

Photos of projects plan-checked or inspected by Willdan



THE WILLDAN LETTER

News for California Building Departments
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- ▶ Complexity of PEX lengthens 2007 Code Adoption cycle
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Legislation of Interest to Building Departments

The 2009-2010 legislative session convened on January 5, 2009. The last day to introduce legislative bills is set for February 27, 2009. Accordingly, our April-June issue of *The Willdan Letter* will cover proposed 2009 legislation of interest to building departments.



In the meantime, be sure you are up to date with the changes in state laws that became effective on January 1, 2009. Go to the [legislature's website](#) for the complete text of the following 2008 bills. Be sure to select the "2007-2008 session" when searching the legislative website for 2008 legislation.

SB 1608 (Chapter 549 of the 2008 Statutes) creating the California Commission on Disability Access, establishing new continuing education requirements for Architects, certified access specialist requirements for local agencies, and more.

SB1473 (Chapter 719 of the 2009 Statutes) that requires new fee collections by local building departments for remittance to the Building Standards Commission. See Building Standards Bulletin 08-01 at the [Building Standards Commission website](#).

AB 2554 (Chapter 138 of the 2008 Statutes) requiring a 90-day notice before returning mobilehome park enforcement jurisdiction to the Department of Housing and Community Development.



- ▶ [Locations](#) of our 9 offices in California.
- ▶ List of [Building Department Services](#).
- ▶ Willdan anticipates hiring building plan examiners and inspectors when the construction industry recovery begins. Send your resume now to hr@willdan.com.
- ▶ Visit the [index](#) to previous editions of this newsletter.
- ▶ **[Subscribe](#) to this quarterly newsletter on line.**

Crisis or Opportunity?

During these challenging economic times, many cities are facing a gap between falling revenues and fixed operating costs.

Willdan can help you immediately identify opportunities to bridge the gap, many of which do not involve eliminating staff.

For concrete examples, read our flyer [Crisis or Opportunity](#).



Important Dates



January 1 2009: 2008 Chaptered (passed) legislative bills become effective. See details in Legislation of Interest to Building Departments on left column.

January 29 2008: California Building Standards Commission Hearing. Agenda on the [BSC website](#). The next hearing will be on March 19, 2009.

February 2-6, 2009: CALBO Annual Business Meeting in Monterey. Registration details at the [CALBO website](#).

March 14, 2009: Last day to apply for IAPMO Certification examinations to be held on April 18, 2009 in Oakland, Oroville, Ontario, Sacramento and Ventura. Application details on [IAPMO's website](#).

March 16-20, 2009: 19th Annual California Fire Prevention Institute Workshop in Santa Ynez. Registration details at [firepreventionofficers.org](#).

March 23, 2009: DSA examination for Certified Access Specialist. [Application info](#).

March 23-25, 2009: ICC Code Form in New Orleans Louisiana. Registration information at the [ICC website](#).

April 28, 2009: CALBO Leadership & Advocacy Day at the State Capital. Schedule at [calbo.org](#).



Did You Know?

Violating building codes is a crime

Did you know it is a criminal offense to violate California's building codes? The building standards (regulations) in the California Building Standards Code in Title 24 of the California Code of Regulations are authorized by various state laws that charge specific state agencies with the responsibility of developing the Title 24 provisions for adoption by the Building Standards Commission. Many of these state laws establish criminal penalties for violations. Additionally, these state laws extend the criminal penalties to violations of the regulations adopted to implement the state law.

For example the State Housing Law (SHL) in Health and Safety Code (HSC), Division 13, Part 1.5 commencing with Section 17910, charges the Department of Housing and Community Development with the task of developing the Title 24 provisions (excluding fire and panic safety) applicable to the construction of hotels, motels, lodgings, apartments and dwellings. Section 17995 within the SHL establishes penalties for violation of the SHL and Title 24 provisions based on the SHL. HSC Section 17995 reads: "Any person who violates any of the provisions of this part, the building standards published in the State Building Standards Code relating to the provisions of this part, or any other rule or regulation promulgated pursuant to the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment not exceeding six months, or by both such fine and imprisonment." Accordingly, any violation of Title 24 shown as an HCD-1 adoption in the Matrix Adoption Tables of Title 24 is punishable as a misdemeanor.

The SHL also charges the State Fire Marshal (SFM) with the responsibility of developing the Title 24 provisions relating to fire and panic safety in hotels, motels, lodgings, apartments and dwellings. A violation of any Title 24 provision shown as adopted by the SFM that is implementing the SHL is punishable under HSC Section 17995 is punishable as a misdemeanor.

Another example of a criminal penalty may be found in Health and Safety Code, Division 12, Part 2, Chapter 1, which establishes the responsibility for the State Fire Marshal to develop building standards for fire alarms, egress systems, and public address system backup in specific buildings, and for buildings located in hazardous fire areas and or urban wildland interface areas. Section 13112 therein establishes that any violation of the chapter or building standards adopted pursuant to the chapter is a misdemeanor punishable by a fine of not less than one hundred

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What's Up With the State?

▶ The 2007 Code Adoption Cycle is still incomplete. The complexities of complying with the California Environment Quality Act for the proposal to adopt PEX (Cross-linked Polyethylene) piping into the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations) have lengthened the cycle time. Most all other 2007 proposed additions, deletions and amendments to Title 24 were adopted at one of three public hearings held by the Building Standards Commission (BSC) during 2008. The PEX proposal will be the subject of the January 22, 2009 BSC hearing. The planned effective date for the 2007 cycle adoptions is August 1, 2009. When published the new provisions will be issued to holders of the code in the form of supplements on blue paper. For the complete regulatory text of all the recent adoptions go to the [BSC website](#).

▶ The 2007 code adoption cycle adoptions included new California Green Building Standards with requirements for commercial occupancies and housing. These new standards will be published as the new Part 11 of Title 24 and include voluntary standards effective August 1, 2009. Mandatory provisions are scheduled to be effective concurrently with the 2010 California Building Standards Code (Title 24) planned for 2011. Find these standards at the [BSC website](#).

▶ Due to the length of the 2007 cycle, there was no 2008 Code Adoption Cycle. The 2009 Code Adoption Cycle is scheduled to begin on July 1, 2009. On or before that date the state agencies responsible for developing Title 24 provisions must submit any proposals to amend the 2007 edition of Title 24 to the Building Standards Commission.

▶ The planned effective date for the 2008 California Energy Code (Part 6 of Title 24 of the California Code of Regulations) has been moved to August 1, 2009 to coincide with the effective date for the 2007 code cycle adoptions discussed above. Find these energy standards at the [CEC website](#). Holders of the 2007 California Energy Code will receive the 2008 code as a supplement.

▶ The Department of Housing and Community Development continues to work on final language for Wildland Urban Interface regulations applying to manufactured housing installations in Wildland Urban Interface Fire Areas. Emergency regulations (temporary) were adopted on September 1, 2008 with local building department responsibilities. Find the emergency regulations and other information at the [HCD website](#) under the Manufactured Housing Program, then look under the title Wildland Urban Interface (WUI) Emergency Regulations.



Did You Know, continued

dollars (\$100) or more than five hundred dollars (\$500), or by imprisonment for not more than six months, or by both.

For additional study of criminal penalties for violations of Title 24, read HSC Sections 13199, 13190.4, 18700, and 19997 at www.leginfo.ca.gov/calaw.html.



Remember that the application of penalties is generally limited to violations of that segment of law (Division, Part, Chapter, etc.) where the penalties are established. Further, the penalties are limited to the building standards adopted to implement that segment of law. There are building standards within Title 24 that are implementing state laws that do not provide for criminal penalties. Some laws provide for only injunctive relief, or civil penalties, which will be discussed in our next issue of *The Willdan Letter*.

Other News & Things to Remember

The [Building Standards Commission website](#) has a link to a read-only ICC copy of the 2007 California Building Code and California Fire Code.

HCD issued Information Bulletin 2008 –10 (MP) clarifying limitations on local ordinances regarding mobilehome parks and special occupancy parks in light of preemptive provisions of state law. Access it at the [HCD website](#) under the mobilehome park program.

You may wish to follow two federal legislative bills, HR 4461 and S. 2458, proposing to enact the Community Building Code Administration Grant Act through the U.S. Department of Housing and Urban Development for jurisdictions who seek to build up their local building and fire code administration and enforcement capabilities.