

**FINDING EMERGENCY
FOR
PROPOSED EMERGENCY BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL
REGARDING THE 2010 CALIFORNIA BUILDING, RESIDENTIAL AND FIRE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, 2.5 AND 9
SMOKE ALARM POWER SOURCE / INTERCONNECTION REQUIREMENTS
FOR EXISTING BUILDINGS**

Government Code section 11346.1 mandates that any finding of emergency shall include a written statement which contains the information required by paragraphs (2) to (6), inclusive, of subsection (a) of Section 11346.5 and a description of the specific facts showing the need for immediate action.

FINDING OF EMERGENCY

The following information is evidence that the amendments to Title 24, Part 2, California Building Code (CBC), Part 2.5 California Residential Code (CRC) and Part 9 California Fire Code (CFC) as proposed by the Office of the State Fire Marshal (SFM) are necessary for the immediate preservation of the public peace, health and safety or general welfare of the public relating to alterations, repairs, additions or exterior work on existing Group R occupancies and other dwelling unit applications where smoke alarms are required.

The SFM is proposing to reinstate and relocate two exceptions contained in the base 2009 International Residential Code (IRC) that relate to certain exemptions for alterations, repairs and exterior work. These two exceptions exist in the 2009 IRC Section R314.3.1 and were removed for the 2010 CRC for compliance with Health and Safety Code 13113.8. These two exceptions if maintained in section R314.3.1 would have exempted any installation of a smoke alarm in existing dwellings undergoing certain alterations, repairs and exterior work and would violate the statute.

However, the omission of these two exceptions has created an unintended problem relating to the power source and interconnection. Dwellings undergoing minor alteration, repair of certain exterior work as specified would in most cases require additional permits, inspections and other contracting obligations for specified trades to do electrical work associated with the power source, whereas, the statute would allow battery operated smoke alarms.

This proposal reinstates the two exceptions but limits them to the power source (Section R314.4) and interconnection (Section R314.5) without creating a conflict with statute.

These modifications are also proposed to Section 4603.7.2 and 4603.7.3 of the CFC to correlate and correct the provisions for power supply and interconnection for all other Group R occupancies. Additional editorial modification to CFC Section 4603.7.5 and 4603.7.5.1 and CBC Section 907.2.11.5 correct the reference to Group R-3 occupancies to all Group R occupancies.

AUTHORITY AND REFERENCE

The California Building Standards Commission (CBSC) proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.2 (a)

The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 13100.1, 13108, 13113, 13143, 13210, 13211, 17921(b) and 18949.2(b) and (c).

Authority:

Health and Safety Code Sections 13100.1, 13108, 13113.7, 13113.8, 13114, 13143, 17921(b), 18928(a), and 18949.2(b) and (c)

Reference:

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 13108 (a) The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13113.7 Existing law requires that all dwellings, except for single-family dwellings, to have or be made to have installed smoke alarms with specified time frames. The State Fire Marshal shall prepare and adopt building standards related to the installation of smoke alarms in all residential occupancies except for single-family dwellings.

Health and Safety Code Section 13113.8 Existing law requires that all single-family dwellings, to have or be made to have installed smoke alarms with specified time frames. The State Fire Marshal shall prepare and adopt building standards related to the installation of smoke alarms in single-family dwellings.

Health and Safety Code Section 13114 The State Fire Marshal shall prepare and adopt regulations and /or building standards related to fire alarm devices the installation of smoke alarms in single-family dwellings.

Health and Safety Code Section 13143 Existing law requires the State Fire Marshal to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

Health and Safety Code Section 17921(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928 (a) requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18949.2 (b) – This law provides that the State Fire Marshal shall remain the state agency responsible for the developing building standards to implement the state's fire and life safety policy.

(c) This section of Health and Safety Code § 18949.2 provides that the state's fire and life safety building standards, as developed by the State Fire Marshal and adopted by the Commission, shall be continued to be based on the state's fire and life safety policy goals and mandates.

Summary of Existing Regulations

The SFM currently amends and adopts through the California Building Standards Commission, California Code of Regulations, Title 24, Parts 2 CBC, Part 2.5 CRC and Part 9 CFC with SFM amendments relating to regulations that establish minimum requirements for the prevention of fire and panic for the protection of life and property against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above. These regulations contain provisions for smoke alarm in the event of fire.

Summary of Effect

These propose emergency regulations would correct the regulations to allow for smoke alarms to be battery powered in existing buildings undergoing certain alterations, repairs, additions or exterior work. This emergency modification reinstates provisions that had been contained in previous editions of the California Building Code and maintains the intent of Health and Safety Code 13113.7 and 13113.8 to allow for battery operated smoke alarms.

Comparable Federal Statute or Regulation

The SFM has determined that there are not comparable federal regulations or statutes that address these specific provisions found in the 2010 California Building Standards Code or the NFPA 13, 13D and 13R referenced standards.

Policy Statement Overview

The functions of the office shall be to foster, promote and develop ways and means of protecting life and property against fire and panic. The broad objective of these proposed emergency regulations are to establish minimum standards for installation of residential smoke alarms.

The SFM further proposes where necessary to ensure that the regulations of the California Building Standards Code, establish and or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The SFM has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulation.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or public school districts.

FISCAL IMPACT STATEMENT

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other non-discretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**