

CONCURRENCE IN SENATE AMENDMENTS

AB 835 (Lee)

As Amended August 21, 2023

Majority vote

SUMMARY

This bill requires the State Fire Marshal (SFM) to research standards for single-exit, single stairway apartment houses, with more than two dwelling units, in buildings above three stories and provide a report, as specified.

Senate Amendments

- 1) Requires the SFM to research apartment houses instead of multi residential buildings.
- 2) Adds additional legislative committees in which the report must be sent.
- 3) Extends the report's due date by a year.
- 4) Requires the report to address fire and life safety or emergency activities in these buildings.

COMMENTS

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."

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.

California currently does not allow single-stair, single-exit buildings that exceed three stories.

Relevant Out of State Standards: Washington State and New York City allow single-stair, single-exit buildings up to six stories.

According to the Author

According to the author's office, "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."

Further, the author's office notes, "currently, California requires two stairway routes in multi-unit 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 SFM to research standards for single stairway multi-unit residential buildings above three stories can help California use land more efficiently and cost-effectively to help address the housing crisis."

Arguments 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."

Arguments in Opposition

None on file.

FISCAL COMMENTS

The Senate Appropriations Committee sent this bill to the Senate Floor pursuant to Senate Rule 28.8, which stipulates that if the Chair determines that any state costs of a bill are not significant, the measure will be sent directly to the Senate Floor without a hearing.

VOTES:**ASM EMERGENCY MANAGEMENT: 7-0-0**

YES: Rodriguez, Waldron, Aguiar-Curry, Alvarez, Calderon, Megan Dahle, Schiavo

ASM APPROPRIATIONS: 11-0-5

YES: Holden, Bryan, Calderon, Wendy Carrillo, Mike Fong, Hart, Lowenthal, Papan, Pellerin, Weber, Ortega

ABS, ABST OR NV: Megan Dahle, Dixon, Mathis, Robert Rivas, Sanchez

ASSEMBLY FLOOR: 80-0-0

YES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hurtado, Jones, Laird, Limón, McGuire, Menjivar, Min, Newman, Nguyen, Niello, Ochoa Bogh, Portantino, Roth, Rubio, Seyarto, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener, Wilk

ABS, ABST OR NV: Padilla

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