

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 18, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1234

Introduced by Assembly Member Wolk

February 23, 2007

An act to amend Section 1941.1 of, and to add Article 1.9 (commencing with Section 1103.50) to Chapter 2 of Title 4 of Part 4 of Division 2 of, the Civil Code, and to add Section 382.5 to the Public Utilities Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1234, as amended, Wolk. Real property: furnaces.

(1) Existing law requires specified written disclosures to be made to prospective transferees of real property and a waiver of these provisions is declared void as a violation of public policy. Existing law provides that if a person rents or leases a dwelling unit located in this state, a dwelling shall be deemed untenable if the dwelling substantially lacks specified affirmative standard characteristics, including, but not limited to, effective waterproofing, plumbing, or gas facilities, and heating facilities that conformed with applicable law at the time of installation.

This bill would provide that it is the policy of the State of California that ~~old~~ floor furnaces, as defined, be replaced in all dwellings in California. The bill would also provide that on and after January 1, 2014, ~~an old~~ a floor furnace or any unvented furnace or heating facility located in the floor of the dwelling shall not be considered as conforming to applicable law.

(2) Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including, but not limited to, electrical corporations and gas corporations, as defined. Existing law requires the commission to establish a program of assistance to low-income electric and gas customers, referred to as the California Alternate Rates for Energy (CARE) program. Existing law also establishes the Low-Income Oversight Board for the purpose of advising the commission on low-income electric and gas customer issues and serving as a liaison for the commission to low-income ratepayers and representatives. Under existing law, a violation of the Public Utilities Act or an order or direction of the Public Utilities Commission is a crime.

This bill would require the Public Utilities Commission, in consultation with the Low-Income Oversight Board and the gas corporations or electrical corporations that participate in ~~the CARE program~~ *low-income energy efficiency programs*, to establish a program to replace ~~old~~ gas furnaces, as defined, in residential dwelling units occupied by customers eligible for ~~the CARE program~~ *low-income energy efficiency programs*, as specified. The bill would provide that the furnace replacement program shall go into effect on July 1, 2008, and continue until December 31, 2013. The bill would further provide that the furnace replacement program shall be in addition to all other specified programs of assistance for low-income customers. The bill would provide that the costs to adopt and implement the furnace replacement program shall be recovered by the commission, as specified. Because a violation of an order or decision of the commission implementing the requirements of the bill would be a crime, the bill would impose a state-mandated local program.

~~(3) This bill would make related findings and declarations by the Legislature.~~

~~(4)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

~~SECTION 1. The Legislature finds and declares all of the following:~~

(a) The efficiency of new gas furnaces that heat residential dwelling units has improved by an average of 25 percent since 1975, due in part to the implementation of appliance efficiency standards that began in 1978.

(b) The improvements in the efficiency of gas floor and wall furnaces have been accompanied by safety improvements that reduce emissions of carbon monoxide and other harmful air pollutants that endanger public health.

(c) California has a large number of residential dwelling units that are more than 30 years old and have gas floor and wall furnaces that predate the improvements in furnace efficiency and safety.

~~(d) Residential dwellings with old gas floor furnaces that lack vents or flues and pose potential fire or other safety hazards that make the disclosure of these floor heaters a matter of public interest.~~

(e) It is a matter of public interest to promote the replacement of old and inefficient gas floor and wall furnaces lacking safety features with new furnaces that are safer and more energy efficient.

~~SEC. 2.~~

SECTION 1. Article 1.9 (commencing with Section 1103.50) is added to Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code, to read:

Article 1.9. Replacement of Old Floor Furnaces in Dwelling Units

1103.50. For purposes of this article, the following definitions shall apply:

(a) “Floor ~~“floor”~~ furnace” means a floor furnace as described in Section 1602(e) of Title 20 of the California Code of Regulations.

(b) “Old floor furnace” means a floor furnace that is more than 30 years old.

(c) “Old wall furnace” means a wall furnace as described in Section 1602(e) of Title 20 of the California Code of Regulations that is more than 30 years old.

1 1103.51. It is the policy of the State of California that ~~old~~ floor
2 furnaces shall be replaced in all dwellings in California.

3 ~~SEC. 3.~~

4 *SEC. 2.* Section 1941.1 of the Civil Code is amended to read:

5 1941.1. A dwelling shall be deemed untenable for purposes
6 of Section 1941 if it substantially lacks any of the following
7 affirmative standard characteristics or is a residential unit described
8 in Section 17920.3 or 17920.10 of the Health and Safety Code:

9 (a) Effective waterproofing and weather protection of roof and
10 exterior walls, including unbroken windows and doors.

11 (b) Plumbing or gas facilities that conformed to applicable law
12 in effect at the time of installation, maintained in good working
13 order.

14 (c) A water supply approved under applicable law that is under
15 the control of the tenant, capable of producing hot and cold running
16 water, or a system that is under the control of the landlord, that
17 produces hot and cold running water, furnished to appropriate
18 fixtures, and connected to a sewage disposal system approved
19 under applicable law.

20 (d) Heating facilities that conformed with applicable law at the
21 time of installation, maintained in good working order. On and
22 after January 1, 2014, ~~an old a~~ floor furnace as defined in
23 ~~subdivision (b) of~~ Section 1103.50 or any unvented furnace or
24 heating facility located in the floor of the dwelling shall not be
25 considered as conforming to applicable law.

26 (e) Electrical lighting, with wiring and electrical equipment that
27 conformed with applicable law at the time of installation,
28 maintained in good working order.

29 (f) Building, grounds, and appurtenances at the time of the
30 commencement of the lease or rental agreement, and all areas
31 under control of the landlord, kept in every part clean, sanitary,
32 and free from all accumulations of debris, filth, rubbish, garbage,
33 rodents, and vermin.

34 (g) An adequate number of appropriate receptacles for garbage
35 and rubbish, in clean condition and good repair at the time of the
36 commencement of the lease or rental agreement, with the landlord
37 providing appropriate serviceable receptacles thereafter and being
38 responsible for the clean condition and good repair of the
39 receptacles under his or her control.

40 (h) Floors, stairways, and railings maintained in good repair.

1 ~~SEC. 4.~~

2 ~~SEC. 3.~~ Section 382.5 is added to the Public Utilities Code, to
3 read:

4 382.5. (a) For purposes of this section, the following
5 definitions shall apply:

6 ~~(1) "Old gas furnace" means an old floor furnace or old wall~~
7 ~~furnace as described in Section 1103.50 of the Civil Code.~~

8 ~~(1) "Gas furnace" means a floor furnace as described in Section~~
9 ~~1103.50 of the Civil Code.~~

10 (2) "Residential dwelling unit" means a detached home,
11 mobilehome, manufactured home, or a unit in a multifamily
12 structure occupied by either the owner or a tenant.

13 (b) The commission, in consultation with the Low-Income
14 Oversight Board and the gas corporations or electrical corporations
15 that participate in the ~~California Alternate Rates for Energy~~
16 ~~(CARE) program~~ *low-income energy efficiency programs*, shall
17 establish a program to take effect on July 1, 2008, and to continue
18 to December 31, 2013, inclusive, to ~~replace old gas furnaces in~~
19 ~~residential dwelling units occupied by customers eligible for the~~
20 ~~CARE program~~ *replace gas floor furnaces in residential dwelling*
21 *units occupied by customers eligible for low-income energy*
22 *efficiency programs in a cost-effective manner.* This furnace
23 replacement program shall initially provide financial support for
24 replacing ~~all eligible old~~ *eligible* gas floor furnaces by December
25 31, 2013. Whenever feasible, ~~old~~ gas floor furnaces shall be
26 replaced by an appliance other than a gas floor ~~heater~~ *furnace*.

27 (c) The furnace replacement program described in this section
28 shall be in addition to all other programs of assistance for
29 low-income customers established by the commission and
30 administered by an electrical or gas corporation or third-party
31 administrator pursuant to Sections 381, 381.1, 382, 382.1, 739.1,
32 and 2790.

33 (d) The costs of the program adopted and implemented pursuant
34 to this section shall be recovered pursuant to Sections 381 and
35 890.

36 ~~SEC. 5.~~

37 ~~SEC. 4.~~ No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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