

News for California Building Departments

Issue #17, Jan. - Mar 2008

THE WILLDAN LETTER

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Previous Issues

CHANGES EFFECTIVE 1/1/08:

 Wildland-Urban Interface regulations

 Anti-entrapment pool devices

 Recycled water toilets in condos

In this newsletter you will find information useful to California Building Departments, including:

-  Polyethylene Water Piping (PEX) Hearings
-  Straw Bale Construction
-  Green Building Websites
-  Dates of events and training
-  And more...

IMPORTANT DATES

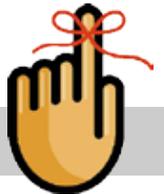
January 1, 2008: Effective date of the 2007 California Building Standards Code (Title 24 of the California Code of Regulations), Parts 1, 2, 3, 4, 5, 6, 8, 9, 10, and 12.

January 1, 2008: Effective date of 2007 legislation listed in our Legislation of Interest to Building Departments herein.

January 22, 2008: California Building Standards Commission Hearing. Watch for an agenda on the [CBSC website](#).

February 17 to March 1, 2008: ICC Codes Forum 2008 in Palm Springs CA. Get registration, hotel and hearing schedule information at the [ICC Website](#).

March 13, 2008: California Building Standards Commission Hearing. Watch for an agenda on the [CBSC website](#).



DID YOU KNOW?



Did you know that state law allows for the construction of nonresidential buildings with load bearing walls of **straw**



Straw Bale Construction

bale construction? It is true! When originally enacted by legislation in 1995 (Chapter 941 of 1995 Statutes), straw bale construction guidelines were established in the Health and Safety Code (HSC) for residential construction only. These HSC guidelines provide specific straw bale construction methods including bale quality and configuration, assembly of bales, bale encapsulation with finish wall materials, window and door opening construction, and more.

The HSC guidelines do not become operative within any city or county unless and until an ordinance is enacted to allow straw bale construction and a copy of such ordinance is filed with the Department of Housing and Community Development. Local government may also make for more restrictive construction requirements due to local conditions.

In 2002 legislation (Chapter 31 of 2002 Statutes) expanded these HSC provisions to allow straw bale construction for any building where a local ordinance allowed straw bale construction. Thus both residential and nonresidential buildings may be constructed with load bearing and non-load bearing walls containing straw bales when a local ordinance specifically allows for such construction.

The subject HSC provisions suggest that building standards may be developed and adopted in Title 24 for more specific straw bale construction details. At that time the HSC provisions with specific construction details will become inoperative. To date no such regulatory adoption action has been taken so the HSC provisions apply unless modified by local ordinance. Find these HSC straw bale construction provisions in Health and Safety Code, Division 13, Part 2.5, Chapter 4.5 beginning with section 18944.30 at the [California Law website](#).

WHAT'S UP WITH THE STATE?



Polyethylene Water Piping (PEX) Hearings

In November 2007 the California Building Standards Commission (CBSC) held seven public hearings in locations from Redding to San Diego in order to receive public comment on the development of an Environmental Impact Report (EIR) on Cross-Linked Polyethylene water piping material commonly known as PEX. The state hopes to adopt PEX into the CA Plumbing Code but must first comply with the requirements of the CEQA and develop an EIR. With public interest and concerns now documented, the process of developing the EIR is underway. When completed, a draft will be made available for public review and comment. Whatever public comments are received at that time will determine the course towards a final EIR and proposed building standard to include PEX as an allowable potable water distribution piping material, or not.

These hearings did create increased awareness that PEX is not adopted in the 2007 California Plumbing Code effective January 1, 2008. Some think this means the material is prohibited. Local building departments have authority under Health and Safety Code (state law) section 17951(e) to allow alternative materials and methods of construction that is not specifically adopted in the California Building Standards Code (Title 24 of the California Code of Regulations). Said section is from the portion of the Health and Safety

Code known as the State Housing Law with application to the design and construction of hotels, motels, lodging houses, apartments, condominiums, and dwellings. Thus, PEX can be accepted as an alternative material for housing construction under the conditions stated in HSC section 17951(e).

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LEGISLATION OF INTEREST TO BUILDING DEPARTMENTS OTHER NEWS

The Legislature will reconvene the 2007-2008 session on January 7, 2008. The last day to introduce a new bill is scheduled to be February 22, 2008. Accordingly, it will be March or April before we are able to identify new legislation with potential impact on local building departments. In the meantime be sure that you are aware of the 2007 legislation enacting or amending laws effective on January 1, 2008, such as the following:

▶ AB 382: Among other unrelated things, amends Health and Safety Code section 115928 by removing paragraph “c” and adding new section 115928.5 to require the installation of a pool anti-entrapment device when an existing swimming pool is modified under permit. This corrects the requirement established last year by AB 2977 requiring the anti-entrapment device when a permit was issued for home remodeling.

▶ AB 715: Amends Health and Safety Code section 17921.3 to require high efficiency toilets and urinals after January 1, 2014. High efficiency is defined as 1.28 gallons per flush for toilets and urinals of 0.5 gallons per flush. Requirements will be phased-in over a period beginning in 2010. See the bill for more detail and exceptions.

▶ AB 1406: Amends Section 13553 of the Water Code to allow the use of recycled water for the flushing of toilets and urinals in condominiums under specified conditions.



USEFUL WEBSITES

[State Fire Marshal](#)

[California Legislature](#)

[Department of Housing and
Community Development](#)

[California Energy Commission](#)

[California Building Standards
Commission](#)

[U.S. Green Building Council](#)

[Environmental Building News](#)

[Global Green USA](#)



Find legislation at the [California Legislature's Website](#).

WHAT'S UP WITH THE STATE?

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The 2007 Annual Code Adoption Cycle began on November 5, 2007. That date was the deadline for state adopting agency proposals to make deletions, additions or amendments to the new 2007 California Building Standards Code.

The Department of Housing and Community Development (HCD), Division of the State Architect (DSA), Office of the Statewide Health Planning and Development (OSHPD) and the California Building Standards Commission each have proposals that are now available for public review. Review these proposals under “Proposed Changes” at the [CBSC website](#), and watch for hearing dates and details.

▶ The Division of the State Architect conducted a 15-day public review period on their proposed Certified Access Compliance program (CASp) regulations that ended on December 14, 2007. The subject of the review are numerous revisions made to the original proposal to address public comments received at the public hearing back in July 2007. The most significant public comment was in regard to the \$1,926 fee for a three-year certification and a \$1,400 renewal fee. The revised proposal has the fees at \$1,600 for a three-year certification with the renewal at \$500. The proposed CASp regulatory text is still available at the [DSA website](#).

▶ January 1, 2008 is the effective date of the **Wildland-Urban Interface** regulations in Chapter 7A of the 2007 California Building Code for new buildings located in a Fire Hazard Severity Zone within a State Responsibility Area. See the [State Fire Marshal website](#) for more information and the proposed map revisions. Also see section 701A.3.2 in Chapter 7A of the 2007 California Building Code for more information about future effective dates in non-State Responsibility Areas.

▶ James Barthman of Castro Valley, and Isam Hasenin of San Francisco, have each been reappointed by the Governor to another term as Commissioners on the Building Standards Commission.

▶ The California Energy Commission is in the public review period for the proposed 2008 Building Energy Efficiency Standards (Part 6 of Title 24) effective 2009. The next hearing is planned for January 30, 2008, which will close the public review period. See the proposed regulatory text at the [CBSC website](#), Proposed Changes.