



The WILLDAN Letter

News for California Building Departments

Issue #25, Jan. - Mar. 2010

Legislation of Interest to Building Departments



Our last issue of this newsletter listed some 2009 legislative bills that were still on the Governor's desk. The results of the Governor's action is discussed below. The 2010 legislative session begins on January 4, 2010. The last date for introducing 2010 legislation is February 19, 2010. Our next newsletter in April will list those 2010 legislative bills with proposals of interest to building departments.

The following 2009 bills include provisions that became effective on January 1, 2010.

AB 210 (Chapter 89 of the 2009 Statutes): 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 1020 (Chapter 267 of the 2009 Statutes): This bill amended the Health and Safety Code to require an existing public swimming pool, as defined, to be equipped with anti-entrapment devices or drain systems that meet specific standards. The bill requires 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 established.

SB 23 (Chapter 551 of the 2009 Statutes): This bill amended the Health and Safety Code to require a mobilehome park or special occupancy park to implement an emergency preparedness plan on or before September 1, 2010. The plan is subject to enforcement by the agency

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responsible for enforcement of the Mobilehome Park Act and Special Occupancy Park Act.

Go to the legislature's website (leginfo.ca.gov/billinfo.htm) for the complete text of the 2009 legislative bills.

The following bills of interest during 2009 were vetoed by the Governor.

AB 828: Vetoed. This bill proposed a process for the California Building Standards Commission and other state agencies to follow when developing new green building standards.

SB 166: Vetoed. This bill proposed to allow occupancy of a dismantled truck camper in a special occupancy park under specific conditions, that would supersede 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 prohibits occupancy of a dismantled truck camper under any circumstance.



What's Up With the State?

■ The 2009 Code Adoption Cycle is nearing the most critical point in the process. The public hearings by the Building Standards Commission (BSC) to be held on January 12 and 13, 2010, are to approve or disapprove the proposals by the state agencies that are to produce the 2010 California Building Standards Code in Title 24 of the California Code of Regulations. If adoption is approved, the next step in the process is for the new code to be published and made available to the public. The 2010 edition of Title 24 will be contained in all new binders replacing the 2007 edition now in effect.

Once available to the public the BSC will establish the publication date and the effective date. By law the effective date can be no sooner than 180 days following the publication date. According to the BSC website the planned effective date is January 1, 2011.

See the proposals at the website of the BSC www.bsc.ca.gov/. Look under the tab "Proposed Changes", or "2009 Annual Cycle Adoption Cycle." Also available at the BSC website are the written public comments regarding the proposed adoptions. After the hearings, new information about the 2009 Code Adoption Cycle will likely be available.

■ The California Building Standards Commission (BSC) is developing a new newsletter to be available as an electronic newsletter on the website of the BSC. The first edition is planned for release later in January 2010. Some may recall that the BSC provided a newsletter by mail that was discontinued some years ago. Watch the BSC website (www.bsc.ca.gov/) for the announcement.

■ The California Building Standards Commission website contains new training information entitled "About Title 24". The document explains the organization and use of Title 24, including illustrations of the code text with California Amendments and the use of the Matrix Adoption Tables. This is a document you may print and use for staff training. See it at the BSC website (www.bsc.ca.gov/): click on "Title 24" on the main page, then click on "About Title 24".

■ The Building Standards Commission has a new Chairperson. On January 6, 2010, Governor Schwarzenegger announced the appointment of Thomas Sheehy as Undersecretary of the State and Consumer Services Agency (SCSA), and acting Secretary. As the acting SCSA Secretary, Mr. Sheehy will chair the Building Standards Commission hearings until a Secretary is appointed. Mr. Sheehy has served as the Department of Finance chief deputy director since 2008 and previously as deputy director from 2006 to 2008.

■ HCD issued Information Bulletin #2009-07, dated October 30, 2009, announcing new regulations to implement Senate Bill 2050 (Chapter 737 of the 2008 Statutes) requiring fuel-gas-burning water heater bracing in existing manufactured homes and mobilehomes, effective on October 15, 2009. In short, these regulations require all existing or replacement storage type fuel-gas-burning water heaters in manufactured homes, multifamily manufactured homes, and mobilehomes, to be braced to resist seismic motion at the time or prior to the sale, rent, lease, or installation. See the regulations in Article 2.1 of Chapter 3 of Title 25, of the California Code of Regulations, available at the website of the Office of Administrative Law, www.oal.ca.gov/.

Did you know?

Did you know that there is some basis in law for the understanding that a builder must warranty his or her work for 10 years? We have all heard that said. But what is the basis of that statement and is it correct?



Well, there is law that establishes a 10 year time frame, but not for a written 10-year warranty of construction. Instead, Section 337.15 of the California Code of Civil Procedure states in part that “no action may be brought to recover damages from any person who develops real property or performs or furnishes the design, specifications, surveying, planning, supervision, testing, or observation of construction or construction of an improvement to real property more than 10 years after the substantial completion of the development or improvement” for “any latent deficiency (not apparent by reasonable inspection) in the design, specification, surveying, planning, supervision, or observation of construction or construction of an improvement to, or survey of, real property.” Accordingly, prior to the passing of 10 years from the completion of construction, a person may seek the recovery of damages relating to latent defects in construction. Such ability under the law is aside from an issued warranty.

As for warranty documents, there is law that prescribes requirements for expressed warranties, written warranties and implied warranties. Requirements for any written warranty or implied warranty for any sold goods is established in the California Civil Code beginning with Section 1792. What is an “implied warranty”? The law holds the manufacturer and retailer of goods responsible for the marketability (fit for the purpose) of goods when there is knowledge of the buyer’s intended use of the goods.

The Civil Code also has requirements for warranties and warranty document content on some sold goods. For example, Sections 1797.90 through 1797.96, require a written warranty document when there is any expressed warranty on the life of residential roofing material or roofing installation. Civil Code Sections 1797 through 1797.7 require a written one-year warranty for all new manufactured homes. Read all these laws and more about warranties at the state website leginfo.ca.gov/calaw.html.



Photos of projects plan-checked or inspected by Willdan

Other News & Things to Remember

There are 6 educational classes available at the CALBO Annual Business Meeting in during the week of February 22 through 26 in Anaheim. Details are available at the CALBO website calbo.org.

The International Association of Plumbing and Mechanical Officials (IAPMO) is conducting a scholarship contest open to members and their children (also to members of affiliated organizations). Applicants must submit a 1,000 word essay and be currently enrolled in high school, community college, trade school, four-year accredited college or university, or working in an apprentice program. The deadline for submission of the essay is April 1, 2010. See the IAPMO website iapmo.org/Pages/EssayContest.aspxWorld/ for the details.

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

January 1, 2010: Effective date for new laws. See our Legislative section for information about 2009 legislation of interest to building departments.

January 12 and 13, 2010: California Building Standards Commission Hearing. An agenda is available on the BSC website www.bsc.ca.gov.

February 22-26, 2010: CALBO Annual Business Meeting in Anaheim CA. See details at the CALBO website www.calbo.org.

March 14, 2010: Last day to apply for IAPMO Certification examinations to be held on April 17, 2010 in Oakland, Oroville, Ontario, Sacramento and Ventura.

See IAPMO’s website www.iapmo.org/ for application details.



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