

**15-DAY EXPRESS TERMS
FOR PROPOSED BUILDING STANDARDS
OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2019 CALIFORNIA EXISTING BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

(HCD 05/18)

LEGEND FOR EXPRESS TERMS (Based on model codes – Part 10)

1. Model Code language appears upright.
 2. Unmodified California 45-Day amendments appear in *underline and italics*.
 3. California 15-Day amendments appear in *double underline and italics* or ~~*double strikethrough and italic*~~.
 4. **Rationale:** The justification for the change is shown after each section or series of related changes.
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1. HCD proposes to amend Chapter 2, Section 202 as follows:

CHAPTER 2
DEFINITIONS

SECTION 202
GENERAL DEFINITIONS

~~**SUBSTANDARD BUILDING. (HCD 1, HCD 2) Any building, structure or portion thereof, in which there exist any of the conditions listed in the Health and Safety Code, Section 17920.3, shall be deemed substandard. A building, structure, or portion thereof, declared as substandard, shall be considered unsafe, as defined in this chapter. See Health and Safety Code Section 17920.3.**~~

Rationale for change: HCD proposes to modify the above referenced new California amendment. Comments received at the California Building Standards Commission (CBSC) meeting on December 4, 2018, pointed out the inconsistencies between the proposed definition and the application of this term as codified in Health and Safety Code Section 17920.3. As originally proposed the reference to “any of the conditions” may be interpreted to mean that existence of any of the conditions specified in Section 17920.3 may cause a building to be deemed or declared as “substandard.” HCD proposes a direct reference to Section 17920.3 (as initially intended) which includes the phrase “...in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building.” The proposed definition provides clarity and consistency to the code user for the term “substandard” as used in the California amendments in this code.

There is no intended change in regulatory effect since the term is used synonymously with “unsafe building.” A related new California amendment for the definition of “unsafe” clarifies that substandard buildings, as defined, are considered unsafe buildings.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17926, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

Reference: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4, and 1101.5, and 1954.201; and Government Code Sections 12955.1 and 12955.1.1.

2. HCD proposes to amend Chapter 3, Sections 301.3 and 302.5 as follows:

**CHAPTER 3
PROVISIONS FOR ALL COMPLIANCE METHODS**

**SECTION 301
ADMINISTRATION**

301.3 Alteration, addition or change of occupancy. The alteration, addition or change of occupancy of all existing buildings shall comply with one of the methods listed in Section 301.3.1, 301.3.2 or 301.3.3 as selected by the applicant. Sections 301.3.1 through 301.3.3 shall not be applied in combination with each other.

Note: (HCD 1 & HCD 2) Sections 301.3.2 and 301.3.3 shall be permitted only if the Prescriptive Performance compliance method and/or Work area compliance method are adopted by a local ordinance.

Exceptions:

~~1.~~ Subject to the approval of the code official, alterations complying with the laws in existence at the time the building or the affected portion of the building was built shall be considered in compliance with the provisions of this code. New structural members added as part of the alteration shall comply with the ~~International~~ California Building Code. This exception shall not apply to alterations that constitute substantial improvement in flood hazard areas, which shall comply with Section 503.2, 701.3 or 1301.3.3. This exception shall not apply to the structural provisions of Chapter 5 or to the structural provisions of Sections 706, 806 and 906.

~~2. (HCD 1) Local ordinances or regulations shall permit the replacement, retention and extension of original materials, and the use of original methods of construction, for any building or accessory structure, provided such building or structure complied with the building code provisions in effect at the time of original construction and the building or accessory structure does not become or continue to be a substandard building. For additional information, see Health and Safety Code Sections 17912, 17920.3, 17922(d), 17922.3, 17958.8 and 17958.9.~~

Rationale for change: HCD proposes to relocate the above referenced new California amendment (Exception 2) being carried forward from the 2016 California Existing Building Code (CEBC). Comments received at the CBSC meeting on December 4, 2018, identified three specified provisions (401.2.1, 403.1.1, 404.1.1, from 2016 CEBC) which should be brought forward into Sections 302.4 Existing materials, Section 401 General and Section 503.1 General. HCD evaluated the location of the proposed amendment to Section 301.3 Alteration, addition or change of occupancy and has determined that the amendment is not applicable to additions or changes in occupancy and should be relocated to Section 302.5 New and replacement materials. Putting the text of the existing amendment into Section 302.5 should have the same clarification as being located in Sections 302.4, 401 and 503.1 since Section 302.5 is a general section allowing the use of like materials for repairs and alterations and it is applicable to all compliance methods.

In addition, HCD proposes an editorial modification to the newly proposed note. The text, as written, clarifies that Sections 301.3.2 and 301.3.3 are applicable only if the Prescriptive compliance method and/or Work area compliance method are adopted by a local ordinance. However, HCD intended to address the Performance compliance method since the Prescriptive compliance method is already covered in Section 301.3.1 and is proposed for adoption by HCD. The Performance compliance method is not proposed for adoption by HCD, but is available for adoption by local jurisdictions.

SECTION 302 GENERAL PROVISIONS

302.5 (Formerly 401.2.2) New and replacement materials. Except as otherwise required or permitted by this code, materials permitted by the applicable code for new construction shall be used. Like materials shall be permitted for repairs and alterations, provided that unsafe conditions are not created. Hazardous materials shall not be used where the code for new construction would not permit their use in buildings of similar occupancy, purpose and location.

(HCD 1) Local ordinances or regulations shall permit the replacement, retention and extension of original materials, and the use of original methods of construction, for any building or accessory structure, provided such building or structure complied with the building code provisions in effect at the time of original construction and the building or accessory structure does not become or continue to be a substandard building. For additional information, see Health and Safety Code Sections 17912, 17920.3, 17922(d), 17922.3, 17958.8 and 17958.9.

Rationale for change: See rationale for withdrawal of proposed Exception 2 in Section 301.3.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17926, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

Reference: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4, and 1101.5, and 1954.201; and Government Code Sections 12955.1 and 12955.1.1.

3. HCD proposes to amend Chapter 14, Section 1401.2, as follows:

**CHAPTER 14
RELOCATED OR MOVED BUILDINGS**

**SECTION 1401
GENERAL**

1401.2 Conformance. The building shall be safe for human occupancy as determined by the International Fire Code and the International Property Maintenance Code. Any repair, alteration or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the International Building Code or the International Residential Code as applicable.

~~(HCD 1 & HCD 2) Relocated or moved residential buildings and accessory structures shall comply with the building code provisions in effect at the time of original construction and shall not become or continue to be a substandard building.~~

~~Any repair, alteration or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work performed. Any field-fabricated elements shall comply with the requirements of the California Building Code or the California Residential Code, as applicable~~

After July 1, 1978, local ordinances or regulations for relocated or moved apartment houses and dwellings shall permit the retention of existing materials and methods of construction, provided the apartment house or dwelling complies with the building standards for foundations applicable to new construction and does not become or continue to be a substandard building. For additional information, see Health and Safety Code Section 17958.9.

Rationale for change: HCD proposes to modify the above referenced California amendment by replacing the newly proposed language with the existing amendment, currently in Section 409.1. HCD initially proposed new language to clarify that relocated or moved residential buildings are required to comply with the building code provisions in effect at the time of original construction. The initial proposal also duplicated model code language, which refers to the provisions in other chapters of the 2019 CEBC for any repair, alteration or change of occupancy undertaken within the moved structure, based on the type of work performed. However, comments received at and after the CBSC meeting on December 4, 2018, identified existing amendments from the 2016 CEBC, which should be brought forward into the 2019 CEBC. Although HCD believes the initial proposal aligns with the new model code format, HCD proposed to replace it with the existing amendment to avoid confusion among stakeholders and code users familiar with the existing language. There is no intended change in regulatory effect.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17926, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

Reference: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4, and 1101.5, and 1954.201; and Government Code Sections 12955.1 and 12955.1.1.