

BUILDING STANDARDS COMMISSION

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CALIFORNIA BUILDING STANDARDS COMMISSION INFORMATION BULLETIN 23-02

DATE: December 27, 2023

TO: CBSC INTERESTED PARTIES
LOCAL BUILDING DEPARTMENTS
STATE AGENCIES AND DEPARTMENTS

SUBJECT: 2023 LEGISLATIVE CHANGES

This information bulletin summarizes the 2023 legislative changes to state laws related to the California Building Standards Commission (CBSC) and state building standards. The statutory changes summarized in this bulletin become effective on January 1, 2024, unless otherwise specified in statute. The links will take you to the *California Legislative Information* website for the complete text on each law.

[AB 43 \(Holden, Chapter 316, Statutes of 2023\) Greenhouse gas emissions: building materials: embodied carbon trading system[†]](#)

This bill authorizes the Air Resources Board to create an Embodied Carbon Trading System to implement provisions of AB 2446 (Holden), Chapter 352, Statutes of 2022, and makes various revisions to the framework for measuring and reducing the carbon intensity of building materials used in the construction of new buildings created by AB 2446.

[AB 358 \(Addis, Chapter 83, Statutes of 2023\) Community college districts: student housing^{††}](#)

This bill excludes any California Community College (CCC) district building used as a residence for students attending a CCC campus from having to receive approval from the Department of General Services – Division of the State Architect, and also adds to the definition of “residential housing” any building used as a residence for students attending a campus of a CCC district.

[AB 529 \(Gabriel, Chapter 743, Statutes of 2023\) Adaptive Reuse Projects^{†††}](#)

This bill requires the Department of Housing and Community Development (HCD) to convene a working group regarding adaptive reuse residential projects, including identifying and recommending amendments to state building standards.

[AB 835 \(Lee, Chapter 345, Statutes of 2023\) State Fire Marshal: building standards: single-exit, single stairway apartment houses: report^{††††}](#)

This bill requires the State Fire Marshal (SFM) to research standards for single-exit, single-stairway apartment houses, with more than two dwelling units, in buildings above three stories and provide a report to specified legislative committees and to the California Building Standards Commission by January 1, 2026.

[AB 1046 \(Lowenthal, Chapter 825, Statutes of 2023\) Alquist-Priolo Earthquake Fault Zoning Act: exemptions](#)

This bill revises and recasts specified exemptions from the Alquist-Priolo Earthquake Fault Zoning Act to, among other things, exempt (1) projects for the alteration of any structure for human occupancy if the value of the alteration does not exceed 50% of the appraised value of the structure and, if the alteration results in a change in the use or occupancy of the structure, the change does not authorize a greater human occupant load and is less hazardous, based on life and fire risk, than the existing authorized use or occupancy of the structure permitted by the city or county with jurisdiction over the structure and (2) projects for alterations that include seismic retrofitting of certain types of structures for human occupancy permitted under specified prior editions of the Uniform Building Code.

[AB 1764 \(Chapter 770, Statutes of 2023\) Housing Omnibus Bill⁺⁺⁺](#)

This bill makes non-controversial changes to sections of law relating to housing.

[SB 416 \(Laird, Chapter 395, Statutes of 2023\) State agencies: building and renovation projects: LEED certification](#)

This bill requires all new building and major renovation projects larger than 10,000 gross square feet undertaken by state agencies, and for which the project schematic design documents are initiated by the state agency on or after January 1, 2024, to obtain the Leadership in Energy and Environmental Design or "LEED" Gold or higher certification, except as provided. The bill instead requires the state agency to obtain LEED Silver certification if the state agency concerned makes a finding that achieving LEED Gold conflicts with critical operational or security requirements, is demonstrably cost ineffective, or conflicts with California Building Code requirements. The bill authorizes certification to an alternative equivalent or higher rating system or standard, if any, only when approved by the Director of General Services.

[SB 544 \(Laird, Chapter 216, Statutes of 2023\) Bagley-Keene Open Meeting Act: teleconferencing](#)

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body

be physically present at the location specified in the notice of the meeting. This bill enacts an additional, alternative set of provisions under which a state body may hold a meeting by teleconference. It requires at least one member of the state body to be physically present at each teleconference location, defined for these purposes as a physical location that is accessible to the public and from which members of the public may participate in the meeting. The bill, under specified circumstances, authorizes a member of the state body to participate from a remote location, which would not be required to be accessible to the public and which the bill would prohibit the notice and agenda from disclosing. Specifically, the bill authorizes a member's remote participation if the other members who are physically present at the same teleconference location constitute a majority of the state body. The bill also authorizes a member's remote participation if the member has a need related to a disability and notifies the state body, as specified. Under the bill, that member would be counted toward the majority of members required to be physically present at the same teleconference location. The bill requires a member who participates from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with those individuals. This bill contains other related provisions and other existing laws.

[SB 745 \(Cortese, Chapter 884, Statutes of 2023\) The Drought-Resistant Buildings Act](#)

This bill requires the Department of Housing and Community Development and the California Building Standards Commission to research, develop, and propose building standards to reduce potable water use in new residential and nonresidential buildings, as specified. The bill would require the commission to perform a review of water efficiency and water reuse standards in the California Buildings Standards Code every 3 years, commencing with the next triennial edition, and update as needed. Existing law requires the State Water Resources Control Board, in consultation with the commission and the department, to adopt regulations for risk-based water quality standards for the onsite treatment and reuse of nonpotable water in multifamily residential, commercial, and mixed-use buildings, as specified. Existing law requires the commission and the department, in consultation with the board, to develop and propose for adoption any necessary corresponding building standards to support those risk-based water quality standards by a specified date. This bill, instead, requires the department, in consultation with the board, to develop and propose the corresponding building standards within 12 months of the board adopting those regulations.

[SB 837 \(Archuleta, Chapter 509, Statutes of 2023\) Energy: building energy standards: sealed and unvented attics^{††††}](#)

Current law requires the California Energy Commission to prescribe, by regulation, building design and construction standards and energy and water conservation design standards for new residential and nonresidential buildings to reduce wasteful, uneconomic, inefficient, and unnecessary consumption of energy and to manage energy loads to help maintain electrical grid reliability. Current law requires the commission to periodically review the standards and adopt revisions that it deems necessary. This bill requires the commission, in the review of those regulations that is pending as of January 1, 2024, to consider revising the definition of “conditioned space, indirectly” to include sealed and unvented attics, as provided.

As appropriate, CBSC updates the California Building Standards Code (California Code of Regulations, Title 24) with changes resulting from newly enacted legislation. This information bulletin is *not* intended to be a complete digest of all new laws affecting buildings, building standards, and CBSC.

Sincerely,



Kevin Day, Acting Executive Director
Department of General Services, California Building Standards Commission

† Please contact the California Air Resources Board (CARB) for further information on bills that have an impact on air quality:

(800) 242-4450

California Air Resources Board

1001 I Street

Sacramento, CA 95814

[CARB website](#)

†† Please contact the Division of the State Architect (DSA) for further information on bills that have an impact on K-12 public schools, community colleges, and building accessibility in public accommodations:

(916) 445-8100

Division of the State Architect

1102 Q Street, Suite 5100

Sacramento, CA 95811

[DSA website](#)

††† Please contact the Department of Housing and Community Development (HCD) for further information on bills that have an impact on housing:

(800) 952-8356

Department of Housing and Community Development

9342 Tech Center Drive, Suite 500

Sacramento, CA 95826

[HCD website](#)

†††† Please contact the Office of the State Fire Marshal (SFM) for further information on bills that have an impact on fire safety:

(916) 568-3800

Office of the State Fire Marshal — Headquarters

715 P Street

Sacramento, CA 95814

PO Box 944246

[SFM website](#)

††††† Please contact the California Energy Commission (CEC) for further information on bills that have an impact on building energy efficiency:

(800) 772-2300

California Energy Commission

715 P Street

Sacramento, CA 95814

[CEC website](#)