

# BUILDING STANDARDS

Developing building standards requires a balancing act between health and safety concerns and the costs of addressing those concerns. Developers insist that it is difficult to build affordable housing when regulations increase their construction costs: consumer groups, fire departments, and disabled advocates argue for safer, more energy-efficient, and more accessible buildings. The public policy struggle is in determining the proper balance between the two aforementioned concerns.

Building standards in California are based upon model codes, such as the Uniform Building Code and the Uniform Mechanical Code. Model codes are published and approved by groups of national and regional experts on structural, mechanical, electrical, plumbing, and fire safety standards.

California building standards are adopted through a process in which state agencies, using the model codes, propose additions or changes to the California Building Standards Code (also known as Title 24 of the California Administrative Code). The California Building Standards Commission then reviews, and adopts or rejects the proposed changes. An updated version of the code is published every three years. Local governments can modify the Code, but those modifications must be equal to or more stringent than the statewide standard.

The Code applies to all buildings and residential occupancies. Some structures, however, such as high-rise commercial buildings and private schools, are not subject to the Code and are governed by the model codes and local ordinances.

Although most building standards are created and adopted in the administrative process, numerous bills are introduced each year that propose new building standards or amendments to existing building standards. These bills are drafted in response to natural disasters, requests by industries or proposals by consumer groups in reaction to perceived dangers relating to existing building standards.

## **Major legislation**

### **AB 2400 (Keene) Died in the Senate:**

- Would have required the State Department of Health Services to develop, by July 1, 2005, a form that would be recorded as a lis pendens against a property contaminated by illegal methamphetamine manufacture and to ensure that notice was given and that the appropriate clean up had been accomplished.

### **SB 1652 (Murray) Failed passage in the Assembly Committee on Appropriations:**

- Would have created the Solar Peak Energy Procurement Program to fund solar energy systems for new residential construction.
- Would have required the Public Utilities Commission to order Pacific Gas and Electric, San Diego Gas and Electric, and Southern California Edison to collect \$100 million annually from January 1, 2005 through December 31, 2014 to be used as rebate for solar energy systems in new residential construction.

- Would have required that at least 5% of single-family residences constructed in 2010 as part of any development project with at least 25 residences to include solar energy systems.
- Would have increased the minimum percentage by 5% annually up to a maximum of 50% in 2019.

### **Other legislation**

#### **AB 24 (Negrete McLeod) Chapter 422, Statutes of 2003:**

- Allows for the creation and distribution of a brochure containing information regarding swimming pool and spa safety.
- Extends the sunset on the requirement that owners of real property disclose knowledge of presence of an illegal controlled substance on the property.

#### **AB 1034 (Mullin) Chapter 474, Statutes of 2003:**

- Makes various technical changes to provisions relating to residential building code enforcement.

#### **AB 1257 (Koretz) Died in the Assembly Committee on Housing and Community Development:**

- Would have clarified the right of a defendant to assert a defense in any criminal prosecution for any violation of the State Housing Law or other housing, buildings, or fire code violations.

#### **AB 1576 (Liu) Chapter 581, Statutes of 2003:**

- Provides that failure to brace a water heater is a nuisance, which may be enforced by building code inspectors.
- Prohibits an owner of rental property from evicting any person in order to comply with the bracing requirement.

#### **SB 1634 (Alarcon) Failed passage in the Assembly Committee on Housing and Community Development:**

- Would have allowed local building code officials or health department officials to issue an administrative citation for any violation of state law, the California Building Standards Code or any local building ordinance if the owner or his agent has not complied with a notice of violation.

- Would have required non-compliant owners of substandard property to provide specified information to the appropriate local enforcement agency.

**SB 1815 (Johnson) Chapter 144, Statutes of 2004:**

- Allows for recovery of building permit fees paid if the local agency fails to perform an inspection pursuant to the permit.