



# 2023-2024 Legislative Session Webinar

Brady Guertin

Director of Public Affairs

CALBO

[bguertin@calbo.org](mailto:bguertin@calbo.org)

\*Please note this is not legal advice, please consult with your local city attorney if you have further legal questions

# 2023-2024 Bills of Interest

---

AB 42

---

AB 1332

---

AB 548

---

AB 1046

---

AB 358





# AB 42: Tiny Homes: temporary sleeping cabins: fire sprinkler requirements

---

- Prohibits local enforcement agencies from requiring fire sprinklers in temporary sleeping cabins and requires compliance with alternative fire life safety measures instead.
- “Temporary Sleeping Cabin”: a nonpermanent structure intended to provide temporary housing for homeless individuals or those at risk of homelessness that is less than 250 sq feet and on a site of 50 units or fewer.
- This bill sunsets on January 1, 2027.



# Alternative Fire Life Safety Standards

- One smoke alarm and carbon monoxide alarm in each unit.
- One fire extinguisher per unit.
- Ingress and egress for the rapid exit of the temporary sleeping cabin.
- Emergency evacuation signage and egress lighting are required.
- Egress is free from storage or other obstructions.
- No use of open flames and combustibles on site.
- No smoking on site.
- 24-hour active fire watch.
- Separated to the side and rear by at least 6 feet and made of non-combustible material.
- Meet design and construction requirements in CBC Appendix P or CRC Appending AZ and any future code sections regarding temporary sleeping cabins.
- Fire code inspections at regular intervals as determined by the local agency.



# AB 1332: Accessory Dwelling Units: preapproved plans

---

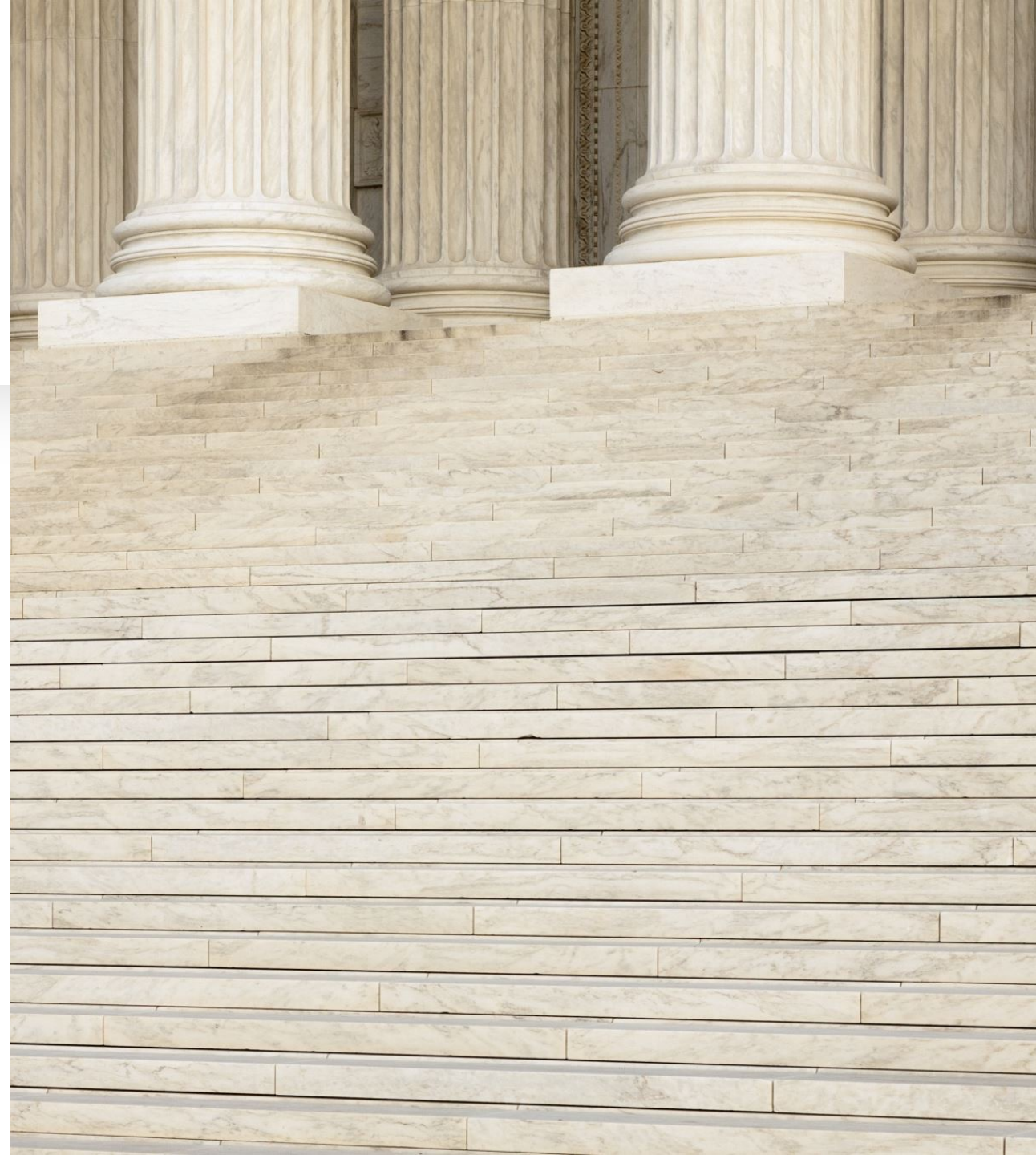
- Requires all local agencies by January 1, 2025, to develop a program for the preapproval of Accessory Dwelling Unit (ADU) plans.
- Sets a 30-day shot clock on permit review for preapproved ADUs in the program.
- Allows local agencies to use plans developed and preapproved by other agencies within the state to comply with the law.
- Gives local flexibility for jurisdictions to adopt preapproved plans based on local community needs.





# Preapproval program requirements

- Local agencies must accept ADU plan submissions for preapproval (but can decide what qualifies for preapproval in the jurisdiction).
- Local agencies may not restrict who may submit ADU plan submissions for preapproval.
- Local agencies may charge the same permitting fees for a preapproved ADU that is of the same-sized ADU that is not up for preapproval.
- Must post the contact information of the applicant of a preapproved ADU plan.
- Must remove a preapproved ADU plan from the internet website within 30 days of a request for removal of the plan.







## Routes of compliance

- Local jurisdictions can adopt their own preapproval program.
- Local jurisdictions could use other plans that have been preapproved by other agencies within the state.
- Local jurisdictions can use a plan that has been approved or is identical to another plan approved within the current code cycle.
- Local jurisdictions can create a PDF or online database of potential plans for preapproval.
- The point is that every jurisdiction by 2025 must have some kind of preapproval program for ADUs but can decide what is or isn't allowed locally.

# AB 548: State Housing Law: inspection

- Requires local enforcement agencies by January 1, 2025, to adopt policies and procedures for inspecting a building with multiple units if an inspector or code enforcement officer determines a building is substandard.
- The policies and procedures must meet the following requirements:
  - Criteria to determine if a substandard condition could reasonably affect other units.
  - Require reasonable attempts to inspect additional units at the property including at least units adjacent to, above, and below the unit where the defect was found.
  - Allow inspections for all units on the premises if there is a severe building-wide defect or violation.





# AB 548: Other Requirements

**Provide**

A notice to abate or repair the violation within a reasonable time frame after inspection.

**Advise**

The owner and operator of each known violation and each action required to remedy the violation.

**Schedule**

A reinspection to verify correction of the violations



## AB 1046: Alquist-Priolo Earthquake Fault Zoning Act: exemptions

- This bill exempts some seismic retrofits from obtaining a state geologist report in earthquake fault zones.
- It specifies that an alteration to a structure for human occupancy does not exceed 50% of the appraised value of the structure, does not authorize a greater human occupant load and is less hazardous based on life and fire risk than the existing authorized use or occupancy of the structure permitted by the local jurisdiction.
- It specifies new seismically vulnerable buildings that are exempt from this requirement.
- It also states that any terms not defined in the law fall back to the California Building Code.





## AB 1046: Specific Exempt Buildings

- Buildings with unreinforced masonry unit or lateral force resisting systems.
- Buildings with flexible diaphragms and deficient out of plane anchorage to concrete or masonry bearing or nonbearing walls permitted in the 1994 or earlier Uniform Building Code.
- Wood-Framed buildings with soft, weak, or open-front wall lines on the ground floor permitted in the 1994 or earlier Uniform Building Code.
- Buildings with precast concrete members attached with nonductile connections permitted under the 1994 or earlier Uniform Building Code.



# AB 1046: Specific Exempt Building Continued

- Steel-frame buildings with welded moment frame connections permitted under the 1994 or earlier Uniform Building Code.
- Steel-braced frame buildings permitted under the 1994 or earlier editions of the Uniform Building Code.
- Wood-framed buildings on or into a slope greater than on unit vertical and three units horizontal permitted under the 1994 or earlier editions of the Uniform Building Code.





# AB 1046: Major Takeaway

- More seismically vulnerable buildings are exempt from extra steps in the process to promote public safety.
- Definitions become clearer by falling back to the Building Code.
- Full seismic retrofits can be accomplished at a more affordable and safer rate.





An aerial photograph of a residential neighborhood. The houses are primarily two-story brick structures with grey or brown tiled roofs. The houses are arranged in a somewhat grid-like pattern, with some larger houses and some smaller ones. There are some trees and greenery interspersed among the houses. The overall scene is a typical suburban residential area.

## AB 358: Community college districts: student housing

- This bill allows a local community college district to exempt residential student housing from Department of General Services building permit approval and instead request approval from the local building department.
- Residential housing is defined as: any building used as a personal residence by a teacher or employee of a school district or community, and any building used as a residence for students attending a campus in a community college district.
- The bill essentially gives community college districts the option to request residential housing development permits from the local jurisdictions instead of DGS.



## Reminder: Upcoming Legislative Deadlines for local building departments

- SB 379 (2022): Residential solar energy systems: Automated Permitting.
- AB 2234 (2022): Post-entitlement Phase Permits: Online Permitting and Permit Examples.



# SB 379: Compliance Timeline and Definition

- Requires local jurisdictions to implement an online, automated permitting platform that verifies code compliance and issues permits in real time for a residential solar energy system less than 38.4 kilowatts.
- A city with a population less than 5,000 and or a county with fewer than 150,000 are exempt.
- A city, county, or city and county with a population of 50K or fewer not exempt above must do this by September 30, 2024
- A city, county, or city and county with a population of 50K or more not exempt must do this by September 30, 2023.







# California Automated Permit Processing Program - CalAPP

## SB 379: Funding Opportunities

- \$1.5M is still available for local jurisdictions to apply for to establish a system like SolarAPP+ or adopt the free software locally.
- The 2024 Budget extended the application deadline to May 1, 2024, or until the money is exhausted so apply ASAP.
- Maximum amount by population of your jurisdiction:
  - \$40K for less than 50K
  - \$60K for 50 to 100K
  - \$80K for 100 to 200K
  - \$100K for 250K+





# AB 2234: Online Permitting System



- Sets specific timelines for online permitting system requirements to accept post-entitlement phase permits (building permits) online.
- A local agency in a county with a population of 1.1 million or more or a local agency with a population of 75K or greater in any county must comply by January 1, 2024.
- A local agency with a population of fewer than 75K located in a county with a population of less than 1.1 million must do this by January 1, 2028.

# AB 2234: Online Permitting System Extensions

- Smaller jurisdictions (A county with 1.1 million or less and a jurisdiction with less than 75K) can extend the deadline by up to 5 years if the local agencies make a written finding that complying with the law would cause a significant increase in permitting fees.
- Larger Jurisdictions (A county with 1.1 Million in population and a jurisdiction larger than 75K within that county) can extend the deadline by up to 2 years if a written finding is made showing it would cause a significant increase in permit fees.







Questions

