

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

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INFORMATION BULLETIN 2005-16 (SHL, EH)

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

SUBJECT: 2005 LEGISLATIVE CHANGES

This Information Bulletin summarizes the legislative changes for 2005 to California laws that impact housing construction and maintenance in California. The amendments and additions to the California laws summarized in this Information Bulletin become effective on January 1, 2006, unless otherwise specified in the legislation.

Chapter 570, Statutes of 2005 (Assembly Bill No. 1078, Keene) added Chapter 6.9.1., Article 1 through Article 7, commencing with Section 25400.10, to Division 20 of the Health and Safety Code, relating to Methamphetamine Contaminated Property Cleanup.

- Health and Safety Code (HSC) Chapter 6.9.1, Sections 25400.10 through 25400.46, is added to Division 20, enacting the "Methamphetamine Contaminated Property Cleanup Act of 2005". This act establishes remediation and reoccupancy standards for methamphetamine contaminated properties.
- This act authorizes the local health officer to delegate all or part of the duties specified in the act to a designated local agency, as defined in Section 25400.11 (f), which may include the local building or housing code enforcement agency.
- This act requires the local health official to provide a copy of the order prohibiting use or occupancy of the property to the local State Housing Law enforcement agency, as well as a copy of a post-remediation release stating that the property is habitable. The act does not provide for any duties or responsibilities for the local code enforcement agency with respect to those orders or releases.

- This act mandates remediation by the property owner and requires the property owner to retain an authorized contractor, as defined in HSC Section 25400.11 (a), to remediate the contamination. It allows remediation of contaminated properties by a city or county in the event a property owner fails to initiate or complete the remediation and imposes specified costs and civil penalties on property owners where there is known or suspected methamphetamine contamination.
- This act also specifies requirements for property assessment and cleanup, contractor certification, and training for workers; establishes liability; and authorizes enforcement. The act specifically excludes a mobilehome park, manufactured housing park, or manufactured housing community from the definitions of “Property” and “Property Owner” until January 1, 2008. However, it does not exclude “Special Occupancy Parks” (as defined by HSC Section 18862.43).

Chapter 525, Statutes of 2005 (Assembly Bill No. 304, Hancock) amends Sections 19160, 19161, 19162, 19163, 19163.5, 19165 and 19166 of the Health and Safety Code (HSC), relating to seismic building standards.

- Existing law authorizes a city, county, or city and county to establish, by ordinance, building reconstruction standards applicable to the seismic retrofit of existing buildings identified as being hazardous to life in the event of an earthquake. This bill would permit a city, county, or city and county to identify certain soft story residential buildings as being hazardous and to establish retrofit standards for them.
- HSC Sections 19160 through 19163.5, 19165 and 19166 are amended to include woodframe multiunit residential buildings constructed before January 1, 1978, where the ground floor portion contains parking or other similar open floor space, as potentially hazardous in the event of an earthquake due to conditions identified in a nationally recognized model code or substantially equivalent standard.
- This act authorizes local governments to adopt ordinances governing seismic retrofit of soft story residential buildings and requires those ordinances to comply with nationally recognized model codes relating to the retrofit of existing buildings, or with substantially equivalent standards.
- The act provides that existing and new seismic retrofit ordinances for soft story residential structures shall remain in effect until the California Building Standards Commission adopts applicable standards. A copy of any such new ordinances and amendments must be filed with HCD.

- Various HSC sections also are amended to replace the word “reconstruction” with “seismic retrofit” in provisions governing earthquake hazardous building reconstruction, and would define seismic retrofit for the purposes of provisions governing earthquake protection.

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 the Department’s State Housing Law and Employee Housing Programs staff at (916) 445-9471. You may also contact the Department via web comment at <http://www.hcd.ca.gov/comments/>.

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