

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: PAUL LOWENTHAL, DIVISION CHIEF FIRE MARSHAL  
FIRE DEPARTMENT  
SUBJECT: RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA  
ROSA ACKNOWLEDGING RECEIPT OF A REPORT MADE BY  
THE SANTA ROSA FIRE CHIEF REGARDING COMPLIANCE  
WITH SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA  
HEALTH AND SAFETY CODE FOR CALENDAR YEAR 2021

AGENDA ACTION: RESOLUTION

---

RECOMMENDATION

It is recommended by the Fire Department that the Council, by resolution, acknowledge receipt of a report for 2021 made by the Santa Rosa Fire Chief regarding the inspection of certain occupancies required to receive annual inspections pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code.

---

EXECUTIVE SUMMARY

According to the bill's author, "SB 1205 ensures that fire departments are communicating with their governing authority about their compliance with State mandated safety inspections they are 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."

On September 27, 2018, SB 1205 became effective and added Section 13146.4 to the California Health and Safety Code which affects every fire department or fire district in the state. Existing State law requires every fire department or district providing fire protection services to inspect every building used as a public or private school annually. This same annual inspection requirement is applicable to hotels, motels, lodging houses and apartment houses.

This bill required every fire department or district to annually report to its administering authority its compliance with the annual inspection requirements of the California Health and Safety Code. The bill also requires the administering authority to formally acknowledge receipt of the compliance report in a resolution or a similar formal document. SB 1205 holds jurisdictional policy makers accountable to make progress on

CONSENT ITEM FIRE PROTECTION SERVICES: INSPECTION-COMPLIANCE  
REPORTING PAGE 2 OF 4

fire prevention resource requests and ensures fire department funding allocations account for the longstanding needs of resource deficient fire prevention bureaus.

BACKGROUND

On December 2, 2016, a fire broke out in a warehouse, known as the Ghost Ship, that had been converted into an artist collective, including dwelling units, in the Fruitvale neighborhood of Oakland, California. 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 inspections in California.

A series of investigative articles and editorials were 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 11 of the Bay Area's largest fire agencies.

SB 1205 holds jurisdictional policy makers accountable to make progress on fire prevention resource requests and ensures fire department funding allocations account for the longstanding needs of resource deficient fire prevention bureaus.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

Local fire departments are required to annually report on their compliance with inspections currently mandated in statute. Specifically, SB 1205:

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 its 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 to 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.

When enacted, CB 1205 supplemented existing law, which:

1. Requires the State Fire Marshal (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

CONSENT ITEM FIRE PROTECTION SERVICES: INSPECTION-COMPLIANCE  
REPORTING PAGE 3 OF 4

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.

INSPECTION COMPLIANCE REPORTING:

Educational Group E occupancies are generally those public and private schools used by more than six persons at any one time for educational purposes through the 12<sup>th</sup> grade.

During calendar year 2021, within the City of Santa Rosa, there were a total of 123 known Group E Occupancies, buildings, structures and/or facilities. The Fire Department completed the annual inspection of 123 facilities. This is a compliance rate of 100% for this reporting period.

Residential Group R occupancies, for the purpose of this resolution, are generally those occupancies containing sleeping units and including hotels, motels, apartments (three units or more), etc. as well as other residential occupancies (including several residential care facilities). These residential care facilities have a number of different sub-classifications, and they may contain residents or clients that have a range of needs including those related to custodial care, mobility impairments, cognitive disabilities, etc. The residents may also be non-ambulatory or bedridden.

During calendar year 2021, within the City of Santa Rosa, there were a total of 996 known Group R Occupancies, buildings, structures and/or facilities. The Fire Department completed the annual inspection of 996 Group R facilities. This is a compliance rate of 100% for this reporting period.

FISCAL IMPACT

There is no fiscal impact from the acknowledgment of this report.

ENVIRONMENTAL IMPACT

This action is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and that no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution

CONTACT

Paul Lowenthal, [plowenthal@srcity.org](mailto:plowenthal@srcity.org) (707) 543-3542