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AB-2139 Building standards: local rebuilding plans: state of emergency. (2021-2022)

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Assembly Bill No. 2139

CHAPTER 184

An act to add and repeal Section 18941.12 of the Health and Safety Code, relating to building standards.

[Approved by Governor August 26, 2022. Filed with Secretary of State August 26, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2139, Gallagher. Building standards: local rebuilding plans: state of emergency.

Existing law establishes a California Building Standards Commission in the Government Operations Agency. Existing law requires only those building standards approved by the commission, and that are effective at the local level at the time an application for a building permit is submitted, to apply to the plans and specifications for, and to the construction performed under, that building permit, except as provided, including for a city or county that has been subject to an emergency proclaimed pursuant to the California Emergency Services Act (CESA).

Existing law, the CESA, among other things, authorizes the Governor to proclaim a state of emergency in an area affected or likely to be affected thereby if specified conditions exist and either (1) specified local officials request the Governor to so declare or (2) the Governor determines that local authority is inadequate to cope with the emergency.

This bill would, until January 1, 2029, and notwithstanding any subsequent updates to building standards approved by the commission, permit an individual submitting a proposed development plan for a residential development to utilize, and require a local agency to allow the utilization of, a template floor plan if certain conditions are met, including that the proposed new development is located on the same parcel that contained a residential building that was damaged or destroyed, prior to January 1, 2020, as a result of a disaster in an area for which a state of emergency was proclaimed by the Governor pursuant to the CESA. By imposing additional duties on local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 18941.12 is added to the Health and Safety Code, to read:

18941.12. (a) Notwithstanding any subsequent updates to building standards approved by the commission pursuant to this chapter, an individual submitting a proposed development plan for a residential development may utilize, and a local agency shall

allow the utilization of, a template floor plan if all of the following conditions are met:

(1) For use of a template floor plan on or after January 1, 2023, and before July 1, 2024, all of the following conditions:

(A) The template floor plan was approved, between January 1, 2020, and December 31, 2022, by the local agency that oversees development approvals where the proposed residential development is located and the plan complied with all building standards in effect at the time.

(B) The proposed new development is located on the same parcel that contained a residential building that was damaged or destroyed, prior to January 1, 2020, as a result of a disaster in an area for which a state of emergency was proclaimed by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

(C) The owner of the destroyed or damaged residential building did not have code upgrade insurance at the time the building was damaged or destroyed.

(D) The proposed new residential development will be used for owner-occupancy and is not intended to be used as a rental or vacation property.

(E) The template floor plan is being used no more than six years after the date it was approved.

(2) For use of a template floor plan on or after July 1, 2024, both of the following conditions:

(A) All of the conditions in paragraph (1).

(B) The local agency has approved, following every issuance of new state building standards, a resolution that includes findings that the continued use of the template floor plan without regard to subsequent changes to building standards does not pose a significant risk to the health and safety of the building occupants or the community.

(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.