

**BUILDING STANDARDS COMMISSION**

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## **BUILDING STANDARDS BULLETIN 12-03**

**DATE:** December 17, 2012  
**TO:** INTERESTED PARTIES  
**SUBJECT:** 2012 LEGISLATIVE CHANGES

This information bulletin summarizes the legislative changes to state laws regarding buildings and building standards made during the 2012 period of the 2011/2012 legislative session that are effective January 1, 2013. The changes to laws, which may include amendments, repeals and new language, include the California Government Code, Water Code, Public Resources Code, and Health and Safety Code.

**[Chapter 667, Statutes of 2012 \(Assembly Bill No. 296, Skinner\)](#) adds **Section 18941.9 to the Health and Safety Code and adds Part 5 (commencing with Section 71400) to Division 34 of the Public Resources Code, relating to building standards.****

- Part 5 (commencing with Section 71400) is added to Division 34 of the Public Resources Code to require the California Department of Transportation (Caltrans) to develop a standard specification for sustainable or cool pavements that can be used to reduce the urban heat island effect index.
- Health and Safety Code Section 18941.9 is added to require the California Building Standards Commission, in its next triennial code adoption cycle after the development of a standard specification by Caltrans pursuant to Public Resources Code Section 71400, to consider incorporating that specification as an additional strategy for Heat Island Effect: Hardscape Alternatives in the California Green Building Standards Code.

**[\\*Chapter 471, Statutes of 2012 \(Assembly Bill No. 1612, Lara\)](#) amends **Sections 11346.2 and 11346.5 of the Government Code, relating to administrative regulations.****

- Government Code Section 11346.2 is amended to require state agencies, when adopting or proposing the adoption of residential building standard regulations that impact housing, to include the estimated cost of compliance, potential benefits, and related assumptions used to determine the estimates in the initial statement of reasons.

- Government Code Section 11346.5 is amended to require state agencies to analyze a model code provision if in receipt of a written request at least 30 days prior to the submittal of an Initial Statement of Reasons. The new amendment also requires certain regulatory agencies to include within proposed rulemaking notices a statement regarding the availability of specified documents for persons with a visual or other disability (these provisions apply solely to state agencies with authority to propose or adopt residential building standards).

\*Note: AB 1612 shares amendment language with two other bills chaptered in 2012. For information on these enacted bills see [Chapter 723, Statutes of 2012 \(Assembly Bill No. 2041, Swanson\)](#) and [Chapter 766, Statutes of 2012 \(Senate Bill No. 1520, Calderon\)](#).

[Chapter 537, Statutes of 2012 \(Assembly Bill No. 1750, Rainwater Capture Act of 2012, Solorio\)](#) amends **Section 7027.5 of the Business and Professions Code, and adds Part 2.4 (commencing with Section 10570) to Division 6 of the Water Code, relating to water.**

- Business and Professions Code Section 7027.5 is amended to authorize licensed landscape contractors to construct rainwater capture systems.
- Part 2.4 (commencing with Section 10570) is added to Division 6 of the Water Code to specify that use of rainwater collected from rooftops does not require a water right permit pursuant to existing laws and defines several terms relating to rainwater and stormwater capture.

[Chapter 370, Statutes of 2012 \(Assembly Bill No. 2030, Olsen\)](#) adds **Section 18934.9 to the Health and Safety Code, relating to building standards.**

- Section 18934.9 is added to the Health and Safety Code to require the California Building Standards Commission to adopt building standards requiring accessible routes to stadium press boxes, with specified exemptions. This mandate requires the commission to adopt this during the next triennial building code cycle that begins on or after January 1, 2013. The next triennial code adoption cycle begins in 2015 for the 2016 edition of Title 24, California Building Standards Code.

\*[Chapter 679, Statutes of 2012 \(Assembly Bill No. 2114, Smyth\)](#) amends **Sections 115921, 115928, 115928.5, 116064, and 116064.2 of the Health and Safety Code, relating to public safety.**

- Health and Safety Code Sections 115921, 115928, 115928.5, 116064, and 116064.2 are amended to replace references to “drains” with “suction outlets” in existing law, updates references to anti-entrapment performance standards for

swimming pools and spas, codifies existing standards in the 2010 California Building Code relating to the turnover time of pool water in any public swimming pool that has a suction outlet in any location other than the bottom of the pool, and makes other minor technical changes to the Swimming Pool Safety Act.

\*Note: AB 2114 shares amendment language with another bill chaptered in 2012. For information on this enacted bill see [Chapter 295, Statutes of 2012 \(Senate Bill No. 1099, Wright\)](#).

**[\\*Chapter 770, Statutes of 2012 \(Assembly Bill No. 2697, Housing Omnibus Act of 2012, Committee on Housing and Community Development\)](#) amends Sections 798.49, 896, 1363.05, and 1368 of the Civil Code, and amends Sections 18045.6 and 18942 of the Health and Safety Code, relating to housing.**

- The Housing Omnibus Act of 2012 amends Health and Safety Code Section 18942 to correctly reference California Code of Regulations, Title 24, Part 2.5 (California Residential Code), and also makes several technical changes to state law relating to housing.

\*Note: For further information on this bill and others that have an impact on housing, please see the [Department of Housing and Community Development's Information Bulletin 2012-07 - 2012 Legislative Changes](#).

**[Chapter 383, Statutes of 2012 \(Senate Bill No. 1186, Steinberg\)](#) adds Section 18944.15 to the Health and Safety Code and amends several other sections of state law relating to disability access.**

- Health and Safety Code Section 18944.15 is added to require that upon the publication date of the 2013 California Building Standards Code, for the purpose of any claim brought under Section 51, 54, 54.1, or 55 of the Civil Code based on an alleged violation of a construction-related accessibility standard, compliance with the building standards for disabled accessibility as provided in Chapter 11B of Part 2 of Title 24 of the 2013 California Building Standards Code shall be authorized as an alternative method of compliance. This becomes effective January 1, 2013 through January 1, 2015, and as of that date is repealed.

**[Chapter 420, Statutes of 2012 \(Senate Bill No. 1394, Lowenthal\)](#) amends Sections 13113.7, 13113.8, 13114, and 17926 of the Health and Safety Code, relating to dwelling safety.**

- Health and Safety Code Sections 13113.7, 13113.8, 13114, and 17926 are amended to extend the date by which an owner must install a carbon monoxide device in an existing hotel and motel unit from January 1, 2013 to January 1,

2016, and makes a number of changes to existing laws relating to the installation of smoke detectors in residential dwellings.

This summary of legislative changes is not intended to be a complete digest of all new laws affecting buildings and building standards. 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 California Legislative website at <http://www.leginfo.ca.gov> .

For information regarding legislative changes relative to building standards, you may contact us at (916) 263-0916 or via e-mail at [cbsc@dgs.ca.gov](mailto:cbsc@dgs.ca.gov).

A handwritten signature in black ink, appearing to read "Jim McGowan", with a stylized flourish at the end.

Jim McGowan  
Executive Director