2023-2024 Legislative Session Webinar

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*Please note this is not legal advice, please consult with your local city attorney if you have further legal questions
# 2023-2024 Bills of Interest

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AB 42: Tiny Homes: temporary sleeping cabins: fire sprinkler requirements

• Prohibits local enforcement agencies from requiring fire sprinklers in temporary sleeping cabins and requires compliance with alternative fire life safety measures instead.

• “Temporary Sleeping Cabin”: a nonpermanent structure intended to provide temporary housing for homeless individuals or those at risk of homelessness that is less than 250 sq feet and on a site of 50 units or fewer.

• This bill sunsets on January 1, 2027.
Alternative Fire Life Safety Standards

- One smoke alarm and carbon monoxide alarm in each unit.
- One fire extinguisher per unit.
- Ingress and egress for the rapid exit of the temporary sleeping cabin.
- Emergency evacuation signage and egress lighting are required.
- Egress is free from storage or other obstructions.
- No use of open flames and combustibles on site.
- No smoking on site.
- 24-hour active fire watch.
- Separated to the side and rear by at least 6 feet and made of non-combustible material.
- Meet design and construction requirements in CBC Appendix P or CRC Appending AZ and any future code sections regarding temporary sleeping cabins.
- Fire code inspections at regular intervals as determined by the local agency.
AB 1332: Accessory Dwelling Units: preapproved plans

- Requires all local agencies by January 1, 2025, to develop a program for the preapproval of Accessory Dwelling Unit (ADU) plans.
- Sets a 30-day shot clock on permit review for preapproved ADUs in the program.
- Allows local agencies to use plans developed and preapproved by other agencies within the state to comply with the law.
- Gives local flexibility for jurisdictions to adopt preapproved plans based on local community needs.
Preapproval program requirements

• Local agencies must accept ADU plan submissions for preapproval (but can decide what qualifies for preapproval in the jurisdiction).

• Local agencies may not restrict who may submit ADU plan submissions for preapproval.

• Local agencies may charge the same permitting fees for a preapproved ADU that is of the same-sized ADU that is not up for preapproval.

• Must post the contact information of the applicant of a preapproved ADU plan.

• Must remove a preapproved ADU plan from the internet website within 30 days of a request for removal of the plan.
Routes of compliance

- Local jurisdictions can adopt their own preapproval program.
- Local jurisdictions could use other plans that have been preapproved by other agencies within the state.
- Local jurisdictions can use a plan that has been approved or is identical to another plan approved within the current code cycle.
- Local jurisdictions can create a PDF or online database of potential plans for preapproval.
- The point is that every jurisdiction by 2025 must have some kind of preapproval program for ADUs but can decide what is or isn’t allowed locally.
• Requires local enforcement agencies by January 1, 2025, to adopt policies and procedures for inspecting a building with multiple units if an inspector or code enforcement officer determines a building is substandard.

• The policies and procedures must meet the following requirements:
  • Criteria to determine if a substandard condition could reasonably affect other units.
  • Require reasonable attempts to inspect additional units at the property including at least units adjacent to, above, and below the unit where the defect was found.
  • Allow inspections for all units on the premises if there is a severe building-wide defect or violation.
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<td>Provide</td>
<td>A notice to abate or repair the violation within a reasonable time frame after inspection.</td>
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<tr>
<td>Advise</td>
<td>The owner and operator of each known violation and each action required to remedy the violation.</td>
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<td>Schedule</td>
<td>A reinspection to verify correction of the violations</td>
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AB 1046: Alquist-Priolo Earthquake Fault Zoning Act: exemptions

• This bill exempts some seismic retrofits from obtaining a state geologist report in earthquake fault zones.

• It specifies that an alteration to a structure for human occupancy does not exceed 50% of the appraised value of the structure, 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 local jurisdiction.

• It specifies new seismically vulnerable buildings that are exempt from this requirement.

• It also states that any terms not defined in the law fall back to the California Building Code.
AB 1046: Specific Exempt Buildings

- Buildings with unreinforced masonry unit or lateral force resisting systems.
- Buildings with flexible diaphragms and deficient out of plane anchorage to concrete or masonry bearing or nonbearing walls permitted in the 1994 or earlier Uniform Building Code.
- Wood-Framed buildings with soft, weak, or open-front wall lines on the ground floor permitted in the 1994 or earlier Uniform Building Code.
- Buildings with precast concrete members attached with nonductile connections permitted under the 1994 or earlier Uniform Building Code.
AB 1046: Specific Exempt Building Continued

- Steel-frame buildings with welded moment frame connections permitted under the 1994 or earlier Uniform Building Code.

- Steel-braced frame buildings permitted under the 1994 or earlier editions of the Uniform Building Code.

- Wood-framed buildings on or into a slope greater than one unit vertical and three units horizontal permitted under the 1994 or earlier editions of the Uniform Building Code.
AB 1046: Major Takeaway

• More seismically vulnerable buildings are exempt from extra steps in the process to promote public safety.

• Definitions become clearer by falling back to the Building Code.

• Full seismic retrofits can be accomplished at a more affordable and safer rate.
AB 358: Community college districts: student housing

• This bill allows a local community college district to exempt residential student housing from Department of General Services building permit approval and instead request approval from the local building department.

• Residential housing is defined as: any building used as a personal residence by a teacher or employee of a school district or community, and any building used as a residence for students attending a campus in a community college district.

• The bill essentially gives community college districts the option to request residential housing development permits from the local jurisdictions instead of DGS.
Reminder: Upcoming Legislative Deadlines for local building departments

SB 379: Compliance Timeline and Definition

• Requires local jurisdictions to implement an online, automated permitting platform that verifies code compliance and issues permits in real time for a residential solar energy system less than 38.4 kilowatts.

• A city with a population less than 5,000 and or a county with fewer than 150,000 are exempt.

• A city, county, or city and county with a population of 50K or fewer not exempt above must do this by September 30, 2024

• A city, county, or city and county with a population of 50K or more not exempt must do this by September 30, 2023.
SB 379: Funding Opportunities

- $1.5M is still available for local jurisdictions to apply for to establish a system like SolarAPP+ or adopt the free software locally.
- The 2024 Budget extended the application deadline to May 1, 2024, or until the money is exhausted so apply ASAP.
- Maximum amount by population of your jurisdiction:
  - $40K for less than 50K
  - $60K for 50 to 100K
  - $80K for 100 to 200K
  - $100K for 250K+
AB 2234: Online Permit Examples

• By January 1, 2024, all local agencies must post an online example of a completed and approved application for the following types of housing:
  • ADU
  • Duplex
  • Multifamily
  • Mixed Use
  • Townhome
AB 2234: Online Permitting System

• Sets specific timelines for online permitting system requirements to accept post-entitlement phase permits (building permits) online.

• A local agency in a county with a population of 1.1 million or more or a local agency with a population of 75K or greater in any county must comply by January 1, 2024.

• A local agency with a population of fewer than 75K located in a county with a population of less than 1.1 million must do this by January 1, 2028.
AB 2234: Online Permitting System Extensions

- Smaller jurisdictions (A county with 1.1 million or less and a jurisdiction with less than 75K) can extend the deadline by up to 5 years if the local agencies make a written finding that complying with the law would cause a significant increase in permitting fees.

- Larger Jurisdictions (A county with 1.1 Million in population and a jurisdiction larger than 75K within that county) can extend the deadline by up to 2 years if a written finding is made showing it would cause a significant increase in permit fees.
Questions