

POOL SAFETY ACT

The intent for this article is to arrange in one location information regarding the new Pool Safety Act. The information has been drawn from various sources. It is not intended to be comprehensive or a substitute for legal advice.

Relevant Information
For The Home
Inspector

*David Pace, MCI
Legislative Chairman*

SB442 – Pool Safety Act

On January 1, 2018 the Pool Safety Act became law. On that date the scope of a home inspection on every single family residence, being transferred, which has a swimming pool, spa or hot tub, changed. Contrary to the opinion of the bill's sponsor, there is no phase-in period. There is no allowance for a learning curve. It is law. The home inspector must get it right the first time and every time.

Over the last year I have spent multiple hundreds of hours analyzing the bill, meeting with the bill's sponsors, testifying before various committees of the California Legislature, meeting with our Legislative Advocate - Jerry Desmond, meeting with various attorneys and working with John Gamache on developing Pool Safety Act presentations. Every day I realize new implications regarding this bill.

The purpose of this article is to place relevant information regarding the Pool Safety Act in one place. I urge you to read it, re-read it and then read it again, several more times. I urge you to not let the anger you may have that the California Legislature has placed a target on your back, to cloud your clear thinking as to your responsibility under the bill. The bill is poorly written and contradictory in places. For example, the bill does not address a perimeter fence which separates the subject property from the neighbor's property. The Health and Safety Code defines an exit alarm as being on all doors and windows leading to the pool. However, the bill only requires them on doors leading to the pool area. That does not lessen or change our responsibility under the bill.

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NOTICE:

This article is based on the author's experience. It is not specific legal advice and should not be relied upon in place of consultation with a locally experienced and licensed attorney who can review your particular situation. This presentation includes information that is designed to inform the home inspector on the basics of the new law and not interpret the law. That is your responsibility as home inspector and business owner. This material is not a complete analysis of the topic and does not create a standard of care in the industry.

THE NEED FOR THE BILL

Drownings are the second leading cause of death for children in California. Between 2010 and 2015 more than 740 children between the ages of one and four years of age were hospitalized after a near drowning incident. The leading cause of hospitalization was brain injury due to lack of oxygen, known as asphyxiation. Some survive but many suffer permanent brain injuries. The intent of the bill is to help prevent the large number of such injuries. This is similar to a bill the Governor vetoed last year.

A PARTIAL LIST OF BILL SPONSORS AND SUPPORTERS

California Coalition for Children's Safety and Health (co-source)
Drowning Prevention Foundation (co-source)
California Park and Recreation Society
California Pool and Spa Association
Consumer Attorneys of California
Health Officers Association of California
Association of California Life and Health Insurance Companies
California Coalition for Children's Safety and Health (CCCSH),
American Academy of Pediatrics (AAP),
Safe Kids International (Including 10 different chapters of that organization)
California Children's Hospital Association
Association of Regional Center Agencies
Regional Asthma Management and Prevention
The Arc California
United Cerebral Palsy California
Safe Kids California
And many others

THE PURPOSE AND INTENT OF THE BILL

Quoted Directly From the Office of Senate Floor Analysis

1) Purpose of this bill. *According to the author, the state’s Pool Safety Act has not been updated for more than two decades. Meanwhile, unintentional injury remains the leading cause of death and hospitalization for California’s youth 0-19 years old and drowning remains one of the eight leading causes of unintentional injury for California’s children. The author notes that according to research, three pieces are needed to prevent drowning: water safety training for parents and children, active supervision of young children, and pool safety barriers. This bill is intended to support this objective by addressing pool safety barrier deficiencies in California’s existing Pool Safety Act. Specifically, it increases the number of drowning prevention features required under the act from one to two, adds requirements to the home inspection process that inform new homeowners of whether their pools are equipped with adequate safety features, and expands the types of pool door alarms that qualify as a drowning-prevention feature under the act.*

2) A big intervention for a big problem. *From a public health and safety standpoint, drowning deaths among very young children are a persistent and serious problem that justifies major state intervention. Unintentional injuries are the leading cause of death for children between the ages of 0 and 19. According to the Centers for Disease Control and Prevention, drowning is the second leading cause of death for children between ages 1 and 4, behind birth defects. Most drownings of children between ages 1 and 4 occur in home swimming pools. For every child in this age cohort who dies from drowning, five or more suffer near-drowning injuries, which can cause permanent brain injury and lifelong disability. In addition to the emotional and financial impact these deaths and injuries have on individual families, the disabilities associated with near-drownings impose major, long-term costs on the state.*

3) The case for redundancy. *The International Building Code and most U.S. states require only one barrier restricting access to residential pools; however, the author notes that unintentional injury prevention and public health advocates support the use of two drowning prevention safety features. The primary rationale for this position is that a single safety feature may malfunction or become disabled. This contention makes sense when one considers that at least two of the allowable safety features are designed to be disabled: pool entry alarms can be put into “sleep” mode when the pool is in use, and removable fencing is, as the name suggests, removable. Similarly, door alarms may run out of batteries, and latches may break. A second safety feature would provide backup to busy families that forget to replace an alarm or a removable fence, or who cannot immediately fix a malfunctioning latch or alarm.*

The intent of the bill is to provide multiple barrier systems for the purpose of providing levels of protection for children, against drowning. As will become clear later, we cannot inspect based on the intent of the bill, we must inspect based on what the requirements of the bill. The intent is certainly honorable – the protection of children. The requirements are specific.

THE BILL TEXT

Senate Bill No. 442 CHAPTER 670

An act to amend Section 7195 of the Business and Professions Code, and to amend Sections 115922 and 115925 of the Health and Safety Code, relating to public health.

[Approved by Governor October 11, 2017. Filed with
Secretary of State October 11, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 442, Newman. Public health: pools: drownings.

Under the existing Swimming Pool Safety Act, upon the issuance of a building permit for construction of a new swimming pool or spa, or the remodeling of an existing pool or spa, at a private, single-family home, the pool or spa is required to be equipped with at least one of 7 drowning prevention safety features. The existing act requires the local building code official to inspect and approve the drowning safety prevention devices before the issuance of a final approval for the completion of permitted construction or remodeling work. The existing act does not apply to any pool within the jurisdiction of any political subdivision that adopts an ordinance for swimming pools, as specified.

This bill would instead require, when a building permit is issued, that the pool or spa be equipped with at least 2 of 7 specified drowning prevention safety features. The bill would revise the characteristics of some of those safety features. The bill would also delete the exemption from the act of political subdivisions that adopt ordinances for swimming pools. By imposing additional duties on local officials, the bill would impose a state-mandated local program.

Existing law defines terms related to paid home inspections in connection with the transfer of real property, establishes a standard of care for home inspectors, and prohibits certain inspections in which the inspector or the inspector's employer, as specified, has a financial interest.

This bill would, as part of the definition of home inspection for the transfer of real property, specify that an appropriate inspection of real property with a swimming pool or spa would include noninvasive physical examination of the pool or spa and dwelling for the purpose of identifying which, if any, of the 7 specified drowning prevention safety features the pool or spa is equipped. The bill would also require that the information be included in the home inspection report, as specified.

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. This act shall be known, and may be cited, as the Pool Safety Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) Swimming pools provide children and their families with a wonderful opportunity for recreation, exercise, and fun. Keeping children safe during this activity is supported by parents and guardians, safety advocates, health providers, insurance companies, and the swimming pool industry.

(b) According to both the federal Centers for Disease Control and Prevention's National Center for Injury Prevention and Control and the State Department of Public Health's EpiCenter data, drowning is the second leading cause of death for California children one to four years of age, inclusive. EpiCenter data shows that between the years 2010 and 2014 more than 160 children one to four years of age, inclusive, suffered fatal drownings, with a majority of the incidents involving residential pools, and between the years 2010 and 2015 more than 740 children one to four years of age, inclusive, were hospitalized after suffering a near-drowning incident, with the leading cause of hospitalization being brain injury due to lack of oxygen, also known as asphyxiation.

(c) Additional children suffer near-drowning incidents and survive, but many of those children suffer irreversible brain injuries, which can lead to lifelong learning deficiencies that impact not only the affected child and his or her family, but also the resources and moneys available to California's health care system, regional centers, and special education school programs. The State Department of Developmental Services reported that as of

December 2016 the agency was providing care for more than 755 near-drowning victims with severe brain damage resulting from the near drowning.

(d) Close parental supervision of children with access to swimming pools is essential to providing pool safety for children. Barriers, such as those required pursuant to Section 115922 of the Health and Safety Code, can help to deter young children from gaining unsupervised access to pools. Swimming lessons are encouraged and can help children understand the importance of water safety.

(e) All water sports activities come with risk. Knowing the risks and having drowning prevention strategies in place before and during water sports activities reduce drowning incidents, and the installation of a residential pool barrier is a leading strategy to further California's goal of dramatically reducing unintentional injury.

SEC. 3. Section 7195 of the Business and Professions Code is amended to read:

7195. For purposes of this chapter, the following definitions apply:

(a) (1) "Home inspection" is a noninvasive, physical examination, performed for a fee in connection with a transfer, as defined in subdivision (e), of real property, of the mechanical, electrical, or plumbing systems or the structural and essential components of a residential dwelling of one to four units designed to identify material defects in those systems, structures, and components. "Home inspection" includes any consultation regarding the property that is represented to be a home inspection or any confusingly similar term.

(2) In connection with the transfer, as defined in subdivision (e), of real property with a swimming pool or spa, an appropriate inspection shall include a noninvasive physical examination of the pool or spa and dwelling for the purpose of identifying which, if any, of the seven drowning prevention safety features listed in subdivision (a) of Section 115922 of the Health and Safety Code the pool or spa is equipped.

(3) "Home inspection," if requested by the client, may include an inspection of energy efficiency. Energy efficiency items to be inspected may include the following:

(A) A noninvasive inspection of insulation R-values in attics, roofs, walls, floors, and ducts.

(B) The number of window glass panes and frame types.

(C) The heating and cooling equipment and water heating systems.

(D) The age and fuel type of major appliances.

(E) The exhaust and cooling fans.

(F) The type of thermostat and other systems.

(G) The general integrity and potential leakage areas of walls, window areas, doors, and duct systems.

(H) The solar control efficiency of existing windows.

(b) A "material defect" is a condition that significantly affects the value, desirability, habitability, or safety of the dwelling. Style or aesthetics shall not be considered in determining whether a system, structure, or component is defective.

(c) A "home inspection report" is a written report prepared for a fee and issued after a home inspection. The report clearly describes and identifies the inspected systems, structures, or components of the dwelling, any material defects identified, and any recommendations regarding the conditions observed or recommendations for evaluation by appropriate persons. In a dwelling with a pool or spa, the report shall identify which, if any, of the seven drowning prevention safety features listed in subdivision (a) of Section 115922 of the Health and Safety Code the pool or spa is equipped with and shall specifically state if the pool or spa has fewer than two of the listed drowning prevention safety features.

(d) A "home inspector" is any individual who performs a home inspection.

(e) "Transfer" is a transfer by sale, exchange, installment land sales contract, as defined in Section 2985 of the Civil Code, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of real property or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.

SEC. 4. Section 115922 of the Health and Safety Code is amended to read:

115922. (a) Except as provided in Section 115925, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall be equipped with at least two of the following seven drowning prevention safety features:

(1) An enclosure that meets the requirements of Section 115923 and isolates the swimming pool or spa from the private single-family home.

(2) Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

(3) An approved safety pool cover, as defined in subdivision (d) of Section 115921.

(4) Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."

(5) A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.

(6) An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

(7) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

(b) Before the issuance of a final approval for the completion of permitted construction or remodeling work, the local building code official shall inspect the drowning safety prevention features required by this section and, if no violations are found, shall give final approval.

SEC. 5. Section 115925 of the Health and Safety Code is amended to read:

115925. The requirements of this article do not apply to any of the following:

(a) Public swimming pools.

(b) Hot tubs or spas with locking safety covers that comply with the American Society for Testing and Materials (ASTM F1346).

(c) An apartment complex, or any residential setting other than a single-family home.

SEC. 6. 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.

THE AMENDED BUSINESS AND PROFESSIONS CODE SECTIONS 7195-7199 RELATED TO HOME INSPECTIONS.

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11]

(Heading of Division 3 added by Stats. 1939, Ch. 30.)

CHAPTER 9.3. Home Inspectors [7195 - 7199]

(Chapter 9.3 added by Stats. 1996, Ch. 338, Sec. 2.)

7195. For purposes of this chapter, the following definitions apply:

(a) (1) "Home inspection" is a noninvasive, physical examination, performed for a fee in connection with a transfer, as defined in subdivision (e), of real property, of the mechanical, electrical, or plumbing systems or the structural and essential components of a residential dwelling of one to four units designed to identify material defects in those systems, structures, and components. "Home inspection" includes any consultation regarding the property that is represented to be a home inspection or any confusingly similar term.

(2) In connection with the transfer, as defined in subdivision (e), of real property with a swimming pool or spa, an appropriate inspection shall include a noninvasive physical examination of the pool or spa and dwelling for the purpose of identifying which, if any, of the seven drowning prevention safety features listed in subdivision (a) of Section 115922 of the Health and Safety Code the pool or spa is equipped.

(3) "Home inspection," if requested by the client, may include an inspection of energy efficiency. Energy efficiency items to be inspected may include the following:

(A) A noninvasive inspection of insulation R-values in attics, roofs, walls, floors, and ducts.

(B) The number of window glass panes and frame types.

(C) The heating and cooling equipment and water heating systems.

(D) The age and fuel type of major appliances.

(E) The exhaust and cooling fans.

(F) The type of thermostat and other systems.

(G) The general integrity and potential leakage areas of walls, window areas, doors, and duct systems.

(H) The solar control efficiency of existing windows.

(b) A "material defect" is a condition that significantly affects the value, desirability, habitability, or safety of the dwelling. Style or aesthetics shall not be considered in determining whether a system, structure, or component is defective.

(c) A "home inspection report" is a written report prepared for a fee and issued after a home inspection. The report clearly describes and identifies the inspected systems, structures, or components of the dwelling, any material defects identified, and any recommendations regarding the conditions observed or recommendations for evaluation by appropriate persons. In a dwelling with a pool or spa, the report shall identify which, if any, of the seven drowning prevention safety features listed in subdivision (a) of Section 115922 of the Health and Safety Code the pool or spa is equipped with and shall specifically state if the pool or spa has fewer than two of the listed drowning prevention safety features.

(d) A "home inspector" is any individual who performs a home inspection.

(e) "Transfer" is a transfer by sale, exchange, installment land sales contract, as defined in Section 2985 of the Civil Code, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of real property or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.

(Amended by Stats. 2017, Ch. 670, Sec. 3. (SB 442) Effective January 1, 2018.)

7196. It is the duty of a home inspector who is not licensed as a general contractor, structural pest control operator, or architect, or registered as a professional engineer to conduct a home inspection with the degree of care that a reasonably prudent home inspector would exercise.

(Added by Stats. 1996, Ch. 338, Sec. 2. Effective January 1, 1997.)

7196.1. (a) Nothing in this chapter shall be construed to allow home inspectors who are not registered engineers to perform any analysis of the systems, components, or structural integrity of a dwelling that would constitute the practice of civil, electrical, or mechanical engineering, or to exempt a home inspector from Chapter 3 (commencing with Section 5500), Chapter 7 (commencing with Section 6700), Chapter 9 (commencing with Section 7000), or Chapter 14 (commencing with Section 8500) of Division 3.

(b) This chapter does not apply to a registered engineer, licensed land surveyor, or licensed architect acting pursuant to his or her professional registration or license, nor does it affect the obligations of a real estate licensee or transferor under Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 3 of Division 2 of, or Article 2 (commencing with Section 2079) of Chapter 3 of Title 6 of Part 4 of Division 3 of, the Civil Code. *(Added by Stats. 1996, Ch. 338, Sec. 2. Effective January 1, 1997.)*

7197. (a) It is an unfair business practice for a home inspector, a company that employs the inspector, or a company that is controlled by a company that also has a financial interest in a company employing a home inspector, to do any of the following:

(1) To perform or offer to perform, for an additional fee, any repairs to a structure on which the inspector, or the inspector's company, has prepared a home inspection report in the past 12 months.

(2) Inspect for a fee any property in which the inspector, or the inspector's company, has any financial interest or any interest in the transfer of the property.

(3) To offer or deliver any compensation, inducement, or reward to the owner of the inspected property, the broker, or agent, for the referral of any business to the inspector or the inspection company.

(4) Accept an engagement to make an inspection or to prepare a report in which the employment itself or the fee payable for the inspection is contingent upon the conclusions in the report, preestablished findings, or the close of escrow.

(b) A home protection company that is affiliated with or that retains the home inspector does not violate this section if it performs repairs pursuant to claims made under the home protection contract.

(c) This section shall not affect the ability of a structural pest control operator to perform repairs pursuant to Section 8505 as a result of a structural pest control inspection.

(d) Paragraph (1) of subdivision (a) shall not affect the ability of a roofing contractor who holds a C-39 license, as defined in Section 832.39 of Title 16 of the California Code of Regulations, to perform repairs pursuant to the contractor's inspection of a roof for the specific purpose of providing a roof certification if all of the following conditions are met:

(1) Different employees perform the home inspection and the roof inspection.

(2) The roof inspection is ordered prior to, or at the same time as, the home inspection, or the roof inspection is completed before the commencement of the home inspection.

(3) The consumer is provided a consumer disclosure before he or she authorizes the home inspection that includes all of the following:

(A) The same company that performs the roof inspection and roof repairs will perform the home inspection on the same property.

(B) Any repairs that are authorized by the consumer are for the repairs identified in the roofing contractor's roof inspection report and no repairs identified in the home inspection are authorized or allowed as specified in the roof inspection.

(C) The consumer has the right to seek a second opinion.

(4) For purposes of this subdivision, "roof certification" means a written statement by a licensed C-39 Roofing Contractor who has performed a roof inspection, made any necessary repairs, and warrants that the roof is free of leaks at the time that the certification is issued and should perform as designed for the specified term of the certification.

(Amended by Stats. 2017, Ch. 508, Sec. 1. (AB 1357) Effective January 1, 2018.)

7198. Contractual provisions that purport to waive the duty owed pursuant to Section 7196, or limit the liability of the home inspector to the cost of the home inspection report, are contrary to public policy and invalid.

(Added by Stats. 1996, Ch. 338, Sec. 2. Effective January 1, 1997.)

7199. The time for commencement of a legal action for breach of duty arising from a home inspection report shall not exceed four years from the date of the inspection.

(Added by Stats. 1996, Ch. 338, Sec. 2. Effective January 1, 1997.)

NOTE: PORTIONS OF THE HEALTH AND SAFETY CODE ARE INCLUDED IN THE TEXT OF SB442. THE FOLLOWING IS THE TEST OF THE APPLICABLE SECTIONS OF THE HEALTH AND SAFETY CODE AS APPLIED TO SB442.

THE AMENDED HEALTH AND SAFETY CODE SECTIONS 155921-115929 – THE SWIMMING POOL SAFETY ACT.

HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (*Division 104 added by Stats. 1995, Ch. 415, Sec. 6.)*

PART 10. RECREATIONAL SAFETY [115725 - 116095]

(*Part 10 added by Stats. 1995, Ch. 415, Sec. 6.)*

CHAPTER 5. Safe Recreational Water Use [115825 - 116090]

(*Chapter 5 added by Stats. 1995, Ch. 415, Sec. 6.)*

ARTICLE 2.5. The Swimming Pool Safety Act [115920 - 115929]

(*Article 2.5 added by Stats. 1996, Ch. 925, Sec. 3.5.)*

115920. This act shall be known and may be cited as the Swimming Pool Safety Act.

(*Added by Stats. 1996, Ch. 925, Sec. 3.5. Effective January 1, 1997.*)

115921. As used in this article the following terms have the following meanings:

(a) “Swimming pool” or “pool” means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. “Swimming pool” includes in-ground and aboveground structures and includes, but is not limited to, hot tubs, spas, portable spas, and nonportable wading pools.

(b) “Public swimming pool” means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the grounds of a private single-family home.

(c) “Enclosure” means a fence, wall, or other barrier that isolates a swimming pool from access to the home.

(d) “Approved safety pool cover” means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91.

(e) “Exit alarms” means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

(f) “ANSI/APSP performance standard” means a standard that is accredited by the American National Standards Institute (ANSI) and published by the Association of Pool and Spa Professionals (APSP).

(g) “Suction outlet” means a fitting or fixture typically located at the bottom or on the sides of a swimming pool that conducts water to a recirculating pump.

(*Amended by Stats. 2012, Ch. 679, Sec. 1. (AB 2114) Effective January 1, 2013.*)

115922. (a) Except as provided in Section 115925, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall be equipped with at least two of the following seven drowning prevention safety features:

- (1) An enclosure that meets the requirements of Section 115923 and isolates the swimming pool or spa from the private single-family home.
 - (2) Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
 - (3) An approved safety pool cover, as defined in subdivision (d) of Section 115921.
 - (4) Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."
 - (5) A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.
 - (6) An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.
 - (7) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).
- (b) Before the issuance of a final approval for the completion of permitted construction or remodeling work, the local building code official shall inspect the drowning safety prevention features required by this section and, if no violations are found, shall give final approval.
(Amended by Stats. 2017, Ch. 670, Sec. 4. (SB 442) Effective January 1, 2018.)

115923. An enclosure shall have all of the following characteristics:

- (a) Any access gates through the enclosure open away from the swimming pool, and are self-closing with a self-latching device placed no lower than 60 inches above the ground.
- (b) A minimum height of 60 inches.
- (c) A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.
- (d) Gaps or voids, if any, do not allow passage of a sphere equal to or greater than four inches in diameter.
- (e) An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.
(Added by Stats. 1996, Ch. 925, Sec. 3.5. Effective January 1, 1997.)

115924. (a) Any person entering into an agreement to build a swimming pool or spa, or to engage in permitted work on a pool or spa covered by this article, shall give the consumer notice of the requirements of this article.

(b) Pursuant to existing law, the Department of Health Services shall have available on the department's Web site, commencing January 1, 2007, approved pool safety information available for consumers to download. Pool contractors are encouraged to share this information with consumers regarding the potential dangers a pool or spa poses to toddlers. Additionally, pool contractors may provide the consumer with swimming pool safety materials produced from organizations such as the United States Consumer Product Safety Commission, Drowning Prevention

Foundation, California Coalition for Children’s Safety & Health, Safe Kids Worldwide, Association of Pool and Spa Professionals, or the American Academy of Pediatrics.

(Amended by Stats. 2006, Ch. 478, Sec. 3. Effective January 1, 2007.)

115925. The requirements of this article do not apply to any of the following:

(a) Public swimming pools.

(b) Hot tubs or spas with locking safety covers that comply with the American Society for Testing and Materials (ASTM F1346).

(c) An apartment complex, or any residential setting other than a single-family home.

(Amended by Stats. 2017, Ch. 670, Sec. 5. (SB 442) Effective January 1, 2018.)

115926. This article does not apply to any facility regulated by the State Department of Social Services even if the facility is also used as the private residence of the operator. Pool safety in those facilities shall be regulated pursuant to regulations adopted therefor by the State Department of Social Services.

(Added by Stats. 1996, Ch. 925, Sec. 3.5. Effective January 1, 1997.)

115927. Notwithstanding any other provision of law, this article shall not be subject to further modification or interpretation by any regulatory agency of the state, this authority being reserved exclusively to local jurisdictions, as provided for in subdivision (e) of Section 115922 and subdivision (c) of Section 115924.

(Added by Stats. 1996, Ch. 925, Sec. 3.5. Effective January 1, 1997.)

115928. Whenever a building permit is issued for the construction of a new swimming pool or spa, the pool or spa shall meet all of the following requirements:

(a) (1) The suction outlets of the pool or spa for which the permit is issued shall be equipped to provide circulation throughout the pool or spa as prescribed in paragraphs (2) and (3).

(2) The swimming pool or spa shall either have at least two circulation suction outlets per pump that shall be hydraulically balanced and symmetrically plumbed through one or more “T” fittings, and that are separated by a distance of at least three feet in any dimension between the suction outlets, or be designed to use alternatives to suction outlets, including, but not limited to, skimmers or perimeter overflow systems to conduct water to the recirculation pump.

(3) The circulation system shall have the capacity to provide a complete turnover of pool water, as specified in Section 3124B of Chapter 31B of the California Building Standards Code (Title 24 of the California Code of Regulations).

(b) Suction outlets shall be covered with antientrapment grates, as specified in the ANSI/APSP-16 performance standard or successor standard designated by the federal Consumer Product Safety Commission, that cannot be removed except with the use of tools. Slots or openings in the grates or similar protective devices shall be of a shape, area, and arrangement that would prevent physical entrapment and would not pose any suction hazard to bathers.

(c) Any backup safety system that an owner of a new swimming pool or spa may choose to install in addition to the requirements set forth in subdivisions (a) and (b) shall meet the standards as published in the document, “Guidelines for Entrapment Hazards: Making Pools and Spas Safer,” Publication Number 363, March 2005, United States Consumer Product Safety Commission.

(Amended by Stats. 2012, Ch. 679, Sec. 2. (AB 2114) Effective January 1, 2013.)

115928.5. Whenever a building permit is issued for the remodel or modification of an existing swimming pool, toddler pool, or spa, the permit shall require that the suction outlet or suction outlets of the existing swimming pool, toddler pool, or spa be upgraded so as to be equipped with antientrapment grates, as specified in the ANSI/APSP-16 performance standard or a successor standard designated by the federal Consumer Product Safety Commission. *(Amended by Stats. 2012, Ch. 679, Sec. 3. (AB 2114) Effective January 1, 2013.)*

115929. (a) The Legislature encourages a private entity, in consultation with the Epidemiology and Prevention for Injury Control Branch of the department, to produce an informative brochure or booklet, for consumer use, explaining the child drowning hazards of, possible safety measures for, and appropriate drowning hazard prevention measures for, home swimming pools and spas, and to donate the document to the department.

(b) The Legislature encourages the private entity to use existing documents from the United States Consumer Product Safety Commission on pool safety.

(c) If a private entity produces the document described in subdivisions (a) and (b) and donates it to the department, the department shall review and approve the brochure or booklet.

(d) Upon approval of the document by the department, the document shall become the property of the state and a part of the public domain. The department shall place the document on its Web site in a format that is readily available for downloading and for publication. The department shall review the document in a timely and prudent fashion and shall complete the review within 18 months of receipt of the document from a private entity. *(Added by Stats. 2003, Ch. 422, Sec. 3. Effective January 1, 2004.)*

NOTE THE ASTM STANDARDS REFERRED TO IN SB442 ARE AVAILABLE, FOR A FEE, FROM ASTM INTERNATIONAL.

CITATIONS OF THE APPLICABLE ASTM INTERNATIONAL STANDARDS REFERRED TO IN THE SWIMMING POOL SAFETY ACT.

The ASTM standards included in this article are referenced in SB 442.

ASTM F1346-91 (Reapproved 2010), “Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs,” ASTM International, West Conshohoken, PA, 2010, DOI: 10.1520/F1346-91R10, www.astm.org

ASTM F2208-08 (Reapproved 2010), “Standard Safety Specification for Residential Pool Alarms,” ASTM International, West Conshohoken, PA, 2014, DOI: 10.1520/F2208-08R14, www.astm.org

ASTM F2286-16, 2016, “Standard Design and Performance Specification for Removable Mesh Fencing for Swimming Pools, Hot Tubs, and Spas,” ASTM International, West Conshohoken, PA, 2014, DOI: 10.1520/F2286-16, www.astm.org

CREIA Standards of Practice

Residential Standards - Four or Fewer Units

- Originally Adopted September 13, 1983
- Revised November 1, 1996
- Revised April 15, 1999
- Revised July 12, 2003
- Revised April 15, 2006 — Effective July 1, 2006
- Revised August 1, 2012
- Revised January 8, 2018

Note: *Italicized words* in this document are defined in the Glossary of Terms.

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I. Definitions and Scope

These Standards of Practice provide guidelines for a real estate inspection and define certain terms relating to these *inspections*. *Italicized* words in these Standards are defined in Part IV. Glossary of Terms.

A. A *real estate inspection* is a survey and basic *operation* of the *systems* and *components* of a *building*, which can be reached, entered, or viewed without difficulty, moving obstructions, or requiring any action, which may result in damage to the property or personal injury to the *Inspector*. The purpose of the inspection is to provide the Client with information regarding the general *condition* of the *building(s)*. Cosmetic and aesthetic *conditions* shall not be considered.

B. A real estate *inspection* report provides written documentation of material defects discovered in the *inspected building's systems* and components which, in the opinion of the *Inspector*, are safety hazards, are not *functioning* properly, or appear to be at the ends of their service lives. The report may include the *Inspector's* recommendations for correction or further evaluation.

C. *Inspections* performed in accordance with these Standards of Practice are not *technically exhaustive* and shall apply to the *primary building* and its associated *primary parking structure*.

II. Standards of Practice

A real estate inspection includes the readily accessible systems and components or a representative number of multiple similar components listed in Sections 1 through 9 subject to the limitations, exceptions, and exclusions in Part III.

1. Foundation, Basement, and Under-floor Areas

A. Items to be *inspected*:

1. Foundation system
2. Floor framing system
3. Under-floor ventilation
4. Foundation anchoring and cripple wall bracing
5. Wood separation from soil
6. Insulation

B. The inspector is not required to:

1. Determine size, spacing, location, or adequacy of foundation bolting/bracing components or reinforcing systems
2. Determine the composition or energy rating of insulation materials

2. Exterior

A. Items to be inspected:

1. Surface grade directly adjacent to the buildings
2. Doors and windows
3. Attached decks, porches, patios, balconies, stairways, and their enclosures, handrails and guardrails.
4. Wall cladding and trim
5. Portions of walkways and driveways that are adjacent to the buildings
6. Pool or spa drowning prevention features, for the sole purpose of identifying which, if any, are present

B. The inspector is not required to:

1. Inspect door or window screens, shutters, awnings, or security bars
2. Inspect fences or gates or operate automated door or gate openers or their safety devices
3. Use a ladder to inspect systems or components
4. Determine if any manufacturers' design standards or testing is met or if any drowning prevention safety feature of a pool or spa is installed properly or is adequate or effective. Test or operate any drowning prevention safety feature.

3. Roof Covering

A. Items to be inspected:

1. Covering
2. Drainage
3. Flashings
4. Penetrations
5. Skylights

B. The inspector is not required to:

1. Walk on the roof surface if in the opinion of the Inspector there is risk of damage or a hazard to the Inspector
2. Warrant or certify that roof systems, coverings, or components are free from leakage

4. Attic Areas and Roof Framing

A. Items to be inspected:

1. Framing
2. Ventilation
3. Insulation

B. The inspector is not required to:

1. Inspect mechanical attic ventilation systems or components
2. Determine the composition or energy rating of insulation materials

5. Plumbing

A. Items to be inspected:

1. Water supply piping
2. Drain, waste, and vent piping

3. Faucets and fixtures
4. Fuel gas piping
5. Water heaters
6. Functional flow and functional drainage

B. The inspector is not required to:

1. Fill any fixture with water, inspect overflow drains or drain-stops, or evaluate backflow devices, waste ejectors, sump pumps, or drain line cleanouts
2. Inspect or evaluate water temperature balancing devices, temperature fluctuation, time to obtain hot water, water circulation, or solar heating systems or components
3. Inspect whirlpool baths, steam showers, or sauna systems or components
4. Inspect fuel tanks or determine if the fuel gas system is free of leaks
5. Inspect wells or water treatment systems

6. Electrical

A. Items to be inspected:

1. Service equipment
2. Electrical panels
3. Circuit wiring
4. Switches, receptacles, outlets, and lighting fixtures

B. The inspector is not required to:

1. Operate circuit breakers or circuit interrupters
2. Remove cover plates
3. Inspect de-icing systems or components
4. Inspect private or emergency electrical supply systems or components

7. Heating and Cooling

A. Items to be inspected:

1. Heating equipment
2. Central cooling equipment
3. Energy source and connections
4. Combustion air and exhaust vent systems
5. Condensate drainage
6. Conditioned air distribution systems

B. The inspector is not required to:

1. Inspect heat exchangers or electric heating elements
2. Inspect non-central air conditioning units or evaporative coolers
3. Inspect radiant, solar, hydronic, or geothermal systems or components
4. Determine volume, uniformity, temperature, airflow, balance, or leakage of any air distribution system
5. Inspect electronic air filtering or humidity control systems or components

8. Fireplaces and Chimneys

A. Items to be inspected:

1. Chimney exterior
2. Spark arrestor
3. Firebox
4. Damper
5. Hearth extension

B. The inspector is not required to:

1. Inspect chimney interiors

2. Inspect fireplace inserts, seals, or gaskets
3. Operate any fireplace or determine if a fireplace can be safely used

9. Building Interior

A. Items to be inspected:

1. Walls, ceilings, and floors
2. Doors and windows
3. Stairways, handrails, and guardrails
4. Permanently installed cabinets
5. Permanently installed cook-tops, mechanical range vents, ovens, dishwashers, and food waste disposals
6. Absence of smoke and carbon monoxide alarms
7. Vehicle doors and openers

B. The inspector is not required to:

1. Inspect window, door, or floor coverings
2. Determine whether a building is secure from unauthorized entry
3. Operate, test or determine the type of smoke or carbon monoxide alarms or test vehicle door safety devices
4. Use a ladder to inspect systems or components

III. Limitations, Exceptions and Exclusions

A. The following are excluded from a real estate inspection:

1. Systems or components of a building, or portions thereof, which are not readily accessible, not permanently installed, or not inspected due to circumstances beyond the control of the Inspector or which the Client has agreed or specified are not to be inspected
2. Site improvements or amenities, including, but not limited to; accessory buildings, fences, planters, landscaping, irrigation, swimming pools, spas, ponds, waterfalls, fountains or their components or accessories
3. Auxiliary features of appliances beyond the appliance's basic function
4. Systems or components, or portions thereof, which are under ground, under water, or where the Inspector must come into contact with water
5. Common areas as defined in California Civil Code section 1351, et seq., and any dwelling unit systems or components located in common areas
6. Determining compliance with manufacturers' installation guidelines or specifications, building codes, accessibility standards, conservation or energy standards, regulations, ordinances, covenants, or other restrictions
7. Determining adequacy, efficiency, suitability, quality, age, or remaining life of any building, system, or component, or marketability or advisability of purchase
8. Structural, architectural, geological, environmental, hydrological, land surveying, or soils related examinations
9. Acoustical or other nuisance characteristics of any system or component of a building, complex, adjoining property, or neighborhood
10. Conditions related to animals, insects, or other organisms, including fungus and mold, and any hazardous, illegal, or controlled substance, or the damage or health risks arising there from
11. Risks associated with events or conditions of nature including, but not limited to; geological, seismic, wildfire, and flood
12. Water testing any building, system, or component or determine leakage in shower pans, pools, spas, or any body of water
13. Determining the integrity of hermetic seals at multi-pane glazing
14. Differentiating between original construction or subsequent additions or modifications
15. Reviewing information from any third-party, including but not limited to; product defects, recalls, or similar notices
16. Specifying repairs/replacement procedures or estimating cost to correct
17. Communication, computer, security, or low-voltage systems and remote, timer, sensor, or similarly controlled systems or components

18. Fire extinguishing and suppression systems and components or determining fire resistive qualities of materials or assemblies
19. Elevators, lifts, and dumbwaiters
20. Lighting pilot lights or activating or operating any system, component, or appliance that is shut down, unsafe to operate, or does not respond to normal user controls
21. Operating shutoff valves or shutting down any system or component
22. Dismantling any system, structure, or component or removing access panels other than those provided for homeowner maintenance

B. The Inspector may, at his or her discretion:

1. Inspect any building, system, component, appliance, or improvement not included or otherwise excluded by these Standards of Practice. Any such inspection shall comply with all other provisions of these Standards.
2. Include photographs in the written report or take photographs for Inspector's reference without inclusion in the written report. Photographs may not be used in lieu of written documentation.

IV - Glossary of Terms

Note: All definitions apply to derivatives of these terms when italicized in the text.

- **Appliance:** An item such as an oven, dishwasher, heater, etc. which performs a specific function
- **Building:** The subject of the inspection and its primary parking structure
- **Component:** A part of a system, appliance, fixture, or device
- **Condition:** Conspicuous state of being
- **Determine:** Arrive at an opinion or conclusion pursuant to a real estate inspection
- **Device:** A component designed to perform a particular task or function
- **Fixture:** A plumbing or electrical component with a fixed position and function
- **Function:** The normal and characteristic purpose or action of a system, component, or device
- **Functional Drainage:** The ability to empty a plumbing fixture in a reasonable time
- **Functional Flow:** The flow of the water supply at the highest and farthest fixture from the building supply shutoff valve when another fixture is used simultaneously
- **Inspect:** Refer to Part I, "Definition and Scope", Paragraph A
- **Inspector:** One who performs a real estate inspection
- **Normal User Control:** Switch or other device that activates a system or component and is provided for use by an occupant of a building
- **Operate:** Cause a system, appliance, fixture, or device to function using normal user controls
- **Permanently Installed:** Fixed in place, e.g. screwed, bolted, nailed, or glued
- **Primary Building:** A building that an Inspector has agreed to inspect
- **Primary Parking Structure:** A building for the purpose of vehicle storage associated with the primary building
- **Readily Accessible:** Can be reached, entered, or viewed without difficulty, moving obstructions, or requiring any action which may harm persons or property
- **Real Estate Inspection:** Refer to Part I, "Definitions and Scope", Paragraph A
- **Representative Number:** Example, an average of one component per area for multiple similar components such as windows, doors, and electrical outlets
- **Safety Hazard:** A condition that could result in significant physical injury
- **Shut Down:** Disconnected or turned off in a way so as not to respond to normal user controls
- **System:** An assemblage of various components designed to function as a whole
- **Technically Exhaustive:** Examination beyond the scope of a real estate inspection, which may require disassembly, specialized knowledge, special equipment, measuring, calculating, quantifying, testing, exploratory probing, research, or analysis

Introduction to Inspection Requirements

As with any system we inspect. It is not sufficient to indicate a system is deficient. A prudent home inspector will note what the deficiencies are. CREIA has developed a specific method for report writing called the LIDER method. A description of the LIDER methods follows later in this article. After meetings with several attorneys, careful review of SB442, sections 7195 – 7199 of the Business and Professions code as well as sections 115920-115929 of the Health and Safety Code the following is a summary of what SB442 requires within the limits of a” non-invasive, physical inspection” as required under section 71195 (a) (1) of the Business and Professions Code.. In inspecting the Pool Safety Features each of these elements of the inspection should be included and verified.

INSPECTION REQUIREMENTS.

The requirements of the Pool Safety Act **do not apply** to any of the following:

- (a) Public swimming pools.
- (b) Hot tubs or spas with locking safety covers that comply with the American Society for Testing and Materials (ASTM F1346).
- (c) An apartment complex, or any residential setting other than a single-family home.

Safety Feature One – Enclosure

Requirements which may be identified by a non-invasive, physical inspection.

Does any access gate through the enclosure open away from the swimming pool?

Is the gate self-closing?

Is the gate self-latching?

Is the latching device no lower than 60 inches above the ground?

Is the minimum height of the enclosure 60 inches?

Is there a vertical clearance between the ground and the enclosure greater than 2 inches?

Are there any gaps or voids which would allow passage of a sphere equal to or greater than 4 inches in diameter?

Are there any protrusions, cavities, or other physical characteristics that could serve as a handhold or foothold that could enable a child to climb over the enclosure?

Safety Feature Two – Mesh Fencing

Requirements which *may be identified* by a non-invasive, physical inspection.

Is the top of the mesh fence a minimum of 48 inches above grade?

Is the mesh fence constructed, designed and fabricated to it hinder the child’s ability to climb over the fence?

Does the mesh fence have a gate?

Is the gate self-closing?

Is the gate self-latching?

Does the gate open outward from the pool?

Is there a lockable device a minimum of 54 inches and is mounted on the outside of the gate?

Is there a 20 inch minimum clear zone between the barrier and the pool/spa/hot tub?

Does the fence have at least 40% open space to allow visibility from inside the pool area?

Is the mesh fence removable?

When the mesh fence is installed in an outdoor or unenclosed pool, does it provide 360° protection?

When the mesh fence is used in a screen enclosure, does the barrier prevent unsupervised access to the pool?

Is the spacing of the vertical posts a maximum of 40 inches?

If the mesh fence uses a molding strip to attach the mesh to the vertical posts? If so are there two screws at the top and at the bottom and are the screws in between spaced no greater than 6 inches apart on center?

Is there a latching device that attaches each barrier section at a height no lower than 45 inches and provide security equal to or greater than that of a hook -and-eye-type latch?

Is the mesh fence no more than 1 inch above the deck or installed surface.

Are there any voids or gaps which could allow passage of a 4 inch rigid sphere to pass? (According to ASTM standard F2288-16 the 4 inch sphere determination is to be determined AFTER Vertical Load and Impact Testing)

Is there a label which states “Meets ASTM Standard F2286”?

Requirements which *cannot be identified* by a non-invasive, physical inspection.

Do the vertical posts extend a minimum of 3 inches below grade?

Tensile strength of the mesh material.

The descriptive performance rating of mesh discoloration.

The size of the screws used to secure a molding strip to the posts.

Determine if the mesh post sleeve material is of a nonconductive material.

Vertical Load Test: This involves threading a steel wire through the mesh at a specified height and exerting a specified vertical force for a specified time. The test is repeated every 5 feet around perimeter of the fence. After the test the fence is inspected to determine if there are any gaps or voids which could allow passage of a 4 inch rigid sphere to pass. The latching and locking device shall remain engaged.

Impact Test: A 52 pound weight (such as in Fig. 2 and 3 from ANSI Z97.1) is prepared and mounted in a specified manner and a specified mesh impact test is performed. The test is repeated every 5 feet around the perimeter of the mesh fence. After the test the fence is then inspected to determine if there are any gaps or voids which could allow passage of a 4 inch rigid sphere to pass. The latching and locking device shall remain engaged.

Review of instructions which may or may not be present.

Safety Feature Three – Approved Pool Safety Cover

Requirements which *may be identified* by a non-invasive, physical inspection.

Were any visible warning or manufacturing labels present?

Were there provisions to inhibit small children from removing or operating cover. These include ties, attachment points, anchors, anchorage, and controls for automatic covers or other means of fastening a cover such as keys, combination locks, special tools, devices or inaccessible locations.

Were there any openings in the major components or between the edge of the cover and the deck surface or coping wall which may allow a child to pass through?

Is the open-close switch spring loaded or of a momentary contact type so when releases the cover stops immediately at any point in the open or close cycle?

Does the cover reverse in direction from a full stop without having to complete the full open and close cycle?

Are the cover controls in line of sight of the cover?

Are the cover controls key operated or locked or able to be de-activated or in an inaccessible location? (An inaccessible is 5 feet above the deck.)

Are there labels present which note that the product meets the requirements described in ASTM Specification F1346?

Requirements which *cannot be identified* by a non-invasive, physical inspection.

Determine if hot tubs or spas with locking safety covers comply with the American Society for Testing and Materials (ASTM F1346).

Determine if material used in a safety cover is harmful to health.

Determine if the materials used are durable and satisfactory for the intended purpose under site conditions.

Determine if the manufacturing or fabrication was in accordance with current and accepted manufacturing practices.

Determine if the cover was installed by the manufacturer or responsible party.

Determine if the cover labeling meets the requirements of ASTM F1346-91.

Determine if the fastening mechanisms or devices perform as intended after Load and Perimeter deflection tests.
 Determine if test objects can pass through any openings or through the top of a cover.
 Determine if there is deterioration in the seams, welds or ties which would impair Static Load, Perimeter Deflection Test, Surface Drainage Test and Opening Tests.
 Static Load Test – This is a specific test using specific testing methods to determine if a pool cover of specified sizes are capable of holding specified weights in order to permit a rescue operation.
 Perimeter Deflection Test – This is a specific test using specified testing methods to determine if a cover does not allow a specified test object to pass between the cover and the side of the pool, or to gain access to the water.
 Surface Drainage Test – This is a specific test using specified testing methods to determine if a pool cover shall substantially drain standing water from the cover in a specified amount of time after normal rainfall.
 Opening Tests - This is a specific test using specified testing methods to determine if any opening in cover is sufficiently small and strong enough prevent the opening from being forced to a size which would allow a specified test object to pass between the cover and the side of the pool, or to gain access to the water.
 Determine of the presence or adequacy of labeling requirements.
 Determine if the cover controls and components are installed in accordance with NEC 680-26.

Safety Feature Four – Exit Alarm

Requirements which *may be identified* by a non-invasive, physical inspection.

Are there exit alarms on all doors that provide direct access to the swimming pool or spa that provide an alarm noise or a repeated verbal warning? (Note: Health and Safety Code 115921 (e) includes alarms on windows but verification of window alarms is not specifically required in SB442.)

Safety Feature Five – Self-Closing, Self-Latching Door Devices

Requirements which *may be identified* by a non-invasive, physical inspection.

Are there self-closing and self-latching devices with a release mechanism on placed no lower than 54 inches above the floor on each single family home door having direct access to the swimming pool or spa.

Safety Feature Six – Pool Alarms

Requirements which *may be identified* by a non-invasive, physical inspection.

Use of an individual personal alarm including an alarm attached to a child which sounds when a child exceeds a certain distance or becomes submerged in water in not a qualified drowning prevention safety feature.
 Is there an energized light or other distinctive indicator present indicating the pool alarm is on or off.
 Is there a surface alarm present?
 Is there a Subsurface alarm present?
 Is there a Pool Perimeter alarm present?
 Are there labels present which note that the pool alarm(s) meets the requirements in ASTM Safety Specification F2208?

Requirements which *cannot be identified* by a non-invasive, physical inspection.

Determine if the alarm sounds both at pool side and inside the residence via a remote receiver when tested by specified tests.
 Determine the visibility of an energized light or other distinctive indicator at specified angles and distances.
 Determine the sound pressure (decibel level) of and pool alarm or the length of time the alarm sounds.
 Determine the condition of the battery in a battery operated pool alarm.
 Determine if the pool alarm automatically resets.

Determine if wireless pool alarms meet relevant portions of FCC Part 15 rules.
Determine if a pool alarm makes both a visual and audible indication that it is deactivated due to environmental factors.
Determine if a surface alarm meets specified tests using specified materials and methods.
Determine if a subsurface alarm meets specified tests using specified materials and methods.
Determine if a pool perimeter alarm meets specified tests using specified materials and methods.
Determine the proper labeling of any pool alarm
Review of instructions which may or may not be present.

Safety Feature Seven – Other Means of Protection

Requirements which *cannot be identified* by a non-invasive, physical inspection.

Determine if any other device affords equal protection as the specified protection features.
Determine if any other safety feature has been independently verified by an approved testing laboratory as meeting ASTM or ASME (American Society of Mechanical Engineers) standards.

ADDITIONAL INSPECTION CONSIDERATIONS – PERIMETER FENCING

Requirements From the California Building Code – 3109.4.1 through 3109.4.3

Residential swimming pools shall be completely enclosed by a barrier complying with Sections 3109.4.1 through 3109.4.3.

Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F1346 need not comply with this section.

3109.4.1 Barrier height and clearances

The top of the barrier shall be not less than 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than 4 inches (102 mm).

3109.4.1.1 Openings

Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

3109.4.1.2 Solid barrier surfaces

Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

3109.4.1.3 Closely spaced horizontal members

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall be not greater than 13/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 13/4 inches (44 mm) in width.

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 13/4 inches (44 mm) in width.

3109.4.1.5 Chain link dimensions

Mesh size for chain link fences shall be not greater than a 2 1/4-inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom that reduce the openings to not more than 13/4 inches (44 mm).

3109.4.1.6 Diagonal members

Where the barrier is composed of diagonal members, the opening formed by the diagonal members shall be not greater than 13/4 inches (44 mm).

3109.4.1.7 Gates

Access doors or gates shall comply with the requirements of Sections 3109.4.1.1 through 3109.4.1.6 and shall be equipped to accommodate a locking device. Pedestrian access doors or gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Doors or gates other than pedestrian access doors or gates shall have a self-latching device. Release mechanisms shall be in accordance with Sections 1010.1.9 and 1109.13. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the door or gate, the release mechanism shall be located on the pool side of the door or gate 3 inches (76 mm) or

more, below the top of the door or gate, and the door or gate and barrier shall be without openings greater than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

3109.4.1.8 Dwelling wall as a barrier

Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. In dwellings not required to be Accessible units, Type A units or Type B units, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be Accessible units, Type A units or Type B units, the deactivation switch shall be located not higher than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the threshold of the door.

The pool shall be equipped with a power safety cover that complies with ASTM F1346.

Other means of protection, such as self-closing doors with self-latching devices, which are approved, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Item 1 or 2 above.

3109.4.1.9 Pool structure as barrier

Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier that meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. Where the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

3109.4.2 Indoor swimming pools

Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.4.1.8.

3109.4.3 Prohibited locations

Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

3109.4.4 Private swimming pools (statewide)

These regulations are subject to local government modification. The applicable local government requirements at the time of application for a building permit should be verified. These standards become applicable commencing January 1, 1998, to a private, single-family home for which a construction permit for a new swimming pool has been issued on or after January 1, 1998.

HOW TO REPORT YOUR FINDINGS

After careful review of the law, and as reflected in the **Inspection Requirements** section earlier, CREIA's attorney has indicated that we report on the safety features which are present. Note any deficiencies which are present and indicate what we were unable to verify based on a noninvasive, physical examination of the safety features. CREIA has developed a system for reporting called the LIDER method. LIDER stands for:

Locate	Where is it?
Identify	What is it?
Describe	What is its condition?
Explain	What does it mean? What are the implications of your observations?
Recommend	What should be done? Could you confirm compliance with ASTM standards? Is further evaluation in order?

The exact form of your report may vary from inspector to inspector. However, remember we are required to state which of the seven pool safety features are present. We are also required to state if there are fewer than two pool safety features present. CREIA's attorney had advised in our report we note the deficiencies in each of the pool safety features which are present. We also report on aspects of the safety features which cannot be determined by a physical, non-invasive inspection. See the Inspection Requirement section earlier in this article for more details.

COMMON QUESTIONS ABOUT THE BILL

*Does the bill require a **pool inspection** to include a **pool safety feature inspection**?* The law does not address pool inspections. It specifically addresses a single family home which is being transferred, with a pool, in which there is a home inspection. The home inspection shall report on the pool safety features.

If there has been a pool inspection and pool safety features are included in the pool inspection report does the home inspection report still have to include pool safety features in his or her report? Yes, the law does not address pool inspections. It addresses what is required in the home inspection report.

Does the law require repair of deficient or installation of missing pool safety features? No, there is no requirement for repair or installation of pool safety features for an existing pool unless the pool is in the process of being remodeled.

Is the client able waive inspection of the pool features? There is no provision in the law for waiving the inspection of pool safety features.

Why are window exit alarms not included in safety feature four? I have not heard an explanation as to why window alarms are not included in the bill. The definition of an exit alarm [H&C 115921(e)] includes doors and windows which provide direct access to the pool area. However the text of safety feature four [H&C 115922(4)] does not specific window alarms. The question each home inspection needs to answer is “Would a reasonably prudent home inspector include exit alarms on windows?”.

Are fountains or fish ponds included in the safety feature requirement? The definition in H&C 115921 (a) says the **INTENT** of the body of water must be for “swimming or recreational bathing” and contains 18 inches of water.

Will my Errors and Omission insurance automatically cover me for the new law and will my premium go up as the result of the new law? Check with your insurance carrier.

If there is an ASTM label on a pool safety feature, does that mean the feature meets the requirement of the law? Not necessarily. A mesh fence may have an ASTM label but could be in significant disrepair. A pool cover may have an ASTM label but have a large hole in it.

The mesh fence is required to be a minimum of 48 inches high, but the locking device is required to be a minimum of 54 inches? How can that be? There will need to be an extension device to elevate the lockable device to 54 inches.

Is there a phase in or learning period? The law went into effect on January 1, 2018. There is no provision of a phase in or learning period.

Is there an additional fee for inspection of the pool safety features? That is an inspector business decision?

Did the State of California notify the home inspectors of the new law? No, CREIA as a service to its membership sent out several notifications to our membership and has conducted, and continues to conduct, informational chapter meetings and tool boxes throughout the state.

Did the State of California notify the Realtors of the new law? I am not aware of any such notification. (Note: Most of the Realtors I have talked to are not aware of the new law.)

What is our Standard of Care related to the new law? The new law has specific requirements. However, as with any aspect of our home inspection, the questions before each of us is “What would a reasonable prudent inspector do?”. That is the standard of care to which we are ultimately held.

Is a perimeter fence required in the law? The law does not address a perimeter fence. However the California Building Code does. Should you as a reasonable prudent home inspector comment on perimeter fencing? I think so.

Do the pool safety feature apply to indoor swimming pools? There is no exemption in the law for indoor swimming pools.

The law only requires that we indicate which of seven safety provisions are present and report if there are fewer than two present. Why report on specific deficiencies? When an water heater is inspected, we go beyond noting that it was present. We note specific deficiencies with the water heater. When a subpanel is inspected, we go beyond noting that it was present. We note specific deficiencies with the subpanel. Reporting of deficiencies of systems and components is required by our Standard of Practice and expected by our Standard of Care. CREIA's attorney had advised inspection of pool safety features are no different.

What is the biggest challenge regarding the new law? The biggest challenge is getting accurate information out to our membership. We are aware of published news articles with inaccurate information. There has been misinformation disseminated to inspectors and chapters (CREIA as well as non-CREIA chapters) by well-meaning but mis-informed individuals.

IMPLICATIONS FOR THE REAL ESTATE COMMUNITY BASED ON THE BILL.

There are several implications for the real estate community.

1. Much of the real estate community is not aware of the new law. Since there is a vast number of Realtors who are not aware of the new law, there is no urgency to learn about the law.
2. Realtors are required to conduct an Agents Visual Inspection Disclosure
“California law requires, with limited exceptions, that a real estate broker or salesperson (collectively, "Agent") conduct a reasonably competent and diligent visual inspection of reasonably and normally accessible areas of certain properties offered for sale and then disclose to the prospective purchaser material facts affecting the value or desirability of that property that the inspection reveals.” - Quoted from the California Association of Realtors Agents Visual Inspection Disclosure form.
The clear implication is that Realtors should include pool safety features in their AVID.
3. There is also the concern about negligent disclosure. Does the Realtor have exposure for referring a home inspector who is not fully aware and prepared to conduct a pool safety feature inspection as part of the home inspection? I leave that for the lawyers. However, there is precedent for negligent referral concerns.

HISTORY OF THE BILL.

Date	Action
10/11/17	Chaptered by Secretary of State. Chapter 670, Statutes of 2017.
10/11/17	Approved by the Governor.
09/19/17	Enrolled and presented to the Governor at 4 p.m.
09/13/17	Assembly amendments concurred in. (Ayes 39. Noes 1. Page 2836.) Ordered to engrossing and enrolling.
09/11/17	In Senate. Concurrence in Assembly amendments pending.
09/11/17	Read third time. Passed. (Ayes 59. Noes 12. Page 3161.) Ordered to the Senate.
09/07/17	Ordered to third reading.
09/07/17	Read third time and amended.
08/24/17	Read second time. Ordered to third reading.
08/23/17	From committee: Do pass. (Ayes 10. Noes 3.) (August 23).
07/11/17	From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (July 11). Re-referred to Com. on APPR.
06/28/17	From committee: Do pass and re-refer to Com. on HEALTH. (Ayes 7. Noes 0.) (June 28). Re-referred to Com. on HEALTH.
06/05/17	Referred to Coms. on H. & C.D. and HEALTH.
05/23/17	In Assembly. Read first time. Held at Desk.
05/22/17	Read third time. Passed. (Ayes 37. Noes 0. Page 1135.) Ordered to the Assembly.
05/16/17	Read second time. Ordered to third reading.
05/15/17	From committee: Be ordered to second reading pursuant to Senate Rule 28.8.
05/04/17	Set for hearing May 15.
05/03/17	May 8 hearing postponed by committee.
05/01/17	Set for hearing May 8.
04/25/17	From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0. Page 824.) (April 24). Re-referred to Com. on APPR.
04/20/17	Set for hearing April 24.
04/19/17	From committee: Do pass and re-refer to Com. on B., P. & E.D. with recommendation: To consent calendar. (Ayes 12. Noes 0. Page 751.) (April 18). Re-referred to Com. on B., P. & E.D.
04/04/17	Set for hearing April 18.
03/29/17	Re-referred to Coms. on T. & H. and B., P. & E.D.
03/20/17	(Corrected March 21).

Date	Action
03/20/17	From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.
02/23/17	Referred to Com. on RLS.
02/16/17	From printer. May be acted upon on or after March 18.
02/15/17	Introduced. Read first time. To Com. on RLS. for assignment. To print.

NOTE: CREIA became involved in Legislative issues at the end of April 2017

SENATE ANALYSIS OF THE BILL

SENATE ANALYSIS: (Quoted From the Office of the Senate Floor Analysis)

Existing law: (Note: Before the passage of SB442)

- 1) Defines a swimming pool as a structure intended for swimming or recreational bathing with a water depth of over 18 inches, including in-ground and aboveground structures, hot tubs, spas, portable spas, and non-portable wading pools.
- 2) Requires that, when a building permit is issued for the construction or remodel of a swimming pool at a private single-family home, one of the following seven drowning prevention features be installed:
 - a) An enclosure separating home access points from the pool and meeting specific requirements with respect to height, gaps, latches, and any features that could serve as handholds or footholds.
 - b) A removable mesh fence meeting specific standards set by the American Society for Testing and Materials (ASTM), and equipped with a self-closing, self-latching gate that can accommodate a lock.
 - c) A pool cover meeting specific ASTM standards.
 - d) Exit alarms on all doors that provide access from the home to the pool.
 - e) Self-closing, self-latching devices, with release mechanisms placed no lower than 54 inches above the floor, on all doors that provide access from the home to the pool.
 - f) A pool alarm designed to sound in the event of an unauthorized entrance into the water and independently certified as meeting specific ASTM standards.
 - g) Another feature providing as much or more protection than the above devices and independently verified as meeting ASTM or American Society of Mechanical Engineers standards. SB 442 Page 3
- 3) Requires local building code officials to inspect drowning-prevention features installed to comply with these requirements and to give final approval for the completion of construction or remodeling if no violations are found.
- 4) Requires any person who agrees to build a swimming pool or spa or to engage in work on a pool or spa that requires a permit, to give the consumer notice of the above described drowning-prevention requirements.
- 5) Exempts the following from these requirements:
 - a) Public swimming pools.
 - b) Hot tubs and spas with locking safety covers that meet specified ASTM standards.
 - c) Pools within the jurisdiction of a political subdivision that adopts a swimming pool safety ordinance that is at least as strict as existing state law.
 - d) Apartment complexes or residential settings other than single-family homes.
- 6) Defines a home inspection as a noninvasive physical examination of a property, performed for a fee in association with a home sale, designed to identify material defects in key systems and components, and describes what must be included in home inspection reports.

This bill:

- 1) Requires that when a pool at a private, single-family residence is constructed or remodeled, at least two of the drowning prevention features described in existing law must be installed.
- 2) Specifies that exit alarms on home doors leading to a pool may use a verbal warning (e.g., a repeating notification that “the door to the pool is open”) or an alarm noise.
- 3) Requires that when a property with a pool is transferred:
 - a) The home inspection must include a physical examination of the pool to determine which, if any, of the seven drowning prevention features described in existing law it is equipped with.
 - b) The home inspection report must identify which of these drowning prevention features the pool is equipped with and specifically state if fewer than two are installed. SB 442 Page 4
- 4) Repeals the exemption in existing law for pools in jurisdictions that adopt more stringent swimming pool safety standards.

Background

California's original Pool Safety Act (Setencich, Chapter 925, Statutes of 1996), which went into effect on January 1, 1997, required all new swimming pools constructed at private, single-family homes be equipped with either a permanent fence, a pool cover meeting certain safety standards, exit alarms or self-closing, self-latching devices on all doors providing access to the pool, or another safety feature providing as least as much protection as the specified four. The act was amended in 2006 (Mullin, Chapter 478, Statutes of 2006) to reflect the availability of two additional drowning-prevention features: removable mesh fencing and pool alarms that sound when a person enters the water. The 2006 act also expanded the scope of the law to include pools that undergo a remodel requiring a building permit.

Comments:

1) *Purpose of this bill.* According to the author, the state's Pool Safety Act has not been updated for more than two decades. Meanwhile, unintentional injury remains the leading cause of death and hospitalization for California's youth 0- 19 years old and drowning remains one of the eight leading causes of unintentional injury for California's children. The author notes that according to research, three pieces are needed to prevent drowning: water safety training for parents and children, active supervision of young children, and pool safety barriers. This bill is intended to support this objective by addressing pool safety barrier deficiencies in California's existing Pool Safety Act. Specifically, it increases the number of drowning prevention features required under the act from one to two, adds requirements to the home inspection process that inform new homeowners of whether their pools are equipped with adequate safety features, and expands the types of pool door alarms that qualify as a drowning prevention feature under the act.

2) *A big intervention for a big problem.* From a public health and safety standpoint, drowning deaths among very young children are a persistent and serious problem that justifies major state intervention. Unintentional injuries are the leading cause of death for children between the ages of 0 and 19. According to the Centers for Disease Control and Prevention, drowning is the second leading cause of death for children between ages 1 and 4, behind birth defects. Most drownings of children between ages 1 and 4 occur in home swimming pools. For every child in this age cohort who dies from drowning, SB 442 Page 5 five or more suffer near-drowning injuries, which can cause permanent brain injury and lifelong disability. In addition to the emotional and financial impact these deaths and injuries have on individual families, the disabilities associated with near-drownings impose major, long-term costs on the state.

3) *The case for redundancy.* The International Building Code and most U.S. states require only one barrier restricting access to residential pools; however, the author notes that unintentional injury prevention and public health advocates support the use of two drowning prevention safety features. The primary rationale for this position is that a single safety feature may malfunction or become disabled. This contention makes sense when one considers that at least two of the allowable safety features are designed to be disabled: pool entry alarms can be put into "sleep" mode when the pool is in use, and removable fencing is, as the name suggests, removable. Similarly, door alarms may run out of batteries, and latches may break. A second safety feature would provide backup to busy families that forget to replace an alarm or a removable fence, or who cannot immediately fix a malfunctioning latch or alarm.

4) *At what price?* The safety measures referenced by this bill encompass both low- and high-cost features. Door alarms are inexpensive enough (\$20-\$70 each) that multiple access points can be secured for less than \$100. The costs of self-closing, self-latching doors vary from \$15 (for use on gates; self-installation) to over \$200. ASTM-approved pool alarms can be purchased for between \$55 and \$500. Removable mesh fencing and manual pool covers generally run between \$1,200 and \$3,000, depending on the size of the pool. The most expensive drowning prevention devices (permanent fencing and automatic pool covers) may exceed \$5,000. It is also important to bear in mind that under this bill, drowning prevention safety features would only be required on a newly constructed swimming pool (\$25,000-\$50,000) or as part of a substantial remodel (\$5,000-\$20,000). While the bill does impose some burden on homeowners, the costs are triggered by elective expenditures of a much greater magnitude.

5) *Do more safety features mean fewer drownings?* The state does not currently track the number and type of drowning prevention features that were installed on a pool where a drowning or near-drowning event occurred. In the absence of this data, it is impossible to know whether the single barrier required under existing law is providing adequate protection. A bill that would have provided this information, AB 299 (Brown), died in the Assembly two years ago. Another measure, AB 2425 (Brown), would have directed the State Department of Public Health to

develop standards for collecting data from unintentional SB 442 Page 6 injury incidents involving children, but died in the Senate in 2016. One goal of that legislation was to ensure that the most relevant data are collected for each unintentional injury type. This bill uses a different approach, placing the burden of pool safety on pool owners by requiring them to control access to their pools. This may be a more direct and cost-efficient response to residential pool drownings than imposing extensive data collection requirements on state and local governments in order to inform future policy interventions. Ultimately, however, better protecting children's health and safety will require more and better information about drowning accidents as well as additional safety requirements for residential pools.

6) *Point-of-sale as a point of intervention.* The requirements of the Pool Safety Act have always been applied prospectively, leaving many pools out of reach of the law. Pools built before 1997 that have not undergone a significant remodel since 2007 are currently not required to install any drowning prevention safety features, and the findings of the 2006 Pool Safety Act suggest that as many as one million pools were constructed in California before the first drowning prevention requirements went into effect in 1997. Last year, a version of this bill attempted to extend the act's protections by requiring pools to be brought into compliance at the time of a property sale. In response to concerns cited by the California Association of Realtors, the author took amendments to remove this requirement. Rather than making pre-1997 pools comply with the Pool Safety Act when they are sold, this year's version of the bill imposes minor changes to the existing home inspection process intended to inform prospective home buyers whether a property's pool is equipped with safety features that meet the standards in current law. This makes use of the point-of-sale as an educational opportunity without imposing additional requirements on pool owners.

7) *Repealing the exemption for jurisdictions with more stringent regulations.* Existing law provides an exemption from the Pool Safety Act for local governments that adopt more stringent pool safety requirements. This bill removes that long-standing exemption. Local jurisdictions would still be free to adopt their own pool safety ordinances. However, any requirements they imposed would be additional to the requirements in state law rather than a substitute for them. Local governments would therefore not be constrained from adopting more stringent pool safety policies, but they would face a disincentive to developing policies that differ strongly from the state's approach.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes SB 442 Page 7 According to the Assembly Appropriations Committee, the bill is keyed a state mandate, but staff assumes that any local code enforcement or other costs would not be state-reimbursable because locals have the authority to charge fees to fully offset inspection and enforcement costs.

CREIA POWER POINTS BASED ON THE BILL.

CREIA has developed three power points related to the new law.

The first power point is an overview of the law specifically tailored for the home inspector. The power point has been presented to hundreds of inspectors in chapter meetings and toolboxes throughout the state. A narrated version is being developed.

A second power point is a review of the law covered in the first power point and a further discussion on how to report pool safety findings.

The last power point is specifically targeted to inform those in the Real Estate Community.

The Power Points are constantly being reviewed and updated.

To schedule a presentation contact the CREIA office.

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CALIFORNIA HOME INSPECTION LEGISLATIVE ACTION COALITION – CHILAC

The California Home Inspectors Legislation Action Coalition (CHILAC).

Due to the heavy legislative season and the likelihood of the same continuing, the California Home Inspectors Legislative Action Coalition (previously the California Coalition of Home Inspectors) has been created. The purpose of the Coalition (aka CHILAC) is to build consensus among home inspectors in California with regard to legislation.

The CHILAC Steering Committee will meet during the CREIA Annual Conference (date/time to be determined). The Chair of the Steering Committee shall be the Chair of the CREIA Legislative Committee.

Donating individuals, chapters, organizations are members of CHILAC. Funds raised in donations to the CHILAC will assist with costs associated with legislative activity.

CREIA will promote the CHILAC and encourage direct donations, 50/50 opportunity drawings, and other fund raising activities to CREIA Chapters (a few have already voted and pledged to donate), ASHI Chapters, and other inspector groups and individuals in California. There is a donation link on the CREIA homepage where individual CREIA and ASHI members and other home inspectors may donate online.

Donations can be made via:

Check: Checks are to be payable to CREIA and mailed to 65 Enterprise, Aliso Viejo, CA 92656. Please indicate the contribution is for CHILAC.

Credit card: Credit card payment can be made online at the CREIA website.