



CALIFORNIA FIRE CHIEFS ASSOCIATION

1851 Heritage Lane, Ste. 138 • Sacramento, CA 95815

Off: 916-923-9455 www.CalChiefs.org

August 22, 2018

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2018 AUG 27 P 1:23
CALIFORNIA BUILDING
STANDARDS COMMISSION

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

RE: PUBLIC COMMENT – PERMANENT ADOPTION OF BUILDING STANDARDS
APPENDIX N TO 2016 CALIFORNIA BUILDING CODE AND APPENDIX X TO THE CALIFORNIA RESIDENTIAL
CODE AS PROPOSED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)

I would like to bring to the commission some concerns of the California Fire Chiefs' Association pertaining to the permanent adoption of emergency regulations specific to "shelter crisis – homeless shelters". While we recognize that these regulations were previously adopted as emergency regulations earlier this year, we do not believe proper notification was shared with our association. Had enough notification been provided to our association, we would have provided opposing comments as to why these regulations should not be have been adopted.

The Ghost Ship Fire late 2016 is a constant reminder of ensuring minimum fire and life safety standards. While we recognize the importance of addressing a sheltering crisis, we still believe fire and life safety standards should be identified and applied as a minimum throughout the state. These standards should be prescriptively written rather than left as a blanket statement. Specifically, N103.4 and X103.4 leaves many fire and life safety concerns left to be determined and enforced by the Authority Having Jurisdiction. Health & Safety Code §17921(b) exists to ensure a minimum standard is identified statewide and not subject to possible political or media sway that can influence standards at the local level.

The proposed appendices conflict with Health and Safety Code Sections 13145 and 13146 that mandate enforcement of the State Fire Marshal's adopted building standards and other regulations.

The proposed appendices conflict with Health and Safety Code Section 18938(b) that states in part "The building standards contained in the... ..as referenced in the California Building Standards Code, shall apply to all occupancies throughout the state...".

"To strengthen and advocate for the California Fire Service through leadership, unity and collaboration."

The above statutes impose certain mandates on local fire officials to enforce the adopted codes as a minimum. Section N103.4 and X103.4 create a conflict with enforcement of the State Fire Marshal adopted building standards and other regulations. Furthermore, we contend that Sections N103.4 and X103.4 create a liability if local fire authority does not enforce the State Fire Marshal adopted building standards and other regulations. Without clear and concise regulations to enforce, or guidance in how to enforce the ambiguous sections noted above, we further contend that these regulations create a lack of uniformity in both application and enforcement.

Given the information provided above, it is our hope that you will not permanently adopt Appendix N or X on behalf of the Department of Housing and Community Development as submitted or modify the proposal to remove Sections N103.4 and X103.4. The permanent adoption of these regulations as without the full opportunity to vet this through fire service stakeholders potentially could lead to the existence of dangerous conditions that could end with loss of life. Thank you in advance for considering our public comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Hartwig', written in a cursive style.

Mark A. Hartwig
President