An act to add Chapter 12.2.5 (commencing with Section 8875.100) to Division 1 of Title 2 of, and to repeal Section 8875.109 of, the Government Code, relating to seismic safety.

LEGISLATIVE COUNSEL’S DIGEST


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.
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 number of potentially vulnerable buildings and 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.


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

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

Chapter 12.2.5. Earthquake Vulnerable Buildings

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

(a) Major earthquakes around the Pacific Rim, the devastation left by hurricanes Harvey, Irma, and Maria, and the September 2017 earthquakes in Mexico are continuing reminders of California’s vulnerability to massive earthquake-related losses.
(b) The most recent California ShakeOut study estimates that a major quake along the San Andreas Fault could cause more than two hundred billion dollars ($200,000,000,000) in physical and economic damage, and could result in up to 1,800 or more deaths. In 2016, the California Geologic Survey estimated California’s annualized earthquake loss at the state level at approximately three billion seven hundred million dollars ($3,700,000,000).

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

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

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

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

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

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

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

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

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

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

(C) Soft, weak, or open front walls at the ground floor level of multistory light framed buildings.
The design and construction of the building was approved by the city or county pursuant to the 1995 or earlier edition of the California Building Code and consists of any of the following structural systems:

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

(3) “Potentially vulnerable building” does not include any of the following:
(A) Residential real property comprising one to four dwelling units, or a manufactured home as defined in Section 18007 of the Health and Safety Code.
(B) A building listed in subdivision (a), (c), or (e) of Section 19100 of the Health and Safety Code.
(C) Facilities regulated by the Office of Statewide Health Planning and Development or the Division of the State Architect, or buildings owned by the state or federal government.

(c) “Recovery function” means a building use or occupancy involving one or more of the following:
(1) Multifamily housing.
(2) A skilled nursing or residential care facility.
(3) A designated emergency shelter.
(4) A mercantile grocery or packaged food sales.
(5) A mercantile pharmacy or medical supply.
(6) Medical provider offices.
(7) A K–12 school.
(8) Essential services provided by a city or county that are identified in the city or county’s local hazard mitigation plan.
(9) Essential services buildings as defined in Section 16007 of the Health and Safety Code.
(10) A communication center or broadcast station.
(d) “Office” means the Office of Emergency Services.
county meets this criteria and shall notify any city or county that
meets this criteria that the city or county is subject to this chapter.

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

(b) A city or county is not required to develop an inventory
pursuant to subdivision (a) if it already has an existing inventory
of potentially vulnerable buildings within its jurisdiction compiled
pursuant to a local ordinance that otherwise meets the
requirements of subdivision (a). If a building within its jurisdiction
meets the additional potentially vulnerable building criteria
specified in this chapter was not included in the information the
city or county previously complied, the building department of the
city or county shall add it to the inventory on or before January
1, 2021, in order for the city or county to be in compliance with
this section.

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

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

(2) If the letter from a licensed professional engineer submitted
by the owner of a building pursuant to paragraph (1) states that
the building does not meet the definition of a potentially vulnerable
building, the building department shall remove the building from
the inventory it created pursuant to Section 8875.103, and shall
not include the building on the list provided to the office pursuant
to Section 8875.105.
(3) If a letter from a licensed professional engineer has not been submitted by the owner of a building pursuant to paragraph (1), the building department shall assume that the building qualifies as a potentially vulnerable building and shall include the building on the inventory provided to the office pursuant to Section 8875.105.

8875.105. (a) The office shall maintain a statewide inventory of potentially vulnerable buildings.
(b) On or before January 1, 2023, each building department shall provide the office, in an electronic form prescribed by the office, the inventory of buildings identified by the building department as potentially vulnerable buildings pursuant to Sections 8875.103 and 8875.104.
(c) A building department shall notify the office if a building on the inventory is seismically retrofitted or replaced and the office shall remove that building from the statewide inventory.

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

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

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

8875.109. (a) Notwithstanding Section 10231.5, the office shall report annually to the Legislature on the compliance of building departments with the requirements of this chapter. The annual report shall review and chapter on or before June 1, 2023.
The report shall include the number of potentially vulnerable buildings and the building departments that have not complied with Sections 8875.103 to 8875.105, inclusive, in order to assess the effectiveness of building identification and evaluation standards adopted by these building departments pursuant to this section. The annual report shall comply with Section 9795.

(b) (1) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on June 1, 2027.

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

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

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

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