

Building 'Common sense' building codes proposed

By JOAN KLINGENBERG

Innovative and sweeping changes in Santa Cruz County building codes, termed a "national first," have been proposed to county supervisors.

If adopted, the new codes would allow homeowners to incorporate such things as solar and wind generated energy devices, adobe walls and compost privies into the designs of their homes.

"The proposed ordinances could serve as a model for counties everywhere. I think they are a major breakthrough in terms of a common sense approach to building regulation that respects people as well as public health and safety," said state architect Sim van der Ryn, an advisory member of the county committee on "alternative standards for owner-built and owner-occupied dwellings." The nine-member committee has been working for the past six months on the building code recommendations.

Hal Levin, chairman of the committee, told reporters in Santa Cruz this morning homebuilding by owners is the most flexible and least expensive way to build homes. However, he said "an individual's right to

choose a particular lifestyle and build their own home has come into conflict with government's efforts to protect public health and safety. An individuals efforts to build economic, ecologically-sound housing conflicts with bureaucratic and administrative need and convenience."

Levin is a Gov. Brown appointee to the state Board of Architectural Examiners.

Another committee member, Anon Forrest, said the state's building codes have been written by a "fraternal organization of building officials who are not elected and have no liability whatsoever for good faith judgments."

Ms. Forrest, also a member of the state commission on housing and community development, added; "In most counties there are no building codes. There are none in the city of Houston."

She said nationwide 40 percent of homes are built by homeowners, but in California only 2 percent of homes are owner-built.

"It is becoming impossible to build your own home here and still recognize an economic advantage," Ms. Forrest remarked.

The proposed changes do not mean homeowners would be exempt from building permit procedures, Levin said.

Also, to assure the proposed codes are applied only in cases where the owner-builder actually lives in the home, permits on owner-built homes will require

the home not to be rented or sold for two years.

However, Levin said this does not mean a homeowner could not hire someone to do the work.

Nothing in the proposed ordinances would spark a population increase, Levin said. He said the new ordinances would

allow building on parcels which would be considered buildable anyway.

According to Levin, there are probably 10,000 people living in houses in the county today which do not meet building code standards, "and that is probably a conservative estimate." Since

much of the non-code construction occurs in remote and rural areas, he said "it has been clandestine by its very nature."

One committee recommendation would allow the new codes to be retroactive, so that owner-builders would be able to obtain permits to legalize existing structures which are now considered illegal.

The proposed changes would also apply to the remodeling of houses.

The recommendations include a "challenge to the validity of existing building codes, designed by the building industry without consumer input."

Also, the committee draws a distinction between houses built by owners and those which are commercially constructed.

The committee maintains one has a constitutional right to build his own home.

Ms. Forrest remarked: "Our laws for the construction industry have completely ignored the tradition of home building as a family function, and freedom for residents to determine for themselves standards of luxury and convenience."

"I cringe to think what would happen to Abe Lincoln's family in California today!"

She said Santa Cruz County "ought to be applauded for recognizing these freedoms of choice in an effort to reconcile owner builders to choiceless building laws."

The recommendations also call for a change in the role of the building inspector "from

policeman to advisor and helper." Help should be given to the consumer just as help has been given to commercial builders by government officials, the committee maintains.

The new codes would allow the construction of teepees, lightweight domes and log cabins.

Highlights of the recommendations include:

—Permitting the use of non-rotted salvaged lumber and homemade wood shingles and shakes, as long as they are durable.

—Allowing compost privies, low voltage electrical systems which are more compatible with a solar or wind generated system, adobe walls, pier

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foundations, and ladders instead of stairs.

—Loosening regulations requiring running water, indoor plumbing, and flush toilets, electrical hookups and forced-air heating.

—Allowing wood-burning stoves as a primary source of heat and the use of "grey water" reclamation systems.

The committee was formed by supervisors in response to a proposal from the state that counties have an option to adopt so-called "Class K" building

regulations. The Class K regulations are similar to those being proposed by the county committee, except Class K only applies to construction in rural areas.

Richard Spohn, a lawyer and member of the state department of consumer affairs, takes issue with an opinion by Attorney General Evelle Younger which criticizes the Class K regulations. Spohn maintains the attorney general's opinion ignores policy statements on home construction or the legislature and also

ignores other legal opinions from the attorney general's staff.

"It is possible that special provisions governing owner-built housing may be constitutionally required, particularly in view of escalating costs of industry-produced housing," Spohn said.

County Director of Environmental Health Ray Talley warned: "There is not necessarily a uniform opinion on the report. Those involved with county government are quite concerned with some issues." Talley is also a member of the committee.

He said there will be problems with regulating the proposed codes and health hazards could occur if privies are not properly maintained. Also criticizing the report is was Senior Building Inspector Al Theis who maintains some proposed changes are already written into the building codes. The committee is recommending that supervisors first make changes in policies which would not require rewriting of ordinances, then tackle the task of drafting new ordinances.