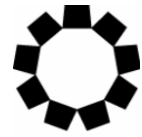


# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

**Agenda Item 4a**

TO: ABAG Legislation Committee

DATE: April 8, 2019

FR: Executive Director

W. I. 1114

RE: AB 393 (Nazarian): Building Standards

## **Background**

Assembly Bill 393 (Nazarian) seeks to improve seismic performance of new buildings in California by studying and considering the adoption of increased seismic performance standards to achieve “functional recovery,” rather than only, “life safety.” It is similar to a 2018 bill, AB 1857 (Nazarian), which would have required the state to organize a broad working group to study a “functional recovery” building code.

In 2018 the ABAG Legislation Committee voted to support AB 1857, which passed the Legislature but was vetoed by then Governor Jerry Brown. Brown had concerns that the law was duplicating federal research efforts at the National Institute of Standards and Technology (NIST). In our view, AB 393 is a proactive measure to ensure the State of California builds on NIST’s research by convening experts to determine next steps no later than June 30, 2020. The bill requires the state to convene at least 17 key stakeholders, including ABAG. The working group would be required to complete research related to the functional recovery building standard and propose recommendations to the state no later than June 30, 2021.

The new bill remains aligned with current ABAG efforts to increase seismic safety measures in the Bay Area. In 2014 and 2015 as part of the 25th anniversary of the Loma Prieta Earthquake, the Regional Planning Committee and ABAG Executive Board adopted a set of policy goals to improve seismic safety in the region that call for improving the quality of new construction.

## **Recommendation**

The ABAG Legislation Committee is requested to recommend that the Executive Board take a support position on AB 393.

## **Discussion**

California’s current building code specifies construction that meets life safety standards. AB 393 would require establishment of a working group to explore the latest federal seismic safety research and assess whether the building code should be updated to instead require a functional recovery standard for all or some building occupancy classifications and investigate the practical means of implementing the standard as either a mandatory or voluntary measure. Both the definition of and criteria for a functional recovery standard would be defined by a working group assembled by the Building Standards Commission, comprised of public and private sector entities, including ABAG and the Southern California Association of Governments.

If the group suggests that the development of a voluntary or mandatory standard is warranted, the working group would help prepare an estimation of cost compliance for state agencies, as well as provide advice on where within the state the standard should be applicable, based upon seismic design categories. The working group would then also advise state agencies to propose building standards for consideration for the next regularly scheduled triennial adoption cycle.

Staff remains keenly aware of the irony of pursuing more stringent building code standards that would increase the cost of construction at a time when the region is facing a severe housing shortage. For new buildings, estimates of the increased cost range from one to three percent<sup>1</sup> to significantly higher. However, for every dollar spent on mitigation, up to \$4 in future losses can be avoided, reducing potentially astronomical costs of rebuilding after a major earthquake according to the Multihazard Mitigation Council<sup>2</sup>. In staff's view, the bill provides sufficient time to examine the costs and benefits, while developing tools for mitigating cost impacts to retain and increase housing affordability.

### Known Positions

#### Support

Earthquake Engineering Research Institute

#### Oppose

None on file



Therese W. McMillan

TWM: mg/rl

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<sup>1</sup> Keith A. Porter (2016) Safe Enough? A Building Code to Protect Our Cities and Our Lives. Earthquake Spectra: May 2016, Vol. 32, No. 2, pp. 677-695.

<sup>2</sup> Multihazard Mitigation Council (2017) Natural Hazard Mitigation Saves 2017 Interim Report: An Independent Study. Principal Investigator Porter, K.; co-Principal Investigators Scawthorn, C.; Dash, N.; Santos, J.; Investigators: Eguchi, M., Ghosh, S., Huyck, C., Isteita, M., Mickey, K., Rashed, T.; P. Schneider, Director, MMC. National Institute of Building Sciences, Washington.