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## SENATE COMMITTEE ON HOUSING

Senator Scott Wiener, Chair

2019 - 2020 Regular

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<b>Bill No:</b>	AB 1923	<b>Hearing Date:</b>	8/6/2020
<b>Author:</b>	Salas		
<b>Version:</b>	7/30/2020 Amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Erin Riches		

**SUBJECT:** Residential structures: natural gas shutoff devices

**DIGEST:** This bill requires the state Department of Housing and Community Development (HCD) to consider proposing to the California Building Standards Commission (CBSC) for adoption, a requirement that seismic gas shutoff devices be installed in dwelling units, hotels, motels, and lodging houses, as specified.

### ANALYSIS:

*Existing law:*

- 1) Establishes the CBSC within the Department of General Services and requires any building standards adopted or proposed by state agencies to be submitted to, and approved by, the CBSC prior to codification into the California Building Standards Code.
- 2) Requires the CBSC to adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.
- 3) Requires the State Fire Marshal to develop building standards to implement the state's fire and life safety policy, and transfers any responsibilities of the State Fire Marshal to adopt building standards through a formal rulemaking process to the CBSC.
- 4) Requires HCD to propose the adoption, amendment, or repeal of building standards to the CBSC and to adopt, amend, and repeal other rules and regulations to protect the health, safety, and welfare of occupants and to the public.

- 5) Requires the Division of the State Architect (DSA), also within the Department of General Services, to certify any new seismic gas shutoff device sold by any person in the state, prior to sale.

**This bill:**

- 1) Requires HCD, in consultation with the State Architect, the State Fire Marshal, gas companies, and other interested parties, to consider whether to propose for adoption to the CBSC a requirement that seismic gas shutoff devices be installed in newly constructed dwelling units, hotels, motels, and lodging houses.
- 2) Requires HCD, as part of this review, to contract with a third party consultant to review the findings of its 2005 study, “SB 1992 (Perata) Final Report Seismic Gas Shutoff Devices and Excess Flow Gas Shutoff Devices,” to determine if the issues raised in the report have been adequately addressed since then.
- 3) Requires HCD, if it determines it is appropriate to propose mandatory or voluntary building standards, to propose them to the CBSC in a regularly occurring code adoption cycle that takes place after January 1, 2022. States legislative intent for HCD to include a cost-benefit analysis in its proposal.
- 4) Prohibits HCD from mandating the installation of a seismic safety gas shutoff valve or excess flow device on an existing building as a condition of real property conveyance, as specified.
- 5) Requires HCD, if it determines standards are not necessary, to explain in writing the reasons for its decision.
- 6) Authorizes HCD, in researching, developing and proposing voluntary or mandatory building standards, to expend funds from its revolving fund, upon legislative appropriation.

**COMMENTS**

- 1) *Author’s statement.* “In 2019, the City of Ridgecrest in Kern County was hit by a series of earthquakes in July that included three main shocks of magnitudes 6.4, 5.4 and 7.1. After the earthquakes, there was an outbreak of residential fires caused by gas line leaks. After the Northridge earthquake in 1994, the City of Los Angeles adopted an ordinance requiring that seismic gas shut-off valves be installed on all new buildings, residential homes performing reservations, and all buildings sold after 1998. Given the frequency and

magnitude of earthquakes in our state, and the potential for widespread damage as a result of earthquakes, it is critical that the state prioritize seismic safety and take steps to mitigate against potential damage and loss of life. Specifically, California can take steps to prevent gas leaks and destructive fires from erupting during and after earthquakes by studying and then requiring the installation of automatic “seismic gas shutoff devices” or “earthquake shutoff valves” on new or renovated homes. This important measure will help prevent outbreaks of fires caused by gas leaks in the event of an earthquake, preventing loss and damage of property, protecting residents, and making available valuable emergency response resources that otherwise would be used to respond to the fires.”

- 2) *Background.* In 2002, the Legislature enacted SB 1992 (Perata), which required HCD, in consultation with the DSA and State Fire Marshal, to consider proposing to the CBSC a mandatory seismic shutoff or excess flow gas shutoff requirement in some or all dwelling units, motels, hotels, and lodging houses. HCD’s study, *Final Report – Seismic Gas Shutoff Devices Excess Flow Gas Shutoff Devices (2004)*, stated that “After careful consideration of all currently available information, including a study commissioned by a manufacturer of excess flow valves, the Department concluded that there was insufficient evidence to support a statewide requirement for the installation of seismic gas shutoff devices and/or excess flow gas shutoff devices. The Department recognizes, however, some jurisdictions, particularly those in seismically active regions of the state, may wish to require the usage of such devices...”

In 2011, SCR 57 (Vargas) urged the State Architect to hold hearings to determine if state building codes should require the installation of devices to shut off natural gas and electrical power in the event of an earthquake. The policy committee analysis noted that, as mentioned in HCD’s 2005 review, false activations can be a drawback to gas shutoff valves. The analysis also noted that gas utilities had historically been reluctant to allow customers to reset such devices for fear of undetected leaks. Finally, the analysis noted that seismic electricity shutoff devices were a recent development and therefore it might be premature to consider a mandate to install them. The resolution, which was sponsored by a manufacturer of seismic shutoff devices, was not heard in committee.

- 3) *What is a seismic gas shutoff device?* A seismic gas shutoff device is a specialized valve, attached to a gas meter, which automatically closes in the event of an earthquake of sufficient magnitude, thereby cutting off gas from flowing through the line into the residence. There are three types of gas shutoff devices: manual shutoff valves, earthquake-sensitive automatic shutoff devices, and excess flow automatic gas shutoff devices. The DSA certifies, for

residential structures, the latter two types of devices, which are installed manually by the owner; manual shutoff devices are installed by utility companies. The DSA certification covers only the device; installation falls under the purview of local building departments. A quick internet search indicates that a device costs a couple hundred dollars, with installation ranging anywhere from a couple hundred to a couple thousand dollars, depending on the situation.

- 4) *Existing requirements.* The Earthquake Engineering Research Institute, writing in support of this bill, notes that state law requires the Public Utilities Commission to require the installation of automatic shutoff valves or remote-controlled sectionalized block shutoff valves on specified gas pipelines if the PUC determines installation is necessary for the protection of the public. However, they also note that application of requirements to either residences or public spaces has been both irregular and incomplete.

Some local jurisdictions have passed seismic valve ordinances. After the Northridge earthquake of 1994, the City of Los Angeles adopted an ordinance requiring installation of seismic gas shutoff devices for new homes or within one year of the close of escrow. Alameda County passed an ordinance in 2008 requiring installation of seismic gas shutoff valves as an escrow closing requirement. The majority of local jurisdictions have not, however, imposed such a requirement.

#### **RELATED LEGISLATION:**

**SCR 57 (Vargas, 2011)** — would have urged the DSA, in cooperation with the CBSC and HCD and as part of the 2012 triennial building code review, to hold hearings to determine if state building codes should require the installation of devices to shut off natural gas and electrical power in the event of an earthquake. *This bill died in the Senate Transportation and Housing Committee.*

**SB 1992 (Perata, Chapter 1051, Statutes of 2002)** — required HCD to determine the need for mandatory installation of gas shutoff valves.

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

**POSITIONS:** (Communicated to the committee before noon on Friday, July 24, 2020.)

**SUPPORT:**

Earthquake Engineering Research Institute  
Sempra Energy Utilities

**OPPOSITION:**

None received.

**-- END --**