

AMENDED IN ASSEMBLY MAY 8, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1731

**Introduced by Committee on Housing and Community
Development (Lowenthal (Chair), Cogdill, Dutra, Kehoe,
Mullin, Runner, Salinas, and Steinberg)**

March 5, 2003

~~An act to amend Sections 50451, 50452, and 50453 of the Health and Safety Code, relating to housing. An act to add Section 1350.5 to, and to add chapter and article headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, and to amend Sections 18951, 18952, 18953, 18954, 18955, 18958, 18959, 18960, 18961, 50451, 50452, and 50453 of the Health and Safety Code, relating to buildings and housing.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1731, as amended, Committee on Housing and Community Development. ~~California Statewide Housing Plan Buildings and housing.~~

Existing

(1) *The Davis-Stirling Common Interest Development Act defines and regulates common interest developments.*

This bill would revise the Davis-Stirling Common Interest Development Act to add chapter and article headings to its provisions. The bill would also provide that these headings do not change the scope, meaning, or intent of the act.

(2) *The State Historical Building Code authorizes repairs, alterations, and additions necessary for the preservation, restoration,*



rehabilitation, moving, or continued use of a historic building or structure if they conform to this code. The code defines a qualified historical building or structure as any structure, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. The code also establishes the State Historical Building Safety Board with a specified membership and authorizes the board to charge fees for specified requests.

This bill would revise the definition of qualified historical building or structure to include structures under construction and other places, locations, and sites, identified on historical registers or official inventories, as specified, and would revise the membership of the board. It would authorize the board to charge fees for its activities pursuant to this code and would make other conforming changes.

(3) Existing law requires the California Statewide Housing Plan to specify housing goals for the current and the next 4 fiscal years, according to prescribed criteria, including reducing the number of households that have to pay more ~~then~~ than 25% of their gross income for housing, and requires the department to biennially update the plan and provide the revision to the Legislature. The plan is required to provide a database for local housing market studies and serve as a guide for local housing elements.

This bill would revise those criteria to include reducing the number of households that have to pay more than 30% of their gross income for housing. The bill would require the plan to be updated not less than every 5 years and would delete a requirement that certain information relating to housing goals be included in the revision. The bill would delete the provision relating to a database and require the plan to provide a reference guide for local housing market studies and local housing elements, as specified.

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

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

1 SECTION 1. A chapter heading is added to Title 6
 2 (commencing with Section 1350) of Part 4 of Division 2 of the Civil
 3 Code, immediately preceding Section 1350, to read:
 4



CHAPTER 1. GENERAL PROVISIONS

SEC. 2. An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1350, to read:

Article 1. Preliminary Provisions

SEC. 3. Section 1350.5 is added to the Civil Code, to read: 1350.5. Division, part, title, chapter, and section headings do not in any manner affect the scope, meaning, or intent of this title.

SEC. 4. An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1351, to read:

Article 2. Definitions

SEC. 5. A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1352, to read:

CHAPTER 2. GOVERNING DOCUMENTS

SEC. 6. An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1352, to read:

Article 1. Creation

SEC. 7. An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1354, to read:

Article 2. Enforcement

SEC. 8. An article heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1355, to read:



1 Article 3. Amendment

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3 SEC. 9. A chapter heading is added to Title 6 (commencing
4 with Section 1350) of Part 4 of Division 2 of the Civil Code,
5 immediately preceding Section 1358, to read:

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7 CHAPTER 3. OWNERSHIP RIGHTS AND INTERESTS

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9 SEC. 10. A chapter heading is added to Title 6 (commencing
10 with Section 1350) of Part 4 of Division 2 of the Civil Code,
11 immediately preceding Section 1363, to read:

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13 CHAPTER 4. GOVERNANCE

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15 SEC. 11. An article heading is added to Title 6 (commencing
16 with Section 1350) of Part 4 of Division 2 of the Civil Code,
17 immediately preceding Section 1363, to read:

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19 Article 1. Association

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21 SEC. 12. An article heading is added to Title 6 (commencing
22 with Section 1350) of Part 4 of Division 2 of the Civil Code,
23 immediately preceding Section 1363.05, to read:

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25 Article 2. Common Interest Development Open Meeting Act

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27 SEC. 13. An article heading is added to Title 6 (commencing
28 with Section 1350) of Part 4 of Division 2 of the Civil Code,
29 immediately preceding Section 1363.1, to read:

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31 Article 3. Managing Agents

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33 SEC. 14. An article heading is added to Title 6 (commencing
34 with Section 1350) of Part 4 of Division 2 of the Civil Code,
35 immediately preceding Section 1363.5, to read:

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1 Article 4. Public Information

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3 SEC. 15. A chapter heading is added to Title 6 (commencing
4 with Section 1350) of Part 4 of Division 2 of the Civil Code,
5 immediately preceding Section 1364, to read:

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7 CHAPTER 5. OPERATIONS

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9 SEC. 16. An article heading is added to Title 6 (commencing
10 with Section 1350) of Part 4 of Division 2 of the Civil Code,
11 immediately preceding Section 1364, to read:

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13 Article 1. Common Areas

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15 SEC. 17. An article heading is added to Title 6 (commencing
16 with Section 1350) of Part 4 of Division 2 of the Civil Code,
17 immediately preceding Section 1365, to read:

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19 Article 2. Fiscal Matters

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21 SEC. 18. An article heading is added to Title 6 (commencing
22 with Section 1350) of Part 4 of Division 2 of the Civil Code,
23 immediately preceding Section 1365.7, to read:

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25 Article 3. Insurance

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27 SEC. 19. An article heading is added to Title 6 (commencing
28 with Section 1350) of Part 4 of Division 2 of the Civil Code,
29 immediately preceding Section 1366, to read:

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31 Article 4. Assessments

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33 SEC. 20. A chapter heading is added to Title 6 (commencing
34 with Section 1350) of Part 4 of Division 2 of the Civil Code,
35 immediately preceding Section 1368, to read:



CHAPTER 6. TRANSFER OF OWNERSHIP INTERESTS

SEC. 21. A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1368.4, to read:

CHAPTER 7. CIVIL ACTIONS AND LIENS

SEC. 22. A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1370, to read:

CHAPTER 8. CONSTRUCTION OF INSTRUMENTS AND ZONING

SEC. 23. A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1375, to read:

CHAPTER 9. CONSTRUCTION DEFECT LITIGATION

SEC. 24. A chapter heading is added to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, immediately preceding Section 1376, to read:

CHAPTER 10. IMPROVEMENTS

SEC. 25. Section 18951 of the Health and Safety Code is amended to read:

18951. It is the purpose of this part to provide alternative building regulations and building standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of qualified historical buildings or structures designated as historic buildings, as defined in Section 18955. Such These alternative building standards and building regulations are intended to facilitate the rehabilitation, restoration, or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for the safety of the building occupants.



1 SEC. 26. Section 18952 of the Health and Safety Code is
2 amended to read:

3 18952. This part shall apply to all qualified historical
4 buildings or structures as defined in Section 18955.

5 SEC. 27. Section 18953 of the Health and Safety Code is
6 amended to read:

7 18953. It is the intent of this part to provide means for the
8 preservation of the historical value of ~~designated~~-qualified
9 historical buildings or structures and, concurrently, to provide
10 reasonable safety from fire, seismic forces or other hazards for
11 occupants of ~~such~~-these buildings or structures, and to provide
12 reasonable availability to and usability by, the ~~physically~~
13 ~~handicapped~~-disabled.

14 SEC. 28. Section 18954 of the Health and Safety Code is
15 amended to read:

16 18954. Repairs, alterations, and additions necessary for the
17 preservation, restoration, rehabilitation, moving, or continued use
18 of a qualified historical building or structure may be made if they
19 conform to this part. The building department of every city or
20 county or other local agency that has jurisdiction over the
21 enforcement of building codes shall apply the ~~provisions of~~
22 alternative building standards and building regulations adopted
23 pursuant to Section 18959.5 in permitting repairs, alterations, and
24 additions necessary for the preservation, restoration,
25 rehabilitation, safety, moving, or continued use of a qualified
26 historical building or structure. A state agency shall apply the
27 alternative building regulations adopted pursuant to Section
28 18959.5 in permitting repairs, alterations, and additions necessary
29 for the preservation, restoration, rehabilitation, safety, moving, or
30 continued use of a qualified historical building or structure.

31 The application of any alternative standards for the provision of
32 access to the ~~physically handicapped~~-disabled or exemption from
33 access requirements shall be done on a case-by-case and
34 item-by-item basis, and shall not be applied to an entire qualified
35 historical building or structure without individual consideration of
36 each item, and shall not be applied to related sites or areas except
37 on an item-by-item basis.

38 SEC. 29. Section 18955 of the Health and Safety Code is
39 amended to read:

1 18955. For the purposes of this part, a qualified historical
2 building or structure is any *structure under construction*, structure,
3 collection of structures, and their ~~associated~~ *related* sites deemed
4 of importance to the history, architecture, or culture of an area by
5 an appropriate local or state governmental jurisdiction. This shall
6 include *historical buildings or* structures on existing or future
7 national, state or local historical registers or official inventories,
8 such as the National Register of Historic Places, State Historical
9 Landmarks, State Points of Historical Interest, and city or county
10 registers or inventories of historical or architecturally significant
11 sites, places, historic districts, or landmarks. *This shall also*
12 *include places, locations, or sites identified on these historical*
13 *registers or official inventories and deemed of importance to the*
14 *history, architecture, or culture of an area by an appropriate local*
15 *or state governmental jurisdiction.*

16 *SEC. 30. Section 18958 of the Health and Safety Code is*
17 *amended to read:*

18 18958. Except as provided in Section 18930, the following
19 state agencies, in addition to the State Historical Building Safety
20 Board, shall have the authority to adopt rules and regulations
21 pursuant to the State Historical Building Code governing the
22 rehabilitation, preservation, restoration, related reconstruction,
23 safety, or relocation of qualified historical buildings and structures
24 within their jurisdiction:

- 25 (a) The ~~Office~~ *Division* of the State Architect.
- 26 (b) The State Fire Marshal.
- 27 (c) The State Building Standards Commission, but only with
28 respect to approval of building standards.
- 29 (d) The Department of Housing and Community
30 Development.
- 31 (e) The Department of Transportation.
- 32 (f) Other state agencies that may be affected by this part.

33 *SEC. 31. Section 18959 of the Health and Safety Code is*
34 *amended to read:*

35 18959. (a) Except as otherwise provided in Part 2.5
36 (commencing with Section 18901), all state agencies shall
37 administer and enforce this part with respect to qualified historical
38 buildings or structures under their respective jurisdiction.

39 (b) Except as otherwise provided in Part 2.5 (commencing with
40 Section 18901), all local building authorities shall administer and



1 enforce this part with respect to qualified historical buildings or
2 structures under their respective jurisdictions where applicable.

3 (c) The State Historical Building Safety Board shall coordinate
4 and consult with the other applicable state agencies affected by this
5 part and, except as provided in Section 18943, disseminate
6 provisions adopted pursuant to this part to all local building
7 authorities and state agencies at cost.

8 (d) Regulations adopted by the State Fire Marshal pursuant to
9 this part shall be enforced in the same manner as regulations are
10 enforced under Sections 13145, 13146, and 13146.5.

11 (e) Regular and alternative building standards published in the
12 California Building Standards Code shall be enforced in the same
13 manner by the same governmental entities as provided by law.

14 (f) When administering and enforcing the provisions of this
15 part, ~~at~~ *each* local ~~agencies~~ *agency* may make changes or
16 modifications in the requirements contained in the State Historical
17 Building Code, as described in Section 18944.7, as it determines
18 are reasonably necessary because of local climatic, geological,
19 seismic, and topographical conditions. The local agency shall
20 make an express finding that the modifications or changes are
21 needed, and the finding shall be available as a public record. A
22 copy of the finding and change or modification shall be filed with
23 the State Historical Building Safety Board. No modification or
24 change shall become effective or operative for any purpose until
25 the finding and modification or change has been filed with the
26 board.

27 *SEC. 32. Section 18960 of the Health and Safety Code is*
28 *amended to read:*

29 18960. (a) A State Historical Building Safety Board is
30 hereby established *as a unit* within the ~~Office~~ *Division* of the State
31 Architect ~~which~~. *The board* shall be composed of qualified experts
32 in their respective fields who shall represent various state and local
33 public agencies, professional design societies and building and
34 preservation oriented organizations.

35 (b) This board shall act as a consultant to the State Architect
36 and to the other applicable state agencies *for purposes of this part*.
37 The board shall recommend to the State Architect and the other
38 applicable state agencies rules and regulations for adoption
39 pursuant to this part.



1 (c) The board shall also act as a review body to state and local
2 agencies with respect to interpretations of this part as well as on
3 matters of administration and enforcement of it. The board's
4 decisions shall be reported in printed form.

5 (1) Notwithstanding subdivision (b) of Section 18945, if any
6 local agency administering and enforcing this part or any person
7 adversely affected by any regulation, rule, omission,
8 interpretation, decision, or practice of this agency representing a
9 building standard wishes to appeal the issue for resolution to the
10 State Historical Building Safety Board, these parties may appeal
11 to the board. The board may accept the appeal only if it determines
12 that issues involved in the appeal have statewide significance.

13 (2) The State Historical Building Safety Board shall, upon
14 making a decision on an appeal pursuant to paragraph (1), send a
15 copy to the State Building Standards Commission.

16 (3) Requests for interpretation by local agencies of the
17 provisions of this part may be accepted for review by the State
18 Historical Building Safety Board. A copy of an interpretation
19 decision shall be sent to the State Building Standards Commission
20 in the same manner as paragraph (2).

21 (4) The State Historical Building Safety Board may charge a
22 reasonable fee, not to exceed the cost of the service, for requests
23 for copies of their decisions and for requests for reviews by the
24 board pursuant to paragraph (1) or (3). All funds collected
25 pursuant to this paragraph shall be deposited in the State Historical
26 Building Code Fund, which is hereby established, for use by the
27 State Historical Building Safety Board. The State Historical
28 Building Code Fund and the fees collected therefor, and the budget
29 of the State Historical *Building* Safety Board, shall be subject to
30 annual appropriation in the Budget Act.

31 (5) Local agencies may also charge reasonable fees not to
32 exceed the cost for making an appeal pursuant to paragraph (1) to
33 persons adversely affected as described in that appeal.

34 (6) All other appeals involving building standards under this
35 part shall be made as set forth in subdivision (a) of Section 18945.

36 (d) The board shall be composed of representatives of state
37 agencies and public and professional building design,
38 construction, and preservation organizations experienced in
39 dealing with historic buildings. Unless otherwise indicated, each
40 named organization shall appoint its own representatives. Each of



1 the following shall have one member on the board who shall serve
2 without pay, but shall receive actual and necessary expenses
3 incurred while serving on the board:

- 4 (1) ~~Office~~ *The Division* of the State Architect.
- 5 (2) The State Fire Marshal.
- 6 (3) The State Historical Resources Commission.
- 7 (4) The California Occupational Safety and Health Standards
8 Board.
- 9 (5) California Council, American Institute of Architects.
- 10 (6) Structural Engineers Association of California.
- 11 (7) A mechanical engineer, Consulting Engineers ~~Association~~
12 *and Land Surveyors* of California.
- 13 (8) An electrical engineer, Consulting Engineers ~~Association~~
14 *and Land Surveyors* of California.
- 15 (9) California Council of Landscape Architects.
- 16 (10) The Department of Housing and Community
17 Development.
- 18 (11) The Department of Parks and Recreation.
- 19 (12) ~~County Supervisors Association of California.~~ *The*
20 *California State Association of Counties.*
- 21 (13) League of California Cities.
- 22 (14) The Office of Statewide Health Planning and
23 Development.
- 24 (15) The Department of Rehabilitation.
- 25 (16) The California Chapter of the American ~~Institute of City~~
26 ~~Planners~~ *Planning Association.*
- 27 (17) The Department of Transportation.
- 28 (18) The California Preservation Foundation.
- 29 (19) The Seismic Safety Commission.
- 30 (20) The California Building Officials.

31 The 20 members listed above shall select a building contractor
32 as a member of the board. The members shall serve without pay,
33 but shall receive actual and necessary expenses incurred while
34 serving on the board.

35 Each of the appointing authorities shall appoint, in the same
36 manner as for members, an alternate in addition to a member. The
37 alternate member shall serve in place of the member at ~~such~~ *the*
38 meetings of the board ~~as~~ *that* the member is unable to attend. The
39 alternate shall have all of the authority that the member would have
40 when the alternate is attending in the place of the member. The



1 board may appoint, from time to time, as it deems necessary,
2 consultants who shall serve without pay but shall receive actual
3 and necessary expenses as approved by the board.

4 (e) The term of membership on the board shall be for four
5 years, with the State Architect's representative serving continually
6 until replaced. Vacancies on the board shall be filled in the same
7 manner as original appointments. The board shall annually select
8 a chairperson from among the members of the board.

9 *SEC. 33. Section 18961 of the Health and Safety Code is*
10 *amended to read:*

11 18961. All state agencies ~~which~~ *that* enforce and administer
12 approvals, variances, or appeals procedures or decisions affecting
13 the preservation or safety of the historical aspects of *qualified*
14 historical buildings *or structures* shall use the alternative
15 provisions of this part and shall consult with the State Historical
16 Building Safety Board to obtain its review prior to undertaking
17 action or making decisions on variances or appeals ~~which~~ *that*
18 affect *qualified* historical buildings *or structures*.

19 *SEC. 34. Section 50451 of the Health and Safety Code is*
20 *amended to read:*

21 50451. The California Statewide Housing Plan shall
22 incorporate a statement of housing goals, policies, and objectives,
23 as well as all of the following segments:

24 (a) An evaluation and summary of housing conditions
25 throughout the state, with particular emphasis upon the
26 availability of housing for all economic segments of the state. The
27 evaluation shall include summary statistics for all counties, all
28 multicounty metropolitan areas, and rural areas, as defined and
29 designated by the Bureau of the Census of the United States
30 Department of Commerce, rather than as defined in Section
31 50101. The evaluation shall include the existing distribution of
32 housing by type, size, gross rent, value, and, to the extent data is
33 available, condition, and the existing distribution of households by
34 gross income, size, and ethnic character for each of those areas.

35 (b) The statewide need for housing development shall be
36 established as the minimum number of units necessary to be built
37 or rehabilitated to provide sufficient housing to house all residents
38 of the state in standard, uncrowded units in suitable locations.

39 (c) Goals for the provision of housing assistance for the fiscal
40 year the plan is revised and projected four additional fiscal years



1 ahead. The goals shall be established as the minimum number of
2 households to be assisted which will result in achieving, by the
3 fourth subsequent fiscal year, a substantial reduction in the number
4 of very low income households and other persons and families of
5 low or moderate income constrained to pay more than 30 percent
6 of their gross income for housing. Income groups to be considered
7 in establishing the goals shall be designated by the department and
8 shall include households a significant number of which are
9 required to pay more than 30 percent of their gross income for
10 housing in the fiscal year the plan is revised, as determined by the
11 department.

12 (d) An identification of governmental and nongovernmental
13 constraints and obstacles and specific recommendations for their
14 removal.

15 (e) An analysis of state and local housing and building codes
16 and their enforcement. The analysis shall include consideration of
17 whether those codes contain sufficient flexibility to respond to
18 new methods of construction and new materials.

19 (f) Recommendations for actions by federal, state, and local
20 governments and the private sector that will contribute to the
21 attainment of the housing goals established for California.

22 (g) A housing strategy that coordinates the housing assistance
23 and activities of state and local agencies, including the provision
24 of housing assistance for various population groups such as elderly
25 persons, persons with disabilities, large families, families where a
26 female is the head of the household, farmworker households, and
27 other specific population groups as deemed appropriate by the
28 department. To inform the strategy, the department shall, to the
29 extent possible, do the following:

30 (1) Consider information compiled by the University of
31 California pursuant to Section 9101.5 of the Welfare and
32 Institutions Code, and from provider and consumer organizations
33 as available.

34 (2) Consult with various state departments, including the
35 California Department of Aging, the State Department of Social
36 Services, the State Department of Health Services, the State
37 Department of Mental Health, the Employment Development
38 Department, the State Department of Developmental Services,
39 and other state departments or agencies to obtain information
40 deemed relevant to the housing needs of populations addressed in



1 the housing strategy. This paragraph shall not be construed to
2 require activity beyond the customary scope of the department’s
3 planning process.

4 ~~SEC. 2.—~~

5 *SEC. 35.* Section 50452 of the Health and Safety Code is
6 amended to read:

7 50452. (a) The department shall periodically, as new census
8 or other survey data become available, but no less than every five
9 years, update and provide a revision of the California Statewide
10 Housing Plan to the Legislature.

11 (b) The revision shall contain an evaluation and summary of
12 housing conditions throughout the state and may highlight data for
13 multicounty or regional areas, as determined by the department.
14 The revision shall include a discussion of the housing needs of
15 various population groups such as elderly persons, disabled
16 persons, large families, families where a female is the head of the
17 household, and farmworker households.

18 (c) An updating of recommendations for actions by federal,
19 state, and local governments and the private sector that will
20 facilitate the attainment of housing goals established for
21 California.

22 The Legislature may review the plan and the updates of the plan
23 and transmit its comments on the plan or updates of the plan to the
24 Governor, the Secretary of the Business, Transportation, and
25 Housing Agency, and the Director of Housing and Community
26 Development.

27 ~~SEC. 3.—~~

28 *SEC. 36.* Section 50453 of the Health and Safety Code is
29 amended to read:

30 50453. The California Statewide Housing Plan developed
31 pursuant to Section 50450 shall provide a reference guide for local
32 housing market studies and local housing elements required by
33 Section 65302 of the Government Code. The plan is also intended
34 to provide a framework for local housing plans.

