



Alternative Housing and the Building Official

Department of Housing and Community Development

Doug Hensel - Building - Official San Joaquin County (Ret.)
Jeff Janes - Building Official - Interwest Consulting Group

BACKGROUND

Traditional role of a Building Department

- Issue permits for all new construction, alterations, additions, repairs, and demolitions.
- Ensure compliance with California's building standards code to ensure buildings are safe and accessible.
- Ensure compliance with local ordinances.

BACKGROUND

Modern role of a Building Department

- Traditional roles
- Environmental Sustainability
 - Energy Efficient Buildings
 - Green Buildings
- Promoting Business and Economic Growth
- Enhancing Resiliency
- Emergency Preparedness and Response
- Building Safe and Family Friendly Communities
- Meeting Family and Housing Needs
- Customer Satisfaction
- Public Outreach
- Many others

BACKGROUND

How do we get involved with Alternative Housing, what are our current limitations and how can we find solutions?

- Lack of affordable Housing
- Action by elected officials
- Emergency shelter
- Homelessness solutions
- Code requirements
- Real world examples

BACKGROUND

How do we get involved with Alternative Housing, what are our current limitations and how can we find solutions?

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What can/should we do before the topic comes to us?

- Speak to elected officials and give them a copy of "It's your Building Department"
- Point out the Building Standards Law and State Housing Law to legal staff
- Be the person they call first

Today's discussion

Megan Kirkeby

California Department of Housing and Community Development
Division of Housing Policy

- Housing affordability information
- Homelessness
- Current trends in housing

Today's discussion

Shawn Huff

California Department of Housing and Community Development
Division of Codes and Standards

- What the law and codes currently require
- What tools are available to Building Officials to approve alternate types of housing
- Moving forward, how do we address the gaps

Today's discussion

Will Crew

Building Official

- Real world example
- Political pressure and directives
- Lessons learned

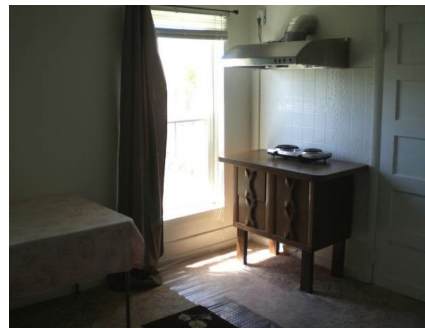
**So just how difficult is it to find alternative housing?
...just ask Harry Potter....**



**Rent a \$1500 per month
closet**



**This unit comes with
a kitchen....**



More typical examples of what we see



Yes, those are 2x4 columns.



What about some better examples.



Alternative Housing and the Building Official

Megan Kirkeby






California's Housing Future:
Challenges and Opportunities
Public Draft

California's Housing
Future:
Challenges and
Opportunities

The Draft Statewide
Housing Assessment
2025

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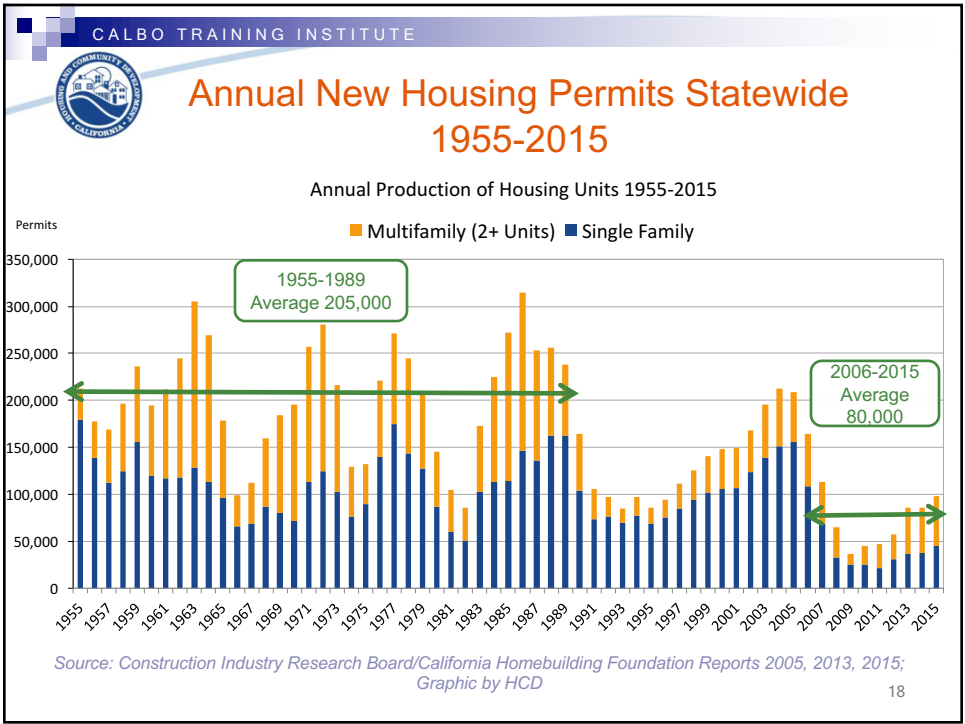
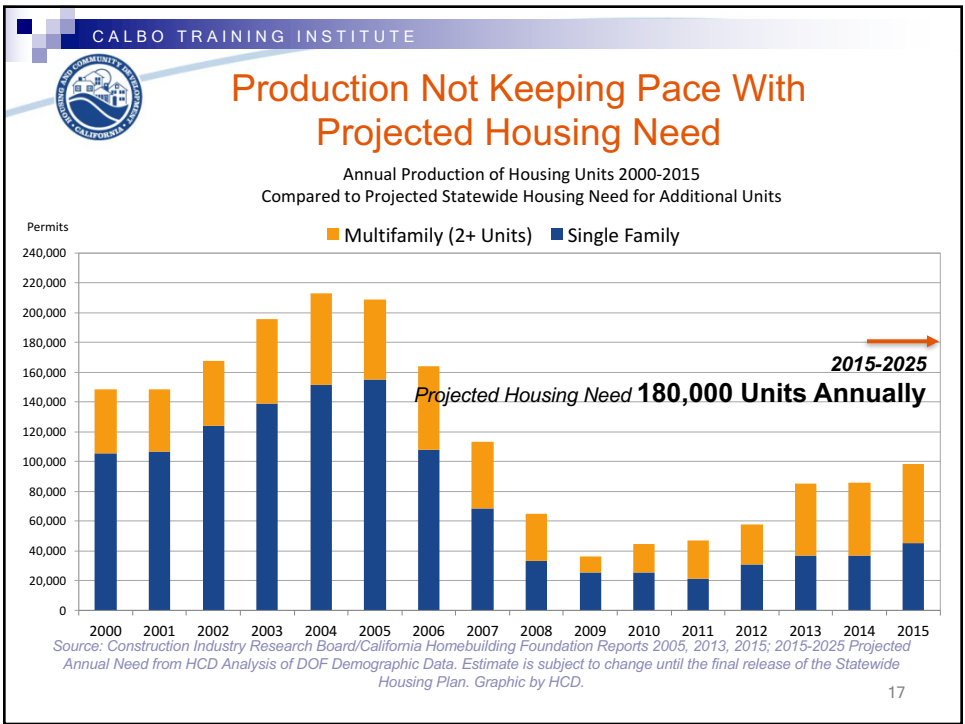
CALBO TRAINING INSTITUTE

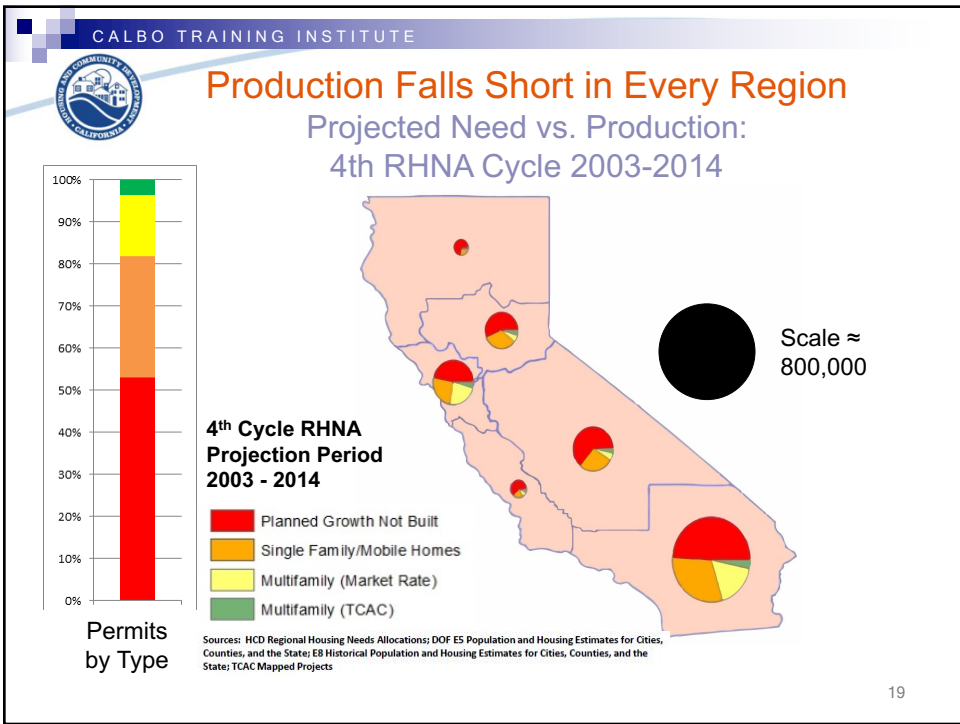


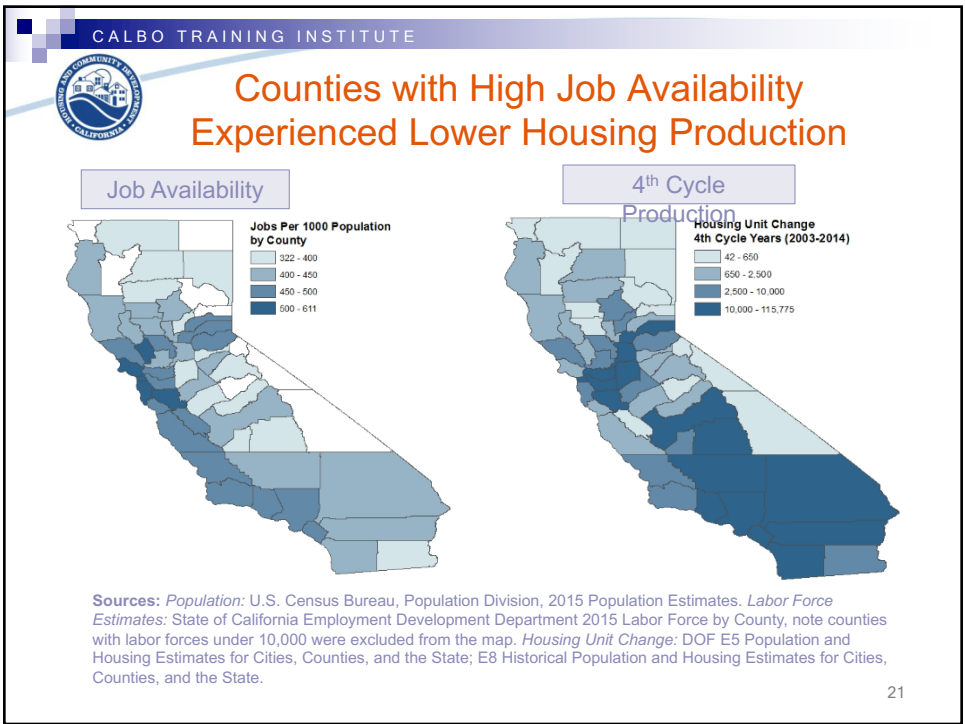
What is the Statewide Housing Assessment?

- Overview of housing and housing-related needs and challenges with a 10-year horizon
- Offers options to address California housing needs and challenges, including needs of lower-income households and vulnerable populations
- Guide and reference tool for housing practitioners, policy makers, affordable housing advocates, academia, others
- Prior report - [Raising the Roof](#), May 2000

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Nearly A Third of CA Renters are Paying More Than Half Their Income to Rent

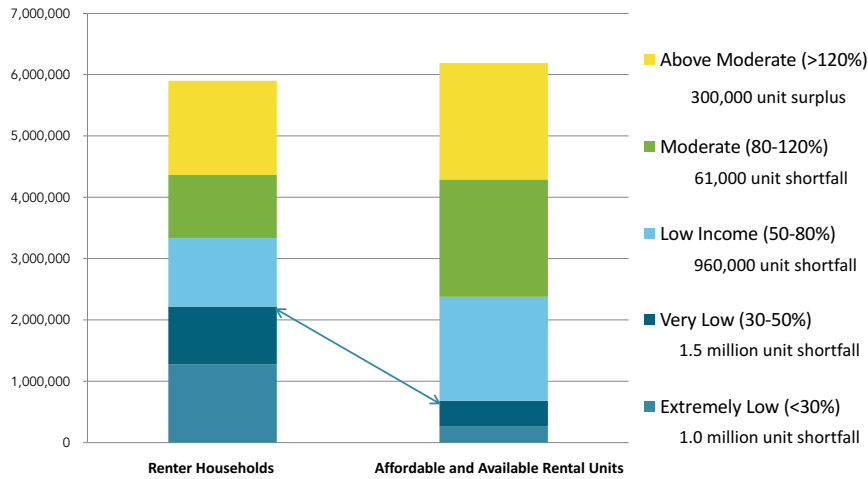
Income	Total Renter Households (million)	% Rent Burdened	% Severely Rent Burdened
Extremely Low-Income	1.27	90%	80%
Very Low-Income	.95	87%	51%
Low Income	1.11	65%	18%
All Lower-Income Renter Households (80% AMI and below)	3.33	81%	51%
Subtotal of above			
Moderate-Income	1.03	35%	4%
Above Moderate-Income	1.54	8%	0%
All Renter Households Total	5.9	54%	30%

Source: 2016 National Low Income Housing Coalition tabulations of 2014 American Community Survey Public Use Microdata Sample (PUMS) housing

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Renter Households in Greatest Need Outnumber Affordable Rentals (2:1)



Source: 2016 National Low Income Housing Coalition tabulations of 2014 American Community Survey Public Use Microdata Sample (PUMS) housing file. Graphic by HCD.

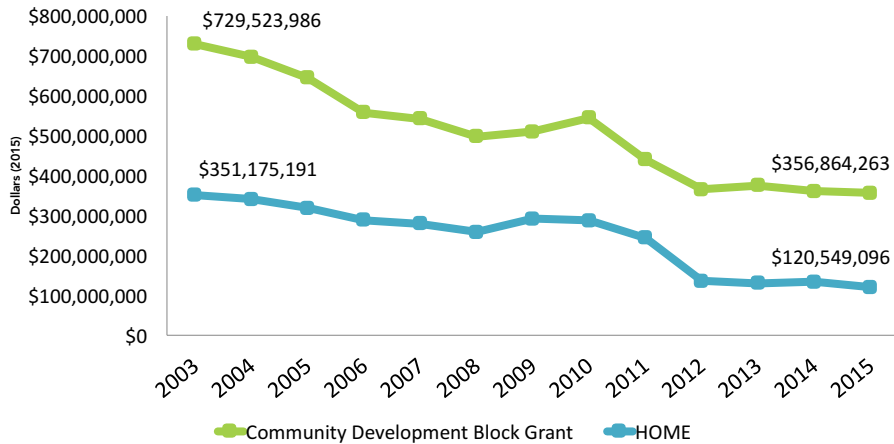


High Housing Costs and Needs Have Consequences

- **Economy:** Lack of housing supply costs the California economy \$238 billion dollars annually.
- **Poverty:** When housing is factored in, California's poverty rate is the highest in the nation.
- **Economic Mobility:** Children that grow up exposed to poverty have a greater chance of lower economic mobility later in life.
- **Environment/Transportation:** As households move further from jobs, longer commutes raise transportation costs and pollution
- **Health:** Housing instability negatively impacts mental and physical health, and providing housing can lower public health and social services costs.
- **Education:** Children experiencing housing instability experience reduced academic outcomes.



Federal HOME and CDBG allocations to California Declined from 2003-2015



Source: 2003-2015 Budget of the United States Government – Analytical Perspectives – California Actual Funding Public Housing Operating Fund and Public Housing Capital Fund. Inflation adjustment to 2015 dollars using Bureau of Labor Statistics Consumer Price Index 2003-2015. Graphic and inflation adjustment by HCD.



Some Recent Gains

STATE:

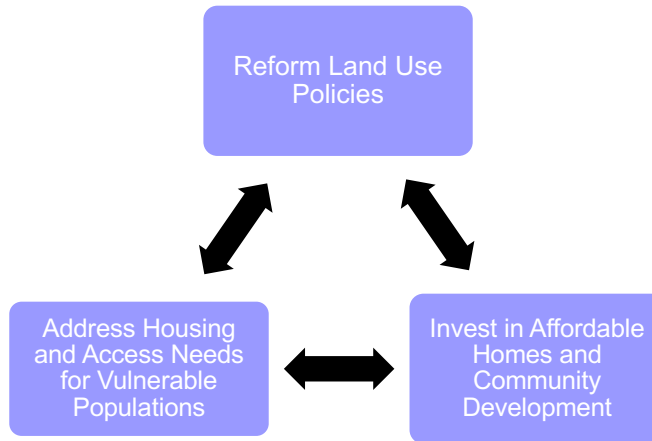
- ✓ “No Place Like Home” program created, \$2 billion in bonds authorized for permanent supportive housing.
- ✓ \$150 million in new funding for homeless programs in 2016 Budget.
- ✓ Legislation to streamline the approval of Accessory Dwelling Units
- ✓ \$600 million for the Veterans Housing and Homelessness Prevention in 2014.
- ✓ 20 percent of Greenhouse Gas Reduction Fund revenues to fund the Affordable Housing Sustainable Communities Program, with at least half of the funds for affordable housing.

LOCAL:

- ✓ \$2.7 billion in local bonds, along with two local sales tax increases for affordable housing.



Potential Options to Address California's Housing Challenges



Public Outreach

- 60 Day Public Comment Period

- Received 60 comment letters

- Completed Six Public Workshops:

San Diego 1/23	Fresno 1/30	Los Angeles 2/3
Sacramento 2/6	Oakland 2/17	Redding 2/24

- Final Statewide Housing Assessment Expected: Summer 2017

Please visit www.hcd.ca.gov/statewide-housing-assessment for more information.



Alternative Housing and the Building Official

Shawn Huff

Assistant Deputy Director
Division of Codes & Standards
Department of Housing & Community Development



Division Programs

- **State Housing Law (SHL)**
- **Factory Built Housing (FBH)**
- **Employee Housing (EH)**
- **Manufactured Housing (MH)**
- **Registration and Titling (R&T)**
- **Mobilehome Parks (MHP)**
- **Occupational Licensing (OL)**
- **Mobilehome Assistance Center (MAC)**



Application and Scope

- HCD is authorized by law to promulgate and adopt building standards and regulations for several types of building applications.

Programs most affecting BO's:

- **State Housing Law (SHL) (T-24 & T-25)**
- **Factory Built Housing (FBH)**



Dwelling Unit

- Definition: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. (CRC & CBC)
 - **DO THESE NEW TYPES OF ALTERNATE HOUSING MEET THE REQUIREMENTS??**



CRC and CBC (Scoping)

CRC

- One-and-two family dwellings, townhouses not more than three stories above grade plane
- Live/work units

CBC

- All Occupancy Classifications including
- R1, R2 and R3



Dwelling Units requirements differ between the 2016 CBC and 2016 CRC

- Minimum room area
 - Habitable rooms – 70 sf
 - At least one habitable room – 120 sf
 - [120 sf repealed in CRC]
 - kitchens – 3 feet passageway [CBC]
- Minimum ceiling heights [Vary]
- Residential Occupancies can be built for either code. No cherry Picking,



Efficiency Dwelling Unit 2016 CBC & 2016 CRC

- Living room with 220 sf floor area; additional 100 sf for each occupant in excess of two
- Separate closet
- Kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of 30 inches min. in front
- Light and ventilation
- Separate bathroom with a lavatory, water closet, and bathtub or shower



Efficiency Dwelling Unit - HSC

- Section 17958.1 allows local jurisdictions, by ordinance, to permit efficiency units for occupancy by no more than two persons
 - 150 sf minimum floor area
 - Partial kitchen or bathroom
- Efficiency dwelling unit initially intended to apply to apartments/condo not to stand-alone units. [\[not indicated in code\]](#)
- HCD proposes to repeal Section R304.5 and all efficiency dwelling references.





Tiny Houses – 2018 IRC

- Appendix V Tiny Houses was approved by ICC and included in the 2018 IRC
- Appendix V applies to tiny houses used as single dwelling units
- “Tiny house” is defined as a dwelling that is 400 sf or less in floor area excluding lofts.



Challenges to the Building Official

- Tiny Houses (what are they?)
- Shipping containers
- Factory-built Housing (Modulars?)
- Emergency Housing



Tiny Houses

- Proponents of minimalist living have advocated smaller dwellings to reduce environmental impact and provide for lower living costs.
- A tiny home that is site-constructed and does not fit the definition of an MH, FBH, RV, PT or CC must comply with the California Building Standards Code (CBSC)
- A dwelling unit built to the CRC can be as small as 100 sf



- Tiny house on a permanent foundation shall be built in compliance with the CBSC.
- Tiny house on a trailer (vehicle) is not a dwelling unit; CBSC does not apply.





Tiny Houses HCD Information Bulletin 2016-01

IB 2016-01 is intended to be used to determine whether a tiny home is subject to the California Building Standards Code (CBSC) or may be required to comply with the RV, PT, MH, FBH or CC design and construction standards, or whether it is a nonconforming structure in which occupancy is illegal and subject to prosecution.



Shipping Containers

- The Division of Codes and Standards has not adopted or developed standards/procedures for the use of shipping containers as housing.
- Proposals to use shipping containers as element of site-built housing shall be handled by the local enforcement agency no differently than any other unknown material or method. (Listing & testing approval, alternative approval, etc.)



Factory-Built Housing (FBH)

- Residential structures designed, constructed, and installed pursuant to Title 24, CBSC.
 - Single family dwellings
 - Multi-family dwellings, townhomes, condos
 - Individual dwelling rooms
 - Closed system wall, floor, or roof panels
 - Plumbing cores

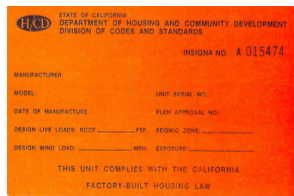


Factory-Built Housing (FBH)

- HCD generally does not perform plan review or inspections for FBH projects in-house.
 - Design Approval Agency – plan review
 - Quality Assurance Agency - inspections
 - Local building department – on-site
- Once FBH units are delivered to their permanent site, they become the Local Enforcing Agency's jurisdiction and shall be treated similarly to site-constructed dwelling units.



Factory-Built Housing (FBH)



FBH System label



FBH Component label



Emergency Housing

- New challenge in all local jurisdictions
- AB 2176 Chapter 691
- Government Code 8698 et. Seq.,
 - ❖ Declaration of “Shelter Crisis”
 - Suspends state, local building housing, health habitability, or safety standards.
 - San Jose 3-year pilot program
 - Operative until building standards conforming to subdivision are adopted



Tools for Building Officials

Limited by State Law

- HSC Sections 17958 & 17958.5 [CBSC Section 1.8.6] allow building departments to make modifications to the CBSC.
- At least equivalent and reasonably necessary because of local climatic, geological, or topographical conditions
- Express findings shall be filed with the Building Standards Commission.



Tools for Building Officials


Limited by State Law

- Alternate Materials, Designs, Tests and Methods of Construction” **HSC Section 17951(e), CBSC Section 1.8.7**
 - Proposed alternative conforms to or is at least equivalent to CBSC
 - ❖ Case-by-Case basis
 - ❖ Evidence submitted
 - ❖ Tests required by Approved Testing Agency






Opportunities for Building Officials

- **CALBO**
 - Monitor legislation
 - Find sponsor to initiate or repeal legislation
 - **State Housing Law (Section 17925)**
 - Opposition to rule or regulation [Local appeals]
 - **National Code Development**
 - Local or regional representatives participate, advocate and propose code changes
 - **Petition State Agency**
 - T-24 Part 1, Section 1-313
- 



Accessory Dwelling Units

- SB 1069, AB 2299; AB 2406
 - Recent amendments to Accessory Dwelling Units (ADU) Law (Government Code)
 - ✓ Sections 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, 65852.22, 66412.2
 - Recognize the importance of ADUs in addressing California's severe housing crisis.
 - Reduce development barriers and expand potential capacity to build ADUs
 - Provides minimum technical requirements for construction
- 



Accessory Dwelling Units

- HCD Technical Assistance Memorandum
 - December 15, 2016
 - Addressed to local governments and other interested parties.



Accessory Dwelling Units

SB 1069, Chapter 720, Statutes of 2016

- Declares that ADUs in residential zones provides additional rental housing stock.
- Prohibits the imposition of parking standards.
- Revises requirements for approval or disapproval of ADU applications.
- Requires a ministerial approval of ADU application.
- Prohibits local agencies to require new or separate utility connections, or to impose connection fees or capacity charges.



Accessory Dwelling Units

AB 2299, Chapter 720, Statutes of 2016

- Requires ADU to comply with specified conditions.
- Requires ministerial, nondiscretionary approval of ADUs.
- Specifies that local agencies may reduce or eliminate parking requirements for ADUs.



Junior ADU

AB 2406, Chapter 755, Statutes of 2016

- Authorizes local agencies to enact an ordinance for the creation of Junior ADU in single-family residential zones.
- Requires the ordinance to include standards for the creation of Junior ADU.
- Prohibits, as a condition of granting a permit for Junior ADU, additional parking requirements.





Alternative Housing and the Building Official Department of Housing and Community Development

Will Crew - Building Official

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City of Modesto - Community Dynamics

- Diverse community
- County seat of human service agency
- Hospital provides services for homeless
- Giving community



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The Problem

■ Homeless in Neighborhood Park

- Chronic calls for service
- Drug use
- Unsanitary conditions
- Trash and debris



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“Focus on Prevention”

- County wide task force
- Why are there so many homeless?
- Need “transitional housing”
- Model other jurisdictions
- The development of the “Plan” - The Access Center and Low Barrier Shelter
- Government Code 8698



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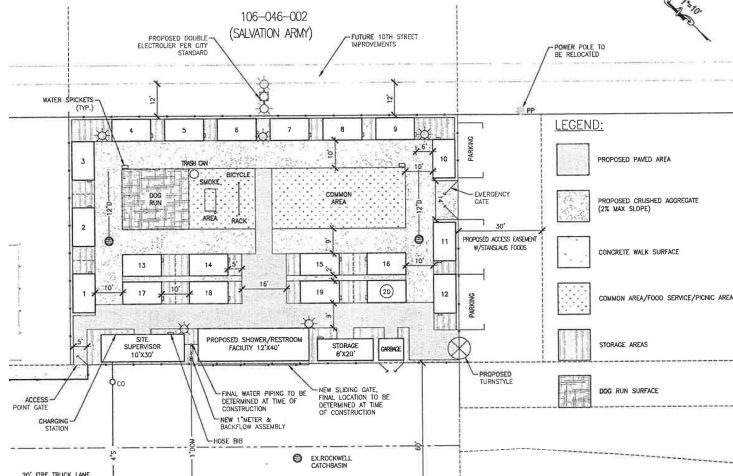
Government Code 8698

- (2) During the shelter crisis, except as provided in this section, provisions of any state or *local building, housing, health, habitability, or safety standards or laws shall be suspended for the emergency bridge housing communities* provided that the city has adopted health and safety standards for emergency bridge housing communities consistent *with ensuring minimal public health and safety and those standards are complied with.*

Government Code 8698

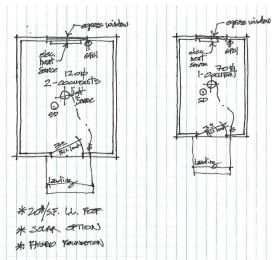
- **Modifications Effective 1/1/2017**
- (e) “Emergency bridge housing community” means any new or existing facilities, including, but not limited to, housing in temporary structures, including, but not limited to, *emergency sleeping cabins* consistent with the requirements of subdivision (h) *of Section 8698.3* that are reserved for homeless persons and families.....
- **8698.3 Entire section very specific to San Jose**

“Focus on Prevention” Conceptual Low Barrier Housing



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“Focus on Prevention” Conceptual Low Barrier Housing



- 8' x 14' - Two Bunks
- Battery smoke detector
- Structure must meet CRC
- Anchorage
- Accessible Path
- Lever hardware
- Fire extinguishers located in areas around campus (per MFD)
- Insulation?
- No fuel fired heating equipment
- Solar lighting
- No electric

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What is the solution?

- Be a part of the discussions
- Have an open mind
- Human problem - not what we are used to
- Stand firm on non-negotiables



DISCUSSION & QUESTIONS