
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1237 (McKinnor) - Swimming pool safety: building codes: condominium units

Version: July 2, 2026

Policy Vote: HOUSING 10 - 0, HEALTH
10 - 0

Urgency: No

Mandate: Yes

Hearing Date: August 3, 2026

Consultant: Mark McKenzie

Bill Summary: AB 1237 would exclude a swimming pool or spa located on or within a private balcony, patio, or terrace of a condominium unit from the definition of a “public swimming pool” for purposes of specified regulatory requirements, and instead subject those pools and spas to the requirements of the Swimming Pool Safety Act that apply at private single-family homes.

Fiscal Impact:

- The Department of Public Health (CDPH) estimates one-time costs of approximately \$91,000 in 2027-28 for rulemaking activities related to the required regulatory changes, including legal review, public comment processing, and preparation for formal adoption after the emergency process. CDPH notes that costs to complete the six-month emergency regulations process in 2026-27 would be absorbed within existing resources. See Staff Comments. (General Fund)
- The Building Standards Commission (CBSC) indicates that costs to publish the text of the Swimming Pool Safety Act within specified parts of the Building Standards Code would be minor and absorbable. (Building Standards Administration Revolving Fund)
- Unknown, likely minor local costs to the extent the bill increases the number of building permits issued by local jurisdictions for new or remodeled pools and spas located within a private balcony, patio, or terrace of a condominium. Any such costs would not be state-reimbursable since local agencies may charge and adjust building permit fees to offset any increased administrative costs. (local funds)

Background: Existing law, the Swimming Pool Safety Act, requires newly constructed or remodeled pools and spas at a private single-family home to incorporate at least two of seven specified drowning-prevention safety features, such as fences, pool covers, alarms, self-closing and self-latching devices, or other specified means of protection. Existing law requires an appropriate inspection, in connection with a transfer of property with a pool or spa at a single-family home, to include a physical examination of the pool or spa and identification of which drowning prevention safety features are equipped and operable, as specified. The Swimming Pool Safety Act does not apply to public swimming pools, swimming pools at apartment complexes, or hot tubs with locking safety covers meeting specified standards.

Existing law specifies that the CDPH has supervision over the sanitation, healthfulness, and safety of public swimming pools, which are defined as any swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club, including any swimming pool located on the grounds of a hotel, motel, inn, an apartment complex, or any residential setting other than a single-family home. Existing law requires local health officers to enforce the building standards published in the State Building Standards Code relating to swimming pools and other regulations adopted by CDPH pursuant to public pool safety laws.

Proposed Law: AB 1237 would exclude a swimming pool or spa on or within a private balcony, patio, or terrace of a condominium unit from the definition of a “public swimming pool” for purposes of specified requirements that pertain to public pool health and safety, and instead subject those swimming pools to the requirements of the Swimming Pool Safety Act that apply to pools and spas at private single-family homes. Specifically, this bill would:

- Explicitly exclude from the definition of a “public swimming pool” (in specified sections of Article 5 of the Health and Safety Code) a swimming pool or spa located on or within a private balcony, patio, or terrace of a condominium unit. These pools and spas would be explicitly excluded from requirements related to the installation of underwater lighting systems to prevent shock hazards and the requirements that pools be equipped with anti-entrapment devices.
- Specify that the statutory health, safety, and sanitation requirements, as well as specified environmental health and building standards, that apply to public swimming pools, do not apply to a pool or spa on or within a private balcony, patio, or terrace of a condominium unit.
- Require a pool or spa on or within a private balcony, patio, or terrace of a condominium unit to be equipped with at least two of seven specified drowning prevention safety measures when a building permit is issued for the construction or remodeling of such a pool or spa, as specified in the Swimming Pool Safety Act.
- Explicitly state that the requirements of the Swimming Pool Safety Act apply to a pool or spa on or within a private balcony, patio, or terrace of a condominium unit.
- Require the CBSC to publish the text of the Swimming Pool Safety Act within the requirements for single-family residential occupancies in specified parts of the Building Standards Code by March 1, 2027.
- Require the CDPH to adopt regulations, as necessary and by March 1, 2027, to implement the changes in the bill to exclude swimming pools and spas located on or within a private balcony, patio, or terrace of a condominium unit from statutory provisions and requirements related to the health, safety, and sanitation of public swimming pools, as specified.
- Specify that, until January 1, 2028, adoption and readoption of these regulations would be deemed to be an emergency, and that CDPH and CBSC would be exempted from requirements to describe facts demonstrating the need for immediate action and from review of emergency regulations by the Office of Administrative Law, as specified.

Staff Comments: This bill would exclude condominium private balcony, patio, or terrace pools from the definition of a public swimming pool, removing them from existing public swimming pool sanitation, safety, lighting, inspection, and anti-entrapment requirements. Instead, these pools would be required to follow the Swimming Pool

Safety Act, including the requirement that newly constructed or remodeled pools have at least two of the seven drowning prevention safety features required for private residential pools.

The CDPH indicates that it plans to absorb the workload to complete the emergency regulations in the second half of 2026-27, and would incur one-time temporary staffing costs of approximately \$91,000 in 2027-28 to conduct standard, non-emergency rulemaking activities related to the required changes to pool health and safety regulations. The bill requires CDPH to adopt regulations by March 1, 2027, only three months after the bill's operative date. CDPH indicates that this deadline is not feasible and that it requires at least six months to complete the emergency regulations process. The Committee may wish to consider amending the bill to push the deadline to adopt emergency regulations to July 1, 2027.

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