

SENATE RULES COMMITTEE

AB 341

Office of Senate Floor Analyses
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THIRD READING

Bill No: AB 341
Author: Dickinson (D) and Gordon (D)
Amended: 6/19/13 in Senate
Vote: 21

SENATE TRANSPORTATION & HOUSING COMMITTEE: 10-0, 6/18/13
AYES: DeSaulnier, Gaines, Beall, Galgiani, Hueso, Lara, Liu, Pavley, Roth,
Wyland
NO VOTE RECORDED: Cannella

SENATE ENERGY, UTILITIES & COMMUNICATIONS COMM.: 9-0, 7/2/13
AYES: Fuller, Corbett, De León, DeSaulnier, Hill, Knight, Pavley, Wolk, Wright
NO VOTE RECORDED: Padilla, Cannella

SENATE APPROPRIATIONS COMMITTEE: 5-0, 8/12/13
AYES: De León, Gaines, Hill, Lara, Steinberg
NO VOTE RECORDED: Walters, Padilla

ASSEMBLY FLOOR: 76-1, 5/28/13 - See last page for vote

SUBJECT: Green building standards

SOURCE: Author

DIGEST: This bill requires the Building Standards Commission to incorporate future green building standards directly into the relevant portions of the California Building Code (CBC) and makes other changes to the process for developing green building standards.

ANALYSIS: The California Building Standards Law establishes the California Building Standards Commission (BSC) and the process for adopting state building

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codes. Under this process, relevant state agencies propose amendments to model building codes, which the BSC must then adopt, modify, or reject. For example, the Department of Housing and Community Development (HCD) is the relevant state agency for residential building codes. The Office of Statewide Health Planning and Development is responsible for hospitals and clinics, and the Division of the State Architect is the relevant agency for schools and emergency service buildings. Not all buildings fall under the jurisdiction of a relevant state agency. Most commercial, industrial, and manufacturing structures are considered “local buildings,” over which local governments may determine applicable building standards. Every three years, the BSC adopts a new version of the CBC, known as the triennial update.

With respect to green building standards, existing law gives BSC the authority to adopt building standards for local buildings. Since 2008, the BSC has maintained a separate chapter of the CBC, known as the CalGreen Code that contains green building standards. The 2010 CalGreen Code allows cities and counties to adopt additional tiers of green building standards, known as Tier 1 and Tier 2 standards, some of which are mandatory and some of which are voluntary for builders to follow.

The California Building Standards Law further provides that when code writing agencies submit proposed building standards to the BSC, they must also submit an analysis to justify, among other things, that the public interest requires adoption of the standard.

Existing law also requires each city and county to collect a fee from any applicant for a building permit, assessed at the rate of \$4 per \$100,000 in valuation, and remit these fees to the state. The Legislature appropriates these funds to the BSC, HCD, and the Office of the State Fire Marshal to pay for building code activities, with an emphasis on funding the development and implementation of buildings standards and educational efforts associated with green building standards.

This bill:

1. Requires a code writing agency that proposes green building standards, as part of the next triennial update of the CBC, to the extent feasible, to reference or reprint the green building standards in other relevant portions of the CBC.
2. With respect to a code writing agency’s justification that the public interest requires adoption of a particular building standard, clarifies that the public interest includes, but is not limited to, health and safety, resource efficiency,

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fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.

3. Requires the BSC and other code writing agencies to allow for input by other state agencies that have expertise in green building subject areas. BSC must adopt regulations that address or require all of the following:
 - A. The timing for receipt of suggested changes.
 - B. The manner in which the suggestions will be made available to the public.
 - C. Whether the suggested changes should be considered for adoption as mandatory or voluntary green building standards.
 - D. The concurrent submission of appropriate technical analysis that the code writing agency may use to support the proposal.
 - E. The concurrent submission of a fiscal analysis of the proposed standard.
4. Requires a code writing agency that proposes green building standards and offers advice to the BSC via an advisory panel, to the extent feasible, to indicate those voluntary green building measures that may be considered for possible adoption as mandatory within the next two subsequent adoption cycles.
5. Additionally emphasizes expenditures from building permit fees for updating verification guidelines for CalGreen Tier 1 or Tier 2 building standards and educational efforts, including, but not limited to, training for local building officials in green building standards.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, one-time costs of about \$130,000 per year for one to two years to develop regulations and expand training information by the Building Standards Commission (Building Standard Administration Special Revolving fund).

SUPPORT: (Verified 8/14/13)

California Building Industry Association

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U.S. Green Building Council, California Chapter

ARGUMENTS IN SUPPORT: According to the author's office, the adoption of CalGreen as a separate section within the CBC has caused some confusion and challenges for architects, designers, builders, and local building departments. Particular trades and inspectors may only review the part of the CBC relevant to their trade and may be unaware of the related green building standards that are located together in a separate chapter of the code. This bill requires BSC to integrate green building standards into the appropriate parts of the CBC, creating a "uniform building code that is green throughout." The author's office further seeks to bring more clarity to the green building standard update process and improve resources for implementation and training.

ASSEMBLY FLOOR: 76-1, 5/28/13

AYES: Achadjian, Alejo, Allen, Ammiano, Atkins, Bigelow, Bloom, Blumenfield, Bocanegra, Bonilla, Bonta, Bradford, Brown, Buchanan, Ian Calderon, Campos, Chau, Chávez, Chesbro, Conway, Cooley, Dahle, Daly, Dickinson, Eggman, Fong, Fox, Frazier, Beth Gaines, Garcia, Gatto, Gomez, Gonzalez, Gordon, Gorell, Gray, Grove, Hagman, Hall, Harkey, Roger Hernández, Jones, Jones-Sawyer, Levine, Linder, Logue, Lowenthal, Maienschein, Mansoor, Medina, Melendez, Mitchell, Morrell, Mullin, Muratsuchi, Nazarian, Nestande, Olsen, Pan, Perea, V. Manuel Pérez, Quirk, Quirk-Silva, Rendon, Salas, Skinner, Stone, Ting, Wagner, Waldron, Weber, Wieckowski, Wilk, Williams, Yamada, John A. Pérez

NOES: Donnelly

NO VOTE RECORDED: Holden, Patterson, Vacancy

JJA:d 8/14/13 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

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