

BILL NUMBER: AB 2533
ENROLLED BILL TEXT

PASSED THE ASSEMBLY AUGUST 25, 2004
PASSED THE SENATE AUGUST 23, 2004
AMENDED IN SENATE JULY 7, 2004
AMENDED IN SENATE JUNE 21, 2004
AMENDED IN SENATE JUNE 7, 2004
AMENDED IN ASSEMBLY APRIL 28, 2004
AMENDED IN ASSEMBLY APRIL 1, 2004

INTRODUCED BY Assembly Member Salinas

FEBRUARY 20, 2004

An act to amend Section 8875.8 of the Government Code, relating to
seismic safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2533, Salinas. Seismic safety.

Existing law requires all local building departments to identify all potentially hazardous buildings within their respective jurisdictions by January 1, 1990. Existing law authorizes, if a building is identified by a city, city and county, or county as being potentially hazardous to life in the event of an earthquake, the execution of an order by the enforcement agency or its agents or contractors requiring the building to be retrofitted to local seismic building standards or repaired so as not to violate any law, regulation, or ordinance applicable to the maintenance and use of the building if specified conditions are met Existing law establishes a program within all cities and all counties and portions thereof located within seismic zone 4, as defined, to identify all potentially hazardous buildings and to establish a mitigation program for these buildings. The mitigation program may include, among other things, the adoption by ordinance of a hazardous buildings program, measures to strengthen buildings, and the application of structural standards necessary to provide for life safety above current code requirements. On or before April 1, 1993, any owner of a building located in seismic zone 4 who has received notice that the building is constructed of unreinforced masonry is required to post in a conspicuous place a specified sign at the entrance of the building, unless the walls are non-load bearing with steel or concrete frame. The Seismic Safety Commission is required to coordinate the earthquake related responsibilities of government agencies imposed by the above-described provisions to ensure compliance with these provisions. This bill would revise the above-described sign requirement and would require every lease entered into after January 1, 2005, for an unreinforced masonry building to contain a specified statement, except as specified, and would subject an owner who is subject to, but does not comply with the new sign requirements to administrative penalties and injunctive relief, as specified. This bill would also state the intent of the Legislature to improve the public's awareness of potentially hazardous buildings so that occupants and passers-by are better equipped to protect themselves in the event of an earthquake.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Jennifer Lynn Myrick, known to her friends as Jenna, was killed by falling debris while fleeing a building in Paso

Robles, California, during the San Simeon earthquake of December 22, 2003.

(b) The building, known as the Acorn Building or Mastagni Building, in which Jenna worked was an 1890s era unreinforced masonry building.

(c) Section 8875.2 of the Government Code requires local building departments to identify all potentially hazardous buildings within their respective jurisdictions. The Acorn Building was identified as a potentially hazardous building, but had not been retrofitted to meet widely recognized building codes for earthquake safety.

(d) The California Seismic Safety Commission reports that, as of 2003, 1,413,398 people live in jurisdictions that had not completed their inventory of potentially hazardous buildings, and 705,782 people live in jurisdictions with no program to retrofit unreinforced masonry buildings.

(e) It is the intent of the Legislature to improve the public's awareness of potentially hazardous buildings so that occupants and passers-by are better equipped to protect themselves in the event of an earthquake.

SEC. 2. Section 8875.8 of the Government Code is amended to read:

8875.8. (a) An owner who has received actual or constructive notice that a building located in seismic zone 4 is constructed of unreinforced masonry shall post in a conspicuous place at the entrance of the building, on a sign not less than 5 X 7 the following statement, printed in not less than 30-point bold type:

"This is an unreinforced masonry building. Unreinforced masonry buildings may be unsafe in the event of a major earthquake."

(b) Notwithstanding subdivision (a), unless the owner of a building subject to subdivision (a) is in compliance with that subdivision on and after December 31, 2004, an owner who has received actual or constructive notice that a building located in seismic zone 4 is constructed of unreinforced masonry and has not been retrofitted in accordance with an adopted hazardous building ordinance or mitigation program shall post in a conspicuous place at the entrance of the building, on a sign not less than 8 X 10 the following statement, with the first two words printed in 50-point bold type and the remaining words in at least 30-point type:

"Earthquake Warning. This is an unreinforced masonry building. You may not be safe inside or near unreinforced masonry buildings during an earthquake."

(c) Notice of the obligation to post a sign, as required by subdivisions (a) and (b), shall be included in the Commercial Property Owner's Guide to Earthquake Safety.

(d) Every rental or lease agreement entered into after January 1, 2005, involving a building subject to the requirements of subdivision

(b) shall contain the following statement: This building, which you are renting or leasing, is an unreinforced masonry building. Unreinforced masonry buildings have proven to be unsafe in the event of an earthquake. Owners of unreinforced masonry buildings are required to post in a conspicuous place at the entrance of the building, the following statement:

"Earthquake Warning. This is an unreinforced masonry building. You may not be safe inside or near an unreinforced masonry building during an earthquake."

(e) An owner who is subject to subdivision (b) and who does not comply with subdivision (a) may be subject to an administrative fine of two hundred fifty dollars (\$250) to be levied by the local building department no sooner than 15 days after the local building department notifies the owner that the owner is subject to the administrative fine. If the owner does not comply with the requirements of that subdivision within 30 days of the first administrative fine, the owner may be subject to an additional administrative fine of one thousand dollars (\$1,000).

(f) If an owner who is subject to subdivision (b) does not comply with subdivision (b), any person may bring a civil action for injunctive relief if all of the following have been met::

(1) He or she has made a request to an appropriate authority for administrative enforcement of this section at least 90 days prior to the action.

(2) An administrative fine has not been levied since the request was made pursuant to paragraph (1).

(3) At least 15 days prior to the filing of the action, the person has served on each proposed defendant a notice containing the following statement:

"You are receiving this notice because you are alleged to be in violation of Section 8875.8 of the Government Code, which requires that the owner of an unreinforced masonry building post a sign, not less than 8 X 10, in a conspicuous place at the entrance of the building with the following statement, with the first two words printed in 50-point boldface type and the remaining words in at least 30-point type:

"Earthquake Warning. This is an unreinforced masonry building. You may not be safe inside or near unreinforced masonry buildings during an earthquake. Failure to post the sign in compliance with subdivision (b) of Section 8875.8 within 15 days of receipt of this notice entitles the sender of the notice to file an action against you in a court of law for injunctive relief. "

(4) The owner has failed to post the sign in accordance with the requirements of subdivision (b) within 15 days of receipt of the notice served pursuant to this subdivision.

(g) The prohibitions and sanctions imposed pursuant to this section are in addition to any other prohibitions and sanctions imposed by law. A civil action for injunctive relief pursuant to this section shall be independent of any other rights and remedies.

SEC. 3. This act shall be known and may be cited as the "Jennifer Lynn Myrick Memorial Law."