

Date of Hearing: March 11, 2020

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 1923 (Salas) – As Introduced January 14, 2020

SUBJECT: Residential structures: natural gas shutoff devices

SUMMARY: Requires seismic gas shutoff devices to be installed in residential structures. Specifically, **this bill:**

- 1) Defines “residential structure” to mean either a single-family dwelling or a multifamily residential building, including any mixed-use building in which at least two-thirds of the square footage is designated for residential use.
- 2) Defines “seismic gas shutoff device” to mean a gas shutoff device installed on customer-owned natural gas piping certified by the State Architect.
- 3) Requires, commencing with the next triennial edition of the California Building Standards Code (Title 24 of the California Code of Regulations) adopted after January 1, 2021, that the Department of Housing and Community Development (HCD) propose and the California Building Standards Commission (CBSC) adopt, approve, codify, and publish mandatory building standards that require the installation of a seismic gas shutoff device in any newly constructed, rehabilitated, renovated, or reconstructed residential structure.
- 4) Specifies that the building standards adopted, approved, codified, and published pursuant to this section do not supersede any ordinance adopted by the governing body of a city, county, or city and county that is consistent with those building standards.
- 5) Specifies that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

EXISTING LAW:

- 1) Authorizes the CBSC to approve and adopt building standards. Every three years building standards rulemaking is undertaken to revise and update the California Building Standards Code (CBSC). (Title 24 of the California Code of Regulations)
- 2) Directs HCD to propose the adoption, amendment, or repeal of building standards to the CBSC for all hotels, motels, lodging houses, apartment houses, and dwellings. (Health & Safety Code Section 17921)
- 3) Allows a governing body, city or county to make modifications to the CBSC if they make express findings that such a modification or change is necessary because of local climatic, geological, or topographical conditions. (Health & Safety Code Section 17958.7)
- 4) Includes various specific standards and requirements for the CBSC to examine and or enact in subsequent adoption processes (Health & Safety Code Section 18935 et seq.)

FISCAL EFFECT: Unknown

COMMENTS:

Author's Statement: According to the author, "Seismic gas shut-off valves are designed to automatically shut off the supply of natural gas to a building to prevent a fire or explosion due to accumulation of gas in the building in the event of a major earthquake. Given the frequency and magnitude of earthquakes in our state, and the potential for widespread damage as a result of earthquakes, it is critical that the state prioritize seismic safety and take steps to mitigate against potential damage and loss of life. Specifically, California can take steps to prevent gas leaks and destructive fires from erupting during and after earthquakes by requiring the installation of automatic "seismic gas shutoff devices" or "earthquake shutoff valves" on new or renovated homes. This important measure will help prevent outbreaks of fires caused by gas leaks in the event of an earthquake, preventing loss and damage of property, protecting residents, and making available valuable emergency response resources that otherwise would be used to respond to the fires."

Background:

Building Code Standard Process: The California Building Standards Law establishes the 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 the departments 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.

Under a few exemptions, local governing body, city, or county may 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.

A Seismic State: California is a very seismically active state. It has over 500 active fault lines and contains two-thirds of the nation's earthquake risk. According to the California Geological Survey, the state's estimated annual economic loss from buildings damaged in earthquakes is \$3.7 billion. During an earthquake, natural gas piping and appliances are frequently damaged, leading to gas leaks that ignite into fires. These fires cause property damage, injuries, and death. Additionally, they draw away first responders and resources during an emergency that could otherwise be used to save lives threatened by the earthquake.

Seismic Gas Shutoff Devices: Seismic gas shutoff devices are specialized valves that attach to a gas meter that automatically close in the event of an earthquake of a sufficient magnitude, cutting off gas from flowing into the line. In the event that they are activated, they would require a professional technician to come to the house to re-install gas service.

Multiple local jurisdictions such as the Cities of Los Angeles, Berkeley, and the Counties of Alameda and Contra Costa (unincorporated areas), have enacted ordinances requiring the installation of seismic safety shutoff devices in order to prevent fires during and after earthquakes.

SB 1992 (Perata, Chapter 1051, Statutes of 2002) required HCD to investigate the merits of requiring seismic gas shutoff devices. HCD's study, *Final Report – Seismic Gas Shutoff Devices Excess Flow Gas Shutoff Devices* (2004), stated that “the Department concludes that there are not sufficient benefits to support the additional costs associated with such a proposed building standard. However, the Department continues to support existing law that permits local governments to choose to modify the California Building Standards Code to require the installation of gas shutoff devices based on local geological, topographical or climatic reasons.”

Summary of the Bill: The bill requires, for the next triennial edition of the building code that HCD propose and CBSC adopt, approve, codify, and publish mandatory building standards that require the installation of a seismic gas shutoff device in any newly constructed, rehabilitated, renovated, or reconstructed residential structure. The bill does specifies that such standards would not supersede any ordinance adopted by the governing body of a city, county, or city and county that is consistent with those building standards.

Committee Comments: Building standards, technologies, and practices are always evolving. In recognition of this, at least once every three years the state building code is updated. The update process involves a range of stakeholders with a wide range of expertise, and is generally accepted as best practice. As written, the bill would mandate a change to the building code in this instance the inclusion of seismic gas shutoff devices in newly constructed, rehabilitated, renovated, or reconstructed residential structures. While well intentioned, the process of updating the building code should be left to the existing process, as evidenced by the previous statewide investigation into this topic. **To address this issue, the Committee may wish to consider amending the bill to remove the mandate to change the building code, and instead require HCD, in consultation with the Office of the State Architect, State Fire Marshal, and other interested parties, to study requiring an automatic shutoff device for gas in the next set of building standards in all or some or all dwelling units, hotels, motels, and lodging houses. This study should review and build off the findings of its previous analysis on this topic, “SB 1992 (Perata) Final Report Seismic Gas Shutoff Devices and Excess Flow Gas Shutoff Devices” (2005). If HCD determines it is appropriate to propose mandatory or voluntary building standards, it must propose building standards for the consideration by the CBSC in a regularly occurring code adoption cycle that takes place after January 1, 2022. If HCD decides to not propose mandatory or voluntary building standards, it must explain that decision in writing. In researching, developing, and proposing any standards, CSBC should be allowed to expend funds from the Building Standards Administration Special Revolving Fund.**

Arguments in Support: None on file.

Arguments in Opposition: According to the California Building Industry Association, “Industry would support legislation directing HCD to revisit its 2005 analysis and see if those concerns are still valid today. We are suggesting that in the event HCD determines the concerns identified in 2005 have been adequately resolved, HCD should proceed with the development of mandatory (or voluntary) building standards for those areas of the state where HCD deems these devices to be necessary.”

Related Legislation:

SB 1992 (Perata, 2002, Chapter 1051): Required HCD, in consultation with the Office of the State Architect and the State Fire Marshal, to consider whether to propose for adoption and approval by the CBSC, in the code adoption cycle that begins after January 1, 2003, the requirement that seismic gas shutoff devices or excess flow gas shutoff devices, installed on customer-owned gas piping, be installed in all or a portion of dwelling units, motels, hotels, and lodging houses.

SCR 57 (Vargas, 2011): Would have urged the Division of the State Architect, in cooperation with the CBSC and HCD, to hold hearings to determine if the building codes should be amended to require the installation of devices that shut off natural gas and electrical power in the event of an earthquake at the time of initial construction and major renovations. This bill died in the Senate Transportation and Housing Committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file

Opposition

California Building Industry Association (support if amended)

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