

BUILDING STANDARDS COMMISSION

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BUILDING STANDARDS BULLETIN 11-06

DATE: DECEMBER 23, 2011
TO: INTERESTED PARTIES
SUBJECT: 2011 LEGISLATIVE CHANGES

This bulletin summarizes the legislative changes made during the 2011 period of the 2011/2012 legislative session making changes to state laws regarding buildings and building standards. The changes to laws, which may include amendments, repeals and new language, include the Government Code, Water Code, Public Resources Code, Public Utilities Code and the California Building Standards Law, located in the California Health and Safety Code, Division 13, Part 2.5.

The amendments, repeals, or new language to the California laws summarized in this bulletin become effective on January 1, 2012, unless otherwise specified in the statute.

Chapter 495, Statutes of 2011 (Assembly Bill No. 410, Swanson) amends Section 11346.5 and adds Section 11346.6 to the Government Code, both relating to the development of regulations.

- Government Code Section 11346.5 is amended to require specified state agencies to include within the Notice of Proposed Action¹ (NOPA) a statement regarding the availability of narrative descriptions for persons with visual or other disability.
- Government Code Section 11346.6 is added to require specified state agencies to provide a narrative description of proposed regulations upon request from a person with a visual or other disability, and would provide for an extended public comment period for that person upon granting the request.
- This legislation also requires that certain state agencies subject to these provisions must report to the Governor and the Legislature the number of requests for narrative descriptions received for calendar years 2012 and 2013.

¹ Notice of Proposed Action – is a rulemaking document that announces to the public the proposed state regulation or state building standard.

Chapter 577, Statutes of 2011 (Assembly Bill No. 849, Gatto) amends Section 18941.7 of the Health and Safety Code and Section 14877.3 of the Water Code, relating to the adoption of building standards for graywater requirements at the local level.

- Health and Safety Code Section 18941.7 is amended to remove the authority of a city, county, or other local agency to prohibit the use of graywater. The amendment authorizes through local enactment of an ordinance or resolution, graywater building standards that are more restrictive than building standards adopted by the Department of Housing and Community Development (HCD) and published in California Building Standards Code, Title 24, California Code of Regulations.
- Additionally, this legislation amends Water Code Section 14877.3 to remove the authority of a city, county, or other local agency to prohibit the use of graywater. The amendment clarifies that the adoption of graywater building standards by local enactment of an ordinance or resolution are to be more restrictive than building standards provided in the California Building Standards Code, Title 24, California Code of Regulations.
- Water Code Section 14877.3 is further amended to:
 - require ordinances enacted pursuant to this authority necessitating more restrictive building standards for graywater usage shall be based upon local climatic, geological, topographical, or public health conditions;
 - limit the requirements to the specific area of the city, county, or local agency where the conditions exist; and
 - require that a city, county, or other local agency seek consultation with the local public health department prior to commencing the issuance of permits for indoor graywater systems. This is to ensure that local public health concerns are addressed.

Chapter 399, Statutes of 2011 (Assembly Bill No. 930, Gordon) amends Section 18921 of the Health and Safety Code, relating to the California Building Standards Commission.

- Health and Safety Code Section 18921 is amended to require that at least one member of the California Building Standards Commission shall be experienced and knowledgeable in sustainable building, design, construction, and operation.

Chapter 591, Statutes of 2011 (Senate Bill 454, Pavley) amends Section 25900 and adds Section 25402.11 to the Public Resources Code, and amends Section 399.4 of the Public Utilities Code, relating to energy.

- Public Resources Code Section 25900 is amended and Section 25402.11 is added to authorize the California Energy Commission (CEC) to establish an administrative enforcement process to enforce appliance efficiency standards. The CEC can seek injunctive relief or impose a fine of up to \$2,500 on violators. Penalty revenues will be collected for use upon appropriation by the Legislature for enforcement activities and public education regarding the appliance efficiency standards.
- Public Utilities Code Section 399.4 is amended to require that any rebates or incentives offered by a public utility for efficiency improvements only be provided if the recipient certifies that the installation complied with any applicable permits and, if a contractor performed the work, that the contractor holds the appropriate license for the work.

Chapter 239, Statutes of 2011 (Senate Bill 562, Committee on Transportation and Housing) Housing and Community Development: Housing Omnibus Bill which among other actions, amends the Government Code and numerous sections of the Health and Safety Code, to include 33420.1, and the Public Resources Code.

- Health and Safety Code Section 33420.1 is amended to update and clarify references to specific provisions of the California Building Standards Code, Title 24, California Code of Regulations as they apply to seismic retrofits.

This summary of legislative changes is not intended to be a complete digest of these or all new laws affecting entities subject to the legislative changes made during this portion of the 2011/2012 legislative session. Additionally, we have only addressed those provisions of the listed bills that pertain to buildings or building standards and there may be other changes. The complete text of each law can be reviewed through the Official California Legislative information website at <http://www.leginfo.ca.gov>.

For information regarding these changes relative to building standards, you may contact the California Building Standards Commission at (916) 263-0916 or via e-mail at cbssc@dgs.ca.gov



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