

Introduced by Senator CalderonFebruary 21, 2008

An act to amend Sections 18909 and 18941.5 of, to add Sections 18914.4, 18914.5, 18918.1, 18931.6, and 18931.7 to, and to add Chapter 4.7 (commencing with Section 18944.52) to Part 2.5 of Division 13 of, the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1473, as introduced, Calderon. Building standards: green buildings.

(1) The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption.

This bill would revise the definition of "building standard" in existing law to include sustainable building standards and green building standards, as defined in the bill.

The bill would require each city, county, or city and county to collect a fee from any applicant for a building permit, assessed at the rate of \$4 per \$100,000 in valuation, as determined by the local building official, with appropriate fractions thereof, but not less than \$1. The bill would authorize the city, county, or city and county to retain not more than 10% of the fees collected for related administrative costs and for code enforcement education, including certifications in the voluntary construction inspector certification program. The bill would require the city, county, or city and county to transmit the remainder to the commission for deposit in the Building Standards Administration Special Revolving Fund which the bill would establish in the State Treasury.

The bill would establish a state-mandated local program by imposing additional duties on local government.

The bill would require that all funds received by the commission under the California Building Standards Law be deposited in the fund and be available, upon appropriation, to the commission for expenditure in carrying out these provisions of existing law, with emphasis placed on the development, adoption, publication, and educational efforts associated with green building standards.

The bill would require the commission and state agencies to adopt, and would provide for the adoption by local government of, green building standards.

(2) 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:

1 SECTION 1. Section 18909 of the Health and Safety Code is
2 amended to read:

3 18909. (a) “Building standard” means any rule, regulation,
4 order, or other requirement, including any amendment or repeal
5 of that requirement, that specifically regulates, requires, or forbids
6 the method of use, properties, performance, or types of materials
7 used in the construction, alteration, improvement, repair, or
8 rehabilitation of a building, structure, factory-built housing, or
9 other improvement to real property, including fixtures therein, and
10 as determined by the commission.

11 (b) (1) Except as provided in subdivision (d), “building
12 standard” includes architectural and design functions of a building
13 or structure, including, but not limited to, number and location of
14 doors, windows, and other openings, stress or loading
15 characteristics of materials, and methods of fabrication, clearances,
16 and other functions.

17 (2) *Except as provided in subdivision (d), “building standard”*
18 *includes sustainable building standards and green building*
19 *standards.*

1 (c) “Building standard” includes a regulation or rule relating to
2 the implementation or enforcement of a building standard not
3 otherwise governed by statute, but does not include the adoption
4 of procedural ordinances by a city or other public agency relating
5 to civil, administrative, or criminal procedures and remedies
6 available for enforcing code violations.

7 (d) “Building standard” does not include any safety regulations
8 that any state agency is authorized to adopt relating to the operation
9 of machinery and equipment used in manufacturing, processing,
10 or fabricating, including, but not limited to, warehousing and food
11 processing operations, but not including safety regulations relating
12 to permanent appendages, accessories, apparatus, appliances, and
13 equipment attached to the building as a part thereof, as determined
14 by the commission.

15 (e) “Building standard” does not include temporary scaffoldings
16 and similar temporary safety devices and procedures that are used
17 in the erection, demolition, moving, or alteration of buildings.

18 (f) “Building standard” does not include any regulation relating
19 to the internal management of a state agency.

20 (g) “Building standard” does not include any regulation, rule,
21 order, or standard that pertains to mobilehomes, manufactured
22 homes, commercial coaches, special purpose commercial coaches,
23 or recreational vehicles.

24 (h) “Building standard” does not include any regulation, rule,
25 or order or standard that pertains to a mobilehome park, as defined
26 by Section 18214, or special occupancy park, as defined by Section
27 18862.43, except that “building standard” includes the construction
28 of permanent buildings and plumbing, electrical, and fuel gas
29 equipment and installations within permanent buildings in a
30 mobilehome park or special occupancy park. For purposes of this
31 subdivision, “permanent building” means any permanent structure
32 constructed in the mobilehome park or special occupancy park
33 that is a permanent facility under the control and ownership of the
34 park operator.

35 (i) “Building standard” does not include any regulation, rule,
36 order, or standard that pertains to mausoleums regulated under
37 Part 5 (commencing with Section 9501) of Division 8.

38 (j) “Building standard” does not include any regulation adopted
39 by the California Integrated Waste Management Board, the
40 Department of Toxic Substances Control, the Occupational Safety

1 and Health Standards Board, or the State Water Resources Control
2 Board concerning the discharge of waste to land or the treatment,
3 transfer, storage, resource recovery, disposal, or recycling of the
4 waste.

5 SEC. 2. Section 18914.4 is added to the Health and Safety
6 Code, to read:

7 18914.4. (a) “Green building” has the same meaning as
8 “sustainable building,” as that term is defined under Section
9 18918.1.

10 (b) “Green building standard” includes, but is not limited to,
11 mandatory green building standards, voluntary green building
12 standards, green building best practices, and sustainable building
13 standards adopted or approved by the commission and enforced
14 by the state or by an entity of local government.

15 SEC. 3. Section 18914.5 is added to the Health and Safety
16 Code, to read:

17 18914.5. “Guideline” means an indication of policy or conduct.

18 SEC. 4. Section 18918.1 is added to the Health and Safety
19 Code, to read:

20 18918.1. “Sustainable building” means a project designed to
21 reduce both direct and indirect environmental consequences
22 associated with its construction, use, operation, maintenance, and
23 eventual decommissioning, the design of which is evaluated for
24 cost, quality-of-life impacts, future flexibility, ease of maintenance,
25 energy and resource efficiency, and overall environmental impact,
26 with an emphasis on life cycle cost analysis.

27 SEC. 5. Section 18931.6 is added to the Health and Safety
28 Code, to read:

29 18931.6. (a) Each city, county, or city and county shall collect
30 a fee from any applicant for a building permit, assessed at the rate
31 of four dollars (\$4) per one hundred thousand dollars (\$100,000)
32 in valuation, as determined by the local building official, with
33 appropriate fractions thereof, but not less than one dollar (\$1).

34 (b) The city, county, or city and county may retain not more
35 than 10 percent of the fees collected under this section for related
36 administrative costs and for code enforcement education, including,
37 but not limited to, certifications in the voluntary construction
38 inspector certification program, and shall transmit the remainder
39 to the commission for deposit in the Building Standards

1 Administration Special Revolving Fund established under Section
2 19831.7.

3 (c) Upon an appropriation for this purpose from the Building
4 Standards Administration Special Revolving Fund, the commission
5 shall allocate not more than twenty-five thousand dollars (\$25,000)
6 annually from the fees collected under this section to each state
7 agency that adopts or proposes building standards, unless the
8 commission determines that a greater amount is necessary for an
9 agency to maintain the programs established under this part.

10 (d) The commission may reduce the rate of the fee upon
11 determining that a lesser amount is sufficient to maintain the
12 programs established under this part.

13 SEC. 6. Section 18931.7 is added to the Health and Safety
14 Code, to read:

15 18931.7. (a) All funds received by the commission under this
16 part shall be deposited in the Building Standards Administration
17 Special Revolving Fund, which is hereby established in the State
18 Treasury.

19 (b) Moneys deposited in the fund shall be available, upon
20 appropriation, to the commission for expenditure in carrying out
21 the provisions of this part, with emphasis placed on the
22 development, adoption, publication, and educational efforts
23 associated with green building standards.

24 (c) Not later than January 1, 2010, the commission shall establish
25 procedures that permit the identification of revenues deposited in
26 the fund and expenditures paid out of the fund relating to the
27 mandates of this part.

28 SEC. 7. Section 18941.5 of the Health and Safety Code is
29 amended to read:

30 18941.5. (a) (1) Amendments, additions, and deletions to the
31 California Building Standards Code adopted by a city, county, or
32 city and county pursuant to ~~Section 18941.5~~ *this section* or pursuant
33 to Section 17958.7, together with all applicable portions of the
34 California Building Standards Code, shall become effective 180
35 days after publication of the California Building Standards Code
36 by the commission, or at a later date after publication established
37 by the commission.

38 (2) The publication date established by the commission shall
39 be no earlier than the date the California Building Standards Code
40 is available for purchase by the public.

1 (b) Neither the State Building Standards Law contained in this
2 part, nor the application of building standards contained in this
3 section, shall limit the authority of a city, county, or city and county
4 to establish more restrictive building standards reasonably
5 necessary because of local climatic, geological, or topographical
6 conditions. The governing body shall make the finding required
7 by Section 17958.7 and the other requirements imposed by Section
8 17958.7 shall apply to that finding. *A copy of those findings, with*
9 *the modified or changed language clearly distinguished from the*
10 *surrounding text and correlated to the relevant finding, shall be*
11 *filed with the commission. No modification or change shall become*
12 *effective or operative for any purpose until the finding and the*
13 *modification or change have been filed with the commission.*
14 Nothing in this section shall limit the authority of fire protection
15 districts pursuant to subdivision (a) of Section 13869.7. Further,
16 nothing in this section shall require findings required by Section
17 17958.7 beyond those currently required for more restrictive
18 building standards related to housing.

19 SEC. 8. Chapter 4.7 (commencing with Section 18944.52) is
20 added to Part 2.5 of Division 13 of the Health and Safety Code,
21 to read:

22
23 CHAPTER 4.7. GREEN BUILDING STANDARDS
24

25 18944.52. It is the intent of the Legislature in enacting this
26 chapter to recognize that no one set of existing sustainable building
27 practices may encompass the state's unique economic and natural
28 resources-related environment. It is further the intent of the
29 Legislature to ensure that the building standards adopted pursuant
30 to this chapter recognize California's leadership in environmental
31 sustainability practices by including appropriately rigorous
32 measures and methods, and to ensure that the costs do not
33 unreasonably or unnecessarily impact the ability of Californians
34 to purchase or rent affordable housing based on the overall benefit
35 derived, while addressing the factors specified in subdivision (b)
36 of Section 18944.56.

37 18944.54. (a) A state agency shall not develop green building
38 standards unless it has the authority and program expertise to do
39 so.

1 (b) Where no state agency has the authority or expertise to
2 propose building standards applicable to a particular occupancy,
3 the commission shall adopt, approve, codify, and publish building
4 standards for the design and construction of those occupancies.

5 (c) Not later than July 1, 2010, each state agency shall submit
6 to the commission for review, approval, and publication, pursuant
7 to Section 18930, all existing green building standards not
8 previously reviewed, approved, or adopted by the commission.

9 18944.56. (a) On or before July 1, 2010, the Department of
10 Housing and Community Development shall develop an initial set
11 of green building standards for residential occupancies and submit
12 them to the commission for review, adoption, approval, and
13 publication. The department shall update its green building
14 standards on a regular basis in a process consistent with the annual
15 code adoption cycle prescribed under this part.

16 (b) The green building standards developed pursuant to this
17 section and subdivision (b) of Section 18944.54 shall include, but
18 are be limited to, all of the following:

19 (1) Energy efficiency, conservation, or renewable generation
20 measures.

21 (2) Water efficiency, conservation, and reuse measures.

22 (3) Materials and resources efficiency, conservation, and reuse
23 measures.

24 (4) Indoor environmental quality measures, including indoor
25 air quality.

26 (5) Innovation and design process.

27 (c) To develop the green building standards pursuant to this
28 section, the department shall seek input from the following state
29 entities:

30 (1) The California Environmental Protection Agency.

31 (2) The California Integrated Waste Management Board.

32 (3) The State Energy Resources Conservation and Development
33 Commission.

34 (4) The State Air Resources Board.

35 (5) The Department of Water Resources.

36 (6) The Department of General Services.

37 (7) The commission.

38 (8) The Office of the State Fire Marshal.

1 (d) The department and each state entity specified in subdivision
2 (c) shall also consult with representatives from each of the
3 following:

4 (1) The building design and construction industry.

5 (2) Recognized environmental and housing consumer advocacy
6 groups.

7 (3) Interested local government entities.

8 (4) Interested public parties.

9 (e) The department and the commission shall ensure that the
10 costs associated with the green building standards do not
11 unreasonably or unnecessarily impact the ability of Californians
12 to purchase or rent affordable housing based on the overall benefit
13 derived, while addressing the subject areas specified in subdivision
14 (b).

15 (f) To the extent feasible, as allowed by existing resources, the
16 department and the commission may develop educational and
17 technical assistance programs to inform local entities of the benefits
18 of green buildings, and encourage the use of green building
19 practices for residential occupancies.

20 (g) On or before July 1, 2011, the commission shall publish
21 approved green building standards in accordance with Section
22 18930 and, to the extent practical, shall schedule that publication
23 to coincide with the publication of the California Building
24 Standards Code.

25 (h) On or before July 1, 2011, the commission shall develop,
26 adopt, and publish green building standards for the design and
27 construction of occupancies for which no state agency has the
28 authority to propose or adopt green building standards in
29 accordance with Section 18930 and, to the extent practical, shall
30 schedule that publication to coincide with the publication of the
31 California Building Standards Code.

32 (i) The commission may include, in an appendix or as a separate
33 green building document, or in a combination thereof, voluntary
34 building standards or other related documents and materials not
35 appropriate as a mandate in the body of Title 24 of the California
36 Code of Regulations.

37 18944.58. On or before January 1, 2013, the building standards
38 adopted by the commission under this chapter shall ensure that a
39 home or commercial building that meets the requirements of Title
40 24 of the California Code of Regulations is a green building.

1 18944.60. Each state agency that adopts or proposes green
2 building standards shall pay annually to the commission a
3 proportionate share of the cost of the review and publication of
4 green building standards, in an amount that shall be determined
5 by the commission.

6 18944.62. Amendments, additions, and deletions to the green
7 building standards adopted by a city, county, or city and county
8 under Section 17958.7 or 18941.5, together with all applicable
9 portions of the green building standards document, shall meet the
10 requirements imposed under Section 18941.5.

11 SEC. 9. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 a local agency or school district has the authority to levy service
14 charges, fees, or assessments sufficient to pay for the program or
15 level of service mandated by this act, within the meaning of Section
16 17556 of the Government Code.

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