

# GUIDE FOR LOCAL AMENDMENTS OF BUILDING STANDARDS

Information for local government and Fire Protection Districts on the requirements of state law for local amendments to building standards



January 2023  
5th Edition



**C A L I F O R N I A**  
BUILDING STANDARDS COMMISSION

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Some of CBSC's publications available on the website's [Resources page](#):

Guide to Title 24

Public Guide to the Building

It's Your Building Department

Standards Adoption Process

Guide for Local Amendments of

Frequently Asked Questions

Building Standards

Glossary of Terms

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## Introduction

This guide is provided by the California Building Standards Commission (CBSC) to assist local governments with understanding requirements in state law that apply to local amendments to the California Building Standards Code, Title 24 of the California Code of Regulations (Title 24). This guide supplements the periodic Information Bulletins issued by CBSC and other state agencies regarding local amendments. While many state laws are explained and clarifying information is provided herein, not every state law pertaining to local amendments may be identified or discussed. The laws and regulations referenced are provided in Appendices A and B.

CBSC's [Guide to Title 24](https://dgs.ca.gov/BSC/Resources/Guidebooks), available at [dgs.ca.gov/BSC/Resources/Guidebooks](https://dgs.ca.gov/BSC/Resources/Guidebooks), provides background information that will be helpful when using this guide. For those not familiar with the *Guide to Title 24* or the building codes, please note:

- State *laws* (statutes) are enacted through the legislative process.
- State *regulations*, including building standards, are enacted by state agencies for the purpose of implementing, interpreting, clarifying and carrying out the requirements of state laws.
- CBSC is required by state law to perform all functions related to the adoption and publication of Title 24.
- As required by state laws, CBSC and other state agencies are responsible for developing building standards for specific occupancies.
- Parts of Title 24 contain model codes developed and published by national code development organizations. Model codes are adopted and amended in order to meet the requirements of California's laws and other state mandates.

## Acronyms and Abbreviations

The following acronyms and abbreviations are used in this guide.

**CBC:** California Building Code, Part 2 of Title 24, California Code of Regulations

**CBSC:** California Building Standards Commission

**CCR:** California Code of Regulations promulgated by executive branch agencies and departments of state government to implement state laws. The CCR is divided into Titles 1 through 28. Each title contains regulations relevant to different regulated activities. Title 24 is reserved for the California Building Standards Code.

**CEC:** California Energy Commission

**GOV:** Government Code – State law

**HCD:** Department of Housing and Community Development

**HSC:** Health and Safety Code – State law

**OAL:** Office of Administrative Law

**PRC:** Public Resources Code – State law

**SFM:** State Fire Marshal

**SHBSB:** State Historical Building Safety Board

**SHL:** State Housing Law

**Title 24:** The 24<sup>th</sup> of 28 titles of the California Code of Regulations. Title 24 contains building standards governing the design and construction of buildings throughout California.

**Title 25:** The 25<sup>th</sup> of 28 titles of the California Code of Regulations. Title 25 contains other rules and regulations, sometimes called administrative regulations, that are not building standards adopted by the Department of Housing and Community Development.

## **Applicable State Laws**

The state law that establishes the California Building Standards Code is found in the Health and Safety Code (HSC). Within the HSC, there are two main bodies of law containing provisions establishing requirements for building standards for various types of buildings, building uses, features and equipment.

The definitions of a building standard are contained in HSC Section 18909. To summarize, a building standard is a regulation governing the design and construction of a building. Additionally, a building standard can be a regulation relating to the implementation or enforcement of building standards not otherwise governed by statute, but does not include procedural ordinances adopted by local government for enforcing code violations. Information on how to access state laws online is provided later in this Guide.

### **California Building Standards Law**

The California Building Standards Law is located in HSC Division 13, Part 2.5, commencing with Section 18901. These provisions provide the mandates for CBSC to adopt and publish Title 24, and for the building standards to apply to all building occupancies in California. More information regarding CBSC's functions can be found in the [Public Guide to the Building Standards Adoption Process](#), available on the Resources tab of CBSC's website, and in the videos [About the California Building Standards Commission](#) and [About the CBSC Rulemaking Process](#) shared in the Education and Outreach featured link.



## State Housing Law

The State Housing Law (SHL) is located in HSC Division 13, Part 1.5, commencing with Section 17910, and establishes authority for the Department of Housing and Community Development (HCD) to develop and propose building standards applicable to residential occupancies including hotels, motels, lodging houses, apartment houses, and dwellings. Such proposals are presented to CBSC for adoption and inclusion in Title 24. Additionally, HCD adopts administrative regulations (not building standards) to implement SHL. These are located in Title 25, Housing and Community Development, Division 1, Chapter 1, Subchapter 1, commencing with Section 1.

SHL 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 CBSC for adoption and inclusion in Title 24.

For information about additional state laws requiring building standards for various types of buildings and building uses, refer to the California Building Code (CBC), Title 24, Part 2, Chapter 1, Division 1, Sections 1.2 through 1.14. The authority and reference sections identify the state laws that direct state agencies to adopt and promulgate building standards. This subject is explained in more detail in CBSC's [Guide to Title 24](#).

## Applicability of State Building Standards

The provisions of the HSC discussed above establish that Title 24, as published and incorporating the latest editions of selected model codes, is the applicable code for all building occupancies throughout the state. Note that model codes by themselves do not include all applicable requirements for the design and construction of buildings in California. More information on this topic can be found in CBSC's [Guide to Title 24](#).

References: HSC 17950 and 18916, 18938(b)

## Availability of Referenced Laws and Regulations

**California Law:** All state laws referenced herein may be accessed at the [Legislative Information website](http://leginfo.ca.gov): [leginfo.legislature.ca.gov](http://leginfo.ca.gov)

**Title 24:** The California Building Standards Code may be accessed through [CBSC's website](http://dgs.ca.gov/BSC/Codes): [dgs.ca.gov/BSC/Codes](http://dgs.ca.gov/BSC/Codes).

**Other CCR Titles:** Titles 1 through 28 (except Title 24) may be accessed at the [Office of Administrative Law \(OAL\) website](http://oal.ca.gov): [oal.ca.gov/](http://oal.ca.gov/)

## Local Government's Responsibilities

Following is a summary of the responsibilities established in state law for local government regarding building standards:

### Local government enforcement

Except for building occupancies subject to state agency enforcement, local government must enforce the current edition of Title 24. Examples of buildings subject to state enforcement include hospitals, prisons, state-owned buildings, University of California and California State University buildings, and community college buildings. Most other building types and occupancies are subject to local enforcement. Enforcement responsibilities are clarified in the California Building Code (CBC), Chapter 1, Division 1, Sections 1.2 through 1.14.

References: HSC 1226(c), 13145, 13146, 13196, 17960, 17961, 17962, 18948, 18959, 19958 and 129885; GOV 4453(b) and 54350; PRC 25402; and Civil Code 55.53

### Code by default

A local government may adopt Title 24 by reference in their jurisdiction's ordinances. Even if a local government does not adopt Title 24 by ordinance, Title 24 becomes the applicable code for all building occupancies by default. This is made clear in HSC Sections 17950, 17958 and 18938(b), and in CBC, Chapter 1, Division 1, Section 1.1.3.

### Local amendments permitted

Various state laws authorize local governments and fire protection districts to adopt ordinances that make amendments to the building standards in Title 24. Each of the state laws authorizing local amendments includes specific requirements to be satisfied before the amendments may be effective or operative. These requirements are explained below in *Local Code Amendment Authority and Requirements*.

Ordinances making amendments to Title 24 that have been submitted to CBSC and are acceptable for filing, meaning they comply with filing requirements of state law, are listed on CBSC's [Local Amendments to Building Standards-Ordinances](https://dgs.ca.gov/Codes) webpage at [dgs.ca.gov/Codes](https://dgs.ca.gov/Codes).

Local amendments to building standards, including amendments to adopt model code appendix chapters or make changes to appendix chapters, require express findings for each amendment, addition or deletion based on local climatic, topographical or geological conditions, and environmental conditions in the case of amendments to the California Green Building Standards Code (CALGreen, Part 11 of Title 24).

Amendments must also be expressly marked to distinguish amendment text from the published text of Title 24.



## **Amendments must be adopted for each new edition of Title 24**

Every three years, when a new edition of Title 24 is published, local government must satisfy all requirements in state law when filing an ordinance with the state. These requirements are explained below in *Local Code Amendment Authority and Requirements*.

## **Amendments must be filed with the state**

Local ordinances making amendments to Title 24 are neither effective nor operative until filed with CBSC, HCD, SFM, or the State Historical Building Safety Board (SHBSB), as appropriate. This requirement is detailed below in *Local Code Amendment Authority and Requirements*.

## **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, actions to amend the provisions of Title 24 must be part of the jurisdiction's public record.

References: HSC Sections 17958.7 and 18942(e)(1)

**Note:** CBSC's publication [\*It's Your Building Department\*](#) provides extensive information about the requirements of state law applying to local building departments and is available on the Resources tab of CBSC's website: [dgs.ca.gov/BSC/Resources/Guidebooks for Local Jurisdictions](http://dgs.ca.gov/BSC/Resources/Guidebooks%20for%20Local%20Jurisdictions).

## **Local Code Amendment Authority and Requirements**

Local governments may amend the building standards contained in Title 24 in accordance with state laws for specific types of buildings and building features. To determine the requirements and restrictions applicable to a planned amendment, the local agency or fire protection district must determine which state law applies. Listed below are the requirements under each of the state laws that authorize local amendments. Filings meeting the requirements of law are listed on CBSC's [Local Amendments to Building Standards—Ordinances](#) webpage, under the Codes tab. All submitting local governments receive a response from CBSC informing them of the acceptance of the filing or identifying the cause for rejection. Rejected filings may be corrected and resubmitted.

## Local Amendments under the California Building Standards Law

**Amendment authority:** HSC Section 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**. CALGreen Section 101.7.1 allows the use of **environmental conditions** as an acceptable finding.

Additional references: HSC 17958.5, CBC 1.1.8 and 1.8.6.2

**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. For example, amendments for residential buildings, historic buildings, and energy conservation are affected by other state laws and may not be subject to an amendment made under the authority of HSC 18941.5.

**Document requirements:** Amendment documents must be **expressly marked** to:

- Specify the state law providing the authority for the amendment.
- Identify the Title 24 section being amended and distinguish the amendment text from the text of Title 24 not being amended.
- Indicate that amendments are **more restrictive** building standards than those provided in Title 24.
- Clearly show that the local governing body made an **express finding** that amendments to the building standards in Title 24 are **reasonably necessary because of local climatic, geological, or topographical conditions, including environmental conditions** for green building standards.

**Filing requirements:** Local amendments are not effective or operative until the amendment documents meeting the requirements have been filed with CBSC. Send amendment documents with ordinance identification and governing body official's signature to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936  
[ordinancefilings@dgs.ca.gov](mailto:ordinancefilings@dgs.ca.gov)

CBSC will issue a letter to the local enforcing agency stating that the code modifications are accepted for filing when they meet the requirements of HSC Sections 17958.7 and 18941.5. For filings that do not meet the requirements, an email will be sent noting any deficiencies. Local amendments accepted for filing will be listed on CBSC's website.

**Accessibility Requirements:** In order for local amendment documents to be posted on CBSC's ordinance listing for viewing or downloading by the public, they must be provided in a format that is accessible to persons with disabilities. Alternatively, a

jurisdiction may provide a link to their posting of the ordinance on their website for access via CBSC's ordinance listing. These requirements are detailed later in this guide.

## Local Amendments under the State Housing Law

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:** HSC Sections 17958, 17958.5 and 17958.7 authorize a city, county, or a city and county to adopt local amendments to the building standards in Title 24 that apply 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, including environmental conditions** for green building standards.

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

Additional reference: CBC Section 1.8.6.2

**Amendment application:** Amendments made under the authority of the SHL may apply only to residential occupancies identified in Title 24, Parts 2 and 2.5.

**Document requirements:** Amendment documents must be expressly marked to:

- Specify the state law providing the authority for the amendment.
- Identify the Title 24 section being amended and distinguish the amendment text from the text of Title 24 not being amended.
- Clearly show that the local governing body has made an **express finding** that amendments to building standards for residential construction contained in Title 24 are **reasonably necessary because of local climatic, geological, or topographical conditions, including environmental conditions** for green building standards.

**Filing requirements:** Local amendments made pursuant to SHL are not effective or operative until filed with CBSC. Send amendment documents with ordinance identification and governing body official's signature to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936  
[ordinancefilings@dgs.ca.gov](mailto:ordinancefilings@dgs.ca.gov)

CBSC will issue a letter to the local enforcing agency stating that the code modifications are accepted for filing when they meet the requirements of HSC Sections 17958.7 and 18941.5. For filings that do not meet the requirements, an email will be sent noting any deficiencies. Local amendments accepted for filing will be listed on CBSC's website.

**Accessibility Requirements:** In order for local amendment documents to be posted on CBSC's ordinance listing for viewing or downloading by the public, they must be provided in a format that is accessible to persons with disabilities. Alternatively, a jurisdiction may provide a link to their posting of the ordinance on their website for access via CBSC's ordinance listing. These requirements are detailed later in this guide.

## Local Amendments for Energy Conservation

**Amendment authority:** Public Resources Code (PRC) Section 25402.1(h)(2) allows more stringent local amendments to the energy efficiency and conservation provisions in the California Energy Code, Title 24, Part 6. The California Administrative Code, Title 24, Part 1, Chapter 10, Section 10-106, requires local government to submit their amendments for local energy efficiency or conservation requirements to the California Energy Commission (CEC). CEC takes the following actions:

1. Reviews submissions to determine if the amendments include energy efficiency standards that are more restrictive than Part 6 regulations and therefore within CEC's authority. If not, a letter is sent advising the jurisdiction to file only with CBSC.
2. If the amendments are for energy efficiency or conservation standards, CEC then determines if the application is complete. The application must include:
  - The proposed energy standards
  - The local governmental agency's energy-savings and cost-effectiveness findings, and supporting analyses
  - 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 the Energy Code
  - Any findings, determinations, declarations, or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act

3. Local ordinance amendments meeting the requirements of #2 above are posted to the CEC local ordinance docket for a public comment period of at least 15 days.
4. Amendments meeting the requirements of #2 above are scheduled for review by the commission at a business meeting. At the business meeting, the commission confirms that the requirements of statute have been met and votes to allow the amendments to be enforced at the local level.
5. CEC staff informs the local jurisdiction of the action the commission has taken regarding its submitted amendments.

**Recommendation:** Contact the CEC Building Standards Office before starting the process of adopting local amendments to the Energy Code. CEC has staff available to assist with submitting amendments that will meet statutory requirements.

CEC Contact: Danuta Drozdowicz  
California Energy Commission  
715 P Street, MS-37  
Sacramento, CA 95814  
[danuta.drozdowicz@energy.ca.gov](mailto:danuta.drozdowicz@energy.ca.gov)  
(916) 805-7436

**Amendment application:** When approved, amendments to Title 24 made under the authority of PRC Section 25402.1(h)(2) may apply to any building occupancy subject to the California Energy Code.

**Document requirements:** Amendment documents must be expressly marked to:

- Document approval by the local governing body.
- Specify the state law providing the authority for the amendment(s).
- Identify the Title 24 section being amended and distinguish the amendment text from the text of Title 24 not being amended.

**Filing requirements:** Amendment documents must be filed with CBSC. Send approved amendment documents to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936  
[ordinancefilings@dgs.ca.gov](mailto:ordinancefilings@dgs.ca.gov)

CBSC will acknowledge in writing the receipt of amendment documents and review findings. Local amendments accepted for filing will be listed on CBSC's website. Be advised that amendments to Part 6 accepted for filing with CBSC are not enforceable locally until the CEC determines the standards are cost effective and will require buildings to be designed to consume less energy than permitted by Part 6.

**Accessibility Requirements:** In order for local amendment documents to be posted on CBSC's ordinance listing for viewing or downloading by the public, they must be provided in a format that is accessible to persons with disabilities. Alternatively, a jurisdiction may provide a link to their posting of the ordinance on their website for access via CBSC's ordinance listing. These requirements are detailed later in this guide.

## Local Amendments for Universal Design in Housing

**Amendment authority:** HSC Section 17959 authorizes local ordinances for universal design in residential occupancies based on guidelines and the 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 on its [Universal Design Model Ordinance](http://hcd.ca.gov/building-standards/state-housing-law-program/universal-design-model-ordinance) (hcd.ca.gov/building-standards/state-housing-law-program/universal-design-model-ordinance) and [State Housing Law Program](http://hcd.ca.gov/building-standards/state-housing-law-program/state-housing-law-program-laws-and-regulations) (hcd.ca.gov/building-standards/state-housing-law-program/state-housing-law-program-laws-and-regulations) webpages:

- Universal Design Model Ordinance - AB 2787 (Chapter 726, Statutes of 2002)
- New Home Universal Design Option Checklist - AB 1400 (Chapter 648, Statutes of 2003)

Additional references: HSC 17958.5 and 18941.5

**Document requirements:** Amendment documents must be expressly marked to:

- Specify the state law providing the authority for the amendment.
- Identify the Title 24 section being amended and distinguish the amendment text from the text of Title 24 not being amended.
- Clearly show that the local governing body has based its ordinances on HCD's guidelines or Universal Design Model Ordinance, or made a finding that the changes and modifications are reasonably necessary and are substantially the same as HCD's guidelines or model ordinance.



**Filing requirements:** Local amendments made pursuant to HSC 17959 shall not be effective or operative until filed with HCD. Send the amendment documents to:

Department of Housing and Community Development  
Division of Codes and Standards  
State Housing Law Program  
9342 Tech Center Drive, Suite 500  
Sacramento, California 95826

Or

PO Box 278180  
Sacramento, California 95827-8180

Or

[HCDBuildingStandards@hcd.ca.gov](mailto:HCDBuildingStandards@hcd.ca.gov)

### **Local Amendments under the Earthquake Protection Law**

CBSC does not review ordinances developed pursuant to the Earthquake Protection Law (HSC Section 19100, et seq.) relative to seismic retrofit standards for seismically hazardous buildings. HSC Section 19165 requires these amendments be filed with HCD for informational purposes.

Local jurisdictions should send amendment documents to:

Department of Housing and Community Development  
Division of Codes and Standards  
State Housing Law Program  
9342 Tech Center Drive, Suite 500  
Sacramento, CA 95826

Or

PO Box 278180  
Sacramento, California 95827-8180

Or

[HCDBuildingStandards@hcd.ca.gov](mailto:HCDBuildingStandards@hcd.ca.gov)

### **Local Amendments for Accessory Dwelling Units**

Local amendments developed for the purpose of regulating accessory dwelling units pursuant to GOV Section 65852.2 are subject to the requirements of those provisions of law and local building code requirements that apply to detached dwellings, as appropriate. A copy of the ordinance is required to be submitted to HCD within 60 days after adoption. HCD may review and comment on the submitted ordinance.

Local jurisdictions should send amendment documents to:

Department of Housing and Community Development  
Division of Codes and Standards  
State Housing Law Program  
9342 Tech Center Drive, Suite 500  
Sacramento, CA 95826

Or

PO Box 278180  
Sacramento, California 95827-8180

Or

[HCDBuildingStandards@hcd.ca.gov](mailto:HCDBuildingStandards@hcd.ca.gov)

### Local Amendments for Shelter Crises

**Amendment authority:** Government Code (GOV) Sections 8698.3 and 8698.4 permit local jurisdictions to adopt ordinances to address a shelter crisis arising from homelessness or a natural disaster, such as fire. These local jurisdictions, upon declaring a shelter crisis, may adopt reasonable local standards and procedures for the design, site development and operation of shelters in lieu of compliance with state and local building approval procedures or state housing, health, habitability, planning, zoning or safety standards, procedures and laws. To assist locals with quickly adopting shelter crisis regulations, Appendix P of the CBC and Appendix AZ of the CRC are available for adoption by ordinance without the need for express findings. Appendices P and AZ are the minimum standards that must be met by a local shelter crisis ordinance.

To enact the provisions of GOV Sections 8698.3 and 8698.4, the local jurisdiction must submit a draft ordinance to HCD for review and approval to ensure minimum health and safety standards are met.

Local jurisdictions should send shelter crisis ordinance documents to:

Department of Housing and Community Development  
Division of Codes and Standards  
State Housing Law Program  
9342 Tech Center Drive, Suite 500  
Sacramento, California 95826

Or

PO Box 278180  
Sacramento, California 95827-8180

Or

[HCDBuildingStandards@hcd.ca.gov](mailto:HCDBuildingStandards@hcd.ca.gov)

## Local Amendments under the Fire Protection District Law

**Amendment authority:** HSC, Division 12, Part 2.7 (the Fire Protection District Law of 1987), Section 13869.7, authorizes a local fire protection district to adopt ordinances with fire and panic safety requirements **more restrictive** than Title 24's regulations adopted by the State Fire Marshal (SFM). The local ordinance must only establish more restrictive fire and panic safety requirements needed for **local climatic, geological, or topographical conditions**.

Additional references: HSC 18941.5, with reference to HSC 17958.7, and CBC Sections 1.1.8 and 1.8.6.2

**Amendment application:** Amendments to Title 24 made under the authority listed above may apply to fire and panic safety requirements in any building or building feature subject to the provisions of Title 24 adopted by SFM.

**Document requirements:** Amendment documents must be expressly marked to:

- Specify the state law providing the authority for the amendment.
- Identify the Title 24 section being amended and distinguish the amendment text from the text of Title 24 not being amended.
- Show that the fire protection district board made an **express finding** that amendment to building standards for fire and panic safety in Title 24 is **reasonably necessary because of local climatic, geological, or topographical conditions**.
- Document that the fire protection district presented the proposed amendment(s) to the public in the city, county, or city and county where the amendments will apply for a 30-day review.
- Prove that the fire protection district obtained ratification (approval) by the city, county, or city and county where the amendment will apply. The amendment becomes effective when ratified.

**Filing requirements:** The amendment documents, along with the adopting ordinance and findings, must be filed with HCD by the jurisdiction where the amendments will apply. Send the filing documents to:

Department of Housing and Community Development  
Division of Codes and Standards  
State Housing Law Program  
9342 Tech Center Drive, Suite 500  
Sacramento, CA 95826

Or

PO Box 278180  
Sacramento, California 95827-8180

Or

[HCDBuildingStandards@hcd.ca.gov](mailto:HCDBuildingStandards@hcd.ca.gov)

## Local Amendments for Shelter Crises – Fire and Life Safety

**Amendment authority:** Government Code (GOV) Section 8698.1 permits a local jurisdiction with a population over 3.5 million to adopt ordinances related to fire and life safety to address shelter crises arising from homelessness or a natural disaster, such as fire. The alternative standards must be reasonable and, at a minimum, meet the requirements listed in the law.

To enact the provisions of GOV Section 8968.1, the local jurisdiction must submit reasonable standards to SFM for review. Within 30 days, SFM will respond to the jurisdiction with approval or an explanation of why threshold requirements are not met.

A local jurisdiction making amendments for fire and life safety standards in a shelter crisis should contact SFM's Fire and Life Safety Division at (916) 568-3801 for review of their amendments.

## Local Amendments under the State Historical Building Code

**Amendment authority:** HSC, Division 13, Part 2.7 (the State Historical Building Code), Section 18959, authorizes local government to make amendments to the California Historical Building Code, Part 8 of Title 24, for qualified historical buildings.

**Amendment application:** Amendments under the authority of HSC 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:

- Specify the state law providing the authority for the amendment.
- Identify the Title 24, Part 8, section being amended and distinguish the amendment text from existing Title 24 text.
- Show that the local governing body has made an **express finding** that the amendment is **reasonably necessary because of local climatic, geological, seismic, and topographical conditions**.
- The record of this action must be available to the public.

**Filing requirements:** Local amendments made under the authority provided in HSC 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 (SHBSB). Send amendment documents to:

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

## Summary of Agencies for Amendment Filings

Type of Amendment	File with:
Building Standards Law – HSC 18941.5	CBSC
State Housing Law – HSC 17958, 17958.5 & 17958.7	CBSC
Energy Conservation – PRC 25402.1(h)(2)	CBSC (CEC approval required to enforce)
Universal Design in Housing – HSC 17959	HCD
Earthquake Protection Law – HSC 19100, et seq	HCD
Accessory Dwelling Units – GOV 65852.2	HCD
Shelter Crises – GOV 8698.3 & 8698.4	HCD
Fire Protection District Law – HSC 13869.7	HCD
Shelter Crises, Fire & Life Safety – GOV 8698.1	SFM
State Historical Building Law – HSC 18959	SHBSB

## Submitting Accessible Documents for Posting on CBSC’s Website

In accordance with GOV Sections 11546.7, 7405 and 11135, in order for ordinances to be posted to CBSC’s website for viewing or downloading by the public, they must be provided in a format that is accessible to persons with disabilities. Accessible documents are required to meet WCAG 2.0 AA (see \* below) standards for document attributes including headers, lists, tables, alternative text for images (including signatures and logos), font and text styles, color and/or meaningful links.

CBSC will review submitted documents for accessibility and will not be able to remediate those that do not meet these standards. When an ordinance document is not accessible, CBSC’s local amendments webpage will only list the identification number of the ordinance. Constituents will then be able to request it by contacting CBSC or the local jurisdiction.

Another alternative is for a jurisdiction to provide a link to the building standards ordinance that matches the ordinance filed with CBSC and is posted on their own website; that link can then be shared on CBSC’s website.

CBSC highly encourages jurisdiction staff to obtain training in creating accessible documents to proactively meet the needs of constituents now and in the future. Some resources for accessibility information and training are:

- California Department of Technology (CDT) [Web Accessibility Training](http://cdt.ca.gov/workforce-development/course-schedule/) at [cdt.ca.gov/workforce-development/course-schedule/](http://cdt.ca.gov/workforce-development/course-schedule/)

- [California Department of Rehabilitation \(DOR\) Accessibility Training](https://www.dor.ca.gov/Home/DasTrainings) at <https://www.dor.ca.gov/Home/DasTrainings>
- [Digital Accessibility Information](https://www.dor.ca.gov/Home/DigitalAccess) at [dor.ca.gov/Home/Digital Access](https://www.dor.ca.gov/Home/DigitalAccess)
- [Guides for Creating Accessible Documents](https://www.dor.ca.gov/Home/ConstructingAccessibleContent) at [dor.ca.gov/Home/ConstructingAccessibleContent](https://www.dor.ca.gov/Home/ConstructingAccessibleContent)
- \*[Web Content Accessibility Guidelines \(WCAG\)](https://www.w3.org/TR/WCAG20/) by the World Wide Web Consortium (W3C) at [www.w3.org/TR/WCAG20/](https://www.w3.org/TR/WCAG20/)

## Causes for CBSC Rejection

CBSC reviews all received filings of local amendments to Title 24 for compliance with the requirements of HSC Sections 17958.7 and 18941.5. Note that CBSC is not authorized by law to evaluate the merits of the express findings of a local government as to the local climatic, geological, topographical or environmental (for CALGreen) conditions necessitating the amendments. The following are common reasons for CBSC to reject an amendment filing.

- The filing documents indicate the adoption of model codes, or amendments to model codes, but fail to properly identify the applicable California Building Standards Code (Title 24) being amended.
- The filing documents do not include the required **express findings** that each amendment is **reasonably necessary because of local climatic, geological, topographic or environmental conditions**, when required by the authorizing state law.
- The filing documents do not include text that is **expressly marked in a manner to distinguish the amendment text from the published text of Title 24**, when required by the authorizing state law.
- The filing documents for amendments to administrative provisions in Title 24 that **relate to the implementation or enforcement of a building standard** but do not have **express findings** that each amendment is **reasonably necessary because of local climatic, geological, topographic or environmental conditions**, and/or are not **expressly marked in a manner to distinguish the amendment text from the published text of Title 24**, when required by the authorizing state law.
- The filing documents for the adoption of an appendix chapter that **relates to the implementation or enforcement of a building standard** do not have **express findings** that each amendment is **reasonably necessary because of local climatic, geological, topographic or environmental conditions** and/or are not **expressly marked in a manner to distinguish the amendment text from the published text of Title 24**, when required by the authorizing state law.



- There is no evidence shown 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.

Rejected filings may be corrected and resubmitted to CBSC for filing.

## Local Administrative Ordinances

Local ordinances and regulations necessary to carry out 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 governing Title 24 building standards amendments. Additionally, local ordinances that merely adopt Title 24 by reference without amendments need not be filed with CBSC, HCD, SFM or SHBSB. Read HSC Section 18909(c) regarding regulations that are not building standards.

## Local Approval of Alternatives

Local building departments have authority under HSC Section 17951(e) to allow alternative materials and methods of construction that are not specifically adopted in Title 24 for the design and construction of hotels, motels, lodging houses, apartments, condominiums and dwellings. An alternative material or method of construction not specifically adopted in Title 24 may be approved on a case-by-case basis for residential structure construction under the conditions stated in HSC Section 17951(e) without the need for a local ordinance or code amendment. Additionally, Chapter 1 in various parts of Title 24 allows for the use of alternate materials, design and methods of construction for both residential and nonresidential occupancies.

## Resources

Visit CBSC's [Local Amendments to Building Standards—Ordinances](https://dgs.ca.gov/BSC/Codes/Local-Amendments-to-Building-Standards---Ordinances) webpage at [dgs.ca.gov/BSC/Codes/Local-Amendments-to-Building-Standards---Ordinances](https://dgs.ca.gov/BSC/Codes/Local-Amendments-to-Building-Standards---Ordinances) for a list of filed and accepted local amendments, guidance materials and a local amendment process video. Questions about the local amendment process, including whether CBSC has received certain local amendments, may be directed to CBSC staff at [ordinancefilings@dgs.ca.gov](mailto:ordinancefilings@dgs.ca.gov) or (916) 263-0916.

## Appendix A – Referenced Laws & Regulations

Only those state laws pertaining to local amendments to Title 24 discussed within this guide are linked in this appendix.

### Health and Safety Code Sections

[Health and Safety Code Section 1226. Subsection \(c\) is relevant](#)

[Health and Safety Code Section 13143.5](#)

[Health and Safety Code Section 13145](#)

[Health and Safety Code Section 13146](#)

[Health and Safety Code Section 13196](#)

[Health and Safety Code Section 13869.7](#)

[Health and Safety Code Section 17910](#)

[Health and Safety Code Section 17922](#)

[Health and Safety Code Section 17950](#)

[Health and Safety Code Section 17958](#)

[Health and Safety Code Section 17958.5](#)

[Health and Safety Code Section 17958.7](#)

[Health and Safety Code Section 17959](#)

[Health and Safety Code Section 17960](#)

[Health and Safety Code Section 17961](#)

[Health and Safety Code Section 17962](#)

[Health and Safety Code Section 18901](#)

[Health and Safety Code Section 18909 & 18909\(c\)](#)

[Health and Safety Code Section 18916](#)

[Health and Safety Code Section 18938](#)

[Health and Safety Code Section 18941.5](#)

[Health and Safety Code Section 18942. Subsection \(e\) is relevant.](#)

[Health and Safety Code Section 18948](#)

[Health and Safety Code Section 18954](#)

[Health and Safety Code Section 18959](#)

[Health and Safety Code Section 19165](#)

[Health and Safety Code Section 19958](#)

[Health and Safety Code Section 129885. Subsections \(a\), \(b\) and \(c\) are relevant.](#)

### **Government Code Sections**

[Government Code Section 4453](#)

[Government Code Section 7405](#)

[Government Code Section 8698.1](#)

[Government Code Section 8698.3](#)

[Government Code Section 8698.4. Subsections \(a\)\(1\) and \(2\) are relevant.](#)

[Government Code Section 11135](#)

[Government Code Section 11546.7](#)

[Government Code Section 54350](#)

[Government Code Section 65852.2. Subsection \(h\)\(1\) is relevant.](#)

### **Public Resources Code**

[Public Resources Code Section 25402.1. Subsections \(g\) and \(h\) are relevant.](#)

### **Civil Code**

[Civil Code Section 55.53. Subsection \(d\) is relevant.](#)

## Appendix B – Title 24 Regulations

### California Administrative Code, 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 following two requirements are met prior to any enforcement of the standards:

1. A determination that the standards are cost effective is adopted by the local agency at a public meeting and subsequently filed with the Energy Commission; and
2. The Energy Commission finds that the standards will require buildings to be designed to consume less energy than permitted by Title 24, Part 6.

(b) Documentation Application. Local governmental agencies wishing to enforce energy standards subject to Section 10-106(a) 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 proposed energy standards will require buildings to be designed to consume less 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.

### California Building Code, Part 2, Scope

#### Sections 1.1.3. & 1.1.3.1.

**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 provided.)

## **California Building Code, Part 2, Effective Date and Filings**

### **Chapter 1, Sections 1.1.8., 1.1.8.1 & 1.1.8.2.**

**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 278180, Sacramento, CA 95827-8180 or 9342 Tech Center Drive, Suite 500, Sacramento, CA 95826-2582.

#### **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 cities and counties 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 Building Code, Part 2, Findings and Filings**

### **Chapter 1, Section 1.8.6 Local Modification by Ordinance or Regulation**

#### **Sections 1.8.6.1 & 1.8.6.2.**

**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)

## **California Green Building Standards Code, Part 11**

### **Chapter 1 Section 101.7.1 Findings and filings (only Subsection 1 is shown here)**

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. For the purpose of this section, climatic, topographical or geological conditions include local environmental conditions as established by the city, county, or city and county.