

Rec'd @ PC mtg
11/29/18

DIVISION II ADMINISTRATION

topography of the site render the elevation standards of Section R322 inappropriate.

2. Failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.
3. The granting of modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. The modification is the minimum necessary to afford relief, considering the flood hazard.
5. Written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the design flood elevation increases risks to life and property, has been submitted to the applicant.

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the California Codes shall be an alternative to the specific requirements of this code. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

R104.11.1 Tests. Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION R105 PERMITS

R105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to

erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

R105.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures, provided that the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Rec'd 11/29/18 @ PCmtg

Guide for Local Amendments of Building Standards

This guide provides information for local government and Fire Protection Districts on the requirements of state law for local amendments to building standards.



July 2016



An educational publication from the California Building Standards Commission
Available at www.bsc.ca.gov

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

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Introduction

This guide is provided by the California Building Standards Commission (CBSC hereafter) for the purpose of assisting local government with the requirements in state law applying to local amendments to the California Building Standards Code, in Title 24, California Code of Regulations, as published by the CBSC. This guide supersedes previously issued CBSC Information Bulletins 10-03 and 11-01. While state laws are explained and clarifying information is provided, not every state law pertaining to a local amendment may be identified or discussed. Reprints of the laws and regulations referenced herein are provided in Appendix 1 and 2 at the end of this guide.

This guide and other educational documents are available at no charge from the CBSC website <http://www.bsc.ca.gov>. In particular, our *Guide to Title 24* should be studied by persons not already trained in the application and use of Title 24. Much of the discussion in our *Guide to Title 24* provides background information that will be helpful when using this guide. A listing of our educational publications is provided in Appendix 3 at the end of this guide. If you have not studied our *Guide to Title 24*, keep these fundamentals in mind as you read this guide.

-  State laws are enacted through the legislative process.
-  State regulations, including building standards, are enacted by state agencies as required by state laws for the purpose of implementing, interpreting, clarifying and carrying out the requirements of state law.
-  The CBSC is required by state law to adopt, approve, and publish building standards in Title 24, California Code of Regulations, that apply statewide to all building occupancies.

Glossary of Terms, Acronyms, and Abbreviations

The following terms, acronyms, and abbreviations are used in this guide.

CBC: means the California Building Code, which is Part 2 of Title 24, California Code of Regulations.

CBSC: means the California Building Standards Commission

CEC: means the California Energy Commission

GC: Government Code (state law)

HCD: Department of Housing and Community Development

HSC: means the Health and Safety Code (state law)

PRC: means the Public Resources Code (state law)

SHBSB: means the State Historical Building Safety Board

California Code of Regulations (CCR): Regulations by the Executive Branch agencies and departments of state government adopted to implement state laws. The CCR is subdivided into 28 titles (Title 1 through 28). Each title has a particular subject area.

Title 24: the 24th of 28 titles subdividing the California Code of Regulations. Title 24 contains building standards governing the design and construction of buildings throughout California.

Title 25: the 25th of 28 titles subdividing the California Code of Regulations. Title 25 has regulations adopted by the Department of Housing and Community Development.

A more extensive *Glossary of Terms* relating to the adoption, publication, and application of building standards is available at the CBSC website <http://www.bsc.ca.gov/>, under the *Education* tab.

Applicable State Laws

The state law that establishes the statewide building standards code, known as the California Building Standards Code, located in Title 24 of the California Code of Regulations, is found in the California Health and Safety Code. Within state law there are various provisions establishing requirements and building standards for the various types of buildings, building uses, features and equipment. Let's discuss two bodies of law within the Health and Safety Code regarding building standards.

Note: A building standard is defined in Health and Safety Code Section 18909. In short a building standard is a regulation governing the design and construction of a building. Page 4 of this guide provides for information on how to access state laws online.

The first state law relating to the subject is known as the California Building Standards Law and it is located in Division 13, Part 2.5, commencing with Section 18901 of the Health and Safety Code. The provisions of Part 2.5 govern the work of

the CBSC and how the code adopted and published by the CBSC applies to all building occupancies throughout California.

The second body of law is known as the State Housing Law, which is located in Health and Safety Code, Division 13, Part 1.5, commencing with Section 17910. Part 1.5 establishes authority for the Department of Housing and Community Development to develop and propose building standards applicable to residential occupancies, including hotels, motels, lodging houses, apartment houses, and dwellings. Such proposals are presented to the CBSC for adoption and publication in the California Building Standards Code, Title 24, California Code of Regulations (Title 24 hereafter). Additionally, the Department of Housing and Community Development (HCD) has adopted administrative regulations (not building standards) to implement the State Housing Law, which are located in Title 25, Division 1, Chapter 1, Subchapter 1, commencing with Section 1, of the California Code of Regulations. These administrative regulations should not be confused with the building standards developed by the Department of Housing and Community Development that are adopted and published in Title 24 by the CBSC.

The State Housing Law also requires the Office of the State Fire Marshal (SFM) to develop and propose building standards for fire and panic safety in residential occupancies including hotels, motels, lodging houses, apartment houses, and dwellings. Such building standards are presented to the CBSC for adoption and publication in Title 24.

Here we have discussed two bodies of state law mandating requirements for buildings. There are many more. For additional information on state laws requiring building standards for the various types of buildings and building uses, refer to Sections 1.2 through 1.14 of Chapter 1, Division 1, of the California Building Code (Part 2 of Title 24). The authority and reference provisions of each section identifies the state laws that mandate the enactment of building standards and assigns the responsibility to develop building standards to the state agencies. This subject is explained in detail in our *Guide to Title 24*.

Applicability of State Published Building Standards

The portions of the Health and Safety Code discussed above establish that Title 24 published by the CBSC, which incorporates the latest editions of selected model codes, is the applicable code for all building occupancies throughout the state. The utilization of the selected model codes is explained in our *Guide to Title 24*. It should

be understood that the model codes by themselves do not include all applicable requirements for the design and construction of buildings in California.

[References: Health and Safety Code (HSC) 17950 and 18938(b) available in Appendix 1]

Availability of Referenced Laws and Regulations

1. **State Law:** All state laws referenced herein may be accessed at the state website <http://www.leginfo.ca.gov/>.
2. **Title 24:** Title 24 of the California Code of Regulations, known as the California Building Standards Code, may be accessed through the CBSC website <http://www.bsc.ca.gov/>.
3. **Titles other than Title 24:** Titles 1 through 28, except for Title 24, of the California Code of Regulations may be access at the Office of Administrative Law website <http://www.oal.ca.gov/> .

Fundamental Requirements

A brief summary of the responsibilities and authorities of local government established in state law regarding building standards follows.

1. **Local Government Enforcement:** Except for building occupancies subject to state agency enforcement, local government must enforce Title 24 as published by the CBSC. Examples of buildings subject to state enforcement include hospitals, prisons, state government buildings, University of California buildings, California State University buildings, and Community College buildings. Most all other building types and occupancies are subject to local enforcement. Enforcement responsibilities are clarified in Sections 1.2 through 1.14 of Chapter 1, Division 1, of the California Building Code (Part 2 of Title 24).

[References: HSC 13145, 13146, 13196, 17960, 17961, 17962, 18959, and 19958, GC 4453(b), Civil Code 55.53, and PRC 25402.1(g), available in Appendix 1]

- 2. Code by Default:** The majority of local governments adopt the published Title 24 by reference in local ordinances. This is commonly called an adoption ordinance. If local government does not adopted Title 24 by local ordinance, Title 24 is the applicable code by default. Title 24 applies throughout the state and to all building occupancies, whether or not the local government has an adoption ordinance. This is made clear in Health and Safety Code Sections 17958 and 18938, and in Section 1.1.3 of Chapter 1, Division 1, in the California Building Code (Part 2 of Title 24).

[References: HSC 17958 and 18938(b) available in Appendix 1 and CBC 1.1.3 available in Appendix 2.]

- 3. Local Amendments Permitted:** Various state laws identified herein authorize local government and Fire Protection Districts to adopt local ordinances making amendments to the building standards of Title 24. To do so, the local government or Fire Protection District must satisfy the requirements of state law applicable to the type of amendment. Each of the state laws authorizing local amendments include specific requirements to be satisfied before the local amendments may be effective and enforced. All these requirements are explained *Local Code Amendment Authority and Requirements* herein.

Local ordinances making amendments to Title 24 that have been filed with the CBSC and accepted as meeting the filing requirements of state law are available for viewing at *Local Filings*, under the *Codes* tab at the CBSC website <http://www.bsc.ca.gov/>.

- 4. Amendments must be adopted for each new edition of Title 24:** Local amendments must be specific to an edition of Title 24. Thus, with each new edition of Title 24, local government must satisfy all the requirements in state law applying to local amendments. All the requirements are explained in *Local Code Amendment Authority and Requirements* herein.
- 5. Amendments must be filed with the State:** Local ordinances making amendment to Title 24 are neither effective nor operative until filed with the CBSC, the Department of Housing and Community Development, or the State Historical Building Safety Board, as appropriate. This matter is discussed in more detail in *Local Code Amendment Authority and Requirements* herein.

- 6. Public Access to Code:** Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. Additionally, the action to amend the provisions of Title 24 must be part of the public record.

[References: HSC Section 17958.7 and 18942 available in Appendix 1]

NOTE: Our educational document *It's Your Building Department*, provides considerable information about the requirements of state law applying to local building departments. Access this document at the CBSC website <http://www.bsc.ca.gov> under the *Education or Publications* tab.

Local Code Amendment Authority and Requirements

Local government may amend the building standards contained in Title 24 of the California Code of Regulations as provided in state law. The state laws regarding local amendments are specific to the types of buildings and building features, and establish requirements and restrictions for the amendments. In order to determine the requirements applicable to a planned local amendment, the local agency or Fire Protection District must determine which state law applies. Listed separately below, are the requirements under each of the state laws that authorize local amendments.

1. Local Amendments under the California Building Standards Law:

Authority: Health and Safety Code Sections 18941.5, with reference to HSC Section 17958.7, allows for more restrictive local amendments that are reasonably necessary because of local climatic, geological, or topographical conditions. Section 101.7.1 of Part 11 of Title 24, known as the California Green Building Standards Code, provides that local climatic, geological, or topographical conditions include environmental conditions established by the city, county, or city and county.

[References: HSC 18941.5, 17958.5, and 17958.7 available in Appendix 1 and CBC 1.1.8 and 1.8.6 available in Appendix 2.]

Amendment Application: Amendments to Title 24 made under the authority of HSC 18941.5 may apply to any building, or building feature, that is not otherwise subject to another state law listed herein. For example, amendments for

residential buildings, historic buildings, and energy conservation are among the subjects of other state laws and may not be subject to an amendment made under the authority of HSC 18941.5.

Document Requirements: Documents must be expressly marked to clearly identify or demonstrate the following:

- ☐ The state law providing the authority for the amendment(s).
- ☐ The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- ☐ Amendments must be more restrictive building standards, including green building standards, than the building standards provided in Title 24.
- ☐ The amendment documentation must clearly show that the local governing body made an express finding that amendments to the building standards in Title 24, including green building standards, are reasonably necessary because of local climatic, geological, or topographical conditions. Each amendment must meet these requirements.

Filing Requirements: Local amendments are not effective until copies of the amendment documents meeting the requirements have been filed with the CBSC. Address amendment documents to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

Or, submit an electronic searchable PDF (Portable Document Format) via the following email address: ordinancefilings@dgs.ca.gov, provided the documents include the ordinance identification and signature of the governing body officials.

The CBSC will acknowledge receipt of amendment documents and review findings in writing. Local amendments accepted for filing will be made available to the public on the CBSC website.

2. Local Amendments under the State Housing Law:

Note: The following discussion does not apply to local amendments regarding Universal Design made pursuant to HSC 17959. Universal Design amendments are discussed separately below.

Amendment Authority: Health and Safety Code Sections 17958, 17958.5 and 17958.7 (State Housing Law) authorizes local amendments to the building standards in Title 24, including green building standards, applying to residential occupancies, including hotels, motels, apartments, and dwellings, and for amendment of HCD regulations in Title 25, Division 1, Chapter 1, Subchapter 1, that are reasonably necessary because of local climatic, geological, or topographical conditions.

Unlike the California Building Standards Law, there is no specific requirement in the State Housing Law that local amendments provide more restrictive building standards, including green building standards, than those contained in Title 24, or more restrictive regulations than those contained in Title 25. However, Title 24 provisions are the minimum standards, thus local amendments must be equivalent or more restrictive, but not less restrictive.

[References: HSC 17958, 17958.5 and 17958.7, available in Appendix 1. Section 1.8.6, Title 24, Part 2 (CBC) is available in Appendix 2.

Amendment Application: Amendments made under the authority of the State Housing Law may apply to only residential occupancies identified in Title 24, Part 2.

Document Requirements: Amendment documents must be expressly marked to identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- The local governing body has made an express finding that amendments to either the building standards, including green building standards, for residential construction contained in Title 24 are reasonably necessary because of local climatic, geological, or topographical conditions.

Note: See [Information Bulletin 2016-03 \(SHL\)](#) dated May 9, 2016, issued by the Department of Housing and Community Development (HCD) regarding local amendments to the HCD regulations in Title 25, California Code of Regulations. There are specific requirements on how local amendments may be made for Limited-Density Owner-Built Rural Dwellings, and Seismic Retrofit Standards, and filed with HCD. Access the bulletin at the HCD website <http://www.hcd.ca.gov/codes/state-housing-law/>.

Filing Requirements: The local amendments made pursuant to the State Housing Law are not effective until filed with the CBSC. Address amendment documents to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

Or, submit an electronic searchable PDF (Portable Document Format) via the following email address: ordinancefilings@dgs.ca.gov, provided the documents include the ordinance identification and signature of the governing body officials.

The CBSC will acknowledge receipt of amendment documents and review findings in writing. Local amendments accepted for filing will be made available to the public on the CBSC website.

3. Local Amendments for Universal Design in Housing:

Amendment Authority: Health and Safety Code Section 17959 authorizes local ordinances for Universal Design in residential occupancies based on guidelines and the Model Universal Design Model Ordinance developed by HCD. In general, the HCD Model Ordinance applies to new or substantially rehabilitated single-family, duplex, and triplex residential dwellings (except for custom-built homes) that are not otherwise subject to the accessibility requirements in Part 2 of Title 24.

Such a local ordinance for Universal Design may make changes or modifications in addition to or in excess of the accessibility requirements contained in Title 24, but must not provide for less restrictive requirements than provided by any applicable Title 24 provision.




HCD provides the following Universal Design documents:

- 📄 HCD Model Universal Design Local Ordinance (AB 2787)
- 📄 Housing Accessibility Checklist — (Adobe PDF)
- 📄 HCD New Home Universal Design Checklist (AB 1400)

Access these documents are available at the HCD website
<http://www.hcd.ca.gov/codes/state-housing-law/accessibility.html/>

[References: HSC 17958.5, 17959, and 18941.5]

Amendment Document Requirements: Amendment documents must be expressly marked to identify or demonstrate the following:

-  The state law providing the authority for the amendment(s).
-  The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
-  The local governing body has based the ordinances on the HCD guidelines or Universal Design model ordinance, or made a finding that the changes and modifications are reasonably necessary and are substantially the same as the HCD guidelines or model ordinance.

Filing Requirements: Local amendments made pursuant to HSC17959 shall not be effective or enforceable until filed with both HCD and CBSC. Address the amendment documents to:

Department of Housing and Community Development
Division of Codes and Standards,
State Housing Law Program
2020 West El Camino Avenue, Suite 250
Sacramento, CA 95833

AND

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936, or submit to CBSC an electronic searchable PDF (Portable Document Format) via the following email address: ordinancefilings@dgs.ca.gov, provided the documents include the ordinance identification and signature of the governing body officials.

Note: A local ordinance adopting Universal Design requirements that do not amend Title 24 building standards need only be filed with HCD.

Local amendments accepted for filing by the CBSC will be made available to the public on the CBSC website.

4. **Local Amendments Under the Fire Protection District Law:**

Authority: Section 13869.7 of the Fire Protection District Law of 1987 (Health and Safety Code, Division 12, Part 2.7), authorizes a local fire protection district to adopt ordinances with fire and panic safety requirements more restrictive than those fire and panic safety provisions in Title 24 shown adopted by the Office of

the State Fire Marshal (SFM). The local ordinance establishing more restrictive fire and panic safety requirements must be limited only to that needed for local climatic, geological, or topographical conditions.

[References: HSC 13869.7 and 18941.5 with reference to HSC 17958.7, available in Appendix 1, and CBC 1.1.8 and 1.8.6, available in Appendix 2.]

Amendment Application: Amendments to Title 24 made under the authority listed above may apply to fire and panic requirements in any building or building feature subject to the provisions of Title 24 shown in the code or Matrix Adoption Tables as adopted by the State Fire Marshal

Document Requirements: Amendment documents must be expressly marked to identify or demonstrate the following:

- ☐ The state law providing the authority for the amendment(s).
- ☐ The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- ☐ The Fire Protection District board made an express finding that amendments to building standards for fire and panic safety in Title 24 are reasonably necessary because of local climatic, geological, or topographical conditions.
- ☐ The Fire Protection District presented proposed amendments to the city, county, or city and county where the amendments will apply, for a 30-day review.
- ☐ The Fire Protection District obtained the ratification (approval) by the city, county, or city and county where the amendment will apply. The amendments are not effective without the ratification by the city, county, or city and county where the amendment will apply. When ratified, the amendments become effective.

Filing Requirements: The amendment(s) documents must be filed with the Department of Housing and Community Development by the city, county, or city and county where the amendments will apply, along with the adopting ordinance and findings of the city, county, or city and county. Address the amendment documents to:

Department of Housing and Community Development
Division of Codes and Standards,
State Housing Law Program
2020 West El Camino Avenue, Suite 250
Sacramento, CA 95833

5. Local Amendments for Fire and Panic Safety:

Authority: Health and Safety Code Section 13143.5 authorizes local government, other than a Fire Protection District subject to HSC Section 13869.7, to adopt more restrictive local amendments than the fire and panic provisions of Title 24 provide. Additionally, Section 13143.5 (b) and (c) authorizes local amendments to require residential fire sprinkler systems in new housing, or retrofitted existing housing when not otherwise required by Title 24.

[References: HSC 13143.5, 17958.5, 17958.7 and 18941.5, available in Appendix 1]

Amendment Application: Amendments made under the authority of HSC 13143.5(a), may apply to the same residential buildings as are subject to the fire and panic provisions of Title 24. Amendments for residential fire sprinkler systems under the authority of HSC 13143.5 (b) or (c), may apply to new, additions to existing residential buildings, or to existing residential buildings.

Document Requirements: Amendment documents must be expressly marked to identify or demonstrate the following:

- ☐ The state law providing the authority for the amendment(s).
- ☐ The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- ☐ The local governing body has made an express finding that the amendments for more restrictive fire and panic safety under HSC13143.5 are reasonably necessary because of local climatic, geological, or topographical conditions.

Filing Requirements: The local amendments made pursuant to HSC 13143.5 (b) and or (c), shall be filed with the CBSC. Address amendment documents to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

Or, submit an electronic searchable PDF (Portable Document Format) via the following email address: ordinancefilings@dgs.ca.gov, provided the documents include the ordinance identification and signature of the governing body officials.

The CBSC will acknowledge receipt and review findings in writing. Local amendments accepted for filing will be made available to the public on the CBSC website.

6. Local Amendments for Energy Conservation:

Amendment Authority: Public Resources Code Section 25402.1(h)(2) allows more stringent local amendments to the energy conservation provisions in the California Energy Code, Part 6, Title 24, California Code of Regulations. Section 10-106 of Chapter 10, Part 1, Title 24, California Code of Regulations, requires local government to gain approval of a local energy conservation requirement. Local governments must apply to the California Energy Commission(CEC) for approval, documenting the supporting analysis on how the local government has determined that the proposed local standard will save more energy than the current provisions in Part 6, Title 24, and the local government's determination that the local standards are cost-effective.

Once the CEC staff has verified that the local standards will require buildings to use no more energy than the current provisions of Part 6, Title 24, and that all requirements of Section 10-106 are met, the application will be brought before the full CEC for approval. Only those local energy amendments approved by the CEC are lawfully enforceable.

Recommendation: Contact the CEC Building Standards Office before starting the process of adopting local amendments to Part 6 of Title 24. The CEC staff is available to help create the necessary documentation that will meet CEC approval upon application.





CEC Contact: Ingrid Neumann
Email Address: ingrid.neumann@energy.ca.gov
Mailing Address:
California Energy Commission
1516 Ninth Street, MS-37
Sacramento, CA 95814-5512

[References: Public Resources Code Section 25402.1, available in Appendix 1, and Title 24, Part 1, Section 10-106, available in Appendix 2.]

Amendment Application: Amendments to Title 24 made under the authority of Public Resources Code Section 25402.1(h)(2), may, when approved, apply to

any building occupancy subject to the California Energy Code, in Part 6 of Title 24.

Document Requirement: Amendment documents must be expressly marked to identify or demonstrate the following:

-  Approval by the California Energy Commission.
-  Approval by the local governing body.
-  The state law providing the authority for the amendment(s).
-  The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.

Filing Requirements: Amendment documents made under the authority provided in the Public Resources Code must be filed with CBSC. Address printed amendment documents to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

Or, submit an electronic searchable PDF (Portable Document Format) via the following email address: ordinancefilings@dgs.ca.gov, provided the documents include the ordinance identification and signature of the governing body officials.

CBSC will acknowledge receipt and review findings in writing. Be advised that filing amendments to Part 6 of Title 24 with the CBSC does not make the amendment lawfully enforceable until approved by the California Energy Commission. Local amendments accepted for filing will be made available to the public on the CBSC website.

7. Local Amendments under the State Historical Building Code:




Authority: Section 18959 of the Health and Safety Code, Division 13, Part 2.7, authorizes local government to make amendments to the building standards for qualified historical buildings in Part 8 of Title 24.

Note: Part 2.7 of Health and Safety Code Division 13, is known as the State Historical Building Code and Part 8 of Title 24, is known as the California Historical Building Code.

[Reference: HSC 18959]

Amendment Application: Amendments under the authority of the Health and Safety Code Section 18959(f), may only apply to qualified historical buildings subject to Part 8 of Title 24.

Document Requirements: Amendment documents must be expressly marked to identify or demonstrate the following:


-  The state law providing the authority for the amendment(s).
-  The Title 24, Part 8, section being amended.
-  The local governing body has made an express finding that the amendments are reasonably necessary because of local climatic, geological, seismic, and topographical conditions. The record of this action must be available as a public record.

Filing Requirements: Local amendments made under the authority provided in the Health and Safety Code Section 18959(f) shall not become effective or operative for any purpose until the finding and amendment documents have been filed with the State Historical Building Safety Board. Address amendment documents to:

Executive Director
State Historical Building Safety Board
Division of the State Architect
1102 'Q' Street, Suite 5100
Sacramento, CA 95811-6550

Causes for CBSC Rejection

The CBSC conducts a review of all received filings of local amendments to Title 24 for compliance with the requirements of Health and Safety Code Section 17958.7 and 18941.5. The CBSC is not authorized by law to evaluate the merits of the express findings of a local government as to the local climatic, geological, or topographical conditions necessitating the amendments. The following are common causes for rejecting an amendment filing.

-  The filing documents indicate the adoption of model codes, or amendment to model codes alone. Only Title 24 as published by the CBSC that incorporates model codes, and the related Title 25 regulations of HCD, are subject to adoption and amendment by local government, or a Fire Protection District.

- ❏ The amendments are not expressly marked in a manner to distinguish the amendments from the CBSC published text of Title 24.
- ❏ The filing documents do not include the required express findings that each amendment is reasonably necessary for local climatic, geological, or topographic conditions, when required by the authorizing state law. Vague generalizations that amendments are necessary of local climatic, geological, and topographic conditions are not adequate.
- ❏ There is no evidence by an identification number, signature(s), certification of the city/county clerk, transmittal letter or other reasonable means to validate that the filed amendment documents were the result of a lawful action of the local governing body.

Those filings that meet the requirements of law are posted on the CBSC website as *Local Code Ordinances* under our *Rulemaking* tab. All submitting local governments receive a letter from the CBSC advising of the acceptance of the filing, or identifying the cause for rejection. Rejected filings may be corrected and resubmitted to the CBSC for filing.

Local Administrative Ordinances

Local ordinances and regulations necessary to carryout procedures by a city, county, or city and county relating to civil, administrative, or criminal procedures and remedies available for carrying out and enforcing building standards, and that do not establish building standards may be enacted without meeting the requirements of the state laws cited herein governing Title 24 building standards amendments. Additionally, local ordinances that merely adopt Title 24 by reference without amendments need not be filed with the CBSC, HCD, or SHBSB. Read HSC Section 18909(c) regarding a regulation that is not a building standard.

Appendix 1. Referenced State Laws

Note: Only those state laws pertaining to local amendments to Title 24 discussed within this *Guide for Local Amendments of Building Standards* are provided within this appendix. State laws may be accessed online at the state website <http://leginfo.legislature.ca.gov/>.

Health and Safety Code Section 13143.5. (a) Notwithstanding Part 2 (commencing with Section 13100) of Division 12, Part 1.5 (commencing with Section 17910) of Division 13, and Part 2.5 (commencing with Section 18901) of Division 13, any city, county, or city and county may, by ordinance, make changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety and the other regulations adopted pursuant to this part. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.

(b) Nothing in this section shall authorize a local jurisdiction to mandate, nor prohibit a local jurisdiction from mandating, the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.

(c) Nothing in this section shall authorize a local jurisdiction to mandate, nor prohibit a local jurisdiction from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.

(d) Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or new additions to existing dwelling units.

(e) This section shall not apply to fire and panic safety requirements for the public schools adopted by the State Fire Marshal pursuant to Section 13143.

(f) (1) A city, county, or city and county that adopts an ordinance relating to fire and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:

(A) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(B) The chief building official of the city, county, or city and county, or his or her authorized representative.

(2) Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

(g) On or before October 1, 1991, and each October 1 thereafter, the Department of Housing and Community Development, in conjunction with the office of the State Fire Marshal, shall transmit a report to the State Building Standards Commission on the more stringent requirements, adopted by a city, county, or city and county, pursuant to this section or adopted by a fire protection district and ratified pursuant to Section 13869.7, to the building standards relating to fire and panic safety adopted by the State Fire Marshal and contained in the California Building Standards Code. The report shall be for informational purposes only and shall include a summary by the department and the office of the reasons cited as the necessity for the more stringent requirements. The report required pursuant to this subdivision shall apply to any more stringent requirements adopted or ratified on or after January 1, 1991.

(h) All structures governed by Part 2.7 (commencing with Section 18950) of Division 13 are exempt from the permissive authority granted by subdivision (a).

Health and Safety Codes Section 13145. The State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire Marshal, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Health and Safety Code Section 13146. *The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:*

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city, county, or city and county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all California State University campuses and properties administered or occupied by the California State University. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

Health and Safety Code Section 13196. *The regulations and building standards adopted pursuant to Section 13195 shall be enforced pursuant to Sections 13145 and 13146.*

Health and Safety Code Section 13869.7. *(a) Any fire protection district organized pursuant to Part 2.7 (commencing with Section 13800) of Division 12 may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code. For these purposes, the district board shall be deemed a legislative body and the district shall be deemed a local agency. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.*

(b) Any fire protection district that proposes to adopt an ordinance pursuant to this section shall, not less than 30 days prior to noticing a proposed ordinance for public hearing, provide a copy of that ordinance, together with the adopted findings made pursuant to subdivision (a), to the city, county, or city and county where the ordinance will apply. The city, county, or city and county, may provide the district with written comments, which shall become part of the fire protection district's public hearing record.

(c) The fire protection district shall transmit the adopted ordinance to the city, county, or city and county where the ordinance will apply. The legislative body of the city, county, or city and county, may ratify, modify, or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial. No ordinance adopted by the district shall be effective until ratification by the city, county, or city and county where the ordinance will apply. Upon ratification of an adopted ordinance, the city, county, or city and county, shall file a copy of the findings of the district, and any findings of the city, county, or city and county, together with the adopted ordinance expressly marked and identified to which each finding refers, with the Department of Housing and Community Development.

- (d) *Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.*
- (e) *Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.*
- (f) *Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units.*
- (g) *This section shall not apply to fire and panic safety requirements for the public schools adopted by the State Fire Marshal pursuant to Section 13143.*
- (h) (1) *A city, county, or city and county that ratifies an ordinance relating to fire and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:*
- (A) *The chief of the fire protection district that adopted the ordinance, or his or her authorized representative.*
- (B) *The chief building official of the city, county, or city and county, or his or her authorized representative.*
- (2) *Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.*

Health and Safety Code Section 17950. *The provisions of this part, the building standards published in the State Building Standards Code, or the other rules and regulations promulgated pursuant to the provisions of this part which relate to apartment houses, hotels, motels, and dwellings, and buildings and structures accessory thereto, apply in all parts of the state.*

Health and Safety Code Section 17958. *Except as provided in Sections 17958.8 and 17958.9, any city or county may make changes in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations thereafter adopted pursuant to Section 17922 to amend, add, or repeal ordinances or regulations which impose the same requirements as are contained in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations adopted pursuant to Section 17922 or make changes or modifications in those requirements upon express findings pursuant to Sections 17958.5 and 17958.7. If any city or county does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes or modifications in those requirements upon express findings, the provisions published in the California Building Standards Code or the other regulations promulgated pursuant to Section 17922 shall be applicable to it and shall become effective 180 days after publication by the California Building Standards Commission. Amendments, additions, and deletions to the California Building Standards Code adopted by a city or county pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the California Building Standards Commission.*

Health and Safety Code Section 17958.5. *Except as provided in Section 17922.6, in adopting the ordinances or regulations pursuant to Section 17958, a city or county may make those changes or modifications in the requirements contained in the provisions published in the California Building Standards Code and the other regulations adopted pursuant to Section 17922, including, but not limited to, green building standards, as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions.*

For purposes of this section, a city and county may make reasonably necessary modifications to the requirements, adopted pursuant to Section 17922, including, but not limited to, green building standards, contained in the provisions of the code and regulations on the basis of local conditions.

Health and Safety Code Section 17958.7. (a) *Except as provided in Section 17922.6, the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or*

topographical conditions. Such a finding shall be available as a public record. A copy of those findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed with the California Building Standards Commission. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.

(b) The California Building Standards Commission may reject a modification or change filed by the governing body of a city or county if no finding was submitted.

Health and Safety Code Section 17959. (a) No later than December 31, 2003, the department shall consider proposed universal design guidelines for home construction or home modifications which may be submitted by the California Department of Aging, the California Commission on Aging, the Department of Rehabilitation, the office of the State Architect of the Department of General Services, the office of the State Fire Marshal, the California Building Standards Commission, or other state departments. Thereafter, the department, without significantly impacting housing cost and affordability, shall, in consultation with these agencies, develop guidelines and at least one model ordinance for new construction and home modifications that is consistent with the principles of universal design as promulgated by the Center for Universal Design at North Carolina State University or other similar design guidelines that enhance the full life cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or guests in order to accommodate a wide range of individual preferences and functional abilities. In developing these guidelines and model ordinances, the department also shall meet with, and solicit information from, individuals and organizations representing individuals and entities with interests in construction, local governments, the health and welfare of senior citizens and persons with disabilities, architects, and others with expertise in these design and living issues. The department shall ensure that at least three meetings subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of the Government Code) shall occur, that shall include opportunities for government agencies, individuals, and organizations identified in this subdivision to participate and comment on proposed guidelines or draft model ordinances.

(b) (1) In addition to the authority granted by Sections 17958.5 and 18941.5, and for the purposes of this section, a city, county, or city and county may, by ordinance, make changes or modifications in addition to or in excess of the requirements contained in the California Building Standards Code adopted pursuant to Sections 17922 and 18928 if the city, county, or city and county makes a finding that the changes and modifications are reasonably necessary and are substantially the same as the guidelines or model ordinances adopted pursuant to subdivision (a). In no case shall the changes or modifications be less restrictive than the requirements published in the California Building Standards Code.

(2) A city, county, or city and county adopting an ordinance pursuant to this subdivision shall file a copy of the ordinance and the findings with the department. No such ordinance shall become effective or operative for any purpose until the findings and the ordinance have been filed with the department. The department may review the findings and each ordinance to evaluate their consistency with this subdivision, and shall provide written comments to the adopting entity as to any such evaluation.

(c) (1) In a city, county, or city and county where a universal design ordinance has not been adopted pursuant to subdivision (b), developers of housing for senior citizens, persons with disabilities, and other persons and families are encouraged, but not required, to seek information and assistance from the department and the California Department of Aging regarding the principles of universal design specified in subdivision (a) and consider those principles in their construction.

(2) The department, the California Department of Aging, and any other interested state agency also may, to the extent feasible, disseminate information to interested persons and entities in all parts of the state regarding the principles of universal design and their relationship to new construction and home modifications.

(d) Subdivision (b) shall become operative on January 1, 2005.

Health and Safety Code Section 17960. The building department of every city or county shall enforce within its jurisdiction all the provisions published in the State Building Standards Code, the provisions of this part, and the other rules and regulations promulgated pursuant to the provisions of this part pertaining to the erection,

construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings.

Health and Safety Code Section 17961. (a) *The housing or building department or, if there is no building department acting pursuant to this section, the health department of every city, county, or city and county, or any environmental agency authorized pursuant to Section 101275, shall enforce within its jurisdiction all of this part, the building standards published in the State Building Standards Code, and the other rules and regulations adopted pursuant to this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings. The health department or the environmental agency may, in conjunction with a local housing or building department acting pursuant to this section, enforce within its jurisdiction all of this part, the building standards published in the State Building Standards Code, and the other rules and regulations adopted pursuant to this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings. Each department and agency, as applicable, shall coordinate enforcement activities with each other and interested departments and agencies in order to avoid unnecessary duplication.*

(b) *Notwithstanding subdivision (a), the health department of every city, county, or city and county, or any environmental agency authorized pursuant to Section 101275 may, in addition to the local building or housing department, if any, enforce within its jurisdiction the provisions of Section 17920.10 and shall coordinate enforcement activities with other interested departments and agencies in order to avoid unnecessary duplication.*

(c) *The State Department of Public Health may enforce Section 17920.10 if any local agency or department specified in subdivisions (a) and (b) enters into a written agreement, approved and published pursuant to local government procedures, with the State Department of Public Health to enforce that section, or provides the State Department of Public Health with a written request to enforce that section for a specific case following the identification of a lead poisoned child in that jurisdiction.*

Health and Safety Code Section 17962. *The chief of any city or any county fire department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas all those provisions of this part, the building standards published in the State Building Standards Code relating to fire and panic safety, and those rules and regulations promulgated pursuant to the provisions of this part pertaining to fire prevention, fire protection, the control of the spread of fire, and safety from fire or panic.*

Health and Safety Code Section 18938. (a) *Building standards shall be filed with the Secretary of State and codified only after they have been approved by the commission and shall not be published in any other title of the California Code of Regulations. Emergency building standards shall be filed with the Secretary of State and shall take effect only after they have been approved by the commission as required by Section 18937. The filing of building standards adopted or approved pursuant to this part, or any certification with respect thereto, with the Secretary of State, or elsewhere as required by law, shall be done solely by the commission.*

(b) *The building standards contained in the Uniform Fire Code of the International Conference of Building Officials and the Western Fire Chiefs Association, Inc., the Uniform Building Code of the International Conference of Building Officials, Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, the National Electrical Code of the National Fire Protection Association, and the Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as referenced in the California Building Standards Code, shall apply to all occupancies throughout the state and shall become effective 180 days after publication in the California Building Standards Code by the California Building Standards Commission or at a later date after publication established by the commission.*

(c) *Except as otherwise provided in this subdivision, an adoption, amendment, or repeal of a building standard shall become effective 180 days after its publication in the triennial edition of the California Building Standards Code or one of its supplements, or at any later date as approved by the California Building Standards Commission, with the exceptions of standards adopted pursuant to Section 25402 of the Public Resources Code*

and those regulations that implement or enforce building standards. Regulations that implement or enforce building standards shall become effective 30 days after filing by the commission with the Secretary of State. This subdivision shall not apply to emergency building standards. An amendment or a repeal of a building standard in the California Building Standards Code that, as determined by the commission, would result in a less restrictive regulation, shall become effective 30 days after filing of the amendment or repeal by the commission with the Secretary of State.

(d) Emergency standards defined in subdivision (a) of Section 18913 shall become effective when approved by the commission, and filed with the Secretary of State, or upon any later date specified therein, and remain in effect as provided by Section 11346.1 of the Government Code and Section 18937 of this code. Emergency standards shall be distributed as soon as practicable after publication to all interested and affected parties. Notice of repeal, pursuant to Section 11346.1 of the Government Code, of emergency standards defined in subdivision (a) of Section 18913 within the period specified by that section, shall also be given to the parties by the affected agencies promptly after the termination of the statutory period pursuant to Section 11346.1 of the Government Code.

(e) This section shall not be applicable to the time limits set forth in Sections 17922 and 17958 for approval of uniform codes and for changes by local agencies in the California Building Standards Code.

Health and Safety Code Section 18941.5. (a) (1) Amendments, additions, and deletions to the California Building Standards Code, including, but not limited to, green building standards, adopted by a city, county, or city and county pursuant to Section 18941.5 or pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the commission, or at a later date after publication established by the commission.

(2) The publication date established by the commission shall be no earlier than the date the California Building Standards Code is available for purchase by the public.

(b) Neither the State Building Standards Law contained in this part, nor the application of building standards contained in this section, shall limit the authority of a city, county, or city and county to establish more restrictive building standards, including, but not limited to, green building standards, reasonably necessary because of local climatic, geological, or topographical conditions. The governing body shall make the finding required by Section 17958.7 and the other requirements imposed by Section 17958.7 shall apply to that finding. Nothing in this section shall limit the authority of fire protection districts pursuant to subdivision (a) of Section 13869.7. Further, nothing in this section shall require findings required by Section 17958.7 beyond those currently required for more restrictive building standards related to housing.

Health and Safety Code Section 18942(e) (Only subsection “e” is provided here)

(e) (1) Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. These codes shall be maintained in the office of the building official responsible for the administration and enforcement of this part. (2) This subdivision shall not apply to a city or county that contracts for the administration and enforcement of the provisions of this part with another local government agency that complies with this section.

Health and Safety Code Section 18959. (a) Except as otherwise provided in Part 2.5 (commencing with Section 18901), all state agencies shall administer and enforce this part with respect to qualified historical buildings or structures under their respective jurisdiction.

(b) Except as otherwise provided in Part 2.5 (commencing with Section 18901), all local authorities shall, within their legal authority, administer and enforce this part with respect to qualified historical buildings or structures under their respective jurisdictions where applicable.

(c) The State Historical Building Safety Board shall coordinate and consult with the other applicable state agencies affected by this part and, except as provided in Section 18943, disseminate provisions adopted pursuant to this part to all local building authorities and state agencies at cost.

(d) Regulations adopted by the State Fire Marshal pursuant to this part shall be enforced in the same manner as regulations are enforced under Sections 13145, 13146, and 13146.5.

(e) Regular and alternative building standards published in the California Building Standards Code shall be enforced in the same manner by the same governmental entities as provided by law.

(f) When administering and enforcing this part, each local agency may make changes or modifications in the requirements contained in the California Historical Building Code, as described in Section 18944.7, as it determines are reasonably necessary because of local climatic, geological, seismic, and topographical conditions. The local agency shall make an express finding that the modifications or changes are needed, and the finding shall be available as a public record. A copy of the finding and change or modification shall be filed with the State Historical Building Safety Board. No modification or change shall become effective or operative for any purpose until the finding and modification or change has been filed with the board.

Health and Safety Code Section 19958: The building department of every city, county, or city and county shall enforce this part within the territorial area of its city, county, or city and county. The responsibility for enforcing Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code in its application under this part shall be by such building department within the territorial area of its city, county, or city and county.

“Building department” means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.

(Added by Stats. 1969, Ch. 1560.)

Note: The word “part” in HSC 19958 is referencing Part 5.5, of Division 13, to the Health and Safety Code, entitled Access to Public Accommodations by Physically Handicapped Persons.

Government Code Section 4453(b). The responsibility for enforcement of this chapter shall be as follows:

(a) By the Director of the Department of General Services where state funds are utilized for any project or where funds of counties, municipalities, or other political subdivisions are utilized for the construction of elementary, secondary, or community college projects.

(b) By the governing bodies thereof where funds of counties, municipalities, or other political subdivisions are utilized except as otherwise provided in (a) above.

Public Resources Code Section 25402.1 (g) (only subsection “g” is shown here).

(g) Subdivisions (a) and (b) of Section 25402 and this section, and the rules and regulations of the commission adopted pursuant thereto, shall be enforced by the building department of every city, county, or city and county.

(1) No building permit for any residential or nonresidential building shall be issued by a local building department, unless a review by the building department of the plans for the proposed residential or nonresidential building contains detailed energy system specifications and confirms that the building satisfies the minimum standards established pursuant to subdivision (a) or (b) of Section 25402 and this section applicable to the building.

(2) Where there is no local building department, the commission shall enforce subdivisions (a) and (b) of Section 25402 and this section.

(3) If a local building department fails to enforce subdivisions (a) and (b) of Section 25402 and this section or any other provision of this chapter or standard adopted pursuant thereto, the commission may provide enforcement after furnishing 10 days’ written notice to the local building department.

(4) A city, county, or city and county may, by ordinance or resolution, prescribe a schedule of fees sufficient to pay the costs incurred in the enforcement of subdivisions (a) and (b) of Section 25402 and this section. The commission may establish a schedule of fees sufficient to pay the costs incurred by that enforcement.

(5) No construction of any state building shall commence until the Department of General Services or the state agency that otherwise has jurisdiction over the property reviews the plans for the proposed building and certifies that the plans satisfy the minimum standards established pursuant to subdivision (a) or (b) of Chapter

2.8 (commencing with Section 15814.30) of Part 10b of Division 3 of Title 2 of the Government Code, Section 25402, and this section which are applicable to the building.

Government Code Section 55.53(d) (only subsection (d) (1) and (2) are provided here). (d) (1) Commencing July 1, 2010, a local agency shall employ or retain at least one building inspector who is a certified access specialist. The certified access specialist shall provide consultation to the local agency, permit applicants, and members of the public on compliance with state construction-related accessibility standards with respect to inspections of a place of public accommodation that relate to permitting, plan checks, or new construction, including, but not limited to, inspections relating to tenant improvements that may impact access. If a local agency employs or retains two or more certified access specialists to comply with this subdivision, at least one-half of the certified access specialists shall be building inspectors who are certified access specialists.

(2) Commencing January 1, 2014, a local agency shall employ or retain a sufficient number of building inspectors who are certified access specialists to conduct permitting and plan check services to review for compliance with state construction-related accessibility standards by a place of public accommodation with respect to new construction, including, but not limited to, projects relating to tenant improvements that may impact access. If a local agency employs or retains two or more certified access specialists to comply with this subdivision, at least one-half of the certified access specialists shall be building inspectors who are certified access specialists.

Appendix 2. Referenced State Regulations and Building Standards

Note: Only those state regulations pertaining to local amendments to Title 24, or Title 25, discussed within this *Guide for Local Amendments of Building Standards* are provided within this appendix. State regulations may be accessed online at the state website <http://www.oal.ca.gov/>.

California Code of Regulations, Title 24, Part 1, Chapter 10, Section 10-106. LOCALLY ADOPTED ENERGY STANDARDS

(a) *Requirements. Local governmental agencies may adopt and enforce energy standards for newly constructed buildings, additions, alterations, and repairs to existing buildings provided the Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by Title 24, Part 6.* (b) *Documentation Application. Local governmental agencies wishing to enforce locally adopted energy standards shall submit an application with the following materials to the Executive Director: 1. The proposed energy standards; 2. The local governmental agency's findings and supporting analyses on the energy savings and cost effectiveness of the proposed energy standards; 3. A statement or finding by the local governmental agency that the local energy standards will require buildings to be designed to consume no more energy than permitted by Part 6; and 4. Any findings, determinations, declarations or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Pub. Resources Code Section 21000 et seq. NOTE: Authority: Section 25402.1, Public Resources Code.*

California Code of Regulations, Title 24, Part 2, (California Building Code) Section 1.1.3. Scope.

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the State of California. 1.1.3.1 Nonstate-regulated buildings, structures and applications. Except as modified by local ordinance pursuant to Section 1.1.8, the following standards in the California Code of Regulations, Title 24, Parts 2, 2.5, 3, 4, 5, 6, 9, 10 and 11 shall apply to all occupancies and applications not regulated by a state agency.

Note: Subsection 1.1.3.2 regarding state-regulated buildings is not shown.

California Code of Regulations, Title 24, Part 2, (California Building Code) Section 1.1.8. City, county, or city and county amendments, additions or deletions. The provisions of this code do not limit the authority of city, county, or city and county governments to establish more restrictive and reasonably necessary differences to the provisions contained in this code pursuant to complying with Section 1.1.8.1. The effective date of amendments, additions or deletions to this code by a city, county, or city and county filed pursuant to Section 1.1.8.1 shall be the date filed. However, in no case shall the amendments, additions or deletions to this code be effective any sooner than the effective date of this code. Local modifications shall comply with Health and Safety Code Section 18941.5 for Building Standards Law, Health and Safety Code Section 17958 for State Housing Law or Health and Safety Code Section 13869.7 for Fire Protection Districts.

1.1.8.1 Findings and filings.

1. The city, county, or city and county shall make express findings for each amendment, addition or deletion based upon climatic, topographical or geological conditions.

Exception: Hazardous building ordinances and programs mitigating unreinforced masonry buildings.

2. The city, county, or city and county shall file the amendments, additions or deletions expressly marked and identified as to the applicable findings. Cities, counties, cities and counties, and fire departments shall file the

amendments, additions or deletions, and the findings with the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833.

3. Findings prepared by fire protection districts shall be ratified by the local city, county or city and county and filed with the California Department of Housing and Community Development, Division of Codes and Standards, P. O. Box 1407, Sacramento, CA 95812-1407 or 2020 West El Camino Avenue, Suite 250, Sacramento, CA 95833- 1829.

1.1.8.2 Locally adopted energy standards – California Energy Code, Part 6 In addition to the provisions of Section 1.1.8.1 of this Part, the provisions of this section shall apply to a city, county, and city and county adopting local energy standards applicable to buildings and structures subject to the California Energy Code, Part 6.

Applicable provisions of Public Resources Code Section 25402.1(h)(2) and applicable provisions of Section 10-106, Chapter 10 of the California Administrative Code, Part 1 apply to locally adopted energy standards amending the California Energy Code, Part 6.

California Code of Regulations, Title 24, Part 2, (California Building Code) Section 1.8.6. Local Modification by Ordinance or Regulation.

1.8.6.1 General. Subject to other provisions of law, a city, county, or city and county may make changes to the provisions adopted by the Department of Housing and Community Development. If any city, county, or city and county does not amend, add or repeal by local ordinances or regulations the provisions published in this code or other regulations promulgated by the Department of Housing and Community Development, those provisions shall be applicable and shall become effective 180 days after publication by the California Building Standards Commission. Amendments, additions and deletions to this code adopted by a city, county, or city and county pursuant to California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5, together with all applicable portions of this code, shall also become effective 180 days after publication of the California Building Standards Code by the California Building Standards Commission.


















1.8.6.2 Findings, filings and rejections of local modifications. Prior to making any modifications or establishing more restrictive building standards, the governing body shall make express findings and filings, as required by California Health and Safety Code Section 17958.7, showing that such modifications are reasonably necessary due to local climatic, geological, or topographical conditions. No modification shall become effective or operative unless the following requirements are met:

1. The express findings shall be made available as a public record.
 2. A copy of the modification and express finding, each document marked to cross-reference the other, shall be filed with the California Building Standards Commission for a city, county, or city and county and with the Department of Housing and Community Development for fire protection districts.
 3. The California Building Standards Commission has not rejected the modification or change.
- Nothing in this section shall limit the authority of fire protection districts pursuant to California Health and Safety Code Section 13869.7(a)

Appendix 3. CBSC Educational Publications

The California Building Standards Commission has developed a variety of educational materials and publications that are available on the CBSC website

<http://www.bsc.ca.gov/>. The materials may be accessed at no cost and read online or printed for your use and distribution. Look on our website home page and under the *Education* or *Publications* tabs for the following materials.

-  How to Use our Website
-  Glossary of Terms
-  Frequently Asked Questions
-  Code Book Fundamentals
-  Guide to Title 24 (2013 & 2010 editions)
-  Guide to the (Non-Residential) 2013 California Green Building Standards Code
-  Guide to California Green Building Standards Code, Non-Residential
(Commissioning)
-  It's Your Building Department (For Local Jurisdictions)
-  Accessing State Regulations Online
-  Accessing State Laws Online
-  Accessing State Legislation Online
-  Guide for Creating Proposed Building Standards (For State Agencies)
-  Guide to Filing Permit Surcharge Fees (Green Fees)
-  Building Standards Information Bulletins
-  CALCode Quarterly, an e-publication online newsletter
-  Zero-Emission Vehicles in California: Community Readiness Guidebook
(Published by the Governor's Office of Planning and Research)
-  Local Filings of Code Amendment –Webinar via YouTube and a Webinar slide presentation (pdf)



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Highlight

HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 - 19997] (*Division 13 enacted by Stats. 1939, Ch. 60.*)

PART 1.5. REGULATION OF BUILDINGS USED FOR HUMAN HABITATION [17910 - 17998.3] (*Part 1.5 added by Stats. 1961, Ch. 1844.*)

CHAPTER 4. Application and Scope [17950 - 17959.6] (*Chapter 4 added by Stats. 1961, Ch. 1844.*)

17958.7. (a) Except as provided in Section 17922.6, the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions. Such a finding shall be available as a public record. A copy of those findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed with the California Building Standards Commission. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.

(b) The California Building Standards Commission may reject a modification or change filed by the governing body of a city or county if no finding was submitted.

(*Amended by Stats. 1997, Ch. 645, Sec. 12. Effective January 1, 1998.*)