

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

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INFORMATION BULLETIN 2011-01 (SHL)

**TO: SHL Interested Parties
Division Staff**

SUBJECT: 2010 LEGISLATIVE CHANGES

This Information Bulletin summarizes the legislative changes for 2010 to California laws that impact housing construction and maintenance in California. The amendments, repeals, and additions to the California laws summarized in this Information Bulletin became effective on January 1, 2011, unless otherwise specified in the legislation.

Chapter 19, Statutes of 2010 (Senate Bill No. 183, Lowenthal) amends Sections 1102.6 and 1102.6d of the Civil Code, adds Sections 17926, 17926.1, and 17926.2 to, and adds Chapter 8 (commencing with Section 13260) to Part 2 of Division 12 of, the California Health and Safety Code, relating to residential building safety.

Senate Bill (SB) 183 enacts the Carbon Monoxide Poisoning Prevention Act of 2010. The legislative amendments, repeals, and additions of this bill require owners of dwellings intended for human occupancy to install carbon monoxide (CO) devices in existing dwelling units having a fossil fuel burning heater or appliance, fireplace, or attached garage in compliance with the following dates:

- on or before July 1, 2011, for all single-family dwellings; and
- on or before January 1, 2013, for all other dwelling units.

SB 183 also mandates that CO devices shall be certified by the Office of the State Fire Marshal (SFM). The SFM is required to develop a certification and decertification processes to approve and list CO devices and their accompanying instructions; and to disapprove and de-list previously approved devices, as specified. This bill prohibits the marketing, distribution, offer for sale, or sale of any CO device unless it has been approved and listed by the SFM. See the following link for SFM approved CO alarms and detectors:

http://osfm.fire.ca.gov/licensinglistings/licenselisting_bml_searchcotest.php

In addition, this legislation further stipulates the following:

- Owner or owners' agent shall install CO devices in a manner consistent with building standards applicable to new construction for the relevant type of occupancy if it is technically feasible. See also, the 2010 California Building Code, Section 420.4, and the 2010 California Residential Code, Section R315.
- CO devices shall produce a distinct audible alarm.
- CO alarm or detector performance shall conform to specified national consensus standards.
- CO devices may be combined with a smoke detector, if the combination device meets all specified SFM listing and approval requirements.
- Tenants must notify the responsible party if the CO device becomes inoperable or deficient.
- The owner or owners' agent is responsible to correct any reported deficiencies or inoperabilities.
- Violation of Health and Safety Code (HSC) Section 17926 is an infraction punishable by a maximum fine of two-hundred dollars (\$200) for each offense.
- A local enforcement agency shall provide the property owner a 30-day notice to correct.
- If an owner receiving notice fails to correct the deficiency within the 30-day time period, the owner may be assessed a fine as specified.
- Transfer of title will not be invalidated for failing to comply with these provisions.
- Revises the statutory transfer disclosure statement required of a transferor of a mobilehome, manufactured home, or real property consisting of one to four dwelling units to indicate the presence or absence of a CO device.
- Local jurisdictions are authorized to adopt ordinances requiring CO devices if the ordinance is consistent with the requirements of this bill.
- The Department of Housing and Community Development (HCD), in consultation with the SFM, may suspend enforcement of the requirements of the bill for up to six months.
- Standards adopted or updated by the California Building Standards Commission (CBSC) after July 1, 2011, that modify these requirements, shall not require the owner to meet the new provisions and install a new device until the owner makes application for a permit to alter, repair or make an addition to that dwelling unit; the cost of which shall exceed one thousand dollars (\$1000.00).
- Provides that the presence or absence of a CO device does not affect any rights that the parties may have under any other provision of law.

Chapter 145, Statutes of 2010 (Assembly Bill No. 1693, Ma) amends Sections 18929.1, 18934.8, and 18942 of the Health and Safety Code, relating to building standards.

- Health and Safety Code (HSC) Section 18929.1 is amended to modify the existing annual (12-month) building standards code adoption cycle to an 18-month code adoption cycle.

- Health and Safety Code Section 18934.8 is amended for consistency to reflect that emergency amendments made to model codes in an expedited rulemaking process would occur outside of an 18-month code adoption cycle rather than an annual code adoption cycle.
- Health and Safety Code Section 18942 is amended to require the California Building Standards Commission to publish supplements in the intervening period between triennial publications rather than each intervening year.

This summary of legislative changes is not represented to be a complete digest of all new laws affecting persons regulated by the State Housing Law or other California laws. The complete text of each law can be reviewed through the Official California Legislative information website at <http://www.leginfo.ca.gov>.

For questions regarding the State Housing Law requirements, please contact HCD's Housing Standards staff at (916) 445-9471. You may also contact HCD via our web comment site at <http://www.hcd.ca.gov/comments>.



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