

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development *KJMP*

BOARD AGENDA # *B-15

Urgent Routine

AGENDA DATE December 16, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Authorize the Building Permits Division to Collect a California Building Standards Commission Fee Effective January 1, 2009, as Required by the State of California as Directed in Senate Bill Number 1473

STAFF RECOMMENDATIONS:

1. Authorize the Department of Planning and Community Development's Building Permits Division, effective January 1, 2009, to collect a fee from any applicant for a building permit, assessed at the rate of four dollars (\$4) per one hundred thousand dollars (\$100,000) in valuation as determined by the building official, with appropriate fractions thereof, but not less than one dollar (\$1) as required by Section 18931.6 of the Health and Safety Code.
2. Authorize the County to retain 10% of the fees collected, as allowed by State Law, to be used for related administrative costs and for code enforcement education; and,

(Continued on page 2)

FISCAL IMPACT:

Utilizing statistics of permits issued in 2008, the Department estimates the total fee for 2009 to be approximately \$7,600. Ten percent (10%) of the fee collected, \$760, will be retained by the Department for administrative costs and code enforcement education. Although this fee will fluctuate with the number of permits issued, it is anticipated that calendar year 2010 fee collection will be similar.

BOARD ACTION AS FOLLOWS:

No. 2008-851

On motion of Supervisor Monteith, Seconded by Supervisor Grover and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: District Two vacant

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Authorize the Building Permits Division to Collect a California Building Standards Commission Fee Effective January 1, 2009, as Required by the State of California as Directed in Senate Bill Number 1473

STAFF RECOMMENDATIONS: (Continued)

3. Authorize the County to transmit the remainder to the California Building Standards Commission for deposit in the Building Standards Administration Special Revolving fund established under Section 19831.7 of the Health and Safety Code.

DISCUSSION:

On October 30, 2008, the California Building Standards Commission, the State Agency that promulgates state building codes, issued a bulletin relaying information regarding Senate Bill 1473, which was approved by the Governor on September 30, 2008. This bill requires the California Building Standards Commission to adopt, approve, codify, update and publish green building standards for any occupancy for which no state agency has the authority or expertise to propose those standards.

The bill adds to California State Law Section 18931.6 of the Health and Safety Code, and requires each city, county, or city and county to collect a fee effective January 1, 2009, from any applicant for a building permit, assessed at the rate of \$4 per \$100,000 in valuation, as determined by the local building official, with appropriate fractions thereof, but not less than \$1. The bill authorizes the County to retain not more than 10% of the fees collected for related administrative costs and for code enforcement education.

The bill requires the remainder of the fees to be forwarded to the Commission to be deposited in a special revolving fund for use by the Commission in carrying out its duties related to the development of green building standards.

POLICY ISSUE:

This action is consistent with the Board's priorities of effective partnerships and efficient delivery of public services.

STAFFING IMPACT:

There is no staffing impact associated with this item.

ATTACHMENTS:

1. Senate Bill No. 1473, Chapter 719
2. Building Standards Bulletin 08-01

Senate Bill No. 1473

CHAPTER 719

An act to add Sections 18930.5, 18931.6, 18931.7, and 18938.3 to the Health and Safety Code, relating to building standards.

[Approved by Governor September 30, 2008. Filed with Secretary of State September 30, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1473, Calderon. Building standards.

(1) The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption.

This bill would require the commission to adopt, approve, codify, update, and publish green building standards for any occupancy for which no state agency has the authority or expertise to propose those standards.

The bill would require each city, county, or city and county to collect a fee from any applicant for a building permit, assessed at the rate of \$4 per \$100,000 in valuation, as determined by the local building official, with appropriate fractions thereof, but not less than \$1. The bill would authorize the city, county, or city and county to retain not more than 10% of the fees collected for related administrative costs and for code enforcement education, including certifications in the voluntary construction inspector certification program. The bill would require the city, county, or city and county to transmit the remainder to the commission for deposit in the Building Standards Administration Special Revolving Fund which the bill would establish in the State Treasury. The bill would establish a state-mandated local program by imposing additional duties on local government.

The bill would require that all funds received by the commission under the California Building Standards Law be deposited in the fund and be available, upon appropriation, to the commission for expenditure in carrying out these provisions of existing law and certain other provisions of existing law that relate to building standards, with emphasis placed on the development, adoption, publication, updating, and educational efforts associated with green building standards.

The bill would authorize the commission and the Department of Housing and Community Development to use, as the basis for the California Building Standards Code, certain model codes adopted by the commission as the basis for the 2007 triennial edition of the California Building Standards Code.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. (a) It is the intent of the Legislature that this act shall not affect the ability of a city, county, or city and county to adopt changes, modifications, amendments, additions, or deletions to the California Building Standards Code, including, but not limited to, green building standards.

(b) It is the intent of the Legislature that the Building Standards Commission and the Department of Housing and Community Development shall submit a joint expenditure plan for the use of funds allocated under this act.

(c) It is the intent of the Legislature that any educational programs funded under this act be coordinated to the maximum extent possible with similar efforts so as to expand the reach and effectiveness of each program.

SEC. 2. Section 18930.5 is added to the Health and Safety Code, to read:

18930.5. If no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, the commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.

SEC. 3. Section 18931.6 is added to the Health and Safety Code, to read:

18931.6. (a) Each city, county, or city and county shall collect a fee from any applicant for a building permit, assessed at the rate of four dollars (\$4) per one hundred thousand dollars (\$100,000) in valuation, as determined by the local building official, with appropriate fractions thereof, but not less than one dollar (\$1).

(b) The city, county, or city and county may retain not more than 10 percent of the fees collected under this section for related administrative costs and for code enforcement education, including, but not limited to, certifications in the voluntary construction inspector certification program, and shall transmit the remainder to the commission for deposit in the Building Standards Administration Special Revolving Fund established under Section 19831.7.

(c) The commission may reduce the rate of the fee upon determining that a lesser amount is sufficient to maintain the programs established under this part.

SEC. 4. Section 18931.7 is added to the Health and Safety Code, to read:

18931.7. (a) All funds received by the commission under this part shall be deposited in the Building Standards Administration Special Revolving Fund, which is hereby established in the State Treasury.

(b) Moneys deposited in the fund shall be available, upon appropriation, to the commission the department, and the Office of the State Fire Marshal

for expenditure in carrying out the provisions of this part, and the provisions of Part 1.5 (commencing with Section 17910) that relate to building standards, as defined in Section 18909, with emphasis placed on the development, adoption, publication, updating, and educational efforts associated with green building standards.

SEC. 5. Section 18938.3 is added to the Health and Safety Code, to read:

18938.3. With respect to the model codes that are designated in Sections 17922 and 18938 to serve as the basis for the California Building Standards Code but are no longer published, the building standards adopted and approved by the commission shall be those contained in the most recent editions of the model codes adopted or approved by the commission to serve as the basis for the 2007 triennial edition of the California Building Standards Code. Those model codes designated in Sections 17922 and 18938 that continue to be published and updated shall continue to serve as the basis for the California Building Standards Code. With respect to Section 17922, other model codes may be considered for use, proposal, approval, or adoption, or any combination thereof, provided they do not duplicate building standards, as proposed by the Department of Housing and Community Development and adopted by the commission, the subject matter of the model codes which serve as the basis for the 2007 triennial edition of the California Building Standards Code.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

BUILDING STANDARDS COMMISSION

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 Sacramento, California 95833
 (916) 263-0916 FAX (916) 263-0959

**BUILDING STANDARDS BULLETIN 08-01****DATE: OCTOBER 30, 2008****TO: CITY, COUNTY, AND CITY AND COUNTY JURISDICTIONS****SUBJECT: Chapter 719, Statutes of 2008 (Senate Bill No. 1473, Calderon)**

On September 30th of this year Governor Schwarzenegger signed SB 1473 into law. It will take effect on January 1, 2009. Among other things, the bill provides for the creation of the Building Standards Administration Special Revolving Fund, which is established in the State Treasury. Moneys deposited in this fund will come from a surcharge on both residential and non-residential building permits.

The bill requires that each city, county, and city and county collect a fee from an applicant for a building permit, assessed at the rate of four dollars (\$4) per one hundred thousand dollars (\$100,000) in valuation, with appropriate fractions thereof, but not less than one dollar (\$1). "Appropriate fractions thereof" is interpreted to be \$1 per every twenty-five thousand (\$25,000) in valuation per table illustrated below. Fees will be submitted quarterly to the California Building Standards Commission (CBSC), as follows:

Permit Valuation	Fee
\$1 – 25,000	\$1
\$25,001 – 50,000	\$2
\$50,001 – 75,000	\$3
\$75,001 – 100,000	\$4
Every \$25,000 or fraction thereof above \$100,000	Add \$1

In addition, SB 1473 provides that the city, county, or city and county may retain up to ten (10) percent of the fees collected for related administrative costs and for code enforcement education. The bill requires that the local jurisdiction transmit the remainder to CBSC for deposit in the Building Standards Administration Special Revolving Fund.

Once appropriated, moneys deposited in this fund will be available to CBSC, the Department of Housing and Community Development, and the Office of the State Fire Marshal for expenditure in carrying out the provisions of the State Building Standards Law and provisions of State Housing Law that relate to building standards. Emphasis is to be placed on the development, adoption, publication, updating, and educational efforts associated with green building standards.

Notification that the first quarter's fees will be due on April 15, 2009, and a reporting form for the first quarter beginning January 1, 2009, and ending March 31, 2009, will be distributed to each city, county, and city and county, and placed on CBSC's website at www.bsc.ca.gov in the first part of 2009. If you have any questions concerning this bulletin, please contact Jane Taylor, Senior Architect, by telephone at (916) 263-0807, or via email at Jane.Taylor@dgs.ca.gov.

David Walls
 Executive Director