

Date of Hearing: April 19, 2017

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 565 (Bloom) – As Introduced February 14, 2017

SUBJECT: Building standards: alternative building regulations: artists' housing

SUMMARY: Requires a city or county to adopt alternative building standards for the conversion of commercial or industrial buildings to living and work quarters for artists.

Specifically, **this bill:**

- 1) Requires a city or county to adopt or amend existing building standards, by an unspecified date, to include provisions for housing for artists, artisans, or similarly situated individuals where the household is comprised of multiple adults and children and at least one member of the household is an artist, artisan, or similarly situated individual who is not required to derive income from the art or creative work.
- 2) Defines an artist, artisan, or similarly situated individual to include the following:
 - a) A person who works in or is skilled in any of the fine arts including but not limited to painting, drawing, sculpture, book arts, printmaking, and mixed media;
 - b) A person who creates imaginative works of aesthetic value including but not limited to literature, poetry, photography, music, composition, choreography, architecture, film, and video;
 - c) A person who creates functional art, including but not limited to metal, textile, paper, wood, ceramic, glass, or plastic art;
 - d) A performer or theatrical artist, including but not limited to singers, dancers, musicians, actors, and performance artists, and costume, lighting, sound and set designers; and
 - e) In all art disciplines a designer, technician, craftsperson, teacher, or administrator dedicated to using their expertise within his or her community to support, promote, present, teach or propagate their art form, through events, activities, performances and classes.

EXISTING LAW:

- 1) Authorizes a city or county to adopt alternative building standards for the conversion of commercial or industrial quarters to living and work quarters.
- 2) Defines " joint living and work quarters" to mean:
 - a) Residential occupancy by a family maintaining a common household or by not more than four unrelated persons;
 - b) One or more rooms or floors in a building originally designed for industrial or commercial occupancy;

- c) Including cooking space and sanitary facilities in conformity with local building standards; and
 - d) Adequate working space reserved for and regularly used by one or more persons living in the building.
- 3) Provides that alternative building standards for living and work quarters shall apply in geographic areas specifically designated for their occupancy or expressly permitted in a redevelopment area.
- 4) Provides that alternative building standards for living and work quarters are not required to comply with state building standards but must protect the public health, safety, and welfare.
- 5) Makes legislative findings that the public will benefit by making unused manufacturing and commercial buildings in urban areas available for joint living and work quarters for artists, artisans and similarly-situated individuals because:
- a) Conversion of the space to joint living and work quarters provides a new use for such buildings contributing to the revitalize of central city areas;
 - b) Such conversion results in building improvements and rehabilitation; and
 - c) The cultural life of cities and of the state as a whole is enhanced by the residence in such cities of large numbers of person regularly engaged in the arts.
- 6) Make legislative findings and declarations that:
- a) Persons regularly engaged in the arts require larger amounts of space for the pursuit of their artistic endeavors and for storage of materials than are found in regular dwellings;
 - b) The financial remunerations to be obtained in a career in the arts are generally small;
 - c) Persons regularly engaged in the arts generally find it financially difficult to maintain places of residence; and
 - d) High property values and resulting rental costs make it particularly difficult for persons regularly engaged in the arts to obtain the use of the amount of space required for their work; and the residential use of such space is accessory to the primary use of such space as a place to work.

FISCAL EFFECT: Unknown.

COMMENTS:

The California Building Standards Law establishes the California Building Standards Commission (CBSC) and the process for adopting state building standards. Statewide building standards are intended to provide uniformity in building across the state. State law specifies which departments are responsible for developing and proposing building standards. When there is no designated department then the CBSC is responsible. Department of Housing and Community Development (HCD) is responsible for single family and multi-family dwellings. There are a few exemptions, which allow a local governing body, city, or county to modify state

building standards. A local governing body, city, or county can adopt an ordinance or a resolution in a public meeting that finds that a local building standard must be modified from the state building standard because of local climatic, geological, or topographical conditions and file that ordinance with the CBSC. The CBSC reviews the findings of the ordinance to determine if the local governing body followed the correct procedure.

Adopted in 1979, state law gives local government's authority to adopt building standards to convert commercial or industrial buildings into living and work quarters. Living and work quarters can be occupied by a family that is maintaining a common household but not more than four unrelated persons. The space must have cooking facilities and bathrooms that meet state building standards. There must also be adequate working space reserved for and regularly used by at least one person living in the building. Commercial and industrial buildings converted to living and work quarters are not subject to all state building standards however, any alternative building standards local governments adopt must protect against public health, safety, and welfare concerns.

The statute includes findings that the public will benefit from making commercial and manufacturing buildings available for joint living and work quarter for artists and artisans because the conversion revitalizes central city areas and cities are enhanced by the residence of persons that regularly engage in the arts.

Purpose of this bill: According to the author, "many artists re-use under-utilized, out-of-commission industrial and commercial buildings as an economical means of creating a live/work space. However there is a lack of clarity on how to use these re-used spaces." "Clarifying the law would allow nonprofit live/work spaces to operate as small businesses and qualify for grants and funding models that would help fund and update their buildings."

Arguments in opposition: The California Fire Chiefs Association and the Fire Districts Association of California are concerned that fire and life safety concern will not be adequately addressed during the alternative building standard review process and living and work spaces add to the review phase for fire departments in many areas.

Staff comments: Local governments are allowed to adopt alternative building standards but they can also use the state building standards for living and work spaces. Adoption of alternative building standards for living and work spaces may not make sense in all communities and is expensive. The committee amendments would remove the requirement that cities adopt alternative building standards while also providing some additional direction in what should be included in those standards.

Committee amendments:

- 1) Delete the requirement that cities and counties adopt alternative building standards for living and work quarters.

REGISTERED SUPPORT / OPPOSITION:

Support

None on File

Opposition

California Fire Chiefs association
Fire Districts Association of California

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