



The WILLDAN Letter

News for California Building Departments

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Legislation of Interest to Building Departments



The California Legislature's work on active 2009 bills is generally completed for this year. Bills that have passed both the Senate and Assembly have gone to the Governor for approval or veto. He has until October 11, 2009, to act on 2009 bills. The Legislature may reconvene to address vetoed legislation, but building code bills are not likely to muster a 2/3 majority vote needed to override a veto. The following bills are

those bills that we watched this year that have been approved by the Governor or remain on his desk as we go to print.

AB 210 (Chapter 89 of the 2009 Statutes) has passed and the provisions become effective on January 1 2010. This bill amended the Health and Safety Code to clarify that the authority for a city or county to enact more restrictive local building standards than in Title 24 because of local conditions, includes green building standards.

AB 828 went to the Governor on or about September 11, 2009. If approved by the Governor this bill will define a process which the California Building Standards Commission and other state agencies must follow when developing new green building standards. The bill will authorize the Energy Commission to adopt voluntary green building standards that are more restrictive than mandatory standards.

AB 1020 went to the Governor on or about September 9, 2009. If approved by the Governor this bill will require an existing public swimming pool, as defined, to be equipped with anti-entrapment devices or drain systems that meet specific standards. The bill proposes to require a newly constructed public swimming pool to have at least 2 main drains per pump that are balanced and separated as specified. Compliance deadlines are proposed and enforcement is assigned to the California Department of Public Health and local health officials.

SB 23 went to the Governor on or about September 8, 2009. If approved, the bill will require a mobilehome park or special occupancy park to implement an emergency preparedness plan as specified, on or before September 1 2010. The plan is subject to enforcement by the agency responsible for enforcement of the Mobilehome Park Act and Special Occupancy Park Act.

SB 166 went to the Governor on or about August 18, 2009. If approved, the bill will allow occupancy of a truck camper in a special occupancy park when the truck camper has been dismantled from the transporting truck. Specific conditions apply. The bill supersedes Section 2118 of Chapter 2.2 of Title 25 of the California Code of Regulations adopted by the Department of Housing and Community Development. Section 2118 currently prohibits occupancy of a dismantled truck camper under any circumstance.

Go to the legislature's website www.leginfo.ca.gov/bilinfo.html for the complete text of these 2009 legislative bills. AB 433 proposing ventilation requirements for housing near highways has not progressed since May. That bill and others still active that could have impact on building codes and enforcement agencies need to be followed in 2010.



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continued next column

What's Up With the State?

■ The 2009 Code Adoption Cycle is in full swing to produce the 2010 California Building Standards Code in Title 24 of the California Code of Regulations. Proposed adoptions for the 2010 Mechanical, Electrical, Plumbing codes and accessibility chapters in the Building Code are in a 45-day public comment period ending October 12, 2009. These proposals should be on the agenda and considered for adoption at the November 18, 2009 hearing by the California Building Standards Commission (CBSC).

A second group of proposals is scheduled to be part of a separate 45-day public comment period to begin on or about October 2, 2009. That group of proposals will include the Building, Green Building, Fire, and International Residential Code. A public hearing to finalize the adoptions is scheduled for January 12 and 13 2010.

See the proposals at the website of the CBSC www.bsc.ca.gov. Look under the tab "Proposed Changes" and then under "45-day 2009". Proposals may also be located under the tab "2009 CAC Review", along with information about the Code Advisory Committees.

■ The Department of Housing and Community Development (HCD) has adopted Chapter 16A, Nonpotable Water Reuse Systems, into the 2007 California Plumbing Code (CPC) as emergency standards for residential buildings, effective statewide August 4, 2009. HCD has 180 days to complete the regulatory work to make Chapter 16A a permanent standard in the CPC. A 45-day public (written) comment period is in progress and will end on October 19, 2009. The same HCD proposal is included in the 2009 Code Adoption Cycle for adoption in the 2010 CPC. Find the emergency standard and related information at the HCD website www.hcd.ca.gov/codes/shl/graywater_emergency.html.

■ The Department of Housing and Community Development (HCD) issued Information Bulletin #2009-03 (MH), to announce that on August 20, 2009, emergency Wildland Urban Interface Ignition-Resistant regulations applying to manufactured housing and commercial modular installations in Wildland Urban Interface Fire Areas, became permanent regulations in Title 25, Chapter 3, Subchapter 2, Article 2.3, commencing with Section 4200. These regulations include matters for local enforcement and can be found at either the website for the California Office of Administrative Law www.oal.ca.gov, or at the HCD website www.hcd.ca.gov/codes/. Look under the Manufactured Housing Program, and then look under the title Wildland Urban Interface (WUI) Emergency Regulations at the HCD website.

■ The California Building Standards Commission continues to initiate the new California Commission on Disability Access (CCDA) established by SB1608 (Chapter 549 of the 2008 Statutes). To date 16 of the 17 CCDA commissioners have been appointed as required by new Government Code Section 8299.01. The first meeting of the CCDA will be held on October 19, 2009. Watch for the notice and related information at the CBSC website www.bsc.ca.gov. Look for the tab "CCDA".

Did you know? Accessibility Sign Requires Fine Notice

Did you know that the sign with the International Symbol of Accessibility required at the head of a new accessible parking space must include the statement "Minimum Fine \$250"? This is a requirement of Section 1129B.4



of Chapter 11B of the 2007 California Building Code (Volume 1 of Part 2 of Title 24 of the California Code of Regulations). The required language is to be located below the International Symbol of Accessibility, or on a separate sign.

The regulatory amendment to add the fine language was developed by the Division of the State Architect (DSA) in response to Assembly Bill 1531 (Chapter 413, Statutes of 2007) and approved by the California Building Standards Commission to be effective on July 1, 2008.



On August 1, 2009, DSA issued revised Interpretation of Regulations Document #IR 11B-7 to clarify the signage requirement of Section 1129B.4 and other related matters. IR documents and the Access Compliance Design Manual issued by DSA are excellent references and are available under the link "Accessibility" on the DSA website www.dsa.dgs.ca.gov.

It should be understood that Section 1129B.4 discussed above applies to parking provided at public buildings, public accommodations, commercial facilities and publicly funded housing (see definitions in California Building Code), but not at privately funded multifamily dwellings. Parking facilities at privately funded multifamily dwellings are subject to the requirements of Chapter 11A, of the California Building Code. Section 1109A.8.8 of Chapter 11A requires the sign at accessibility parking spaces with the International Symbol of Accessibility, in the same size, color and location as does Section 1129B.4, except that there is no requirement for the language regarding fines. Further, in the proposed language for the 2010 California Building Code now before the California Building Standards Commission, HCD is not proposing any change to Section 1109A.8.8.

Accordingly, require the statement "Minimum Fine \$250" along with the International Symbol of Accessibility at each new parking space designed for use by persons with disabilities, except at such spaces provided at privately funded multifamily dwellings. The fine language requirement is not to be applied retroactively.



Photos of projects plan-checked or inspected by Willdan

Other News & Things to Remember

California Civil Code Section 55.53 (d) (1) reads in part: "Commencing July 1 2010, a local agency shall employ or retain at least one building inspector who is a certified access specialist." Begin planning to apply for the Certified Access Compliance Specialist examination administered by the Division of the State Architect (DSA). During 2009 there were only two examination opportunities. See the Candidate Handbook and application information at the DSA website www.dsa.dgs.ca.gov/Access/casp.htm. The next application period and examination dates should be available at the DSA website in the near future.

Health and Safety Code Section 18949.29(a) reads: All construction inspectors, plans examiners, and building officials shall complete a minimum of 45 hours of continuing education for every three-year period, with at least eight hours regarding disability access requirements pursuant to subdivision (d). A local government may charge or increase inspection fees to the extent necessary to offset any added costs incurred in complying with this section. Health and Safety Code Section 18949 (d) reads in part: "Continuing education regarding disability access requirements shall include information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws."



Useful Websites

State Fire Marshal - osfm.fire.ca.gov

California Legislature - www.leginfo.ca.gov

Dept of Housing & Community Dev. - www.hcd.ca.gov

California Energy Commission - www.energy.ca.gov

California Building Standards Commission - www.bsc.ca.gov

Division of the State Architect - www.dsa.dgs.ca.gov

State Laws - leginfo.ca.gov/calaw.html

Office of Administrative Law - www.oal.ca.gov/

U.S. Green Building Council - www.usgbc.org/

Environmental Building News - www.buildinggreen.com

Global Green USA - www.globalgreen.org/

Important Dates

October 5-9, 2009: CALBO (Northern California) Education Week in San Ramon. Details: www.calbo.org.

November 16-20, 2009: CALBO (Southern California) Education Week in Ontario. Details: www.calbo.org.

November 18, 2009: California Building Standards Commission Hearing. Agenda: www.bsc.ca.gov.

October 24-31 and **November 4-11, 2009:** ICC Code Development Hearings, Baltimore Maryland. Details: www.iccsafe.org.

November 1-4, 2009: ICC Annual Conference, Baltimore Maryland. Details: www.iccsafe.org.

December 12, 2009: Last day to apply for IAPMO Certification examinations to be held on January 16, 2010 in Oakland, Oroville, Ontario, Sacramento and Ventura. Application details: www.iapmo.org.

January 12-13 2010: California Building Standards Commission Hearing. Agenda: www.bsc.ca.gov.