the imposition of business taxes, local registration fees, use permit fees, or other fees to which other agricultural activities in the same zone are not likewise subject.

Note: This newly-amended section now incorporates the amendments proposed by both Senate Bill 1802 and Senate Bill 286 (discussed above).

Health and Safety Code Sections 18214 and 18862.39 of Mobilehome Parks Act and Special Occupancy Park Act respectively, clarify that an employee housing facility is not deemed a mobilehome or special occupancy park, and is not required to obtain the initial annual permit to operate required of mobilehome and special occupancy parks operators, if it meets both of the following criteria:

- Has obtained a permit to operate pursuant to the Employee Housing Act;
- Both meets the criteria of HSC Section 17021.6 and is comprised of two or more lots or units held out for lease or rent or provided as a term of employment ;

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, Employee Housing Act or Mobilehome and Special Occupancy Parks Acts requirements, please contact the Department's Housing Standards Programs 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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