

Date of Hearing: May 10, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
AB 42 (Ramos) – As Amended April 18, 2023

Policy Committee:	Housing and Community Development	Vote:	8 - 0
	Local Government		8 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill prohibits a local agency from imposing or enforcing a requirement to provide fire sprinklers in temporary dwelling units of less than 250 square feet if certain conditions are met.

Specifically, this bill:

- 1) Prohibits a local agency, including a charter city, until January 1, 2027, from imposing or enforcing any requirement to provide fire sprinklers for a temporary sleeping cabin with a total floor area of less than 250 square feet if it is on a site with 50 or fewer units.
- 2) Requires a temporary sleeping cabin with a total floor area of less than 250 square feet that does not provide a fire sprinkler to comply with alternative fire and life safety standards that include, at a minimum, all of the following requirements:
 - a) One smoke alarm and one carbon monoxide alarm must be provided in each unit, installed in accordance with the California Residential Code.
 - b) One fire extinguisher must be provided in each unit.
 - c) Ingress and egress must facilitate rapid exit of the temporary sleeping cabin.
 - d) Emergency evacuation signage and emergency egress lighting must be provided.
 - e) Every egress must be free from storage and other obstructions.
 - f) The use of open flames and combustibles must be prohibited.
 - g) Smoking at the site must be prohibited.
 - h) Twenty-four-hour active fire watch must be provided at the site, unless the temporary sleeping cabins are noncombustible, or are separated to the side and rear by at least 10 feet, or are separated to the side and rear by at least six feet and have an exterior one-hour fire resistance rated wall between the units.
 - i) Fire code inspection plans must occur in regular intervals, as determined by the local agency.

- j) Violations of the alternative fire and life safety standards at sites with temporary sleeping cabins must be handled in accordance with existing law related to code inspections and code violations in homeless shelters.
- 3) Defines, for purposes of the bill, “temporary sleeping cabin” to mean a nonpermanent fixture intended to provide temporary housing to people experiencing homelessness or at risk of homelessness, has a total floor area of less than 250 feet, and does not include plumbing.

FISCAL EFFECT:

- 1) Minor and absorbable costs the Department of Housing and Community Development.
- 2) Costs to local agencies of an unknown amount to impose alternative fire and life safety standards for temporary dwelling units of less than 250 square feet. These costs are not reimbursable by the state because local agencies have general authority to charge fees to cover costs associated with new planning mandates.

COMMENTS:

- 1) **Purpose.** According to the author:

Our overall goal is to help service providers on the ground who build these tiny homes for those who are at-risk or currently experiencing homelessness. By amending state law to exempt dwellings 250 square feet or less from the requirements of fire sprinklers, we save these organizations funds that can be put back into more homes or services. This bill also adds alternative fire and safety requirements to ensure we keep the residents safe. I firmly believe that helping our service providers build tiny homes by exempting them from fire sprinkler requirements is one of the many steps we can take as a state to combat this issue.

- 2) **Background.** All newly constructed permanent housing in California must be built to the health and safety specifications laid out in the California Building Standards Code and, more specifically, the California Residential Code for one- and two-unit dwellings. Local agencies may enact standards that go beyond the statewide codes, but may not approve rules that are less stringent. In 2011, the code was updated to require all newly constructed one- and two-unit dwellings to have fire sprinklers installed, but did not require sprinkles to be installed in existing residential buildings. The sprinkler mandate did not include a square-footage threshold or contemplate situations where dwellings are not permanent or are only intended for temporary habitation, as in the case of emergency tiny home cabins.

Initially, the sprinkler requirement also applied to newly constructed accessory dwelling units (ADUs), but in 2016, SB 1069 (Wieckowski, Chapter 720) modified this requirement so ADUs attached to primary dwellings not subject to fire sprinkler requirements (effectively any houses built before 2011) do not have to install fire sprinklers. In addition AB 2960 (Gipson), Chapter 148, Statutes of 2020, provided a time-limited allowance for certain shelters to be constructed under the Shelter Crisis Act that did not comply with fire sprinkler mandates, provided a city had adopted standards approved by the State Fire Marshal (SFM).

This bill prohibits a local agency, for three years, from imposing or enforcing any requirement to provide fire sprinklers for a temporary sleeping cabin with a total floor area of less than 250 square feet if it is on a site with 50 or fewer units. This bill requires a temporary sleeping cabin with a total floor area of less than 250 square feet that does not provide fire sprinklers to comply with alternative fire and life safety standards.

3) **Arguments in Support.** The California Apartment Association writes in support:

Tiny homes represent a unique way to address the state’s housing crisis because they are a low-cost solution to the housing problem. Unfortunately, the existing requirement to install fire sprinklers significantly increases the construction cost of these homes. [This bill] would ease this burden by removing this requirement while also making sure tiny homes comply with an alternative method of fire and safety standards.

4) **Arguments in Opposition.** The California Building Officials (CALBO) writes in opposition:

Fire sprinklers have been shown to reduce the rates of fire death and injury rates in sprinklered homes. The National Fire Protection Association showed in their October 2021 Research Report that dwelling units where fire sprinklers were present reduced civilian fire death and injury rates by 89% and 27% respectively compared to a home without fire sprinklers. CALBO supports efforts to provide temporary, transitional housing for individuals, but the state must not overlook public safety to create further unsafe housing for California’s most at-risk population.

5) **Previous Legislation.** AB 2553 (Ting), Chapter 147, Statutes of 2020, expanded the Shelter Crisis Act to any city or county that adopts an ordinance declaring a shelter crisis, added safe parking sites to the definition of “homeless shelter” under the Act, and extended the Act’s sunset date until 2026.

AB 2960 (Gipson), Chapter 148, Statutes of 2020, allowed the City of Los Angeles and other cities with a population over 3.5 million people who have declared a shelter crisis to open a year-round shelter in an existing building without installing a sprinkler system, provided the SFM approved the city’s fire and life safety standards.

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