

AMENDED IN SENATE JULY 2, 2003
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 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~~ and 18961 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. Buildings and housing.

(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 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
3 Civil 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

2
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:

6
7 CHAPTER 3. OWNERSHIP RIGHTS AND INTERESTS

8
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:

12
13 CHAPTER 4. GOVERNANCE

14
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:

18
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:

24
25 Article 2. Common Interest Development Open Meeting Act

26
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

32
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:

36



1 Article 4. Public Information

2
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:

6
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

32
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:



1 CHAPTER 6. TRANSFER OF OWNERSHIP INTERESTS

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3 SEC. 21. 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 1368.4, to read:

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7 CHAPTER 7. CIVIL ACTIONS AND LIENS

8
9 SEC. 22. 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 1370, to read:

12
13 CHAPTER 8. CONSTRUCTION OF INSTRUMENTS AND ZONING

14
15 SEC. 23. A chapter 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 1375, to read:

18
19 CHAPTER 9. CONSTRUCTION DEFECT LITIGATION

20
21 SEC. 24. A chapter 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 1376, to read:

24
25 CHAPTER 10. IMPROVEMENTS

26
27 SEC. 25. Section 18951 of the Health and Safety Code is
28 amended to read:

29 18951. It is the purpose of this part to provide alternative
30 regulations and standards for the rehabilitation, preservation,
31 restoration (including related reconstruction), or relocation of
32 qualified historical buildings or structures, as defined in Section
33 18955. These alternative standards and regulations are intended to
34 facilitate the rehabilitation, restoration, or change of occupancy so
35 as to preserve their original or restored architectural elements and
36 features, to encourage energy conservation and a cost-effective
37 approach to preservation, and to provide for the safety of the
38 building occupants.

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



1 18952. This part shall apply to all qualified historical
2 buildings or structures as defined in Section 18955.

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

5 18953. It is the intent of this part to provide means for the
6 preservation of the historical value of qualified historical buildings
7 or structures and, concurrently, to provide reasonable safety from
8 fire, seismic forces or other hazards for occupants of these
9 buildings or structures, and to provide reasonable availability to
10 and usability by, the disabled.

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

13 18954. Repairs, alterations, and additions necessary for the
14 preservation, restoration, rehabilitation, moving, or continued use
15 of a qualified historical building or structure may be made if they
16 conform to this part. The building department of every city or
17 county or other local agency that has jurisdiction over the
18 enforcement of building codes shall apply the alternative
19 standards and regulations adopted pursuant to Section 18959.5 in
20 permitting repairs, alterations, and additions necessary for the
21 preservation, restoration, rehabilitation, safety, moving, or
22 continued use of a qualified historical building or structure. A state
23 agency shall apply the alternative regulations adopted pursuant to
24 Section 18959.5 in permitting repairs, alterations, and additions
25 necessary for the preservation, restoration, rehabilitation, safety,
26 moving, or continued use of a qualified historical building or
27 structure.

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

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

36 18955. For the purposes of this part, a qualified historical
37 building or structure is any structure under construction, structure,
38 collection of structures, and their related sites deemed of
39 importance to the history, architecture, or culture of an area by an
40 appropriate local or state governmental jurisdiction. This shall



1 include historical buildings or structures on existing or future
2 national, state or local historical registers or official inventories,
3 such as the National Register of Historic Places, State Historical
4 Landmarks, State Points of Historical Interest, and city or county
5 registers or inventories of historical or architecturally significant
6 sites, places, historic districts, or landmarks. This shall also
7 include places, locations, or sites identified on these historical
8 registers or official inventories and deemed of importance to the
9 history, architecture, or culture of an area by an appropriate local
10 or state governmental jurisdiction.

11 SEC. 30. Section 18958 of the Health and Safety Code is
12 amended to read:

13 18958. Except as provided in Section 18930, the following
14 state agencies, in addition to the State Historical Building Safety
15 Board, shall have the authority to adopt rules and regulations
16 pursuant to the State Historical Building Code governing the
17 rehabilitation, preservation, restoration, related reconstruction,
18 safety, or relocation of qualified historical buildings and structures
19 within their jurisdiction:

20 (a) The Division of the State Architect.

21 (b) The State Fire Marshal.

22 (c) The State Building Standards Commission, but only with
23 respect to approval of building standards.

24 (d) The Department of Housing and Community
25 Development.

26 (e) The Department of Transportation.

27 (f) Other state agencies that may be affected by this part.

28 SEC. 31. Section 18959 of the Health and Safety Code is
29 amended to read:

30 18959. (a) Except as otherwise provided in Part 2.5
31 (commencing with Section 18901), all state agencies shall
32 administer and enforce this part with respect to qualified historical
33 buildings or structures under their respective jurisdiction.

34 (b) Except as otherwise provided in Part 2.5 (commencing with
35 Section 18901), all local building authorities shall administer and
36 enforce this part with respect to qualified historical buildings or
37 structures under their respective jurisdictions where applicable.

38 (c) The State Historical Building Safety Board shall coordinate
39 and consult with the other applicable state agencies affected by this
40 part and, except as provided in Section 18943, disseminate



1 provisions adopted pursuant to this part to all local building
2 authorities and state agencies at cost.

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

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

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

21 SEC. 32. Section 18960 of the Health and Safety Code is
22 amended to read:

23 18960. (a) A State Historical Building Safety Board is
24 hereby established as a unit within the Division of the State
25 Architect. The board shall be composed of qualified experts in
26 their respective fields who shall represent various state and local
27 public agencies, professional design societies and building and
28 preservation oriented organizations.

29 (b) This board shall act as a consultant to the State Architect
30 and to the other applicable state agencies for purposes of this part.
31 The board shall recommend to the State Architect and the other
32 applicable state agencies rules and regulations for adoption
33 pursuant to this part.

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

38 (1) Notwithstanding subdivision (b) of Section 18945, if any
39 local agency administering and enforcing this part or any person
40 adversely affected by any regulation, rule, omission,



1 interpretation, decision, or practice of this agency representing a
2 building standard wishes to appeal the issue for resolution to the
3 State Historical Building Safety Board, these parties may appeal
4 to the board. The board may accept the appeal only if it determines
5 that issues involved in the appeal have statewide significance.

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

9 (3) Requests for interpretation by local agencies of the
10 provisions of this part may be accepted for review by the State
11 Historical Building Safety Board. A copy of an interpretation
12 decision shall be sent to the State Building Standards Commission
13 in the same manner as paragraph (2).

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

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

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

29 (d) The board shall be composed of representatives of state
30 agencies and public and professional building design,
31 construction, and preservation organizations experienced in
32 dealing with historic buildings. Unless otherwise indicated, each
33 named organization shall appoint its own representatives. Each of
34 the following shall have one member on the board who shall serve
35 without pay, but shall receive actual and necessary expenses
36 incurred while serving on the board:

- 37 (1) The Division of the State Architect.
- 38 (2) The State Fire Marshal.
- 39 (3) The State Historical Resources Commission.



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

24 The 20 members listed above shall select a building contractor
25 as a member of the board. The members shall serve without pay,
26 but shall receive actual and necessary expenses incurred while
27 serving on the board.

28 Each of the appointing authorities shall appoint, in the same
29 manner as for members, an alternate in addition to a member. The
30 alternate member shall serve in place of the member at the
31 meetings of the board that the member is unable to attend. The
32 alternate shall have all of the authority that the member would have
33 when the alternate is attending in the place of the member. The
34 board may appoint, from time to time, as it deems necessary,
35 consultants who shall serve without pay but shall receive actual
36 and necessary expenses as approved by the board.

37 (e) The term of membership on the board shall be for four
38 years, with the State Architect's representative serving continually
39 until replaced. Vacancies on the board shall be filled in the same



1 manner as original appointments. The board shall annually select
2 a chairperson from among the members of the board.

3 SEC. 33. Section 18961 of the Health and Safety Code is
4 amended to read:

5 18961. All state agencies that enforce and administer
6 approvals, variances, or appeals procedures or decisions affecting
7 the preservation or safety of the historical aspects of qualified
8 historical buildings or structures shall use the alternative
9 provisions of this part and shall consult with the State Historical
10 Building Safety Board to obtain its review prior to undertaking
11 action or making decisions on variances or appeals that affect
12 qualified historical buildings or structures.

13 ~~SEC. 34. Section 50451 of the Health and Safety Code is~~
14 ~~amended to read:~~

15 ~~50451. The California Statewide Housing Plan shall~~
16 ~~incorporate a statement of housing goals, policies, and objectives,~~
17 ~~as well as all of the following segments:~~

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

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

33 ~~(c) Goals for the provision of housing assistance for the fiscal~~
34 ~~year the plan is revised and projected four additional fiscal years~~
35 ~~ahead. The goals shall be established as the minimum number of~~
36 ~~households to be assisted which will result in achieving, by the~~
37 ~~fourth subsequent fiscal year, a substantial reduction in the number~~
38 ~~of very low income households and other persons and families of~~
39 ~~low or moderate income constrained to pay more than 30 percent~~
40 ~~of their gross income for housing. Income groups to be considered~~



1 ~~in establishing the goals shall be designated by the department and~~
2 ~~shall include households a significant number of which are~~
3 ~~required to pay more than 30 percent of their gross income for~~
4 ~~housing in the fiscal year the plan is revised, as determined by the~~
5 ~~department.~~

6 ~~(d) An identification of governmental and nongovernmental~~
7 ~~constraints and obstacles and specific recommendations for their~~
8 ~~removal.~~

9 ~~(e) An analysis of state and local housing and building codes~~
10 ~~and their enforcement. The analysis shall include consideration of~~
11 ~~whether those codes contain sufficient flexibility to respond to~~
12 ~~new methods of construction and new materials.~~

13 ~~(f) Recommendations for actions by federal, state, and local~~
14 ~~governments and the private sector that will contribute to the~~
15 ~~attainment of the housing goals established for California.~~

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

24 ~~(1) Consider information compiled by the University of~~
25 ~~California pursuant to Section 9101.5 of the Welfare and~~
26 ~~Institutions Code, and from provider and consumer organizations~~
27 ~~as available.~~

28 ~~(2) Consult with various state departments, including the~~
29 ~~California Department of Aging, the State Department of Social~~
30 ~~Services, the State Department of Health Services, the State~~
31 ~~Department of Mental Health, the Employment Development~~
32 ~~Department, the State Department of Developmental Services,~~
33 ~~and other state departments or agencies to obtain information~~
34 ~~deemed relevant to the housing needs of populations addressed in~~
35 ~~the housing strategy. This paragraph shall not be construed to~~
36 ~~require activity beyond the customary scope of the department's~~
37 ~~planning process.~~

38 ~~SEC. 35. Section 50452 of the Health and Safety Code is~~
39 ~~amended to read:~~



1 ~~50452. (a) The department shall periodically, as new census~~
2 ~~or other survey data become available, but no less than every five~~
3 ~~years, update and provide a revision of the California Statewide~~
4 ~~Housing Plan to the Legislature.~~
5 ~~(b) The revision shall contain an evaluation and summary of~~
6 ~~housing conditions throughout the state and may highlight data for~~
7 ~~multicounty or regional areas, as determined by the department.~~
8 ~~The revision shall include a discussion of the housing needs of~~
9 ~~various population groups such as elderly persons, disabled~~
10 ~~persons, large families, families where a female is the head of the~~
11 ~~household, and farmworker households.~~
12 ~~(c) An updating of recommendations for actions by federal,~~
13 ~~state, and local governments and the private sector that will~~
14 ~~facilitate the attainment of housing goals established for~~
15 ~~California.~~
16 ~~The Legislature may review the plan and the updates of the plan~~
17 ~~and transmit its comments on the plan or updates of the plan to the~~
18 ~~Governor, the Secretary of the Business, Transportation, and~~
19 ~~Housing Agency, and the Director of Housing and Community~~
20 ~~Development.~~
21 ~~SEC. 36. Section 50453 of the Health and Safety Code is~~
22 ~~amended to read:~~
23 ~~50453. The California Statewide Housing Plan developed~~
24 ~~pursuant to Section 50450 shall provide a reference guide for local~~
25 ~~housing market studies and local housing elements required by~~
26 ~~Section 65302 of the Government Code. The plan is also intended~~
27 ~~to provide a framework for local housing plans.~~

