



# SUMMARY OF MAJOR CALIFORNIAN LAWS RELATED TO SEISMIC SAFETY

## THE HOMEOWNER'S GUIDE

The Seismic Safety Commission is required to develop, adopt, update, and publish *The Homeowner's Guide to Earthquake Safety* containing information on geologic and seismic hazards, explanations of structural and non-structural earthquake hazards, and recommendations for mitigating these hazards, as required by the *Business and Professions Code*, Section 10149.

Sellers of homes built before 1960, with one to four units of conventional light-frame construction, must deliver to the buyer, "as soon as practicable before the transfer," a copy of *The Homeowner's Guide to Earthquake Safety* and disclose certain earthquake deficiencies according to *Government Code*, Section 8897.1 to 8897.4. The seller's real estate agent must provide the seller with a copy of the booklet to give to the buyer. This is also specified in *Government Code*, Section 8897.5.

## DISCLOSING WEAKNESSES

Sellers of real property must disclose known defects and deficiencies in the property— including earthquake weaknesses and hazards— to prospective buyers in accordance with *Civil Code*, Section 1102 et seq.

## DISCLOSING NATURAL HAZARDS

Sellers of real property must disclose whether the property is within any of the seven mapped natural hazard areas, including the earthquake fault, potential landslide and potential liquefaction areas. The required Natural Hazards Disclosure Form can be found in *Civil Code*, Section 1103 and following sections. When filled out, this statutory form will reveal whether the home is within a mapped geologic, flood or hazard area.

## EARTHQUAKE FAULTS

The Alquist-Priolo Earthquake Fault Zoning Act prohibits building for human occupancy astride active faults. *Public Resources Code*, Section 2621 et seq, requires sellers of existing residences to disclose to potential buyers on a Natural Hazards Disclosure Form if the property is located in a designated fault zone.

## LANDSLIDE AND LIQUEFACTION

The Seismic Hazards Mapping Act requires the state to prepare maps of the zones in California most susceptible to landslide and liquefaction hazards during earthquakes. *Public Resources Code*, Section 2694 et seq, states that sellers must disclose to buyers, on a Natural Hazards Disclosure Form, whether the property is in such a zone, after the map for that area has been issued officially.

## EARTHQUAKE INSURANCE

All insurance companies that sell residential property insurance in California are required by law to offer earthquake insurance to homeowners when the policy is first sold and every two years afterward. *Insurance Code*, Section 10081.

## PROPERTY TAX REAPPRAISAL EXCLUSION

California law allows homeowners to strengthen their homes with approved seismic strengthening techniques without the improvement being included in reappraisals that usually raise the property value and the tax owed, according to the *Revenue and Tax Code*, Section 74.5.

## UNREINFORCED MASONRY BUILDINGS

State law requires local governments in Seismic Zone 4 to have an earthquake loss reduction program for unreinforced masonry buildings. *Government Code*, Section 8875; *Health and Safety Code*, Sections 17922, 18393, 19160 et seq.

## WATER HEATER BRACING

All residential water heaters are required to be anchored or strapped to resist falling during an earthquake. The seller must certify to the potential buyer that the water heater is properly braced in accordance with *Health and Safety Code*, Section 19211.

## CALIFORNIA BUILDING CODE

The California Building Code (*California Code of Regulations, Title 24*) establishes minimum standards for earthquake evaluation and design for new construction and retrofit of existing structures. The Code requires that every structure and portion thereof, including non-

structural components that are permanently attached to structures and their supports and attachments, be designed and constructed to resist the effects of earthquake motions in accordance with the minimum design loads described in the American Society of Civil Engineers design standards known as ASCE 7 (excluding Chapter 14 and Appendix 11A). While the specifications are complicated and reference the provisions of the ASCE, listed below are some of the rules and considerations:

- *Seismic Design Category*: As a threshold matter, each structure must fall within a “seismic design category.” These categories depend to some extent on the type of soil (hard rock, clay, etc), earthquake spectral response acceleration parameters, other complex formulas, and occupancy categories (business, educational, residential, etc).
- *New vs. Retrofit*: Also considered is whether the construction is new construction or a retrofit of an existing structure.
- *Private vs. State-Owned*: The regulations are further divided between private and state-owned structures. In this regard, for example, there are specific rules for California state universities and additional rules for public school buildings and hospitals.
- *Liquefaction Maps*: The Code also includes maps of liquefaction zones. These maps have been generated based upon geological data and each zone lists damping factors and other information used to determine aspects of the applicable building standards.
- *Historical Buildings*: In addition, there are specific regulations for “Qualified Historical Buildings” under the *California Historical Building Code* found in Part 8 of the Building Code.
- *Special Construction*: There are a number of other seismic design provisions applicable to special construction types, for example: seismic anchorage of slate shingle, clay, and concrete tile roof coverings (Sec. 1511); masonry (Sec. 2106), unreinforced masonry load-bearing walls (Appendix Ch. A1), and marine oil terminals (Sec. 3104F).

In addition, the Code requires a series of meetings and actions to ensure compliance with its provisions. These meetings include, for example, a pre-construction meeting which is mandatory for all projects that require structural observation. The meeting must include a registered design professional, structural observer, general contractor, relevant subcontractors, the projected inspector, and a representative of the enforcement agency. The purpose of the meetings is to identify and clarify all essential structural components that affect the lateral and vertical “load systems.” The Code also

requires periodic observations by the enforcement agency of particular aspects of the construction. The pre-construction meeting is meant to review the anticipated scheduling for these observations.

### **LOCAL JURISDICTION BUILDING CODES**

As a supplement to the California Building Code, some local jurisdictions have their own building codes, eg San Francisco, which have additional requirements regarding seismic design and retrofit. These local codes are generally understood to be more restrictive than the California Building Code. (The San Francisco Building Code is available online at: <http://sfpl.org/librarylocations/main/gic/bldgcodes.htm>).

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