

SPECIAL ALERT



RENTAL HOUSING ASSOCIATION OF SACRAMENTO VALLEY

July 9, 2008

New Regulation Prohibits the Use of Most Barbecues at Apartment Communities

RHA urges industry to comply with new fire safety rules

Background

In 2007, the California Building Standards Commission adopted many of the rules from the International Fire Code that provide restrictions on the usage and storage of most barbecues at apartment communities. The new regulation does not apply to single-family homes and duplexes. The new regulations, which took effect this year, now prohibit most barbecues used by renters at apartment communities. Local fire officials report that they do not plan to conduct proactive inspections of apartment communities, but will respond to complaints from neighbors and may issue citations to non-compliant residents. Therefore, rental owners and property managers should ensure that their policies and procedures address the new rules.

New Regulation

The new regulation enforced by the local fire departments in the Sacramento region reads as follows:

2007 California Fire Code, Section 308.3.1 Open-flame cooking devices

Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction.

Exceptions:

- 1. Single family homes and duplexes.**
- 2. Where buildings, balconies and decks are protected by an automatic sprinkler system.**
- 3. Liquefied-petroleum LP (which includes propane) gas fueled cooking devices having LP gas container with a water capacity not greater than 2.5 pounds (1 pound LP-gas capacity).**

The rule exempts apartment buildings where the structure, balcony and deck are protected by an operable automatic sprinkler system. According to local building officials, some apartment buildings five years or newer may be exempt. Also, the rule allows a resident to use an electric barbecue or one that has a liquefied-petroleum gas container capacity of 1 pound or less which are similar to those used for camping. Most barbecues sold at major retailers come with a container capacity of 5 pounds or greater which is prohibited at apartment communities under the regulation.

Recommendation

Rental owners and property managers should notify all existing and prospective residents about the new regulation and take steps to comply with the new rule.

The California Apartment Association's Compliance and Forms Committee will discuss revising the current rental agreement forms to include a prohibition on specific barbecues. RHA will notify members once this form is available. Most current rental forms including those produced by CAA contain a clause requiring residents to comply with all federal, state and local laws which should cover this new regulation. Members using their own forms should consult an experienced landlord/tenant attorney.

For more information, contact RHA Deputy Director Cory Koehler at (916) 920-1120 ext. 206 or email cory@rha.org

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