

**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 adopt Chapter 2 from the 2018 International Existing Building Code into the 2019 California Existing Building Code with new amendments as follows:

**CHAPTER 2
DEFINITIONS**

**SECTION 202
GENERAL DEFINITIONS**

UNSAFE. Buildings, structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of “Dangerous,” or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe. A vacant structure that is not secured against entry shall be deemed unsafe.

(HCD 1 & HCD 2) An ~~substandard~~ unsafe building, as defined in this chapter, shall be considered ~~unsafe~~ substandard.

Rationale: HCD proposes to modify the above referenced new California amendment. Comments received after the California Building Standards Commission (CBSC) meeting on January 15-16, 2018, pointed out potential problems that may arise if HCD declares all substandard buildings (including buildings that are not dangerous) unsafe. HCD evaluated the comments and considered modifications to the initial proposal. As originally proposed, the amendment suggests that the existence of any condition specified in the Health and Safety Code (HSC) Section 17920.3 may cause a building to be deemed or declared as “unsafe,” and therefore vacated. It was not HCD’s intent. Since the terms “unsafe” and “substandard” are proposed to be used in the 2019 CEBC, HCD intended to specify that for the purposes of the CEBC, a building that is declared unsafe (and dangerous) shall also be considered substandard. In this case substandard conditions, as outlined in the HSC Section 17920.3, which do not endanger the life, limb, health, property, safety, or welfare of the public or the occupants, should not be a reason for vacation of the building.

The proposed modification clarifies HCD’s initial intent and provides clarity and consistency to the code user. 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.

2. HCD proposes to adopt Chapter 4 from the 2018 International Existing Building Code into the 2019 California Existing Building Code with new amendments as follows:

**CHAPTER 4
REPAIRS**

**SECTION 402
BUILDING ELEMENTS AND MATERIALS**

402.1 Glazing in hazardous locations. (No change to model code text)

402.2 Existing materials. (HCD) Existing materials shall comply with Section 302.4.

402.3 New and replacement materials. (HCD) New and replacement materials used for repairs shall comply with Section 302.5.

Rationale: HCD proposes to adopt the above referenced sections as California amendments. The proposed amendments provide references to Sections 302.4 and 302.5, which are general sections applicable to all three compliance methods – prescriptive, performance, and work area (last two methods not adopted by HCD). Section 302.5 contains an existing HCD amendment, allowing the replacement, retention and extension of original materials and the use of original methods of construction if special conditions are met. This amendment was proposed after the first California Building Standards Commission (BSC) meeting on December 4, 2018, and made available for comments during a 15-day public comment period that ended January 3, 2018.

The newly proposed amendments (Sections 402.2 and 402.3) are in response to a stakeholder, expressing an opinion that three provisions from the 2016 California Existing Building Code (Sections 401.2.1, 403.1.1, and 404.1.1) should be brought forward into Sections 302.4 Existing materials, Section 401 General and Section 503.1 General. HCD did not bring forward the existing amendments in these sections because these model code sections no longer exist in the 2018 International Existing Building

Code, were adequately addressed by the model code, or amendments are proposed to be relocated to different chapters. It is HCD's analysis that the model code Sections 301.3 (exception), 302.4, and 302.5 (second sentence), with HCD's amendment in Section 302.5, already address the use of existing materials and original methods of construction for alterations and repairs. Nevertheless, since the model code was re-formatted and many code users are not familiar with the new format, HCD proposes references to Sections 302.4 and 302.5 for clarification purposes. The proposed amendments have 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.