

**ASSEMBLY BILL**

**No. 616**

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**Introduced by Assembly Member Morrow**

February 17, 1995

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An act to amend Section 17922 of the Health and Safety Code, relating to buildings.

LEGISLATIVE COUNSEL'S DIGEST

AB 616, as introduced, Morrow. Buildings: occupancy levels.

Existing law, known as the State Housing Law, generally regulates the construction, maintenance, occupancy, and use of buildings used for human habitation. The State Housing Law generally requires the Department of Housing and Community Development and the State Fire Marshal to adopt and submit building standards for approval by the State Building Standards Commission and publication in the California Building Standards Code. The standards, rules, and regulations of the department are required to impose substantially the same requirements as are contained in various uniform industry codes, and the department is required to adopt those provisions by reference, excepting additions and deletions to them made by the department.

This bill would define 'a room used for sleeping purposes,' as that phrase is used in a specified uniform industry code, and express legislative intent with respect to this definition.

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

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

1 SECTION 1. Section 17922 of the Health and Safety  
2 Code is amended to read:  
3 17922. (a) Except as otherwise specifically provided  
4 by law, the building standards adopted and submitted by  
5 the department for approval pursuant to Chapter 4  
6 (commencing with Section 18935) of Part 2.5 and the  
7 other rules and regulations, which are contained in Title  
8 24 of the California Administrative Code, adopted,  
9 amended, or repealed from time to time pursuant to this  
10 chapter shall be adopted by reference, except that the  
11 building standards and rules and regulations shall include  
12 any additions or deletions made by the department. The  
13 building standards and rules and regulations shall impose  
14 substantially the same requirements as are contained in  
15 the most recent editions of the following uniform  
16 industry codes as adopted by the organizations specified:  
17 (1) The Uniform Housing Code of the International  
18 Conference of Building Officials, except its definition of  
19 “substandard building.”  
20 (2) The Uniform Building Code of the International  
21 Conference of Building Officials.  
22 (3) The Uniform Plumbing Code of the International  
23 Association of Plumbing and Mechanical Officials.  
24 (4) The Uniform Mechanical Code of the  
25 International Conference of Building Officials and the  
26 International Association of Plumbing and Mechanical  
27 Officials.  
28 (5) The National Electrical Code of the National Fire  
29 Protection Association. In adopting building standards for  
30 approval pursuant to Chapter 4 (commencing with  
31 Section 18935) of Part 2.5 for publication in the State  
32 Building Standards Code and in promulgating other  
33 regulations, the department shall consider local  
34 conditions and any amendments to the uniform codes  
35 referred to in this section. Except as provided in Part 2.5  
36 (commencing with Section 18901), in the absence of  
37 adoption by regulation, the most recent editions of the  
38 uniform codes referred to in this section shall be



1 considered to be adopted one year after the date of  
2 publication of the uniform codes.

3 (6) Appendix Chapter 1 of the Uniform Code for  
4 Building Conservation of the International Conference of  
5 Building Officials.

6 (7) *“A room used for sleeping purposes,” as that*  
7 *phrase is used in the Uniform Housing Code of the*  
8 *International Conference of Building Officials, shall*  
9 *mean habitable spaces designed and intended to be used*  
10 *as bedrooms. The implementation of this standard is not*  
11 *intended to (A) displace existing occupants of dwelling*  
12 *units and apartment houses on January 1, 1996, but may*  
13 *be applied to changes of occupancy after that date, or (B)*  
14 *disrupt the unity of immediate family members living in*  
15 *a dwelling unit or apartment house.*

16 (b) Except as provided in Section 17959.5, local use  
17 zone requirements, local fire zones, building setback, side  
18 and rear yard requirements, and property line  
19 requirements are hereby specifically and entirely  
20 reserved to the local jurisdictions notwithstanding any  
21 requirements found or set forth in this part.

22 (c) Regulations other than building standards which  
23 are adopted, amended, or repealed by the department,  
24 and building standards adopted and submitted by the  
25 department for approval pursuant to Chapter 4  
26 (commencing with Section 18935) of Part 2.5, governing  
27 alteration and repair of existing buildings and moving of  
28 apartment houses and dwellings shall permit the  
29 replacement, retention, and extension of original  
30 materials and the continued use of original methods of  
31 construction as long as the hotel, lodginghouse, motel,  
32 apartment house, or dwelling, or portions thereof, or  
33 building and structure accessory thereto, complies with  
34 the provisions published in the State Building Standards  
35 Code and the other rules and regulations of the  
36 department or alternative local standards adopted  
37 pursuant to subdivision (b) of Section 17920.7 or 17958.5  
38 and does not become or continue to be a substandard  
39 building. Building additions or alterations which increase  
40 the area, volume, or size of an existing building, and



1 foundations for apartment houses and dwellings moved,  
 2 shall comply with the requirements for new buildings or  
 3 structures specified in this part, or in building standards  
 4 published in the State Building Standards Code, or in the  
 5 other rules and regulations adopted pursuant to this part.  
 6 However, the additions and alterations shall not cause the  
 7 building to exceed area or height limitations applicable to  
 8 new construction.

9 (d) Regulations other than building standards which  
 10 are adopted by the department and building standards  
 11 adopted and submitted by the department for approval  
 12 pursuant to Chapter 4 (commencing with Section 18935)  
 13 of Part 2.5 governing alteration and repair of existing  
 14 buildings shall permit the use of alternate materials,  
 15 appliances, installations, devices, arrangements, or  
 16 methods of construction if the material, appliance,  
 17 installation, device, arrangement, or method is, for the  
 18 purpose intended, at least the equivalent of that  
 19 prescribed in this part, the building standards published  
 20 in the State Building Standards Code, and the rules and  
 21 regulations promulgated pursuant to the provisions of  
 22 this part in performance, safety, and for the protection of  
 23 life and health. Regulations governing abatement of  
 24 substandard buildings shall permit those conditions  
 25 prescribed by Section 17920.3 which do not endanger the  
 26 life, limb, health, property, safety, or welfare of the public  
 27 or the occupant thereof.

28 (e) No local enforcement agency may prohibit the use  
 29 of materials, appliances, installations, devices,  
 30 arrangements, or methods of construction specifically  
 31 permitted by the department to be used in the alteration  
 32 or repair of existing buildings, but ~~such~~ *these* materials,  
 33 appliances, installations, devices, arrangements, or  
 34 methods of construction may be specifically prohibited  
 35 by local ordinance as provided pursuant to Section  
 36 17958.5.

37 (f) No local ordinance may permit any action or  
 38 proceeding to abate violations of regulations governing



- 1 maintenance of existing buildings, unless the building is
- 2 a substandard building or the violation is a misdemeanor.

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