

*BIC Meeting of  
August 20, 2014*

*Agenda Item #6b*

## DBI Legislative Tracker

August 20, 2014 Update

Per BIC requests for information about legislation affecting the San Francisco Building Code, below please find the most recent Summary from the Board of Supervisors, as well as from Code Advisory Committee meetings and recommendations:

**File No. 140757 & 140755 -- Annual Lien/Delinquent Charges for assessment costs on code violations.**

**STATUS:** The Board approved unanimously a final lien list of 228, a reduction of 82 cases from DBI's initial listing of 310 non-responsive owners to the Board of Supervisors. Those owners on this final lien list are now encumbered with a lien, which will be lifted only upon paying past-due assessments and obtaining permits to do the code-compliant work required.

**File No. 140592 – Temporary Seven Percent Reduction in all building code fees for six months, pending new fee study results now under way. New fee tables likely to be adopted by end of year/early 2015.**

**STATUS:** This passed unanimously at the Board on July 29 and was signed by the Mayor on July 31. Effective August 30, 2014, fees for all Department of Building Inspection staff services will be reduced by 7%. The temporary fee reduction is effective six-months and demonstrates DBI's pro-active effort to align service fees with cost recovery expenses during the strongest building boom in the City's recent history. We expect to propose new fee tables to the Board for approval in September, per the results of a new fee study, and to enact new fees based upon the professional fee study by the end of 2014/beginning of 2015.

**File No. 140806 – Introduced by Supervisor Cohen, this would amend Chapter 38 in Health Code to Building Code requiring an enhanced ventilation system in building projects located within DPH's Air Pollutant Exposure Zone.**

**STATUS:** While this proposed ordinance is on the BIC Agenda today, it will be heard at the Land Use Committee in September. It received a support recommendation from the DBI Code Advisory Committee. The ordinance would require DBI Mechanical Plan Review to ensure proposed projects within this DPH Air Pollution Exposure Zone have enhanced ventilation systems to reduce public health hazards prior to issuance of a building permit.

**File No. 140120 – Earthquake Performance Evaluation of Private School Structures. Amends the building code to require private elementary and secondary schools obtain an evaluation by a licensed structural engineer for performance during a future earthquake.**

**STATUS:** Incorporating additional public input, this is expected to be heard in the Land Use Committee in September. It is on the BIC Agenda today for discussion and possible action. It received a support recommendation from DBI's Code Advisory Committee.

**File No. 131148 --Authorization of Dwelling Units Installed Without a Permit.** Sponsored by Supervisors Chiu, Wiener and Cohen this proposed ordinance amends Planning and Building Codes to provide a city-wide process for granting legal status to existing dwelling units constructed without the required permits, and establishes a fee for administering the authorization program; amending the Administrative Code to provide that a dwelling unit that was subject to the Rent Ordinance before legalization will remain under the Rent Ordinance, and requiring the property owner to provide relocation assistance to displaced tenants; making environmental findings, and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and directing the Clerk to submit this Ordinance to the California Department of Housing and Community Development in accordance with state law.

**STATUS:** While we have not yet issued any permits for legalization, with Planning approvals, we expect to issue three permits in the very near future. To date we have received a total of 30 screening forms for legalizations. DBI has posted on its web site a new Information Sheet, G-17, signed by the Building Director, the Planning Director, the Fire Marshal and the Rent Board Director, which provides detailed guidelines for any owner interested in legalizing a unit. DBI and Planning are required to report to the Board any legalizations every six months for the first three years of the ordinance. After that time, Planning will incorporate such data into its annual Housing Report, and Planning also is required to maintain a Master List of all legalizations.

**Ordinance No. 130119 -- Mandatory Seismic Retrofitting of Soft Story buildings –** The Mayor introduced this at the Board on February 5th, with six co-sponsors, Supervisors Chiu, Wiener, Mar, Farrell, Breed and Yee; substituted in March; passed unanimously and Mayor signed April 18, 2013. It became legally effective June 3, 2013. Targets a type of wood framed building three or more stories, with five or more dwelling units, whose permit applications pre-date Jan. 1, 1978; studies show they are likely to collapse in a strong earthquake without retrofitting.

**STATUS:** DBI hosted another free public workshop at the Main Library on August 11 on the rapidly approaching September 15<sup>th</sup> submission deadline for mandatory soft story screening forms – where approximately 175 participants attended – and provided instruction and explanations of steps owners need to take in the next four weeks. We also are continuing our advertising campaign to remind owners about the Sept. 15th deadline for submission of their screening form signed by a licensed architect/engineer. Ads have appeared in the San Francisco Chronicle, Examiner, Sing Tao Daily, World Journal, the San Francisco Apartment magazine, and in the Western Regional edition of the Wall Street Journal. This reminder ad also is now in more than a dozen San Francisco neighborhood monthly publications in July and August; and we will begin to aid additional radio ads next week. With the assistance of SFGTV, we also posted a YouTube video clip on the retrofit program that is now on DBI's web site, as well as on SFGTV and other City web sites, to motivate more owners to submit required screening forms before the September 15th deadline.

As of August 13, DBI has accepted 3,172 Screening Forms to comply; released 740 addresses as not subject to the ordinance; and rejected 70 screening forms as in error and in need of correction. We have approved 75 optional evaluation forms (which removes those addresses from the mandatory

program); and now have a total of 111 permits where retrofitting work may already be under way – with 19 projects completed. There are 2,239 owners notified who have not yet responded. We are preparing Code Enforcement Notification Signs, which will be affixed to non-responding addresses, along with a Notice of Violation, following the September 15<sup>th</sup> screening form submission deadline.

**File No. 140381** –Supervisor Chiu’s proposed ordinance to permit certain short-term rentals of residences under stipulated conditions; through listings with AirBnb, VRBO, Home Away, etc., attempts to codify widespread practices that are illegal uses under current Planning Code.

**STATUS:** The Planning Commission held its hearing on the proposed ordinance on August 7, and voted 4-2 (with one commissioner absent) to forward the ordinance to the Board of Supervisors with 16 recommendations of changes/amendments –including the recommendation that Planning be the code enforcement agency for such short-term rentals. The ordinance is expected to be heard at the Land Use Committee in early September.

**New Civil Grand Jury Reports on Rising Sea Levels, and Data of Mayor’s Office of Housing** – DBI has responded to specific findings/recommendations in two new Grand Jury Reports, where the department is asked to be part of the City’s collective response to the Superior Court by the end of August/early September. The recommendation is for DBI to amend the building code to require projects in areas where rising sea levels may result in flooding to increase elevations and take pro-active construction steps to increase public safety. In the separate Grand Jury report on the Mayor’s Office of Housing, DBI and Planning are asked to improve data capture to improve the identification of affordable housing projects. We will respond before the stipulated deadline, and participate in the Board’s Government Accounting & Oversight Committee meeting on the City’s responses to these Grand Jury reports, expected to occur in early September.

**State Legislation** – In an effort to be apprised of, and involved in, proposed State legislation that may affect the Department, we continue to track bills that CALBO monitors in the Senate and Assembly. Current State legislation to note includes:

**2013 Building Energy Efficiency Standards Took Legal Effect July 1st** –Director Hui has appointed a DBI Internal Team to summarize and simplify the multiple complexities in the new State energy codes, including trainings for staff. An Information Sheet, No. MEP-02, is now posted on the DBI web site with helpful FAQs for staff and customers. The DBI Team recommended increasing the use of special inspections under the supervision of the engineer of record; a survey of other building department jurisdictions around the State is also under way to obtain ‘Best Practices’ we may wish to implement.

**California State Fire Marshal Issued Information Bulletin 13-006** – As tied to Senate Bill 745, and signed by the Governor, the law revises language to state Commencing July 1, 2014 all smoke alarms, including combination smoke alarms, that are solely battery-powered shall contain a non-replaceable, non-removable battery that is capable of powering the smoke alarm for 10 years. Manufacturers will have until July 1, 2015 to offer these 10-year batteries and to update life-safety equipment listings.

See below for CALBO-watched Bills, and CALBO positions, for the current Legislative Session:



California  
LEGISLATIVE INFORMATION

CALBO Opposes

**AB-2188 Solar energy: permits. (2013-2014)**

AMENDED IN SENATE JUNE 18, 2014  
AMENDED IN ASSEMBLY MAY 08, 2014  
AMENDED IN ASSEMBLY MAY 05, 2014  
AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE— 2013-2014 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2188**

**Introduced by Assembly Member Muratsuchi**

**February 20, 2014**

An act to amend Section 714 of the Civil Code, and to amend Section 65850.5 of the Government Code, relating to solar energy.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2188, as amended, Muratsuchi. Solar energy: permits.

(1) Existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems, as defined, and to limit obstacles to their use. Existing law states that the implementation of consistent statewide standards to achieve timely and cost-effective installation of solar energy systems is not a municipal affair, but is instead a matter of statewide concern. Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Existing law requires a solar energy system for heating water to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would specify that these provisions address a statewide concern. The bill would additionally require a city, county, or city and county to adopt, on or before September 30, 2015, *in consultation with specified public entities* an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems, as specified. The bill would additionally require a city, county, or city and county to inspect a small residential rooftop solar energy system eligible for expedited review within 5 business days of any request, as specified, and to perform only one inspection, *except as specified*. The bill would prohibit a city, county, or city and county from conditioning the approval of any solar energy system permit on approval of that system by an association that manages a common interest development. The bill would require a solar energy system for heating water to be certified by an accredited listing agency, as defined.

*Because the bill would impose new duties upon local governments and local agencies, it would impose a state-mandated local program.*

(2) Existing law prohibits any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document from effectively prohibiting or restricting the installation or use of a solar energy system. Existing law exempts from that prohibition provisions that impose reasonable restrictions on a solar energy system that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. Existing law defines the term "significantly," for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 20% of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$2,000 over the system cost or a decrease in system efficiency of an amount exceeding 20%, as specified. Existing law requires a solar energy system for heating water subject to the provisions described above to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would instead define the term "significantly," for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 10% of the cost of the system, not to exceed \$1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$1,000 over the system cost or a decrease in system efficiency of an amount exceeding 10%, as specified. The bill would require a solar energy system for heating water subject to the provisions described above to be certified by an accredited listing agency, as defined.

(3) Existing law requires an application for approval for the installation or use of a solar energy system to be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property and prohibits the approver from willfully avoiding or delaying approval. Existing law requires the approving entity to notify the applicant in writing within 60 days of receipt of the application if the application is denied, as specified.

The bill would instead require the approving entity to notify the applicant in writing within ~~30~~ 45 days of receipt of the application if the application is denied, as specified.

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.** The Legislature finds and declares all of the following:

(a) In recent years, the state has both encouraged the development of innovative distributed generation technology and prioritized the widespread adoption of solar power as a renewable energy resource through programs such as the California Solar Initiative.

(b) Rooftop solar energy is a leading renewable energy technology that will help this state reach its energy and environmental goals.

(c) To reach the state's Million Solar Roofs goal, hundreds of thousands of additional rooftop solar energy systems will need to be deployed in the coming years.

(d) Various studies, including one by the Lawrence Berkeley National Laboratory, show that, despite the 1978 California Solar Rights Act, declaring that the "implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair ... but is instead a matter of statewide concern," the permitting process governing the installation of rooftop solar energy systems varies widely across jurisdictions and, contrary to the intent of the law, is both an "obstacle" to the state's clean energy and greenhouse reduction goals and a "burdensome cost" to homeowners, businesses, schools, and public agencies.

(e) The United States Department of Energy, through its SunShot Initiative, has distributed millions of dollars in grants to local and state governments, including California jurisdictions, and nonprofit organizations to reduce the costs of distributed solar through streamlined and standardized permitting.

(f) A modernized and standardized permitting process for installations of small-scale solar distributed generation technology on residential rooftops will increase the deployment of solar distributed generation, help to expand access to lower income households, provide solar customers greater installation ease, improve the state's ability to reach its clean energy goals, and generate much needed jobs in the state, all while maintaining safety standards.

**SEC. 2.** Section 714 of the Civil Code is amended to read:

**714. (a)** Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document, as defined in Section 4150 or 6552, that effectively prohibits or restricts the installation or use of a solar energy system is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on solar energy systems. However, it is the policy of the state to promote and encourage the use of solar energy systems and to remove obstacles thereto. Accordingly, reasonable restrictions on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

(c) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, consistent with Section 65850.5 of the Government Code.

(2) Every solar energy system for heating water shall be certified by an accredited listing agency as defined in Section 65850.5 of the Government Code.

(3) A solar energy system for producing electricity shall also meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(d) For the purposes of this section:

(1) (A) For solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, "significantly" means an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.

(B) For photovoltaic systems that comply with state and federal law, "significantly" means an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

(2) "Solar energy system" has the same meaning as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5.

(e) (1) Whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed.

(2) For an approving entity that is an association, as defined in Section 4080 or 6528, and that is not a public entity, both of the following shall apply:

(A) The approval or denial of an application shall be in writing.

(B) If an application is not denied in writing within 30 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

(f) Any entity, other than a public entity, that willfully violates this section shall be liable to the applicant or other party for actual damages occasioned thereby, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).

(g) In any action to enforce compliance with this section, the prevailing party shall be awarded reasonable attorney's fees.

(h) (1) A public entity that fails to comply with this section may not receive funds from a state-sponsored grant or loan program for solar energy. A public entity shall certify its compliance with the requirements of this section when applying for funds from a state-sponsored grant or loan program.

(2) A local public entity may not exempt residents in its jurisdiction from the requirements of this section.

**SEC. 3.** Section 65850.5 of the Government Code is amended to read:

**65850.5.** (a) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems. It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(b) A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city or county makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.

(c) A city, county, or city and county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

(e) Any conditions imposed on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

(f) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) Every solar energy system for heating water shall be certified by an accredited listing agency.

(3) A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(g) On or before September 30, 2015, every city, county, or city and county, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a utility, shall adopt an ordinance, consistent with the goals and intent of subdivision (a), that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. In developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. An application that meets the ~~satisfies the information~~ requirements in the ~~checklist~~ checklist, as determined by the city, county, and city and county, shall be deemed approved upon receipt of the completed application ~~complete~~. Upon confirmation by the city, county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. Upon receipt of an incomplete application, a city, county, or city and county shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit



*Issuance.* The checklist and required permitting documentation shall be published on a publically accessible Internet Web-site site, if the city, county, or city and county has an Internet Web site, and the city, county, or city and county shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant. In developing the ordinance, the city, county, or city and county shall strive to conform with standardized checklists based on existing statewide solar permitting guidelines or best practices including those developed through the United States Department of Energy's SunShot Initiative.

(h) For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required and that one inspection shall be scheduled within five business days of a request, if the request is received during business hours. If the request is received after business hours, the inspection shall be scheduled within five business days of the beginning of the next business day after receipt of the request. If a city, county, or city and county determines that it is unable to provide an inspection within five business days of a request, the city, county, or city and county may hold a public hearing and adopt an ordinance or resolution providing for a different time period or different means for scheduling inspections. ~~If the small residential rooftop solar energy system fails inspection, a subsequent inspection shall also conform to the requirements of this subdivision.~~

(i) A city, county, or city and county shall not condition approval for any solar energy system permit on the approval of a solar energy system by an association, as that term is defined in Section 4080 of the Civil Code.

(j) The following definitions apply to this section:

(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit. A city, county, or city and county shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

(2) "Accredited listing agency" means a standards or testing organization that evaluates solar energy systems according to specified, independent criteria and allows its mark to be used on qualifying systems as a stamp of approval, such as the American National Standards Institute or the American Association for Laboratory Accreditation.

(3) "Electronic submittal" means the utilization ~~any of one or more~~ of the following:

(A) Email.

(B) The Internet.

(C) Facsimile.

(4) "Small residential solar energy system" means all of the following:

(A) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

(B) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, county, or city and county and paragraph (3) of subdivision (c) of Section 714 of the Civil Code.

(C) A solar energy system that is installed on a single or duplex family dwelling.

(D) A solar panel or module array that does not exceed the maximum legal building height.

(5) "Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code.

(6) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

**SEC. 4.** 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.





*California*  
LEGISLATIVE INFORMATION

*CA also opposes*

AB-2192 Housing: building permits. (2013-2014)

AMENDED IN ASSEMBLY MAY 23, 2014

CALIFORNIA LEGISLATURE— 2013-2014 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2192**

Introduced by Assembly Member Melendez

February 20, 2014

An act to amend Section 17960.1 of add and repeal Section 17960.3 to the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2192, as amended, Melendez. Housing: building plans permits.

Under existing law, the building department of every city or county is required to enforce the provisions of the State Building Standards Code, the State Housing Law, and the other rules and regulations promulgated pursuant to that law pertaining to, among other things, the erection, construction, reconstruction, or repair of apartment houses, hotels, or dwellings. Existing law permits the governing body of a local agency to authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function. Existing law, when there is excessive delay in checking plans and specifications submitted as part of an application for a residential building permit, requires the local agency, upon the applicant's request, to contract with or employ a private entity or persons temporarily to perform the plan-checking function, as specified.

This bill would establish a 5-year pilot project in 3 unspecified local agencies that would permit the governing body of a local agency to authorize a building department to create and implement a program whereby a building permit may be issued upon submission of plans prepared by an architect and reviewed by another unaffiliated architect, for specified types of projects.

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

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

**SECTION 1.** Section 17960.3 is added to the Health and Safety Code, to read:

**17960.3.** (a) A pilot project is established in three local agencies in which the governing body of a local agency may authorize a building department to create and implement a program whereby a building permit may be issued upon submission of plans prepared by an architect and reviewed by another unaffiliated architect.

(b) This section shall apply only to the following project types:

- (1) Single-family dwellings not more than two stories and basement in height.
- (2) Multiple dwellings containing no more than four dwelling units of not more than two stories and basement in height.
- (3) Garages or other structures appurtenant to buildings described in this paragraph, not more than two stories and basement in height.
- (4) Agricultural and ranch buildings, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare exists.
- (c) For the purposes of this section, "local agency" means a city, county, or city and county.
- (d) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SECTION 1. Section 17960.1 of the Health and Safety Code is amended to read:

~~17960.1. (a) The governing body of a local agency may authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function.~~

~~(b) A local agency need not enter into a contract or employ persons if it determines that no entities or persons are available or qualified to perform the plan-checking services.~~

~~(c) Entities or persons employed by a local agency may, pursuant to agreement with the local agency, perform all functions necessary to check the plans and specifications to comply with other requirements imposed pursuant to this part or by local ordinances adopted pursuant to this part, except those functions reserved by this part or local ordinance to the legislative body. A local agency may charge the applicant fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section which the applicant requested.~~

~~(d) When there is an excessive delay in checking plans and specifications submitted as a part of an application for a residential building permit, the local agency shall, upon request of the applicant, contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function subject to subdivisions (b) and (e).~~

~~(e) (1) The governing body of a local agency may create and implement a program whereby a building permit may be issued upon submission of plans prepared by an architect and reviewed by another unaffiliated architect.~~

~~(2) This subdivision shall apply only to the following project types:~~

~~(A) Single-family dwellings not more than two stories and basement in height.~~

~~(B) Multiple dwellings containing no more than four dwelling units of not more than two stories and basement in height.~~

~~(C) Garages or other structures appurtenant to buildings described in this paragraph, not more than two stories and basement in height.~~

~~(D) Agricultural and ranch buildings, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare exists.~~

~~(E) Nonstructural or nonseismic storefronts, interior alterations, or additions.~~

~~(f) For purposes of this section:~~

~~(1) "Enforcement agency" means the building department or building division of a local agency.~~

~~(2) "Excessive delay" means the enforcement agency of a local agency has taken either of the following:~~

~~(A) More than 30 days after submittal of a complete application to complete the structural building safety plan check of the applicant's set of plans and specifications which are suitable for checking. For a discretionary building permit, the time period specified in this paragraph shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from Division 13 (commencing with Section 21000) of the Public Resources Code.~~

~~(B) Including the days actually taken in (A), more than 45 days to complete the checking of the resubmitted corrected plans and specifications suitable for checking after the enforcement agency had returned the plans and specifications to the applicant for correction.~~

~~(3) "Local agency" means a city, county, or city and county.~~

~~(4) "Residential building" means a one to four family detached structure not exceeding three stories in height.~~