

Legislative Report
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The new year brings an increase in Legislative Activity in Sacramento. Jerry Desmond, CREIA's Legislative Advocate, has indicated he expects 2,500 bills to be introduced prior to the February 22 deadline. We have already begun working on a bill which deals with the difference between an employee and a contractor. This bill could have an impact primarily on multi-inspector companies. More on that as we analyze the bill and form a position.

The new year also triggers the implementation of the bills signed into law at the end of the last legislative year. There are four bills of particular note and interest to the home inspection community.

Bills That Take Effect January 1, 2019

SB 721, Hill. Building standards: decks and balconies: inspection.

This bill came about in part by the collapse of the deck in Berkeley. On June 16, 2015, shortly after midnight, five Irish J-1 visa students and one Irish-American died and seven others were injured after a balcony on which they were standing collapsed. The group was celebrating a 21st birthday party in Berkeley, California. The balcony was located on the 5th floor of an apartment building at in Berkeley.

As indicated in the Legislative Counsel's Digest:

“This bill would require an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, a building contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified. The bill would require the inspections, including any necessary testing, to be completed by January 1, 2025, with certain exceptions, and would require subsequent inspections every 6 years, except as specified. The bill would require the inspection report to contain specified items and would require that a copy of the inspection report be presented to the owner of the building within 45 days of the completion of the inspection and would require copies of the reports to be maintained in the building owner's records for 2 inspection cycles, as specified. The bill would require that if the inspection reveals conditions that pose an immediate hazard to the safety of the occupants, the inspection report be delivered to the owner of the building within 15 days and emergency repairs be undertaken, as specified, with notice given to the local enforcement agency. The nonemergency repairs made under these provisions would be required to be completed within 120 days, unless an extension is granted by the local authorities. The bill would

authorize local enforcement agencies to recover enforcement costs associated with these requirements. The bill would require the local enforcement agency to send a 30-day corrective notice to the owner of the building if repairs are not completed on time and would provide for specified civil penalties and liens against the property for the owner of the building who fails to comply with these provisions. The bill would exclude a common interest development, as defined, from these provisions. The bill would require any building subject to these provisions that is proposed for conversion to condominiums to be sold to the public after January 1, 2019, to have the required inspection conducted prior to the first close of escrow of a separate interest in the project, and would require the inspection report and written confirmation by the inspector that any recommended repairs or replacements have been completed to be submitted to, among others, the Department of Real Estate and included in certain required statements and reports, as specified. The bill would authorize a local governing entity to enact stricter requirements than those imposed by these provisions. Existing law authorizes a landlord to enter the dwelling only in certain situations, including to make necessary repairs. This bill would additionally authorize a landlord to enter the dwelling unit to comply with the above-described requirements.”

As indicated above deck inspections are conducted by *a licensed architect, licensed civil or structural engineer, a building contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified*. This bill may not have a specific impact on most of CREIA inspectors. It is possible some may decide to specialize in this type of inspection.

SB 988, Galgiani. Home inspections.

The language in this bill was introduced in some states out of a concern for lightning striking CSST gas piping. California has few lightning strikes. The sponsors of the bill expressed a concern for damage to CSST piping in the event of an earthquake.

The bill is called: Proper Bonding and Grounding of Corrugated Stainless Steel Tubing Act

The Legislative Counsel’s Digest indicates:

“Under this bill, if a home inspector observes any shade of yellow corrugated stainless steel tubing, as defined, during a home inspection, the home inspector would be required to include that observation and a specified notification in the home inspection report. The bill would require the degree of care of a reasonably prudent home inspector to be used in determining whether a home inspector has complied with that requirement.”

The bill defines corrugated stainless steel tubing as “a flexible, stainless steel pipe used to supply natural gas and propane in residential, commercial, and industrial structures”. Remember we are only have to report on the presence of yellow CSST.

The statement a home inspector to include in the home inspection report is as follows:

“Manufacturers of yellow corrugated stainless steel tubing believe that yellow corrugated stainless steel tubing is safer if properly bonded and grounded as required by the manufacturer’s installation instructions. Proper bonding and grounding of this product can only be determined by a licensed electrical contractor.”

AB 2371, Carrillo. Water use efficiency: landscape irrigation

This bill is concerned primarily with water conservation. However, it deals with several issues beyond that of home inspections.

The Legislative Counsel’s Digest indicates, in part:

“This bill would authorize a home inspection report on a dwelling unit on a parcel containing an in-ground landscape irrigation system to include certain information regarding the operation and observation of the irrigation system.”

The following change is made to Section 7195.5 is added to the Business and Professions Code, to read:

“7195.5. (a) For purposes of improving landscape water use and irrigation efficiency, a home inspection report on a dwelling unit prepared pursuant to this chapter on a parcel containing an in-ground landscape irrigation system, the operation of which is under the exclusive control of the owner or occupant of the dwelling, **may include an irrigation system inspection report, prepared by either a home inspector or certified landscape irrigation auditor**, that contains all of the following:

- (1) Examination of the irrigation system controller, if present, noting observable defects in installation or operation, or both.
- (2) Activation of each zone or circuit providing irrigation water to turf grass, noting malfunctions observed in the operation of each of the following:
 - (A) The irrigation valve.
 - (B) Visible irrigation supply piping.
 - (C) Sprinkler heads and stems.
- (3) During activation of the system pursuant to paragraph (2), observation of any of the following during the period of operation, in minutes, specified in the report:
 - (A) Irrigation spray being directed to hardscape.
 - (B) Irrigation water leaving the irrigated area as surface runoff.

- (C) Ponding of irrigation water on the surface of the irrigated area.
- (4) Notation whether inspection is limited due to snow, ice, or other site conditions that impede an inspection. (b) Notwithstanding any other law, a sanction or penalty regarding prohibited hours, days, or effects of operation of a landscape irrigation system shall not be levied upon either the home inspector, the landscape irrigation auditor, the occupant, or the owner of a property by any state or local agency or water purveyor as a consequence of the operation of a landscape irrigation system for the purpose of an irrigation system inspection carried out under this section.
- (c) A home inspector is encouraged to provide information or access to information regarding water-efficient landscape irrigation systems within the home inspection report.
- (d) To the extent funds are available, the Department of Water Resources, in consultation with the **California Real Estate Inspection Association** and the Department of Housing and Community Development, shall compile an estimate of the number of properties for which an irrigation system inspection report has been prepared each year, beginning with 2018, for inclusion in an update to the California Water Plan.”

(The **bold** sections above were added for purposes of clarity and emphasis only.)

The bill, as originally introduced, *required* the home inspector to conduct a much broader and detailed irrigation inspection. CREIA was able to change the inspection to optional and less in scope. “California Real Estate Inspection Association” is now part of the bill. We will participate in an annual estimate of how many annual inspections are conducted.

John Gamache is completing a Power Point presentation fully outlining the requirements of the irrigation bill.

There is a Bill That Takes Effect July 1, 2019

SB 969, Dodd. Automatic garage door openers: backup batteries

This bill does not amend the Business and Professions Code relative to Home Inspections. The bill amends sections of the Health and Safety Code regarding garage door openers.

The Legislative Counsel’s Digest States:

“Existing law requires an automatic garage door opener that is manufactured for sale, purchased, sold, offered for sale, or installed in a residence to comply with specified safety requirements, including that the automatic garage door opener have an automatic reverse safety device.

This bill, beginning July 1, 2019, would also require an automatic garage door opener that is manufactured for sale, sold, offered for sale, or installed in a residence to have a battery backup function that is designed to operate when activated because of an electrical outage. The bill would make a violation of those provisions subject to a civil penalty of \$1,000. The bill would, on and after July 1, 2019, prohibit a replacement residential garage door from being installed in a manner that connects the door to an existing garage door opener that does not meet the requirements of these provisions.”

I encourage all CREIA members to carefully read the entire text of the bills. They are easy to find on Google.