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DIVISION OF CODES AND STANDARDS**

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INFORMATION BULLETIN 2012-07 (SHL, FBH)

**TO: State Housing Law,
Factory Built Housing,
Interested Parties,
Division Staff**

SUBJECT: 2012 LEGISLATIVE CHANGES

This Information Bulletin summarizes the legislative changes for 2012 to California laws that impact the Division of Codes and Standards programs. The amendments, repeals, and additions to the California laws summarized in this Information Bulletin will become effective on January 1, 2013, unless otherwise specified in the legislation.

State Housing Law Program

Chapter 471, Statutes of 2012 (AB 1612—Lara) amends Sections 11346.2 and 11346.5 of the Government Code, relating to administrative regulations.

- Government Code section 11346.2 as amended:
 - Requires state agencies to include in the ISOR when proposing regulations for building standards that impacts housing:
 - the estimated cost of compliance
 - the estimated potential benefits
 - and, the related assumptions used to determine those estimates.
 - Exempts the model codes from the requirements of this bill, unless an interested party submits a written request at least 30 days before the submittal of the ISOR, to examine a specific section for the purpose of estimating the cost of compliance, the potential benefits for that section and the related assumptions used to determine those estimates.
- Government Code section 11346.5 as amended:
 - Requires state agencies to include in the Notice of Proposed Adoption, Amendment or Repeal when proposing regulations for building standards that impacts housing:
 - the estimated cost of compliance
 - the estimated potential benefits

- and, the related assumptions used to determine those estimates that are included in the ISOR.
- Exempts model codes from the requirements of this paragraph unless an interested party makes a request to examine a specific section for purposes of estimating the costs of compliance and potential benefits.
- Requires agencies that adopt regulations subject to Government Code section 11346.6 to include in the Notice of Proposed Adoption, Amendment or Repeal a statement that upon request, a description of the proposed changes included in the proposed action to accommodate a person with a visual or other disability.
- Declares that the requirements of this act only apply to state agencies that have statutory authority to propose or adopt residential building standards.
 - Exempts the standards developed and adopted by the State Air Resources Board, air pollution control districts or air quality management districts.

Chapter 537, Statutes of 2012 (AB 1750—Solario) amends Section 7027.5 of the Business and Professions Code, and to add Part 2.4 (commencing with Section 10570) to Division 6 of the Water Code, relating to water.

- Business and Professions Code section 7027.5 as amended:
 - Authorizes a landscape contractor to enter into a prime contract for the construction of a rainwater capture system if it is used exclusively for landscape irrigation, water supply for fountain, pond or other decorative water feature in a landscape project.
 - Authorizes a landscape contractor to design and install all exterior components of a rainwater capture system that are not a part of or attached to a structure.
- Water Code Division 6 Part 2.4 (commencing with Section 10570) as added:
 - Enacts the Rainwater Capture Act of 2012.
 - Defines several terms:
 - "Developed or developing lands" to mean lands that have one or more characteristics described in Government Code section 56375.3(b)(4)(A) through 56375.3(b)(4)(C).
 - "Rainwater" to mean precipitation on any public or private parcel that has not entered an offsite storm drain system or channel, a flood control channel, or any other stream channel and has not previously been put to beneficial use.
 - "Rainwater capture system" to mean a facility designed to capture, retain, and store rainwater flowing off of a building rooftop for subsequent onsite use.
 - "Rain barrel system" to mean a type of rainwater capture system that does not use electricity or a water pump and is not connected to or reliant on a potable water system.
 - "Stormwater" to mean temporary surface water runoff and drainage generated by immediately preceding storms.

- Declares that nothing in the bill shall be construed to:
 - Alter or impair any existing rights.
 - Change existing water rights law.
 - Authorize a landscape contractor to engage in or perform activities that require a license pursuant to the Professional Engineers Act.
 - Impair the authority of the California Building Standards Commission to adopt and implement building standards for rainwater capture systems pursuant to existing law.
 - Affect the use of rainwater on agricultural lands.
 - Impair the authority of a water supplier pursuant to Title 17 of the California Code of Regulations.
- Declares that a water right permit is not required for use of rainwater collected from rooftops.

Chapter 679, Statutes of 2012 (AB 2114—Smyth and Hill) amends Sections 115921, 115928, 115928.5, 116064, and 116064.2 of the Health and Safety Code, relating to public safety.

- This bill replaces the terms "drain(s)" and "main drain(s)" with "suction outlet(s)," and makes clarifying changes to the definition.
- Health and Safety Code sections 115921, 116064, and 116064.2 as amended:
 - Defines "ANSI/APSP performance standard" as a standard that is accredited by the American National Standards Institute (ANSI) and published by the Association of Pool and Spa Professionals (APSP).
 - Defines suction outlets to mean a fitting or fixture located on the bottom or sides of a swimming pool that conducts water to a recirculating pump.
- Health and Safety Code section 115928 as amended:
 - Adds to requirements for newly constructed pools or spas to include designs that use alternatives to suction outlets such as skimmers or perimeter overflow systems.
 - Stipulates that the circulation system must have the capacity to provide a complete turnover of pool water within the time period as specified.
 - Deletes references in existing law to suction outlets that are less than 12 inches and thereby applies requirements for anti-entrapment grates to suction outlets of all sizes.
- Health and Safety Code section 115928.5 is amended to require that when a building permit is issued for the remodel or modification of an existing swimming pool, toddler pool or spa to require suction outlet(s) to be equipped with antientrapment grates as specified by the ANSI/APSP-16 performance standard.
- Health and Safety Code section 116064.2 as amended:
 - Revises the definition of an "unblockable suction outlet" to mean a suction outlet including the sump, that has a perforated (open) area that cannot be shadowed by the area of the 18 inch by 23 inch Body Blocking Element as specified by the ANSI/APSP performance standard and that the rated flow through any portion of the remaining open area cannot create a suction force in excess of the removal force values in Table 1 of that standard.

- Replaces references in existing law to the "American Society for Testing and Materials (ASTM)/ANSI A112.19.8 performance standard" with "ANSI/APSP-16 standard or successor standards designated by the federal Consumer Product and Safety Commission."
- Requires public swimming pool that has a suction outlet in any location other than on the bottom of the pool to be designed so that the recirculation system has a capacity to provide a complete turnover of pool water based on the pool type:
 - One-half hour or less for a spa pool.
 - One-half hour or less for a spray ground.
 - One hour or less for a wading pool.
 - Two hours or less for a medical pool.
 - Six hours or less for all other types of public pools.

Chapter 201, Statutes of 2012 (AB 2314—Carter) amend Section 2929.3 of the Civil Code, and to amend Sections 17980 and 17980.7 of the Health and Safety Code, relating to real property.

- Civil Code section 2929.3 as amended:
 - Specifies that the use of fines and penalties collected may include, but is not limited to, legal abatement proceedings. Allows a receiver for substandard residential property to seek a court order ordering the property owner to pay all unrecovered costs associated with a receivership.
 - Deletes the sunset on the Civil Code provisions requiring an owner of a foreclosed, vacant, or residential property to maintain the property, and provides that fines and penalties collected under those provisions may be directed to legal abatement proceedings.
- Health and Safety Code section 17980 as amended:
 - Provides that if a person has purchased and is in the process of diligently abating any violation at a residential property that has been foreclosed on or after January 1, 2008, an enforcement agency shall not commence any action or proceeding until at least 60 days after the person takes title to the property, unless a shorter period of time is deemed necessary by the enforcement agency in its sole discretion to prevent or remedy an immediate threat to the health and safety of the neighboring community, the public or occupants of the structure.
 - Provides that if an entity releases a lien securing a deed of trust or mortgage on a property for which a notice of pendency of action has been recorded, as specified, it shall notify in writing the enforcement agency that issued the order or notice within 30 days of releasing the lien.
- Health and Safety Code section 17980.7 as amended:
 - Allows a receiver for substandard residential property to seek a court order ordering the property owner to pay all unrecovered costs associated with a receivership.

Chapter 383, Statutes of 2012 (SB 1186—Steinberg) amend, repeal, and add Section 6106.2 of the Business and Professions Code, to amend Sections 55.3, 55.52, 55.53, 55.54, and 55.56 of, to add Sections 55.31, 55.545, and 1938 to, and to add, repeal, and add Section 55.32 of, the Civil Code, to add Section 425.50 to the Code of Civil Procedure, to amend Sections 4459.8 and 8299.05 of, to add Chapter 7.5 (commencing with Section 4465) to Division 5 of Title 1 of, and to repeal and add Sections 8299.06, 8299.07, and 8299.08 of, the Government Code, and to add and repeal Section 18944.5 of the Health and Safety Code, relating to disability access, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Only the sections of this bill directly affecting the State Housing Law program is included in this informational bulletin.

- Civil Code section 55.3 as amended:
 - Re-defines “Demand for Money” to mean a prelitigation written document or oral statement that is provided or issued to a building owner or tenant, or the owner’s or tenant’s authorized agent or employee, that does all of the following:
 - Alleges that the site is in violation of one or more construction-related accessibility standards, as defined in paragraph (6) of subdivision (a) of Section 55.52, or alleges one or more construction-related accessibility claims, as defined in paragraph (2), against the recipient of the demand.
 - Contains or makes a request or demand for money or an offer or agreement to accept money.
 - Is provided or issued whether or not the attorney intends to file a complaint, or eventually files a complaint, in state or federal court.
 - Defines “Demand letter” to mean a written document that is provided to a building owner or tenant, or the owner’s or tenant’s authorized agent or employee, that alleges the site is in violation of one or more construction-related accessibility standards, as defined in paragraph (6) of subdivision (a) of Section 55.52, or alleges one or more construction-related accessibility claims, as defined in paragraph (2), and is provided whether or not the attorney intends to file a complaint, or eventually files a complaint, in state or federal court.
 - Requires the attorney to provide an advisory letter to the defendant or potential defendant.
 - The advisory letter is not required in subsequent communications unless a new construction-related accessibility claim is asserted.
 - The amended advisory letter notifies the defendant/ potential defendant:
 - The internet web address of the Judicial Council, Department of General Services, the Commission on Disability Access.
 - Their legal rights explaining that receipt of the demand letter does not mean they are required to pay any monies unless and until a court finds them liable.
 - They will have the right to present their case if they are later sued.

- They have the right to represent themselves and to file necessary paperwork.
 - An additional advisory letter will be sent detailing special options and procedures available to the defendants if they are served a court complaint.
 - The attorney serving the demand letter must include the attorney's license number and will be required, until January 1, 2016, to provide a copy of the demand letter to the State Bar of California.
 - The defendant is encouraged to provide a copy of the letter to the State Bar.
- Requires the Judicial Council to update forms by January 1, 2013.
- Civil Code section 55.31 as added:
 - Beginning on January 1, 2013, requires the demand letter alleging a construction related claim to state sufficient facts to identify the basis of violations, such as:
 - A plain language explanation of the specific access barrier(s) with sufficient information about the location.
 - The way the barrier interfered with the individual's full and equal use or access, or how it deterred the individual.
 - The date(s) of each particular occasion the individual encountered the specific access barrier or deterrence.
 - Offer prelitigation settlement negotiations, but shall not include a request or demand for money or an offer or agreement to accept money.
 - Shall not state any specific potential monetary liability for any asserted claim(s), and may only state: "The property owner or tenant, or both, may be civilly liable for actual and statutory damages for a violation of a construction-related accessibility requirement."
 - A demand letter meeting the requirements of this section shall be deemed to satisfy the requirements for prelitigation notice of a potential claim when prelitigation notice is required by statute or common law for an award of attorney's fees.
 - This subdivision and subdivision (a) do not apply to a demand for money, which is governed by subdivision (c).
 - An attorney, or a person acting at the direction of an attorney, shall not issue a demand for money as defined in subdivision (a) of Civil Code section 55.3. This subdivision does not apply to a demand letter as defined in subdivision (a) of Civil Code section 55.3.
 - A violation of subdivision (b) or (c) constitutes cause for the imposition of discipline of an attorney. Subdivisions (b) and (c) do not prohibit an attorney from presenting a settlement figure or specification of damages in response to a request from the building owner or tenant, or their authorized agent or employee, following a demand letter provided pursuant to Section 55.3.

- Subdivision (c) does not prohibit any prelitigation settlement discussion of liability that occurs after a written or oral agreement is reached between the parties for the repair or correction of the alleged violation(s) of a construction-related accessibility standard.
 - Subdivision (c) shall not apply to a claim involving physical injury and resulting special damages, but a demand for money relating to that claim.
 - Nothing in this section shall apply to a demand or statement of alleged damages made in a prelitigation claim presented to a governmental entity as required by state or federal law, including, but not limited to, claims made under Part 3 (commencing with Section 900) of Division 3.6 of the Government Code.
 - If subdivision (c) is not operative or becomes inoperative for any reason, the requirements of subdivision (a) and Section 55.32 shall apply to any written demand for money.
- Civil Code section 55.32 as added:
 - Explains that an attorney who provides a demand letter shall do the following:
 - Include their State Bar license number in the demand letter.
 - Provide a copy of the demand letter to the State Bar.
 - Provide a copy to the Commission on Disability Access within five days of providing the demand letter or complaint.
 - A violation of the above shall constitute cause for discipline.
 - Not require copies of subsequent or amended demand letter or complaints to be provided unless a new construction-related accessibility is alleged.
 - The State Bar must report to the Legislature each July 31, the following:
 - The number of investigations opened to date on a suspected violation of subdivision (b) or (c) of Section 55.31 of Civil Code.
 - Whether any disciplinary action resulted from the investigation, and the results of that disciplinary action.
 - Compliance with Section 9795 of the Government Code.
 - Exempts an attorney employed or retained by a qualified legal services project or a qualified support center, as defined in Section 6213 of the Business and Professions Code, when acting within the scope of employment in asserting a construction-related accessibility claim.
 - This section is operative January 1, 2013.
 - This section sunsets on January 1, 2016.
- Civil Code section 55.32 as added has identical language except the following:
 - Becomes operative January 1, 2016.
 - Removes the requirement of providing the State Bar a copy of the demand letter.
 - However, this does not affect any imposition of discipline for violations prior to the expiration of this requirement.
 - No sunset date.
- Civil Code section 55.52 as amended:

- Changed the word “CASp inspected” to “Meets applicable standards” without changing the meaning.
 - Changed the word “CASp determination pending” to “Inspected by a CASp” without changing the meaning.
- Civil Code section 55.53 as amended:
 - Changes the word “Stay” to “Court Stay” and redefines the word to mean an order temporarily stopping any lawsuit.
 - Provides the Judicial Council’s self-help internet website address.
- Civil Code section 55.54 as amended:
 - Requires an attorney who causes a summons and complaint to provide on a separate piece of paper a notice containing the following:
 - Notification that the defendant may ask for a court stay.
 - The defendant may ask for an early evaluation conference if the site of the claim is the site of new construction or improvement and was approved after January 1, 2008 by the local building permit and inspection process.
 - Reduces the minimum statutory damages to \$1,000 for each offense if:
 - The site was CASp inspected or construction or improvements were made after January 1, 2008.
 - The site has not been modified since the CASp report or construction or improvement.
 - The violations were corrected within 60 days.
 - Small businesses that employ 25 or fewer employees and meets specified gross receipts may qualify for:
 - A court stay, and
 - Early evaluation conference,
 - Reduced minimum statutory damages of \$2,000 for each offense if violations were corrected within 30 days.
 - Advises the defendant to take pictures of the violation before making changes to correct the violations.
 - Requires the court to schedule a conference within 70 days of receiving an application.
 - Provide an application declaring the above is true as it pertains to the defendant.
 - Authorizes the court to lift the stay if violations have not been corrected.
 - Requires the early evaluation conference to evaluate whether the violations of the claim has been corrected.
 - Requires the Judicial Council to post on its internet website:
 - Information relating to early evaluation conference.
 - Forms and provisional forms that the defendant may use.
 - The form must include declarations of the defendants as specified above.
 - States that the amendments to this section apply to claims filed on or after the operative date of this bill.
- Civil Code section 55.545 as added:

- Authorizes the defendant to request a mandatory evaluation conference if they do not qualify for an early evaluation conference.
- Allows for the mandatory conference may be requested by the defendant or plaintiff.
- Requires the court to schedule the mandatory evaluation conference no later 180 days.
 - And may be delayed up to 30 days upon mutual agreement.
- Requires the court to provide specified filing responsibilities of the defendant and plaintiff.
- Specifies the information that must be included in the mandatory evaluation conference.
- States that this section only applies to claims filed on or after January 1, 2013.
- Civil Code section 55.56 as amended:
 - A defendant's liability for statutory damages is reduced to a minimum of \$1,000 for each offense if the following is demonstrated:
 - It has corrected all construction-related violations that are the basis of a claim within 60 days of being served with the complaint
 - The site was determined to be "CASp-inspected" or "meets applicable standards" and, to the best of the defendant's knowledge, there were no modifications or alterations that impacted compliance between the date of that determination and the occasion on which the plaintiff was allegedly denied full and equal access.
 - The site was the subject of an inspection report indicating "CASp determination pending" or "Inspected by a CASp," and the defendant has either implemented reasonable measures to correct the alleged violation prior to the particular occasion the plaintiff was allegedly denied full and equal access, or the defendant was in the process of correcting the alleged violation within a reasonable time and manner prior to the particular occasion the plaintiff was allegedly denied full and equal access.
 - For a claim filed before January 1, 2018, the structure or area of the alleged violation was a new construction or an improvement that was approved by, and passed inspection by, the local building department permit and inspection process on or after January 1, 2008, and before January 1, 2016, and, to the best of the defendant's knowledge, there were no modifications or alterations that impacted compliance between the completion date of the new construction or improvement and the particular occasion the plaintiff was allegedly denied full and equal access.
 - The site was new construction or an improvement that was approved by, and passed inspection by a local building department official who is a certified access specialist, and, to the best of the defendant's knowledge, there were no modifications or alterations that affected compliance between the completion date of the new

- construction or improvement and the particular occasion the plaintiff was allegedly denied full and equal access.
- A defendant's liability for statutory damages is reduced to a minimum of \$2,000 for each offense if the following is demonstrated:
 - The violation(s) has been corrected within 30 days of being served the complaint.
 - The defendant is a small business that has employed 25 or fewer employees on average over the past three years, as evidenced by wage report forms filed with the Economic Development Department.
 - Averages annual gross receipts of less than \$3,500,000 over the previous three years, as evidenced by federal or state income tax returns.
- This subdivision does not apply to intentional violations.
- Applies to claims filed on or after the operative date of this bill.
- Civil Code section 1938 as added:
 - Requires a commercial property owner or lessor to state on every lease form or rental agreement executed on or after July 1, 2013, whether the property has undergone inspection by a CASp and whether the property has or has not been determined to meet all applicable construction-related accessibility standards pursuant to Civil Code section 55.53.
- Code of Civil Procedure section 425.50 as added:
 - Beginning on January 1, 2013, requires a complaint alleging a construction related claim to state sufficient facts to identify the basis of violations, such as:
 - A plain language explanation of the specific access barrier(s) with sufficient information about the location.
 - The way the barrier interfered with the individual's full and equal use or access, or how it deterred the individual.
 - The date(s) of each particular occasion the individual encountered the specific access barrier or deterrence.
 - Requires the plaintiff to verify the claim(s).
 - Specifies that a claim filed without verification is subject to a motion to strike.
- Government Code section 4459.8 as amended:
 - Requires the State Architect to periodically review its schedule of fees to ensure fees for certification are not excessive while covering the costs to administer the certified access specialist program.
 - Specifies that the application fee for a California licensed architect, landscape architect, civil engineer or structural engineer shall not exceed two hundred fifty dollars (\$250).
- Chapter 7.5 (commencing with Section 4465) as added to Division 5 of Title 1 of the Government Code:
 - Section 4465: Establishes in the Division of the State Architect a Disability Access and Education Revolving Fund for the purpose of increasing

- disability access and compliance with construction-related accessibility requirements as specified.
- Section 4467: Specifies a one dollar increase to an application of a new or renewal business license or equivalent instrument or permit to be used as specified.
- Section 4469: Requires local government, beginning January 1, 2013, to provide to applicants of a new or renewing business license or equivalent where to obtain information on their legal obligations to comply with disability access laws.
- Section 4470: Establishes the Disability Access and Education Revolving Fund in the State Treasury.
 - Requires the State Architect to submit an annual report to the legislature, beginning on January 1, 2014, regarding the funds and education activities.
- Government Code section 8299.05 as amended:
 - Authorizes the Commission on Disability Access (Commission) to provide information that prevents or minimizes problems of compliance by California Businesses such as educational or outreach efforts and developing a guide to disability compliance laws.
 - Requires the Commission to recommend programs to enable persons with disabilities to obtain full and equal access to public facilities.
 - Provide information as requested by the legislature.
- Government Code section 8299.06 as repealed:
 - Deletes the requirement of the Commission to develop a master checklist for disability access compliance for building inspectors.
- Government Code section 8299.06 as added:
 - Requires the Commission to establish the priority of the development and dissemination of educational materials and information to promote and facilitate disability access compliance.
 - Collaborate with other state agencies to assist in their priority.
 - Make available on its internet website information that will assist business, building owners, and tenants in compliance with disability access laws.
- Government Code section 8299.07 as repealed:
 - Deletes the requirement of the Commission to assess whether it is operating to achieve its desired goal of reducing unnecessary civil actions that seek attorney's fees and damages but that do not facilitate compliance with state laws and regulations governing disability access, and whether that section is unduly impacting claims brought to facilitate compliance.
- Government Code section 8299.07 as added:
 - Requires the Commission on or before April 15, 2013, to report to the Legislature its activities and efforts since the implementation of sections 8299.05 and 8299.06, including the provisions that were law prior to amendment or repeal as a result of this bill.

- Commencing in 2014, the Commission shall report on or before January 31, and annually thereafter to the Legislature its ongoing efforts to implement sections 8299.05 and 8299.06, as amended in this bill.
- Government Code section 8299.08 as repealed:
 - Deletes the Commission's expressed authority to inform the Legislature of its position on any legislative proposal pending before the Legislature and to urge the introduction of legislative proposals.
 - Deletes the Commission's expressed authority to state its position and viewpoint on issues developed in the performance of its duties and responsibilities as specified in this chapter.
- Government Code section 8299.08 as added:
 - Requires the Commission to compile and post on its Internet Web site the following data with respect to any demand letter or complaint sent to the commission pursuant to Section 53.32 of the Civil Code:
 - The various types of construction-related physical access violations alleged, and shall tabulate the number of claims alleged for each type of violation. For purposes of this subdivision, all types of demand letters shall be grouped as demand letters.
 - Periodically, but not less than every six months beginning July 31, 2013, post on its Internet Web site a list, by type, of the 10 most frequent types of alleged accessibility violations and the numbers of alleged violations for each listed type of violation for the prior two quarters.
 - On a quarterly basis, identify and tabulate the number of demand letters and complaints received and ascertain whether a complaint was filed in state or federal court and tabulate the number of complaints filed in state or federal court. Post the data on its Internet Web site periodically, but not less than every six months beginning July 31, 2013.
 - Commencing in 2014, make an annual report to the Legislature by January 31 of each year of the tabulated data for the preceding calendar year.
- Declares that this act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:
 - In order to avoid unnecessary litigation and to facilitate compliance with the disability access law, it is necessary that this act take effect immediately.

Chapter 614, Statutes of 2012 (SB 1222—Leno) adds and repeals Chapter 7.5 (commencing with Section 66015) of Division 1 of Title 7 of the Government Code, relating to solar energy.

Chapter 7.5 (commencing with Section 66015) of Division 1 of Title 7 of the Government Code is added and:

- Declares legislative intent to increase rooftop solar systems deployment across all income spectrums and improve the state's ability to reach clean energy goals.
- Specifies the maximum fee local governments may charge for residential (\$500.00 up to 5 kW) and commercial (\$1,000.00 up to 50 kW) rooftop solar energy system that produces direct current electricity.
 - Specifies the additional amount for systems above the maximum.
- Provides that local governments may charge more than the specified maximum if, as part of a written finding and an adopted resolution or ordinance, substantial evidence is presented of the reasonable cost to issue to permit.
- This bill also specifies the written finding must include:
 - A determination that the municipality has adopted appropriate ordinances, permit fees, and processes to streamline the submittal and approval of permits for solar energy systems pursuant to the practices and policies in state guidelines and model ordinances.
 - A calculation related to the administrative cost of issuing a solar rooftop permit.
 - A description of how the higher fee will result in a quick and streamlined approval process.
- Defines the administrative costs to mean the cost incurred during the review, approval, and issuance of the permit, and the hourly site inspection and follow-up costs. The cost may include amortization of costs incurred with producing a written finding, and adopting an ordinance or resolution.
- Defines residential permit fee to mean the sum of all charges levied by local government in connection with the application for a rooftop solar energy system.
- States that the Legislature intends to allow a city, county, city and county or charter city to receive priority access to state funds for the purpose of distributed energy generation planning, permitting, training and implementation.
- Repeals this chapter on January 1, 2018.

Chapter 420, Statutes of 2012 (SB 1394—Lowenthal) amends Sections 13113.7, 13113.8, 13114, and 17926 of the Health and Safety Code, relating to dwelling safety.

- This bill changes the term “smoke detectors” to “smoke alarms”.
- Health and Safety Code section 13113.7 as amended:
 - Prohibits, for all dwellings intended for human occupancy which a building permit is issued on or after January 1, 2014, for alterations, repairs, or additions exceeding \$1,000, the permit issuer from signing off on the completion of work until the permittee demonstrates that all smoke alarms required for the dwelling are approved and listed by the State Fire Marshal (SFM).
 - Provides that a fire alarm system with smoke detectors installed in accordance with the SFM's regulations may be installed in lieu of the devices approved and listed by the SFM.
 - Includes one-unit or two-unit dwellings in the definition of a single-family dwelling.

- Requires, on or before January 1, 2016, the owner of an existing dwelling unit intended for human occupancy in which one or more units is rented or leased to install additional smoke alarms, as needed, to ensure that smoke alarms are located in compliance with current building standards and specifies that existing alarms need not be replaced unless the existing alarm is inoperable.
 - Exempts from the above requirement fire alarm systems with smoke detectors, fire alarm devices that connect to a panel or other devices that use a low-power radio frequency wireless communication signal.
- Health and Safety Code section 13114 as amended:
 - Commencing on January 1, 2014, in order for the SFM to approve and list the smoke alarm, the alarm shall:
 - Display the date of manufacture,
 - Provide a place where the date of installation can be written,
 - Incorporate a hush feature (which allows a resident to manually turn off a sounding alarm),
 - Incorporate an end-of-life feature providing notice that the device needs to be replaced,
 - and, if battery-operated, contain a nonreplaceable, nonremovable battery that is capable of powering the smoke alarm for a minimum of 10 years.
 - Authorizes the SFM to create exceptions to the above requirements.
 - The SFM may exempt from the above requirement fire alarm systems with smoke detectors, fire alarm devices that connect to a panel, or other devices that use a low-power radio frequency wireless communication signal.
 - Authorizes the SFM to suspend enforcement, not to exceed six months, if there is an insufficient supply of tested and approved smoke alarms.
 - If the SFM elects to suspend enforcement of the new smoke alarm requirements, the department must notify the Secretary of State and shall post a public notice that describes its finding and decision on its Web site.
 - Requires the SFM to approve the manufacturer's instructions for each smoke alarm and ensure consistency with current building standards.
- Health and Safety Code section 17926 as amended:
 - Delays the date that existing hotel and motel dwelling units intended for human occupancy is required to install a carbon monoxide device from January 1, 2013, to January 1, 2016.
 - Requires the Department of Housing and Community Development (HCD), on or before July 1, 2014, to submit for adoption building standards for the installation of carbon monoxide detectors in hotel and motel units. In developing these standards, HCD must convene and consult a stakeholder group and review and consider the most current

national standards available related to the installation of carbon monoxide detectors.

Administrative Processes

Chapter 723, Statutes of 2012 (AB 2041—Swanson) amends Section 11346.5 of the Government Code, relating to regulations.

This bill is similar to Chapter 495, Statutes of 2011 (AB 410—Swanson); however, due to a chaptering out issue, the amendment to Section 11346.5 was superseded. Swanson introduced AB 2041 to correct this technical problem. This bill requires an agency to provide, upon request, a description of the proposed changes to a regulation in order to accommodate a person with a visual or other disability. Providing the description of changes may require extending the public comment period of a proposed action.

Chapter 295, Statutes of 2012 (SB 1099—Wright) amends Sections 11343, 11343.4, and 11344 of the Government Code, and to amend Section 116064 of the Health and Safety Code, relating to regulations.

- Government Code section 11343 as amended:
 - Requires agencies to post on their internet website, in an easily identifiable location, within 15 days of filing a regulation with the Secretary of State.
 - The agency shall keep the regulation on its website for at least six months from the date of filing.
 - Requires an agency to send the link of each regulation posted on its website to the Office of Administrative Law (OAL).
 - Exempts agencies that do not maintain an internet website.
- Government Code section 11343.4 as amended:
 - Requires any regulation or order of repeal required to be filed by the Secretary of State to become operative on a quarterly basis as specified:
 - January 1 if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
 - April 1 if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
 - July 1 if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
 - October 1 if the regulation or order of repeal is filed on June 1 to August 31, inclusive.
 - Stipulates the following exemptions:
 - The effective date is specifically provided by the statute.
 - A later date is prescribed by the state agency in a written instrument filed with, or as part of, the regulation or order of repeal.
 - The agency makes a written request to OAL demonstrating good cause for an earlier effective date and is granted by OAL.

- A regulation adopted by the Fish and Game Commission pursuant to Article 1 (commencing with Section 200) of Chapter 2 of Division 1 of the Fish and Game Code.
- A regulation adopted by the Fish and Game Commission that requires a different effective date in order to conform to a federal regulation.
- Government Code section 11344 as amended:
 - Requires OAL to make available on its internet website a list of, and a link to the full text of, each regulation filed with the Secretary of State that is pending effectiveness.

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 HCD Program staff at (916) 445-9471. You may also contact HCD via our web comment site at <http://www.hcd.ca.gov/comments/>.



Doug Hensel
Acting Deputy Director