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AB-42 Tiny homes: temporary sleeping cabins: fire sprinkler requirements. (2023-2024)

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Assembly Bill No. 42

CHAPTER 725

An act to add and repeal Section 17922.4 of the Health and Safety Code, relating to housing.

[Approved by Governor October 10, 2023. Filed with Secretary of State October 10, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 42, Ramos. Tiny homes: temporary sleeping cabins: fire sprinkler requirements.

The Planning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Existing law prohibits a local agency from requiring an accessory dwelling unit to provide fire sprinklers, if they are not required for the primary residence.

The State Housing Law, among other things, requires the Department of Housing and Community Development to adopt, amend, or repeal rules and regulations for the protection of the health, safety, and general welfare of the occupant and the public relating to specified residential structures, as provided, which apply throughout the state. A violation of the State Housing Law, or of the building standards or rules and regulations adopted pursuant to that law, is a misdemeanor.

This bill, until January 1, 2027, would prohibit a local agency from imposing or enforcing any requirement to provide fire sprinklers for a temporary sleeping cabin that is on a site with 50 or fewer temporary sleeping cabins. The bill would define "temporary sleeping cabin" to mean a nonpermanent structure that is intended to provide temporary housing to people experiencing homelessness or at risk of homelessness, has a total floor area of less than 250 feet, and does not include plumbing. The bill would require a temporary sleeping cabin that does not include fire sprinklers to comply with alternative fire life and safety standards that include providing, among other things, a smoke alarm and carbon monoxide alarm in the unit, a fire extinguisher in the unit, and ingress and egress that facilitates rapid exit of the temporary sleeping cabin. By requiring local agencies to impose alternative fire life and safety standards for these units, the bill would impose a state-mandated local program.

This bill would require violations of those alternative fire and life safety standards to be handled pursuant to specified provisions of the State Housing Law. By adding to the duties of local officials with respect to enforcement of the State Housing Law, the violation of which is a crime, this bill would impose a state-mandated local program.

This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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 specified reasons.

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

SECTION 1. Section 17922.4 is added to the Health and Safety Code, to read:

17922.4. (a) For purposes of this section, "temporary sleeping cabin" means a nonpermanent structure that is intended to provide temporary housing to people experiencing homelessness or at risk of homelessness, has a total floor area of less than 250 square feet, and does not include plumbing.

(b) Notwithstanding any law, a local agency shall not impose or enforce any requirement to provide fire sprinklers for a temporary sleeping cabin that is on a site with 50 or fewer temporary sleeping cabins.

(c) A temporary sleeping cabin that does not provide fire sprinklers shall comply with alternative fire and life safety standards that include, at a minimum, all of the following requirements:

(1) One smoke alarm and carbon monoxide alarm shall be provided in each unit, which shall be installed in accordance with the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations).

(2) One fire extinguisher shall be provided in each unit.

(3) Ingress and egress shall facilitate rapid exit of the temporary sleeping cabin.

(4) Emergency evacuation signage and emergency egress lighting shall be provided.

(5) Every egress shall be free from storage and other obstructions.

(6) A prohibition on the use of open flames and combustibles.

(7) A prohibition on smoking at the site.

(8) Twenty-four-hour active fire watch shall be provided at the site.

(9) Temporary sleeping cabins shall be separated to the side and rear by at least six feet, and be made of noncombustible material.

(10) A temporary sleeping cabin shall meet the design and construction requirements for emergency sleeping cabins prescribed in California Building Code Appendix P or California Residential Code Appendix AZ or their successors, except a requirement to be equipped with fire sprinklers.

(11) Fire code inspections shall occur in regular intervals, as determined by the local agency.

(d) Violations of the alternative fire and life safety standards described in subdivision (c) shall be handled in accordance with Article 2.3 (commencing with Section 17974) of Chapter 5.

(e) This section pertains only to alternative fire and life safety standards for temporary sleeping cabins and does not supersede any other applicable local or state approval process or health and safety standards pertaining to the use of or siting of temporary sleeping cabins.

(f) The Legislature finds and declares that this section addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

(g) This section shall remain in effect only until January 1, 2027, 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 or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.