

RESOLUTION NO. 24-9312

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA,
ACKNOWLEDGING RECEIPT OF A REPORT FROM THE FIRE
CHIEF OF THE SANTA CLARA FIRE DEPARTMENT
REGARDING THE INSPECTION OF CERTAIN OCCUPANCIES
REQUIRING ANNUAL INSPECTIONS PURSUANT TO SECTIONS
13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND
SAFETY CODE**

WHEREAS, California Health & Safety Code Section 13146.4 was added in 2018, and became effective on September 27, 2018;

WHEREAS, California Health & Safety Code Sections 13146.2 and 13146.3 requires all fire departments, including the Santa Clara Fire Department, that provide fire protection services to perform annual inspections in every building used as a public or private school, commercial daycares, hotel, motel, dormitories, fraternities, sororities, live/work units, congregate residences and residential care facilities for compliance with building standards, as provided;

WHEREAS, California Health & Safety Code Section 13146.4 requires all fire departments, including the Santa Clara Fire Department, that provide fire protection services to report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3; and,

WHEREAS, the City Council intends this Resolution to fulfill the requirements of the California Health & Safety Code regarding acknowledgment of the Santa Clara Fire Department's compliance with California Health and Safety Code Sections 13146.2 and 13146.3.

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B. RESIDENTIAL GROUP R OCCUPANCIES:

Residential Group R occupancies, for the purposes of this resolution, are generally those occupancies containing sleeping units, and include hotels, motels, apartments (three units or more), etc. as well as mandated residential care facilities. These residential care facilities have several 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. Within the City, there lie 1,191 Group R (and their associated sub-categories) occupancies of this nature.

During calendar year 2023, the Santa Clara Fire Department completed the annual inspection of 1,191 Group R occupancies, buildings, structures and/or facilities. This is a compliance rate of 100.00% for this reporting period.

2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 9TH DAY OF APRIL 2024, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. California Building Code - Occupancy Classification and Use Definitions
2. Senate Bill No. 1205 – Amendment to Section 13146.4 to the Health and Safety Code

Appendix A

Occupancy Classification and Use Definitions (2022 California Building/Fire Code)

Occupancy Type	Definition
Educational Group E	Occupancy includes, among others, the use of a building or structure, or a portion thereof, by more than six persons at any one time for educational purposes through the 12 th grade. This group also includes child-care facility buildings and structures, or portions thereof occupied by more than six children 36 months of age and older who receive educational, supervision or personal care services for fewer than 24 hours per day.
Residential Group R-1	Residential occupancies containing sleeping units where the occupants are primarily transient in nature such as hotels, motels, and congregate residences, & boarding houses with more than 10 occupants.
Residential Group R-2	Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature such as apartment houses, congregate residence (with more than 16 occupants), boarding houses, convents, Dormitories, fraternities, sororities, monasteries, hotel (nontransient), live/work units, motels (nontransient), vacation timeshare properties.
Residential Group R-2.1	Buildings, structures or parts thereof housing clients, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services such as residential care facilities, group homes, and halfway houses. This occupancy may contain more than six non-ambulatory and/or bedridden clients.
Residential Group R-4	Residential Group R-4 occupancies shall include buildings, structures or portions thereof for more than six ambulatory clients, but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care, such as residential care facilities, group homes, and halfway houses.

Senate Bill No. 1205

CHAPTER 854

An act to add Section 13146.4 to the Health and Safety Code, relating to fire protection.

[Approved by Governor September 27, 2018. Filed with
Secretary of State September 27, 2018.]

legislative counsel's digest

SB 1205, Hill. Fire protection services: inspections: compliance reporting.

Existing law requires the chief of any city or county fire department or district providing fire protection services and his or her authorized representatives to inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing specified building standards, not less than once each year, as provided. Existing law requires every city or county fire department or district providing fire protection services that is required to enforce specified building standards to annually inspect certain structures, including hotels, motels, lodging houses, and apartment houses, for compliance with building standards, as provided.

This bill would require every city or county fire department, city and county fire department, or district required to perform the above-described inspections to report annually to its administering authority, as defined, on the department's or district's compliance with the above-described inspection requirements, as provided. The bill would require the administering authority to acknowledge receipt of the report in a resolution or a similar formal document. To the extent this bill would expand the responsibility of a local agency, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Section 13146.4 is added to the Health and Safety Code, to read:

13146.4. (a) Every city or county fire department, city and county fire department, or district required to perform an annual inspection pursuant

to Sections 13146.2 and 13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3.

(b) The report made pursuant to subdivision (a) shall occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.

(c) The administering authority shall acknowledge receipt of the report made pursuant to subdivision (a) in a resolution or a similar formal document.

(d) For purposes of this section, “administering authority” means a city council, county board of supervisors, or district board, as the case may be.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.