

BUILDING STANDARDS COMMISSION

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CALIFORNIA BUILDING STANDARDS COMMISSION INFORMATION BULLETIN 19-08

Revised

DATE: DECEMBER 30, 2019

**TO: CBSC INTERESTED PARTIES
LOCAL BUILDING DEPARTMENTS
STATE AGENCIES AND DEPARTMENTS**

SUBJECT: 2019 LEGISLATIVE CHANGES

This information bulletin summarizes the 2019 legislative changes to state laws related to the California Building Standards Commission (CBSC) and state building standards. The statutory changes summarized in this bulletin become effective on January 1, 2020, unless otherwise specified in statute. Detailed information on each bill can be viewed by selecting the hyperlink embedded in the bill heading.

[AB 38 \(Wood, Chapter 391, Statutes of 2019\) Low-cost retrofits: regional capacity review: wildfire mitigation.](#)

This bill requires the Natural Resources Agency, by July 1, 2021, and in consultation with the State Fire Marshal and the Forest Management Task Force, to review the regional capacity of each county that contains a very high fire hazard severity zone to improve forest health, fire resilience, and safety, as specified. The bill requires the Natural Resources Agency to make the review publicly available on its internet website. On or after July 1, 2021, the bill requires a seller of real property located in a high or very high fire hazard severity zone to provide specified documentation to the buyer that the real property is in compliance with the wildfire protection measures as specified or a local vegetation management ordinance, or enter into an agreement with the buyer pursuant to which the buyer will obtain documentation of compliance, as provided.

[AB 68 \(Ting, Chapter 655, Statutes of 2019\) Land use: accessory dwelling units. †](#)

The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and requires such an ordinance to impose standards on accessory dwelling units, including, among others, lot coverage. Current law also requires such an ordinance to require that the accessory dwelling units to be either attached to, or located within, the living area of the proposed or existing primary dwelling, or detached from the proposed

or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. This bill deletes the provision authorizing the imposition of standards on lot coverage and prohibits an ordinance from imposing requirements on minimum lot size.

[AB 178 \(Dahle, Chapter 259, Statutes of 2019\) Energy: building standards: photovoltaic requirements.](#)

This bill will, until January 1, 2023, specify that residential construction intended to repair, restore, or replace a residential building damaged or destroyed as a result of a disaster in an area in which a state of emergency has been proclaimed by the Governor, before January 1, 2020, is required to comply with the photovoltaic requirements, if any, that were in effect at the time the damaged or destroyed residential building was originally constructed and is not required to comply with any additional or conflicting photovoltaic requirements in effect at the time of repair, restoration, or replacement.

[AB 430 \(Gallagher, Chapter 745, Statutes of 2019\) Housing development: Camp Fire Housing Assistance Act of 2019.](#)

Current law authorizes a development proponent to submit an application for a development permit that is subject to a streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies specified objective planning standards, including that the development is a multifamily housing development that contains 2 or more residential units. This bill authorizes a development proponent to submit an application for a residential development, or mixed-use development that includes residential units with a specified percentage of space designated for residential use, within the territorial boundaries or a specialized residential planning area identified in the general plan of, and adjacent to existing urban development within, specified cities that is subject to a similar streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies specified objective planning standards.

[AB 957 \(Committee on Housing and Community Development, Chapter 620, Statutes of 2019\) Housing Omnibus.](#) †

Current law, until December 31, 2028, requires the housing element to contain, among other components, an inventory of land suitable for residential development, which includes, among other things, residentially zoned sites that are capable of being developed at a higher density, including the airspace above sites owned or leased by a city, county, or city and county, as specified. This bill instead provides that the inventory of land suitable for residential development, until December 31, 2028, includes, among other things, residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county, as specified.

[AB 1100 \(Kamlager-Dove, Chapter 819, Statutes of 2019\) Electric vehicles: parking requirements.](#)

This bill requires a parking space served by electric vehicle supply equipment, as defined, and a parking space designated as a future electric vehicle charging space, as defined, to be counted as at least one standard automobile parking space for the purpose of complying with any applicable minimum parking requirements established by a local jurisdiction. The bill requires an accessible parking space with an access aisle served by electric vehicle supply equipment and accessible parking space with an access aisle intended as a future electric vehicle charging space to be counted as at least 2 standard automobile parking spaces for the purpose of complying with any applicable minimum parking requirements established by a local jurisdiction.

[AB 1180 \(Friedman, Chapter 455, Statutes of 2019\) Water: recycled water.](#)

California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law requires, on or before January 1, 2020, the state board to adopt standards for backflow protection and cross-connection control through the adoption of a policy handbook, as specified. This bill requires that handbook to include provisions for the use of a swivel or changeover device to supply potable water to a dual-plumbed system during an interruption in recycled water service.

[SB 13 \(Wieckowski, Chapter 653, Statutes of 2019\) Accessory dwelling units.](#)

This bill authorizes the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The bill also revises the requirements for an accessory dwelling unit by providing that the accessory dwelling unit may be attached to, or located within, an attached garage, storage area, or other structure, and that it does not exceed a specified amount of total floor area.

[SB 49 \(Skinner, Chapter 697, Statutes of 2019\) Appliance standards and State Water Project assessment.](#)

This bill requires the Natural Resources Agency, in collaboration with the Energy Commission and the Department of Water Resources, to assess the opportunities and constraints for potential operational and structural upgrades to the State Water Project to aid California in achieving its climate and energy goals, and to provide associated recommendations consistent with specified purposes and California's energy goals. The bill requires that the assessment and recommendations include specified elements, including recommendations for state, federal, and other applicable funding sources, as specified. The bill requires that the assessment and recommendations be provided to the appropriate policy committees of the Legislature before January 1, 2022.

[SB 142 \(Wiener, Chapter 720, Statutes of 2019\) Employees: lactation accommodation.](#)

This bill requires an employer to provide a lactation room or location that includes prescribed features and requires an employer, among other things, to provide access to

a sink and refrigerator in close proximity to the employee's workspace, as specified. The bill will deem denial of reasonable break time or adequate space to express milk a failure to provide a rest period in accordance with state law. The bill will prohibit an employer from discharging, or in any other manner discriminating or retaliating against, an employee for exercising or attempting to exercise rights under these provisions and will establish remedies that include filing a complaint with the Labor Commissioner.

[SB 190 \(Dodd, Chapter 404, Statutes of 2019\) Fire safety: building standards: defensible space program.](#)

This bill requires the Office of the State Fire Marshal to develop, in consultation with representatives from local, state, and federal fire services, local government, building officials, utility companies, the building industry, insurers and insurance research organizations, and the environmental community, a model defensible space program to be made available for use by a city, county, or city and county in the enforcement of the defensible space provisions. The bill will set forth required components of the program.

[SB 234 \(Skinner, Chapter 244, Statutes of 2019\) Family daycare homes.](#)

Under current law, a small family daycare home, which may provide care for up to 8 children, is considered a residential use of property for purposes of all local ordinances. Current law authorizes a city, county, or city and county to either classify a large family daycare home, which may provide care for up to 14 children, as residential use of the property or to provide a process for applying for a permit to use the property as a large family daycare home. This bill will instead require a large family daycare home to be treated as a residential use of property for purposes of all local ordinances.

[SB 280 \(Jackson, Chapter 640, Statutes of 2019\) Fall prevention.](#) †

This bill will, at the next triennial building standards rulemaking cycle that commences on or after January 1, 2020, require the Department of Housing and Community Development to investigate possible changes to the building standards in the California Residential Code for adoption by the California Building Standards Commission to promote aging-in-place design, as specified.

[SB 330 \(Skinner, Chapter 654, Statutes of 2019\) Housing Crisis Act of 2019.](#) †

The Housing Accountability Act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. The act requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete. This bill will, until January 1, 2025, specify that an application is deemed complete for these purposes if a preliminary application was submitted, as specified.

As appropriate, CBSC updates the California Building Standards Code (Cal. Code Regs., Title 24) with changes resulting from newly enacted legislation. This information bulletin is not intended to be a complete digest of all new laws affecting buildings, building standards, and CBSC. The complete text of each law can be reviewed on the new [California Legislative Information website](#).

Sincerely,

A handwritten signature in black ink, appearing to read 'Mia Marvelli', with a horizontal line extending to the right.

Mia Marvelli, Executive Director
Department of General Services, California Building Standards Commission

† Please contact the Department of Housing and Community Development for further information on bills that have an impact on housing:
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