

September 13, 2022

C-9

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution acknowledging receipt of the annual report regarding the inspection of certain occupancies, including schools, hotels, motels, lodging houses, apartments, and residential care facilities, pursuant to Section 13146.4 of the California Health and Safety Code. (Citywide)

DISCUSSION

On December 2, 2016, in Oakland, California, a fire broke out during a concert in a warehouse, known as the Ghost Ship, that had been illegally converted into an artist collective with dwelling units. The Ghost Ship Fire killed 36 people and became the deadliest building fire in California since 1906. This tragedy drew national attention and put a spotlight on fire safety laws and inspections in California. Since then, Statewide efforts have been made to increase fire safety and accountability in California cities.

Senate Bill 1205 is State legislation resulting directly from the findings of this incident. Prior to the Ghost Ship Fire, Sections 13146.2 and 13146.3 of the California Health and Safety Code (Code) required fire departments to conduct annual inspections of certain occupancies, including schools, hotels, motels, lodging houses, apartments, and residential care facilities. Senate Bill 1205 amended the Code, adding Section 13146.4 to require each fire department to report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3 of the Code. The Code requires this report to occur when the administering authority discusses its annual budget and requires the administering authority to acknowledge receipt of the report in a Resolution or similar formal document.

The California State Fire Marshal mandates inspections to be performed annually in all public and private schools (Group E Occupancy), hotels, motels, lodging houses, apartment houses, and dwellings (Group R-1, R-2, R2.1, and R-4 Occupancy). Under the direction of the City of Long Beach's (City) Fire Marshal, most of these annual inspections are performed by civilian fire inspection staff in the Fire Prevention Bureau, with the balance conducted by staff on engine companies.

A total of 8,384 sites requiring State-mandated inspections were identified for calendar year 2021, including 8,276 residential and 108 educational sites. Of all State-mandated sites, 2,291 were inspected, resulting in a compliance rate of approximately 27 percent, compared to 41 percent in 2020. For residential sites, engine companies performed 221 inspections and Fire Prevention staff performed 1,963 inspections, for a total of 2,184. This resulted in a compliance rate of approximately 26 percent, compared to 40 percent in 2020. Fire Prevention staff performed a total of 107 school inspections out of 108. This is a compliance rate of 99 percent for this reporting period, compared to 92 percent in 2020.

There are many variables that impact the ability to complete annual inspections, which include staffing, number of required inspections, and emergency/non-emergency call volume. The Long Beach Fire Department engine and truck companies are increasing the number of fire inspections conducted annually. However, during this reporting period, civilian Fire Prevention staffing levels were below budgeted levels, with as many as four vacancies at one point in the calendar year, leaving the Fire Prevention Bureau with as few as two civilian Inspectors for the first three months of the year. Additionally, the COVID-19 pandemic greatly impacted compliance, as there were periods when there were no staff members to conduct inspections. As of May 2022, the Fire Department had filled all budgeted Combination Building Inspector Aide positions, including the three additional positions approved in the Fiscal Year 2022 Budget, which were added to increase the number of inspections and improve compliance. This increase in staffing levels will allow the Department to significantly improve the number of inspections completed. Additionally, further efficiencies are anticipated with the transition from paper inspection forms to an electronic reporting system.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez on August 18, 2022 and by Budget Analysis Officer Greg Sorensen on August 15, 2022.

TIMING CONSIDERATIONS

City Council action is requested on September 6, 2022, to coincide with the discussion of the annual budget as required by the California Health and Safety Code.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation. This recommendation has minimal staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.


SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


XAVIER ESPINO
FIRE CHIEF

APPROVED:


THOMAS B. MODICA
CITY MANAGER

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH, CALIFORNIA ACKNOWLEDGING
RECEIPT OF A REPORT MADE BY THE FIRE CHIEF OF
THE LONG BEACH FIRE DEPARTMENT REGARDING THE
INSPECTION OF CERTAIN OCCUPANCIES REQUIRED TO
PERFORM ANNUAL INSPECTIONS IN SUCH
OCCUPANCIES PURSUANT TO SECTION 13146.4 OF THE
CALIFORNIA HEALTH AND SAFETY CODE

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

WHEREAS, California Health & Safety Code Sections 13146.2 and 13146.3
require all fire departments, including the Long Beach Fire Department, that provide fire
protection services to perform annual inspections in every building used as a public or
private school, hotel, motel, lodging house, apartment house, and certain residential care
facilities for compliance with building standards, as provided and,

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

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

NOW, THEREFORE, the City Council of the City of Long Beach resolves as

1 follows:

2 Section 1. The Council of the City of Long Beach expressly acknowledges
3 the measure of compliance of the Long Beach Fire Department with California Health and
4 Safety Code Section 13146.2 and 13146.3 in the area encompassed by the City of Long
5 Beach as follows:

6 A. Educational Group E Occupancies: Educational Group E
7 occupancies are generally those public and private schools, used by more than six
8 persons at any one time for educational purposes through the 12th grade. Within the City
9 of Long Beach, there lie 108 Group E occupancies, buildings, structures and/or facilities.

10 During calendar year 2021, the Long Beach Fire Department
11 completed the annual inspection of 107 Group E occupancies, buildings, structures
12 and/or facilities. There were 108 total Group E occupancies in 2021. This is a
13 compliance rate of 99% for this reporting period.

14 Additional items of note regarding this compliance rate can be found
15 in the accompanying staff report for this resolution.

16 B. Residential Group R Occupancies: Residential Group R
17 occupancies, for the purposes of this resolution, are generally those occupancies
18 containing sleeping units, and include hotels, motels, apartments (three units or more),
19 etc. as well as other residential occupancies (including a number of residential care
20 facilities). These residential care facilities have a number of different sub-classifications,
21 and they may contain residents or clients that have a range of needs, including those
22 related to custodial care, mobility impairments, cognitive disabilities, etc. The residents
23 may also be non-ambulatory or bedridden. Within the City of Long Beach, there lie 8,276
24 Group R (and their associated sub-categories) occupancies of this nature.

25 During calendar year 2021, the Long Beach Fire Department
26 completed the annual inspection of 2,184 Group R occupancies, buildings, structures
27 and/or facilities. This is a compliance rate of approximately 26% for this reporting period.

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Additional items of note regarding this compliance rate can be found in the accompanying staff report for this resolution.

Section 2. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of September 6, 2022, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

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