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**AB-1046 Alquist-Priolo Earthquake Fault Zoning Act: exemptions.** (2023-2024)

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**Assembly Bill No. 1046**

**CHAPTER 825**

An act to amend Sections 2621.6, 2621.7, and 2621.8 of the Public Resources Code, relating to geologic hazards.

[ Approved by Governor October 13, 2023. Filed with Secretary of State October 13, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1046, Lowenthal. Alquist-Priolo Earthquake Fault Zoning Act: exemptions.

Under the Alquist-Priolo Earthquake Fault Zoning Act, before approving a project within an earthquake fault zone, a city or county is directed to require the preparation of a geologic report, subject to certain exceptions. Existing law exempts from this requirement the conversion of an existing apartment complex into a condominium, projects for the alteration or addition of any structure if the value of the alteration or addition does not exceed 50% of the value of the structure, and certain projects for alterations that include seismic retrofitting if a city or county, among other things, requires certain seismic retrofitting and prohibits an increase in human occupancy load.

This bill would revise and recast the exemptions from the act to, among other things, exempt (1) projects for the alteration of any structure for human occupancy if the value of the alteration does not exceed 50% of the appraised value of the structure and, if the alteration results in a change in the use or occupancy of the structure, the change 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 city or county with jurisdiction over the structure and (2) projects for alterations that include seismic retrofitting of certain types of structures for human occupancy permitted under specified prior editions of the Uniform Building Code.

This bill would specify that terms used in the act that are not defined by the act have the same meaning as those defined in the California Building Standards Code.

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

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

**SECTION 1.** Section 2621.6 of the Public Resources Code is amended to read:

**2621.6.** (a) As used in this chapter, "project" means either of the following:

(1) Any subdivision of land that is subject to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code), and that contemplates the eventual construction of structures for human occupancy.

(2) Structures for human occupancy, with the exception of either of the following:

(A) Single-family wood-frame or steel-frame dwellings to be built on parcels of land for which geologic reports have been approved pursuant to paragraph (1).

(B) A single-family wood-frame or steel-frame dwelling not exceeding two stories when that dwelling is not part of a development of four or more dwellings.

(b) For the purposes of this chapter, a mobilehome whose body width exceeds eight feet shall be considered to be a single-family wood-frame dwelling not exceeding two stories.

(c) Terms used in this chapter that are not defined by this chapter shall have the same meaning as defined in the California Building Standards Code (Part 2 (commencing with Section 1.1.1) of Title 24 of the California Code of Regulations).

**SEC. 2.** Section 2621.7 of the Public Resources Code is amended to read:

**2621.7.** This chapter, except Section 2621.9, shall not apply to any of the following:

(a) The conversion of an existing apartment complex into a condominium.

(b) An alteration to any structure for human occupancy if the value of the alteration does not exceed 50 percent of the appraised value of the structure and, if the alteration results in a change in the use or occupancy of the structure, the change 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 city or county with jurisdiction over the structure.

(c) (1) Any structure located within the jurisdiction of the City of Berkeley or the City of Oakland that was damaged by fire between October 20, 1991, and October 23, 1991, if granted an exemption pursuant to this subdivision.

(2) The city may apply to the State Geologist for an exemption and the State Geologist shall grant the exemption only if the structure located within the earthquake fault zone is not situated upon a trace of an active fault line, as delineated in the official earthquake fault zone map or in more recent geologic data, as determined by the State Geologist.

(3) When requesting an exemption, the city shall submit to the State Geologist all of the following information:

(A) Maps noting the parcel numbers of proposed building sites that are at least 50 feet from an identified fault and a statement that there is not any more recent information to indicate a geologic hazard.

(B) Identification of any sites that are within 50 feet of an identified fault.

(C) Proof that the property owner has been notified that the granting of an exemption is not any guarantee that a geologic hazard does not exist.

(4) The granting of the exemption does not relieve a seller of real property or an agent for the seller of the obligation to disclose to a prospective purchaser that the property is located within a delineated earthquake fault zone, as required by Section 2621.9.

(d) (1) Alterations that include seismic retrofitting, as defined in Section 8894.2 of the Government Code, to any of the following listed types of structures for human occupancy:

(A) Buildings, as described in subdivision (a) of Section 8875 of the Government Code, with unreinforced masonry unit (URM) or lateral force resisting systems, or buildings with URM infill walls that interact with the lateral force resisting system.

(B) Buildings with flexible diaphragms and deficient out-of-plane anchorage to concrete or masonry bearing or nonbearing walls permitted under the 1994 or earlier editions of the Uniform Building Code.

(C) Reinforced nonductile concrete buildings permitted under the 1991 or earlier editions of the Uniform Building Code.

(D) Wood-framed buildings with soft, weak, or open-front wall lines on the ground floor permitted under the 1994 or earlier editions of the Uniform Building Code.

(E) Buildings with precast concrete members attached with nonductile connections permitted under the 1994 or earlier editions of the Uniform Building Code.

(F) Steel-frame buildings with welded moment frame connections permitted under the 1994 or earlier editions of the Uniform Building Code.

(G) Steel-braced frame buildings permitted under the 1994 or earlier editions of the Uniform Building Code.

(H) Wood-framed buildings on or into a slope greater than one unit vertical and three units horizontal (33.3 percent) permitted under the 1994 or earlier editions of the Uniform Building Code.

(2) The exemption granted by paragraph (1) shall not apply unless a city or county acts in accordance with all of the following:

(A) The building permit issued by the city or county for the alterations authorizes no greater human occupant load, regardless of proposed use or occupancy, than that authorized for the existing use or occupancy permitted at the time the city or county grants the exemption. This may be accomplished by the city or county making a human occupant load determination that is based on, and no greater than, the existing authorized use or occupancy, and including that determination on the building permit application as well as a statement substantially as follows: "Under subparagraph (A) of paragraph (2) of subdivision (d) of Section 2621.7 of the Public Resources Code, the occupant load is limited to the occupant load for the last lawful use or occupancy authorized or existing before the issuance of this building permit, as determined by the city or county."

(B) The city or county requires seismic retrofitting, as defined in Section 8894.2 of the Government Code, that is necessary to strengthen the entire structure for human occupancy and provide increased resistance to ground shaking from earthquakes.

(C) Exemptions granted pursuant to paragraph (1) are reported in writing to the State Geologist within 30 days of the building permit issuance date.

(3) Any structure for human occupancy with restrictions under subparagraph (A) of paragraph (2) shall not be granted a new building permit that allows an increase in human occupant loads unless a geologic report, prepared pursuant to subdivision (d) of Section 3603 of Title 14 of the California Code of Regulations in effect on January 1, 1994, demonstrates that the structure is not on the trace of an active fault, or the requirement of a geologic report has been waived pursuant to Section 2623.

(4) A qualified historical building within an earthquake fault zone that is exempt pursuant to this subdivision may be repaired or seismically retrofitted using the State Historical Building Code, except that, notwithstanding any provision of that building code and its implementing regulations, paragraph (2) shall apply.

**SEC. 3.** Section 2621.8 of the Public Resources Code is amended to read:

**2621.8.** Notwithstanding Section 818.2 of the Government Code, a city or county which knowingly issues a permit that grants an exemption pursuant to subdivision (d) of Section 2621.7 that does not adhere to the requirements of paragraph (2) of subdivision (d) of Section 2621.7, may be liable for earthquake-related injuries or deaths caused by its failure to so adhere.