

Date of Hearing: April 17, 2023

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT

Freddie Rodriguez, Chair

AB 835 (Lee) – As Introduced February 14, 2023

**SUBJECT:** State Fire Marshal: building standards: single-exit, single stairway multiunit residential buildings

**SUMMARY:** This bill requires the State Fire Marshal (SFM) to research, develop, and propose building standards for single-exit, single stairway multiunit residential buildings more than 3 stories tall. Specifically, **this bill:**

- 1) Requires the State Fire Marshal to, research, develop, and propose, to the California Building Standards Commission, standards for single-exit, single stairway multiunit residential buildings above 3 stories, as specified, before the next triennial edition of the California Building Standards Code adopted after January 1, 2024.
- 2) Requires the building standards proposed by the State Fire Marshal to, at a minimum, meet the fire safety and accessibility standards for buildings of the same size.

**EXISTING LAW:**

- 1) Establishes the California Building Standards Commission (CBSC) within the Department of General Services (Health and Safety Code (HSC) 18901)
- 2) Requires the commission to approve and adopt building standards and to codify those standards in the California Building Standards Code, which must be published once every 3 years. (Health and Safety Code (HSC) 18938)
- 3) Establishes the Office of the State Fire Marshal and the State Fire Marshal in the Department of Forestry and Fire Protection (Health and Safety Code 13100)
- 4) Requires the State Fire Marshal to aid in enforcing all laws and ordinances, any rules and regulations, as specified. (Health and Safety Code 13104)
- 5) Requires the State Fire Marshal to, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, propose fire protection building standards for roofs, exterior walls, structure projections, as specified, and structure openings, as specified, in fire hazard severity zones, as specified. (Health and Safety Code 13108.5)

**FISCAL EFFECT:** Unknown. A fiscal committee has yet to hear this bill.

**COMMENTS:**

Purpose of the bill: According to the author, “The current requirement to have two exit routes for certain residential buildings, which many other countries do not have, comes from early 20th-century building codes prior to the development of fire mitigations such as automatic fire sprinklers, fire-rated walls, separations, and ladder trucks. The requirement increases the costs

for building housing, which is significant since California has the highest housing cost burden in the country.”

The author continues, “Currently, California requires two stairway routes in multiunit residential buildings that are above three stories tall. The second means of egress requirement prevents development in places where a second staircase can be difficult to fit into a narrow lot, such as commercial parcels on main streets in high opportunity neighborhoods. However, it does not necessarily keep people safer. European countries broadly allow single stair multifamily housing and have a better record on fire safety than the US. Directing the State Fire Marshal to research and develop standards for single stairway multiunit residential buildings above three stories can help California use land more efficiently and cost-effectively to help address the housing crisis.”

Equity Impact: According to the author’s staff, “California has a statewide goal of accelerating housing production to create 2.5 million homes by 2030, 1 million of which need to be affordable to low-income Californians. Currently, more than two in five households spend over 30% of their income on housing, and more than one in five households spend over 50% of their income on housing. This bill would be an important step toward allowing land to be used more efficiently to produce housing while ensuring that residents are kept safe.”

State Fire Marshal: The mission of the State Fire Marshal’s office is to protect life and property through the development and application of fire prevention engineering, education and enforcement. They assist CAL FIRE’s broader mission through fire prevention efforts. This is achieved by regulating buildings, controlling substances and products that may cause injuries, death or destruction by fire, providing direction for fire prevention in wildland areas, regulating hazardous liquid pipelines, developing and reviewing regulations and building standards, and by providing training and education in fire protection.

California Building Standards Commission: The CBSC was established in 1953 as part of the Department of General Services and under the umbrella of the Government Operations Agency. CBSC states its mission is “to produce sensible and usable state building standards, and administrative regulations that implement or enforce those standards,” and its vision is “to ensure that the statewide building code development and adoption process is efficient and effective.” The CBSC has 11 members, appointed by the Governor and approved by the Senate. These members represent the public, local building officials, structural engineers, fire protection engineers, organized labor, local fire officials, architects, and licensed contractors. The Secretary of Government Operations chairs the CBSC.

California Building Standards Code: The California Building Standards Code is comprised of (1) building standards adopted by state agencies without change from building standards contained in national model codes, (2) building standards adopted and adapted from national model codes to address California’s ever-changing conditions; and (3) building standards, authorized by the California legislature, that constitute amendments not covered by national model codes, to address specific California concerns. The California Building Standards code is updated triennially.

Relevant Out of State Standards: Seattle and New York City allow single-stair, single-exit buildings up to 6 stories. There is a Washington state bill that, if approved, would allow single staircase exits in buildings up to 6 stories.

Writing in Support: East Bay for Everyone, and other proponents, write in support, “California’s current two-stair and two-exit requirements are out of step with global best practices and inhibit the production of family-friendly two-, three- and four-bedroom units. These requirements force multifamily housing into a poor configuration with units on either side of a dark, long corridor that prevents cross-ventilation and passive heating/cooling. It also reduces access to natural light for bedrooms and living space as well as reducing room for courtyards and balconies. The current California exit and stair requirements concentrate development on large sites, which increases land costs up to 40% with the need to assemble multiple lots. It also pushes development to be dominated by large, highly-capitalized developers. “Gentle infill” construction on smaller lots by small, local developers, contractors, and property owners in a wider variety of locations has been locked out of the development process.”

They continue, “In addition to lowering barriers to entry, AB 835 can also unlock low-carbon and high-resource locations for affordable and multifamily housing. Many urban and suburban infill locations near jobs and transit have smaller residential parcel sizes that limit the development of subsidized housing restricted to low-income residents. AB 835 can unlock these sites, support spatial fair housing goals, and reduce vehicle miles traveled.”

Writing in Opposition unless Amended: The California Professional Firefighters write in opposition unless amended, “A multiunit residential building over three stories that has only one stairway and one exit is not safe. Multiple egress points are a key safety consideration for these types of buildings for several reasons – ensuring all residents are close to a stairway, preventing crowding during an uncertain and unsafe situation, and ensuring that if one stairway or exit is blocked another remains available are just a few. The space saved in a building by reducing the number of stairways would not meaningfully address the housing shortage and is not enough to justify these lowered health and life safety standards. A building over three stories with only one stairway and only one exit would endanger the safety of the residents and the firefighters working to rescue them in an emergency.”

They continue, “For these reasons, we must respectfully OPPOSE AB 835 unless it is amended consistent with the proposal in this letter.”

Committee Amendments: In consultation with the author’s staff, the Committee recommends the following amendments:

SECTION 1. Section 13108.5.2 is added to the Health and Safety Code, to read:

13108.5.2. (a) The State Fire Marshal ~~shall, before the next triennial edition of the California Building Standards Code (Title 24 of the California Code of Regulations) adopted after January 1, 2024, research, develop, and propose to the California Building Standards Commission for its consideration~~ *shall research standards for single-exit, single stairway multiunit residential buildings (R-2 occupancies) above three stories. stories and provide a report to the Joint Legislative Committee on Emergency Management and to the California Building Standards Commission by January 1, 2025.*

~~(b) The building standards proposed by the State Fire Marshal pursuant to subdivision (a) shall, at a minimum, meet the fire safety and accessibility standards for buildings of the same size.~~

~~(b) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2028.~~

When accepted by the author in Committee, the California Professional Firefighters will remove their opposition to this bill.

**REGISTERED SUPPORT / OPPOSITION:****Support**

Abundant Housing LA  
Active San Gabriel Valley  
Bay Area Council  
California Yimby  
Costa Mesa Alliance for Better Streets  
Council of Infill Builders  
East Bay for Everyone (SPONSOR)  
East Bay Yimby  
Greenbelt Alliance  
Grow the Richmond  
Housing Action Coalition  
Housing Leadership Council of San Mateo  
How to Adu  
Inclusive Lafayette  
Livable Communities Initiative (CO-SPONSOR)  
Los Feliz Neighborhood Council  
Mountain View Yimby  
Napa-solano for Everyone  
Northern Neighbors Sf  
Peninsula for Everyone  
Peninsula Interfaith Climate Action  
Place Initiative  
Progress Noe Valley  
San Diego Housing Federation  
San Francisco Yimby  
Santa Cruz Yimby  
Santa Rosa Yimby  
South Bay Yimby  
Southside Forward  
Streets for All  
Urban Environmentalists  
Ventura County Yimby  
Walnut Creek Association of Homeowners Associations  
Yimby Action  
Yimby Slo

**Opposition**

California Professional Firefighters – Oppose unless amended

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