

Date of Hearing: August 30, 2018

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 565 (Bloom) – As Amended August 24, 2018

SUBJECT: Building standards: live/work units

SUMMARY: Require the Department of Housing and Community Development (HCD), in the next triennial cycle of the building code, to develop and submit clarifications to the California Building Code and Residential Building Code pertaining to the construction of live/work units.

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: According to the Senate Appropriations Committee,

- HCD estimates costs of \$189,000 in 2019-20 and \$175,000 in 2020-21 for one PY of staff time to research, develop, and propose a definition of “live/work unit” for adoption in the California Residential Code and Building Code. (General Fund)
- Minor and absorbable costs to the Division of the State Architect to consult with HCD on consideration of updating accessibility criteria in combined live/work situations. (Disability Access Account)
- Minor and absorbable costs to the CBSC to adopt the “live/work unit” definition during the 2021 triennial rulemaking cycle. (Building Standards Administration Revolving Fund)

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. 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.

This bill is a gut-and-amend. When this bill left the Assembly, it made changes to the types of alternative building standards a city and county can adopt for the conversion of commercial or industrial buildings to living and work quarters. Opponents raised concerns that fire and life safety concerns might not be adequately addressed during the alternative building standard review process. Including changes to the building code in the state building code provides for standardization; in addition, state building code adoption is a formal process involving extensive stakeholder input. To address these concerns, the bill would direct HCD to develop clarifications relating to the requirements for construction of live/work units in the next building standards update.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file.

Opposition

None on file.

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