

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**

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

February 15, 2018

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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.