

AB 2282 Draft Building Standards

Comments submitted on behalf of:
California Building Industry Association
California Business Properties Association
Building Owners and Managers Association

Dated: August 5, 2016

Given the level of importance compared with other issues, industry will be focusing our entire submittal on one single issue: the Application Provisions.

For residential occupancies, HCD proposes application provisions be placed in the California Plumbing code, Section 1503.1.1 while for commercial occupancies, BSC proposes application provisions be placed in the California Green Building Code, Section 5.305.1.

There is a need for consistency among agencies and for “pointers”. Regarding consistency, there is a great deal of mixed-used construction going on now and this trend will only increase in the future. Industry would strongly suggest both HCD and BSC work together to seek similar application provisions in effort to promote uniform application and interpretation throughout the state.

Regarding “pointers”, industry would respectfully request each agency to include a “pointer” to the application provisions in the code which does not include the application provisions. As an alternative, AB 341 gives both HCD and BSC the authority to duplicate language. For example, BSC could maintain their application provisions in Part 11 but reprint these provisions in Part 5 with a pointer to Part 11. HCD could do something similar by having their application provisions in Part 5 with a pointer to Part 11 with a similar reprint of the application provisions.

Reality Check: Most of the state will not have to comply with AB 2282: As indicated on numerous occasions, the mandate of AB 2282 applies **only** to those parts of the state which already have access to centralized water recycling facilities or will have access to such facilities in the very near future.

Industry truly understands the difficulty this presents for both HCD and BSC. How does each of these agencies go about proposing clear and concise application provisions for something that currently covers a small, relatively undefined portion of the state, but is also growing at the same time? This is a very difficult administrative task!

However, at the present time, both HCD and BSC are proposing application provisions which rely substantially on “Exceptions” to help identify where application is NOT required. Unfortunately, the exceptions being proposed at the current time are vague and ambiguous, and create an unintended violation of Criteria #6. This is not to say that knowing where compliance is not required is not helpful...because it is. It would just be preferred to know precisely where one must comply with these new provisions.

Who do we call? Industry has been using the following example to indicate the lack of clarity in the current provisions: How does an architect in Yuba City find out if a project he/she is designing for Clovis will be required to comply with AB 2282? This is an example that applies

to any two cities (or counties) in California. There must be a quick and concise way for an architect, builder, contractor or building official to find out if compliance is required. The recent workshops conducted on July 28th & 29th left this question unanswered. Should it be the Building Department, the local water purveyor or some other entity that makes this call? And how does someone from Yuba City (for example) know who to call in Clovis. Making matters worse, will everyone in Clovis give the same answer?

Once again, we realize the difficulty of this task. However industry should not be put in a position of having to determine application through a frustrating process of “trial and error”. This leaves open another issue: What happens if the applicant calls one entity within the jurisdiction and get a response that compliance is not required for their particular project, only to be told at a later date that this information was incorrect and that the applicant should have spoken with “some other person”. You begin to get the picture of what industry will be facing if there is not clear and concise guidance from HCD and BSC.

One Possible Solution:

Both BSC and HCD develop a listing of local jurisdictions that (1) do and (2) do not have access to centralized water recycling facilities. During initial development, all 500+ jurisdictions in the state will be listed on the “do not” have side of the listing. HCD, BSC (and the Governor’s Office) will put out the call for local jurisdictions/water purveyors to get back to HCD/BSC if they want to be listed as a jurisdiction that does have centralized recycled water. I use the term “want” as these local jurisdictions have been given the authority via AB 2282 to either reduce area or decline to participate in the application this building standard. As those entities contact HCD/BSC indicating that they do have these facilities, they provide HCD/BSc with the appropriate contact information of the administrative entity that will be handling access to the recycled water and whatever else information is needed.

At a minimum, every 18 months, consistent with the updating of the California Codes, HCD and BSC will maintain **and publish in the code** a list of those local jurisdictions that do and do not have access to centralized water recycling facilities.

Another Possible Solution:

Conduct one or more workshops where the application provisions are the only subject for discussion....and make sure local government and local water purveyors will be well represented.

Bottom line: The adopted application provisions cannot be vague and ambiguous.

Legislation:

We may want to discuss possible legislation that would treat the **application** of these building standards in a way that is somewhat similar to the listing of local modifications to the state codes. Specifically, require local entities to file appropriate paperwork listing boundaries and contact information for those areas where compliance with AB 2282 is required. No Finding of Local Condition would be required. However HCD and BSC would serve as the repository for the areas of application throughout the state.