

Date of Hearing: June 28, 2018

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

Adam Gray, Chair

SB 1205 (Hill) – As Amended June 20, 2018

SENATE VOTE: Not Relevant

SUBJECT: Fire protection services: inspections: compliance reporting

SUMMARY: Requires local fire departments to annually report on its compliance with inspections currently mandated in statute. Specifically, **this bill:**

- 1) Requires every city, county or district fire department required to perform annual inspections (pursuant to HSC Sec. 13146.2 and 13146.3) to annually report to administrative authority on its compliance of said inspections.
- 2) Requires the report to occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.
- 3) Requires the administering authority acknowledge receipt of the report in a resolution or a similar formal document.
- 4) Defines “administering authority” as a city council, county board of supervisors, or district board, as the case may be.

EXISTING LAW:

- 1) Requires the State Fire Marshall (SFM), the chief fire official of any city, county, or fire protection district and their authorized representatives to enforce regulations and building standards relating to fire and panic safety published in the California Building Standards Code in all state-owned buildings, state-occupied buildings, and state institutions throughout the state.
- 2) Establishes the California Building Standards Code under Title 24 of the California Code of Regulations.
- 3) Establishes the building design and construction standards for the SFM under Title 19 of the California Code of Regulations.
- 4) Requires every city or county fire department or district providing fire protection services to enforce building standards and other regulations adopted by the SFM to, annually, inspect all structures subject to HSC Section 17921(b) (hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures), except dwellings, for compliance with building standards and other regulations of the SFM. (HSC Sec. 13146.2)
- 5) Requires the chief of any city or county fire department or district providing fire protection services to inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing regulations promulgated pursuant to Section 13143, not less than once each year. The SFM and his or her authorized representatives shall make

these inspections not less than once each year in areas outside of corporate cities and districts providing fire protection services. (HSC Sec. 13146.3)

- 6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state; statutory provisions establish the procedures for making that reimbursement.

FISCAL EFFECT: Unknown

COMMENTS:

Purpose of the bill: According to the author, “SB 1205 ensures that fire departments are communicating with their governing authority about their compliance with state mandated safety inspections they’re required to conduct on schools, apartments and hotels. This dialogue will ensure that fire departments are complying with their inspection mandates and increase the likelihood that they are receiving the resources they need to appropriately staff and carry out state mandated inspections.”

Background: On December 2, 2016, a fire broke out in a warehouse, known as Ghost Ship, that had been converted into an artist collective, including dwelling units, in the Fruitvale neighborhood of Oakland. A total of 36 people were killed in the fire, and it became the deadliest in the history of the city. It was also the deadliest building fire in the United States since The Station nightclub fire in 2003, and the deadliest in California since the 1906 San Francisco earthquake. The tragedy at Ghost Ship brought national attention and put a spotlight on fire safety laws and inspection in California.

A series of investigative articles and editorials have been published highlighting the inadequacies of building inspections, specifically around the Bay Area. An article published June 1, 2018, by The Mercury News and the East Bay Times, titled: “Burned Out”, outlines an investigation done by the news group into inspection practices from the 11 of the Bay Area’s largest fire agencies. Below are some of the findings of the investigation:

- Nearly one-quarter of the 17,000 apartment buildings in the review weren't inspected in 2017, and, more than 400 hadn't been inspected since 2013.
- Fire inspectors failed to inspect 271 schools — more than 30 percent of the total in the review — in 2017.
- Oakland performed no inspections on 72 percent of apartment buildings in 2017; Fremont, 48 percent; and Berkeley, Hayward and Sunnyvale, all 28 percent.
- School inspections: Redwood City failed to inspect 78 percent last year; Oakland, 77 percent; Berkeley, 66 percent; Contra Costa, 43 percent; Fremont, 26 percent; and Santa Clara County, 22 percent.
- Nearly all of the schools — 96 percent — went more than a year without an inspection at least once during the eight-year period analyzed.

Current Law: Current statute requires that fire departments inspect apartment buildings, hotels and motels and K-12 schools once every 12 months (HSC Sec. 13146.2 and 13146.3). Current law, however, does not require any reporting or accountability to demonstrate compliance with this inspection mandate.

This bill requires every city, county or district fire department required to perform annual inspections on apartment buildings, hotels and motels and K-12 schools to annually report to administrative authority on its compliance of said inspections. It is important to note, this bill requires the report to be given when the administering authority discusses its annual budget. Ostensibly, reporting during annual budget discussions will give fire departments the opportunity to discuss the resources they need to achieve better inspection compliance.

Support: The California Fire Chiefs Association (CFCA) and the Fire Districts Association of California (FDAC) write in support, “We agree with the author to improve accountability of fire departments’ mandated inspection requirements through this bill. The original charge of Health and Safety Code § 13146.2 and § 13146.3 requires a fire department to perform mandated inspections annually of multi-family dwellings and schools. The statute does not provide clarity, consequence, or direction when a fire department fails to perform these inspections. The bill, as amended, provides a level of transparency for fire departments whereas the bill recognizes each jurisdiction’s budgetary process through their respective administrative authority. Our hope is that an administering authority recognizes the charge of every fire department to perform inspections and provide support and resources to ensure the level of public safety intended by the state mandates are met.”

The California School Boards Association (CSBA) writes in support, “Local educational agencies depend on fire departments to conduct annual inspections of school facilities per HSC 13146.3, to ensure that our facilities meet the standards set by the State Fire Marshal for building standards, and fire and life safety. Unfortunately, some agencies have fallen behind their inspection schedule, leaving schools—and ultimately, students—at risk. SB 1205 would improve the transparency and accountability of fire departments with respect to these important inspections, and would allow the governing boards of their respective agencies to address any barriers to meeting the statutory requirement of annual inspection of school sites.”

Prior/Related Legislation: SB 1112 (Hueso) of 2013-2014 Legislative Session. Requires a public or private school to submit a copy of the maintenance, inspection, and testing records of the fire alarm system to the chief of any city or county fire department or district, providing fire services, as specified. This bill further requires the review of these records by the chief of any city or county fire department or district, providing fire protection services, as specified, within a reasonable time. (Held on Senate Appropriations Suspense File)

AB 2021 (Fletcher), Chapter 370, Statutes of 2010. Allows the SFM to designate a Campus Fire Marshal for the inspecting and enforcing fire and life safety standards on University of California Campuses.

REGISTERED SUPPORT / OPPOSITION:

Support

California Fire Chiefs Association
California School Boards Association
City of Sunnyvale
Fire Districts Association of California

Opposition

None on file

Analysis Prepared by: Kenton Stanhope / G.O. / (916) 319-2531