

## Pinney-Muglia, Liz

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**From:** Kruse, Mikaila <Mikaila.Kruse@sen.ca.gov>  
**Sent:** Thursday, December 26, 2019 1:52 PM  
**To:** Pinney-Muglia, Liz  
**Cc:** Hansberger, Cheryl-Marie  
**Subject:** RE: [External] Re: Office of Senator Roth - Follow up  
**Attachments:** Mayor Bailey Emergency Housing Request - Briefing 12-19.pdf

Hi Liz,

I hope you had a wonderful holiday with friends and family. Technically our office is closed through the holiday (December 24 - January 1st), but I will be checking my email periodically. I have attached a PDF of the hand out I gave you but I updated it to be a little more cohesive and highlighted some points for emphasis. This is essentially a summary of the important points I've gathered through a dozen or so email exchanges with HCD.

I'm assuming you have a line of communication with the Department of Housing and Community Development (perhaps at the local level), if not, let me know and I'd be happy to see if we can put you in contact with some of our people in Sacramento.

Please let me know if you need anything else.

Kind regards,

Mikaila

-----Original Message-----

**From:** Pinney-Muglia, Liz <lmuglia@riversideca.gov>  
**Sent:** Tuesday, December 24, 2019 9:30 AM  
**To:** Kruse, Mikaila <Mikaila.Kruse@sen.ca.gov>  
**Subject:** RE: [External] Re: Office of Senator Roth - Follow up

Hi Mikaila,

I hope you are well! I understand you may be off enjoying the holiday this week. I am reaching out to see if I can get an electronic copy of the documentation you provided in our meeting, or if you could point us to the proper source at the state level that we could refer to in a council report.

Feel free to give me a call when you are back in the office if you would like me to clarify my request!

Thank you,

Liz Pinney-Muglia  
Program and Policy Coordinator  
Office of the Mayor  
City of Riverside, CA  
O: 951-826-5897  
C: 951-312-8533

-----Original Message-----

From: Hansberger, Cheryl-Marie  
Sent: Monday, December 23, 2019 10:49 AM  
To: Kruse, Mikaila <Mikaila.Kruse@sen.ca.gov>  
Cc: Pinney-Muglia, Liz <lmuglia@riversideca.gov>  
Subject: RE: [External] Re: Office of Senator Roth - Follow up

Mikaila,

You are a rock-star, thank you for your help and diligence. Liz has already reached out to the agencies you identified and is working on the ADA issues now. She will let you know what we determine.

Merry Christmas, I am glad you are a member of Team Riverside.

Kind Regards,  
Cheryl-Marie

-----Original Message-----

From: Kruse, Mikaila <Mikaila.Kruse@sen.ca.gov>  
Sent: Thursday, December 19, 2019 3:11 PM  
To: Hansberger, Cheryl-Marie <CMHansberger@riversideca.gov>  
Subject: RE: [External] Re: Office of Senator Roth - Follow up

Hey Cheryl,

It was a pleasure having you in our office this morning and I'm glad we could provide some assistance on the matter. Please let me know if you need any other state level inquiries along the way and our office would be happy to help.

The Senator is interested as to what the ADA and second entry issues may be. So if you could please pass along any information you obtain in regards to that, we would greatly appreciate it.

Kind regards,

Mikaila

-----Original Message-----

From: Hansberger, Cheryl-Marie <CMHansberger@riversideca.gov>  
Sent: Tuesday, December 17, 2019 6:41 PM  
To: Kruse, Mikaila <Mikaila.Kruse@sen.ca.gov>  
Subject: RE: [External] Re: Office of Senator Roth - Follow up

Appreciate you two, so much!!

-----Original Message-----

From: Kruse, Mikaila <Mikaila.Kruse@sen.ca.gov>  
Sent: Tuesday, December 17, 2019 3:42 PM  
To: Hansberger, Cheryl-Marie <CMHansberger@riversideca.gov>  
Cc: Young, Kathy <KYoung@riversideca.gov>; Madary, Tyler <Tyler.Madary@sen.ca.gov>; Balistreri, Elizabeth <Elizabeth.Balistreri@sen.ca.gov>  
Subject: [External] Re: Office of Senator Roth - Follow up

This is absolutely perfect Cheryl.

It is very thorough and exactly the information we need to start asking questions. Tyler and I will get to work on this right away with Capitol staff. I will keep you updated.

Kind regards,

Mikaila

Sent from my iPhone

> On Dec 17, 2019, at 3:36 PM, Hansberger, Cheryl-Marie <CMHansberger@riversideca.gov> wrote:

>

> Hi Mikaila,

>

> Thank you for your diligence on this situation. I apologize that we have not been able to get back to you sooner, as you are likely aware we have been in the middle of a media storm related to a vote this evening to increase shelter. I wanted to ensure I was able to put together as much information as possible for your team's ease.

>

> Mayor Bailey wanted me to provide you with a challenge we are having pertaining to emergency sleeping cabins. Our aim right now is to increase shelter options quickly and affordably. As of now, the most affordable option we have identified falls short of the 70 sq ft required by state code. The most affordable option identified to date is 64 sq ft for a single person or 100 sq ft for two people. State law requires 70 sq ft for a single person and 120 sq ft for two people.

>

> Government Code 8698.3 (2017) – Speaks to a city's ability to declare a Shelter Crisis, which the City of Riverside did in December 2018. There is some language in this code that states:

>

> (b) (1) The city, in lieu of compliance with state and local building, housing, health, habitability, or safety standards and laws, may adopt by ordinance reasonable local standards for the design, site development, and operation of emergency bridge housing communities and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. The Department of Housing and Community Development shall review the city's draft ordinance to ensure it addresses minimum health and safety standards. The department shall, as set forth in Section 9795 of the Government Code, provide its findings to the Senate and Assembly housing committees and the Senate Judiciary Committee within 30 calendar days of receiving the draft ordinance.

>

> We believe the intent of this language was to provide local governments with flexibility to move solutions forward quickly and to remove barriers, however the same code (8698.3 (2017) goes on to state:

>

> (h) An "emergency sleeping cabin" means a relocatable hard-sided structure that may be used for occupancy only pursuant to Section 8698 and this section. It shall have a raised floor area of no less than 120 square feet of interior space for two occupants and a minimum of 70 square feet of interior space for one occupant.

>

> As we dig further, we found the attached document - Guide for Local Amendments of Building Standards. There is language in this document that states:

>

> [cid:image005.png@01D5B4EF.A8032720]

> [cid:image006.png@01D5B4EF.A8032720]

> If I read this correctly, this language suggests that specified cities have the ability to apply for exemptions. Mayor Bailey is interested in applying for an exemption and is seeking assistance from your team. This leads to two questions:

>

>

> 1) Does the current language allow us to apply for an exemption to deploy emergency shelter options that fall outside of the 70 sq ft/120 sq ft requirements,  
>  
> 2) If it does not, would the Senator be willing to work with us to change the code.  
>  
> It is Mayor Bailey's strong opinion that we need to remove arbitrary bureaucracy that is raising costs and/or inhibiting us from moving into shelter.  
>  
> Please let me know if you require any further information.  
> Cheryl-Marie  
>  
> From: Kruse, Mikaila  
> <Mikaila.Kruse@sen.ca.gov<mailto:Mikaila.Kruse@sen.ca.gov>>  
> Sent: Friday, December 13, 2019 1:31 PM  
> To: Bailey, Rusty  
> <RBailey@riversideca.gov<mailto:RBailey@riversideca.gov>>  
> Cc: Hansberger, Cheryl-Marie  
> <CMHansberger@riversideca.gov<mailto:CMHansberger@riversideca.gov>>;  
> Madary, Tyler  
> <Tyler.Madary@sen.ca.gov<mailto:Tyler.Madary@sen.ca.gov>>  
> Subject: [External] Office of Senator Roth - Follow up  
>  
> Good afternoon,  
>  
> I wanted to follow up on a conversation the Mayor and I had at the Casa Blanca Holiday Pot Luck Wednesday night. My understanding from our brief conversation was that you wanted a meeting with the Senator to discuss a challenge you are facing with California Building Code in regards to some manufactured units you were hoping to place at Hulen Place. If I recall correctly, the issue was that the square footage to person ratio of the manufactured "homes" was not compliant with state building code.  
>  
> The Senator's schedule is full heading into the holidays but I did get a chance to brief the Senator on the issue. He requested I get more information from your office so that our staff can begin the necessary inquiries with Housing and Community Development to explore what options are available to solve or circumvent the issue at hand. So if you could provide me a written summary of the issue at hand: where you are in the process of purchasing and putting up these manufactured homes, timeline of the project, what funding source is being used, the purpose of the homes, site the building code in question etc.  
>  
> Once I receive that information from you, our office will inquire with the appropriate state entities and see if there are viable solutions moving forward. Let me know if you need clarification or have any additional questions.  
>  
> Kind regards,  
>  
> Mikaila  
>  
> Mikaila Kruse  
> Field Representative  
> Office of Senator Richard D. Roth | 31st District California Tower,  
> 3737 Main Street, Suite 104, Riverside, CA 92501 tel 951.680.6750 | fax  
> 951.680.6757 | email:  
> mikaila.kruse@sen.ca.gov<mailto:mikaila.kruse@sen.ca.gov>  
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>

## **Background:**

Appendix X of the California Residential Code (and Appendix O of the California Building Code) have been adopted by the Department of Housing and Community Development for statewide use, and are not optional if a jurisdiction wishes to allow emergency housing.

Prior to the adoption of the Appendices, the smallest allowable residential structure was 120 square feet for an efficiency dwelling unit housing up to two occupants, with an additional 50 square feet for each additional occupant. Using that as a basis, the Department of Housing and Community Development proposed the Emergency Sleeping Cabin standard in AX104.1 to be not less than 70 square feet (6.5m<sup>2</sup>) for a single occupant as an absolute minimum space needed.

Any structure that is proposed to be smaller than 70 square feet should not be approved by a local building official. In general, the building code allows for some flexibility in alternative approval or local amendments.

As for the context on the 70 square foot minimum, my understanding is that the International Code Committee has, through much independent research and consultation, determined that the minimum amount of habitable space needed for a habitable room be 70 square. That would give 8.3'x8.3' room, which just so happens to be a common size of most office cubicles.

**Of concern is the reference to AB 932 which specifically directed HCD to review and approve draft emergency housing ordinances for the seven identified jurisdictions (which do not include Riverside). Does that mean that only those seven jurisdictions can adopt Appendix X?**

While it is true that AB 932 was initially applied to only 7 specific jurisdictions, the Department of HCD saw the need for a broader building standard for emergency housing. As such, we went ahead and proposed the standards for inclusion as an appendix of the building code so that any jurisdiction can use them.

Appendix X specifically states that the appendix is not mandatory unless specifically referenced in an adopting ordinance. My understanding from HCD staff is that if a local jurisdiction has not adopted an ordinance, they can default to using Appendix X as presented in the building code. However, if they wish to adopt a building standard, they are able to use appendix X as a template, making modifications to it as long as those changes still protect the basic health and safety of the structure.

**If the local jurisdiction makes a change to Appendix X does that action then require the city to submit it to HCD or BCS for review and approval?**

My understanding of the process is that if a jurisdiction wants to do something different than what is in the appendix, then they need to adopt a building standard ordinance **(not to be confused with an AB 932 SCA ordinance)**.

Once the new standard is adopted via ordinance, it then must be filed with the Building Standards Commission.

Again, my understanding is that the new standard doesn't have to be anything more complicated than taking Appendix X, striking out 70 square feet and replacing it with 64 square feet, and then making the necessary written findings as why the change still adequately protects the health and safety of those residing in the sleeping cabins.

***Here is the response I received from the building standards commission, the emphasis below is mine:***

*"...cities and counties that amend Title 24 must file their ordinance with BSC, which reviews it for compliance with Health and Safety Code Sections 17958.7 and 18941.5]. BSC then responds to the city or county letting them know their ordinance is acceptable for filing (it is important to note that BSC does not have the authority to "approve" a local ordinance). An ordinance is effective **upon filing with BSC** (i.e. the date received by BSC) as long as the jurisdiction has complied with the requirements in Health & Safety Code Sections listed above (e.g. expressly marked changes; findings of local climate, geology, topography, etc.)."*

*So from my reading, as soon as a local jurisdiction would be able to go through their internal process to adopt an amended version of appendix X and have it approved by their city council/ board of supervisors, it would be effective.*

*That being said, I have no idea how long it might take for a local jurisdiction to go through that process. It might be strategically faster to talk to the vendor about producing a 9'x8' pallet housing solution that comes in at 72 square feet that complies with the existing Appendix X.*

## **Summary**

According to HCD, Riverside **DOES** have the ability to modify their building standards through ordinance as long as they have the appropriate and adequate findings as to why the change is necessary. I have highlighted some pertinent sections of my email exchanges.

As to the code sections that Riverside was highlighting as their barrier, this should not impact them at all and at least according to some sources around the building, were not meant as a means for locals to waive health and safety requirements. Those were intended more for habitability and tenant/landlord issues (among other things).

