

- 5) Specifies that a dwelling is deemed untenable if it lacks certain standards including, but not limited to, waterproofing, plumbing, heating facilities, and electrical lighting among others.
- 6) Specifies that inadequate sanitation for the purposes of declaring a substandard building includes, but is not limited to, lack of adequate heating, lack of required electrical lighting, and lack of hot and cold running water among others.

This bill:

- 1) Requires HCD to develop, propose, and submit to CBSC for consideration mandatory building standards for safe indoor ambient air temperatures in newly constructed and existing dwelling units.
 - a) HCD and the commission shall consult with stakeholders, the State Air Resources Board, the State Energy Resources Conservation and Development Commission, the Office of Planning and Research, local building officials, local code enforcement officers, the Office of the State Fire Marshal, and the State Department of Public Health.
 - b) The intent is to allow for a number of different approaches including, but not limited to, insulation, increased shade, fans, heat pumps, improved insulation, air sealing, and air conditioning.
- 2) Specifies that cooling facilities must be maintained in good working order for a building to be deemed standard and tenantable

COMMENTS:

- 1) *Author's Statement.* According to the author, "This bill is a common-sense measure to ensure every Californian lives in a safe and resilient home that provides refuge from extreme heat. As the state explores potential resources to meet our climate goals, we must not allow renters to suffer from extreme heat where they are arguably most vulnerable - their homes. Existing and proposed funding programs can address direct installation of building infrastructure and low carbon technologies, such as heat pumps. AB 2597 would modernize the state's habitability code by requiring that rental units can maintain a safe indoor temperature."
- 2) *Building Codes.* The California Building Standards Code (Title 24) serves as the basis for the design and construction of buildings in the state. California's building codes are published in their entirety every three years; intervening

code adoption cycles produce supplement pages halfway (18 months) into each triennial period. Amendments to California’s building standards are subject to a lengthy and transparent public participation process throughout each code adoption cycle. Through this process, relevant state agencies propose amendments to building codes, which the CBSC must then adopt, modify, or reject. HCD is the relevant state agency for residential building codes.

HCD has an open, public process in proposing building codes to CBSC. They use public focus group meetings, relevant state agencies, stakeholder groups, building officials, local government agencies, construction industry representatives, environmental community representatives, building product manufacturer representatives, and others for gathering input for the proposed building standards. This bill directs HCD to propose building codes for cooling to maintain safe indoor temperatures and does not force any mandatory measures. There are some voluntary measures already incorporated in the building codes to reduce the heat island effect.

- 3) *Extreme Heat in California*. Extreme heat exposure can cause a variety of health impacts including heat cramps, heat exhaustion, heat stroke, exacerbation of respiratory illnesses, and even lead to death.¹ In fact, heat causes more reported deaths per year on average in the U.S. than any other weather hazard.² Because of a heat wave in 2006, there were 140 deaths, and 16,000 more emergency room visits and 1,100 more hospitalizations compared to similar time periods without a heat wave. Due to climate change, this extreme weather will become more common.

Parts of California are projected to have an increase of over seven degrees Fahrenheit on their average maximum temperature.³ In addition, disenfranchised communities actually are hotter than more wealthy communities. In fact, California metro areas have a larger temperature disparity between their poorest and wealthiest areas than any other state in the southwest.^{4,5}

¹ SCAG Extreme Heat and Public Health Report. September 2020. https://scag.ca.gov/sites/main/files/file-attachments/extremeheatpublichealthreportfinal_09302020.pdf?1634674354

² California Office of Environmental Health Hazard Assessment. *Heat-related mortality and morbidity*. Feb. 2019. https://oehha.ca.gov/media/epic/downloads/19humanhealth_14jan2019.pdf

³ Petek, Gabriel. *Climate Change Impacts Across California: Housing*. (Legislative Analyst’s Office, April 2022). <https://lao.ca.gov/reports/2022/4584/Climate-Change-Impacts-Housing-040522.pdf>

⁴ Barboza, Tony; Vives, Ruben. *Poor Neighborhoods bear the brunt of extreme heat, “legacies of racists decision making”*. (LA Times, October 2021). <https://www.latimes.com/california/story/2021-10-28/extreme-heat-built-environment-equity>

⁵ Dialesandro, John; et al. *Dimension of thermal Inequity: Neighborhood Social Demographics and Urban Heat in the Southwestern U.S.* (Int. J. Environ. Res. Public Health, 2021). <https://www.mdpi.com/1660-4601/18/3/941>

- 4) *California Reports on Extreme Heat*. Because this will become a growing issue for Californians as temperatures rise due to climate change, a number of reports recommend that building codes are a step that the government can take to mitigate these issues. In the Governor’s extreme heat action plan, it specifies that the Department of Public Health is working on developing recommendations for updating the codes.⁶ Researchers at UCLA recognized the importance of building codes as a pathway to adapt to extreme heat.⁷ This bill aims to have HCD propose certain building standards related to cooling which is what some of these reports have called for.
- 5) *Housing and Heat*. A report by KQED revealed that home temperatures can be hotter than outdoor temperatures during much of the day and night.⁸ As mentioned before, poorer areas are more affected than wealthy ones. This is a systemic issue. For example, there is more cooling in wealthier neighborhood partly because there is more tree coverage. If building standards are adopted, it will be more difficult to cool housing in poorer areas because they are generally hotter which would add to the cost to living in these areas. This bill allows for a variety of methods to achieve cooling through inexpensive solutions. However, some of these methods like improved insulation are easier to apply to buildings while they are constructed. It is likely that it is more difficult to incorporate cooling in existing buildings partly because they were never planned to have cooling installations.
- 6) *Opposition*. Opposition expresses that this bill would require onerous requirements on housing providers. In addition, some believe this bill circumvents the state regulatory process for how building codes are adopted and would have challenges with electric grid capacity due to more air conditioners.

RELATED LEGISLATION:

AB 2076 (Luz Rivas, 2022) — establishes the Extreme Heat and Community Resilience Program to mitigate the impacts of heat. *This bill is pending in the Senate Health Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

⁶ *Protecting Californians From Extreme Heat: A State Action Plan to Build Community Resilience*. April 2022. <https://mclist.us7.list-manage.com/track/click?u=afffa58af0d1d42fee9a20e55&id=797e1bca13&e=4445b5a765>

⁷ DeShazo, J.R; Lim, Lolly; Pierce, Gregory. *Adapting to Extreme Heat in California: Assessing Gaps in state-Level Policies and Funding Opportunities*. 2021. <https://innovation.luskin.ucla.edu/wp-content/uploads/2021/10/Adapting-to-Extreme-Heat-in-California.pdf>

⁸ Peterson, Molly. *How Hot Was It In California Homes Last Summer? Really Hot. Here’s the Data*. Oct. 2018. <https://www.kqed.org/science/1933708/how-hot-was-it-in-california-homes-last-summer-really-hot-heres-the-data>

POSITIONS: (Communicated to the committee before noon on Wednesday, June 15, 2022.)

SUPPORT:

California Rural Legal Assistance Foundation (Co-Sponsor)
Inner City Law Center (Co-Sponsor)
Leadership Counsel for Justice & Accountability (Co-Sponsor)
Regional Asthma Management and Prevention (RAMP) (Co-Sponsor)
Western Center on Law & Poverty (Co-Sponsor)
Southern California Association of Non-profit Housing (SCANPH)

OPPOSITION:

California Apartment Association
California Association of Realtors
California Building Industry Association (CBIA)

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