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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 12. FIRES AND FIRE PROTECTION [13000 - 14959]** ( *Division 12 enacted by Stats. 1939, Ch. 60. )*

**PART 2. FIRE PROTECTION [13100 - 13263]** ( *Part 2 enacted by Stats. 1939, Ch. 60. )*

**CHAPTER 5.5. Fire Safety Inspections of Care Facilities [13235- 13235.]** ( *Chapter 5.5 added by Stats. 1989, Ch. 993, Sec. 4. )*

**13235.** (a) Upon receipt of a request from a prospective licensee of a community care facility, as defined in Section 1502, of a residential care facility for the elderly, as defined in Section 1569.2, or of a child day care facility, as defined in Section 1596.750, the local fire enforcing agency, as defined in Section 13244, or State Fire Marshal, whichever has primary jurisdiction, shall conduct a preinspection of the facility prior to the final fire clearance approval. At the time of the preinspection, the primary fire enforcing agency shall provide consultation and interpretation of fire safety regulations, and shall notify the prospective licensee of the facility in writing of the specific fire safety regulations that shall be enforced in order to obtain fire clearance approval. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for the preinspection of a facility with a capacity to serve 25 or fewer persons. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for a preinspection of a facility with a capacity to serve 26 or more persons.

(b) The primary fire enforcing agency shall complete the final fire clearance inspection for a community care facility, residential care facility for the elderly, or child day care facility within 30 days of receipt of the request for the final inspection, or as of the date the prospective facility requests the final preclearance inspection by the State Department of Social Services, whichever is later.

(c) For a fire clearance inspection of an applicant for licensure as a day care center as defined in Section 1596.76, subdivision (b) of Section 1596.809 shall apply when the inspection occurs between January 1, 2023, and December 31, 2026.

(d) The Office of the State Fire Marshal shall promulgate updated regulations pertaining to occupancy standards for the facility types in subdivision (b) of Section 1596.809 to the California Building Standards Commission during the next code cycle, but not later than January 1, 2027. The Office of the State Fire Marshal shall consult with the State Department of Social Services on the development of these regulations.

(e) The Office of the State Fire Marshal shall work with the State Department of Social Services to provide information to the local fire enforcing agency to ensure consistent application of applicable regulations between the State Department of Social Services and the Office of the State Fire Marshal and local fire enforcing agencies.

(f) This section shall remain operative only until January 1, 2027, or until the promulgation of regulations described in subdivision (d), whichever occurs first, and as of January 1, 2027, is repealed.

*(Amended by Stats. 2024, Ch. 998, Sec. 33. (AB 176) Effective September 30, 2024. Conditionally inoperative on or before the repeal date.*

*Repealed as of January 1, 2027, by its own provisions. See later operative version added by Sec. 34 of Stats. 2024, Ch. 998.)*

**13235.** (a) Upon receipt of a request from a prospective licensee of a community care facility, as defined in Section 1502, of a residential care facility for the elderly, as defined in Section 1569.2, or of a child day care facility, as defined in Section 1596.750, the local fire enforcing agency, as defined in Section 13244, or State Fire Marshal, whichever has primary jurisdiction, shall conduct a preinspection of the facility prior to the final fire clearance approval. At the time of the preinspection, the primary fire enforcing agency shall provide consultation and interpretation of fire safety regulations, and shall notify the prospective licensee of the facility in writing of the specific fire safety regulations that shall be enforced in order to obtain fire clearance approval. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for the preinspection of a facility with a capacity to serve 25 or fewer persons. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for a preinspection of a facility with a capacity to serve 26 or more persons.

(b) The primary fire enforcing agency shall complete the final fire clearance inspection for a community care facility, residential care facility for the elderly, or child day care facility within 30 days of receipt of the request for the final inspection, or as of the date the prospective facility requests the final preclearance inspection by the State Department of Social Services, whichever is later.

(c) The Office of the State Fire Marshal shall promulgate updated regulations, pertaining to occupancy standards for applicants for licensure as a day care center as defined in Section 1596.76 and licensed day care centers seeking an updated fire clearance due to changes that require a new fire clearance to be obtained, to the California Building Standards Commission during the next code cycle, but not later than January 1, 2027. The Office of the State Fire Marshal shall consult with the State Department of Social Services on the development of these regulations.

(d) The Office of the State Fire Marshal shall work with the State Department of Social Services to provide information to the local fire enforcing agency to ensure consistent application of applicable regulations between the State Department of Social Services and the Office of the State Fire Marshal and local fire enforcing agencies.

(e) This section shall become operative on January 1, 2027, or upon the promulgation of regulations described in subdivision (c), whichever occurs first.

*(Repealed (in Sec. 33) and added by Stats. 2024, Ch. 998, Sec. 34. (AB 176) Effective September 30, 2024. Conditionally operative on or before January 1, 2027, by its own provisions.)*