

AMENDED IN SENATE JULY 2, 2018
AMENDED IN ASSEMBLY MAY 25, 2018
AMENDED IN ASSEMBLY APRIL 12, 2018
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2681

**Introduced by Assembly Member Nazarian
(Coauthors: Assembly Members Chiu and Reyes)**

February 15, 2018

An act to add Chapter 12.2.5 (commencing with Section 8875.100) to Division 1 of Title 2 of the Government Code, relating to seismic safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2681, as amended, Nazarian. Seismic safety: potentially vulnerable buildings.

Existing law establishes a program within all cities and all counties and portions thereof located within seismic zone 4, as defined, to identify all potentially hazardous buildings and to establish a mitigation program for these buildings. The mitigation program may include, among other things, the adoption by ordinance of a hazardous buildings program, measures to strengthen buildings, and the application of structural standards necessary to provide for life safety above current code requirements.

This bill would, upon the identification of funding by the Office of Emergency Services, require the building department of a city or county that meets specified requirements to create an inventory of potentially vulnerable buildings, as defined, within its jurisdiction, based on age and other publicly available information, and submit that inventory to

the office, as specified. By increasing the duties of local officials, this bill would create a state-mandated local program. The bill would require the office to, among other things, maintain a statewide inventory, identify funding mechanisms to offset costs to building departments and building owners in complying with these provisions, and report annually to the Legislature on the compliance of building departments with these provisions. The bill would require the owner of a building identified by a building department as a potentially vulnerable building to retain a licensed professional engineer to identify whether the building meets the definition of a potentially vulnerable building, and provide a letter to the building department stating the licensed professional engineer’s findings. The bill would specify the date by which each requirement must be met.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 12.2.5 (commencing with Section
2 8875.100) is added to Division 1 of Title 2 of the Government
3 Code, to read:

4
5 CHAPTER 12.2.5. EARTHQUAKE VULNERABLE BUILDINGS

6
7 8875.100. The Legislature hereby finds and declares all of the
8 following:

9 (a) Major earthquakes around the Pacific Rim, the devastation
10 left by hurricanes Harvey, Irma, and Maria, and the September
11 2017 earthquakes in Mexico are continuing reminders of
12 California’s vulnerability to massive earthquake-related losses.

13 (b) The most recent California ShakeOut study estimates that
14 a major quake along the San Andreas Fault could cause more than
15 two hundred billion dollars (\$200,000,000,000) in physical and

1 economic damage, and could result in up to 1,800 or more deaths.
2 In 2016, the California Geologic Survey estimated California’s
3 annualized earthquake loss at the state level at approximately three
4 billion seven hundred million dollars (\$3,700,000,000).

5 (c) The chronic labor and affordable housing shortages from
6 which most cities in California already suffer would be made
7 dramatically worse for years to come following such an event.

8 (d) California contains thousands of buildings that are known
9 to present an unacceptably high earthquake risk of death, injury,
10 and damage based on their age, structural system, size, and
11 location.

12 (e) Protecting our state’s economy, affordable housing stock,
13 and social fabric from the long-lasting turmoil of earthquakes is
14 of utmost importance, and the failure to do so could impact
15 Californians’ quality of life for decades.

16 (f) The first step toward reducing these expected losses is to
17 quantify them with basic inventory measures that account for
18 structural vulnerabilities and recovery-critical functions.

19 8875.101. For purposes of this chapter, the following terms
20 have the following meanings:

21 (a) “Building department” means the department, bureau, or
22 officer of a city or county charged with the enforcement of laws
23 or ordinances regulating the erection, construction, or alteration
24 of buildings.

25 (b) “Potentially vulnerable building” means a building that
26 meets one of the following:

27 (1) The design and construction of the building was approved
28 by the city or county prior to the adoption of the 1976 edition of
29 the Uniform Building Code and has one or more of the following
30 characteristics:

31 (A) Unreinforced masonry lateral force resisting systems or
32 unreinforced masonry infill walls that interact with the lateral force
33 resisting system.

34 (B) Concrete buildings with a nonductile lateral force resisting
35 system.

36 (C) Soft, weak, or open front walls at the ground floor level of
37 multistory light framed buildings.

38 (2) The design and construction of the building was approved
39 by the city or county pursuant to the 1995 or earlier edition of the

1 California Building Code and consists of any of the following
2 structural systems:

- 3 (A) Steel frame buildings with moment frame connections.
- 4 (B) Concrete or masonry buildings with flexible diaphragms.
- 5 (C) Buildings with precast, prestressed, or post-tensioned
6 concrete.

7 (3) “Potentially vulnerable building” does not include any of
8 the following:

9 (A) Residential real property comprising one to four dwelling
10 units, or a manufactured home as defined in Section 18007 of the
11 Health and Safety Code.

12 (B) A building listed in subdivision (a), (c), or (e) of Section
13 19100 of the Health and Safety Code.

14 (C) Facilities regulated by the Office of Statewide Health
15 Planning and Development or the Division of the State Architect,
16 or buildings owned by the state or federal government.

17 (c) “Recovery function” means a building use or occupancy
18 involving one or more of the following:

- 19 (1) Multifamily housing.
- 20 (2) A skilled nursing or residential care facility.
- 21 (3) A designated emergency shelter.
- 22 (4) A mercantile grocery or packaged food sales.
- 23 (5) A mercantile pharmacy or medical supply.
- 24 (6) Medical provider offices.
- 25 (7) A K–12 school.
- 26 (8) Essential services provided by a city or county that are
27 identified in the city or county’s local hazard mitigation plan.
- 28 (9) Essential services buildings as defined in Section 16007 of
29 the Health and Safety Code.
- 30 (10) A communication center or broadcast station.

31 (d) “Office” means the Office of Emergency Services.

32 8875.102. This chapter shall apply to a city or county with at
33 least half of its geographical area located where the peak ground
34 acceleration equals or exceeds 0.3g as determined by the 2008
35 United States Geological Survey National Seismic Hazard Model
36 gridded data, based on 10-percent-in-50-year probability of
37 exceedance, and to the Counties of Monterey, San Diego, San Luis
38 Obispo, and Santa Barbara, and all cities within each of those
39 counties. *exceedance. The office shall determine whether a city or*
40 *city and county meets this criteria and shall notify any city or*

1 *county that meets this criteria that the city or county is subject to*
2 *this chapter.*

3 8875.103 On or before January 1, 2021, each building
4 department shall develop an inventory of potentially vulnerable
5 buildings within its jurisdiction, based on the age of the building
6 and other publicly available information, including, but not limited
7 to, tax assessors record surveys, census data, housing data, building
8 permit records, past or ongoing earthquake mitigation program
9 records, and online searches. For each potentially vulnerable
10 building, the inventory shall identify which recovery functions, if
11 any, it contains.

12 8875.104 (a) On or before June 1, 2021, each building
13 department shall notify the owner of any building identified by
14 the building department as a potentially vulnerable building of the
15 status of the owner's building.

16 (b) (1) On or before June 1, 2022, an owner who has received
17 a notification from a building department pursuant to subdivision
18 (a) shall submit a letter from a licensed professional engineer to
19 the building department stating whether the building meets the
20 definition of a potentially vulnerable building set forth in
21 subdivision (b) of Section 8875.101.

22 (2) If the letter from a licensed professional engineer submitted
23 by the owner of a building pursuant to paragraph (1) states that
24 the building does not meet the definition of a potentially vulnerable
25 building, the building department shall remove the building from
26 the inventory it created pursuant to Section 8875.103, and shall
27 not include the building on the list provided to the office pursuant
28 to Section 8875.105.

29 (3) If a letter from a licensed professional engineer has not been
30 submitted by the owner of a building pursuant to paragraph (1),
31 the building department shall assume that the building qualifies
32 as a potentially vulnerable building and shall include the building
33 on the inventory provided to the office pursuant to Section
34 8875.105.

35 8875.105. (a) The office shall maintain a statewide inventory
36 of potentially vulnerable buildings.

37 (b) On or before January 1, 2023, each building department
38 shall provide the office, in an electronic form prescribed by the
39 office, the inventory of buildings identified by the building

1 department as potentially vulnerable buildings pursuant to Sections
2 8875.103 and 8875.104.

3 (c) A building department shall notify the office if a building
4 on the inventory is seismically retrofitted or replaced and the office
5 shall remove that building from the statewide inventory.

6 8875.106. On or before January 1, 2020, the office shall identify
7 funding mechanisms to offset costs to building departments and
8 building owners in complying with this chapter. The funding shall
9 be limited to federal funds, funds from the General Fund of the
10 state, funds from the sale of revenue bonds, local funds, and private
11 grants.

12 8875.107. No city, county, or city and county, nor any
13 employee of a city, county, or city and county, shall be liable for
14 damages for injury to persons or property, resulting from an
15 earthquake or otherwise, on the basis of any inventory, assessment,
16 or evaluation performed, any ordinance adopted, or any other
17 action taken pursuant to this chapter, irrespective of whether that
18 action complies with the terms of this chapter, or on the basis of
19 failure to take any action authorized by this chapter. The immunity
20 from liability provided herein is in addition to all other immunities
21 of the city, city and county, or county provided by law.

22 8875.108. The office shall coordinate the earthquake related
23 responsibilities of building departments imposed by this chapter
24 to ensure compliance with the purposes of this chapter.

25 8875.109. Notwithstanding Section 10231.5, the office shall
26 report annually to the Legislature on the compliance of building
27 departments with the requirements of this chapter. The annual
28 report shall review and assess the effectiveness of building
29 identification and evaluation standards adopted by these building
30 departments pursuant to this section. The annual report shall
31 comply with Section 9795.

32 8875.110. (a) If the Commercial Property Owner’s Guide to
33 Earthquake Safety described in Section 10147 of the Business and
34 Professions Code is delivered to a transferee in connection with
35 the transfer of a potentially vulnerable building, a seller or broker
36 is not required to provide additional information concerning a
37 potentially vulnerable building, and the Commercial Property
38 Owner’s Guide to Earthquake Safety shall be deemed adequate to
39 inform the transferee regarding the potentially vulnerable building.

1 (b) Notwithstanding subdivision (a), nothing in this section
2 increases or decreases the duties, if any, of sellers or their brokers
3 or agents, or alters the duty of a seller, agent, or broker, to disclose
4 the existence of a known potentially vulnerable building.

5 8875.111. This chapter shall not become operative until the
6 office identifies funding pursuant to Section 8875.106 and the
7 office reports to the Secretary of State that this contingency has
8 been met and also posts notice on its Internet Web site that the
9 contingency has been met.

10 SEC. 2. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.