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.

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CALIFORNIA

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Introduction

This guide is provided by the California Building Standards Commission (CBSC) for the purpose of assisting local government with the requirements in state law applying to local amendments to the California Building Standards Code, California Code of Regulations, Title 24, as published by 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 local amendments may be identified or discussed. The laws and regulations referenced herein are provided in Appendices 1 and 2.

Our *Guide to Title 24*, available on our website www.dgs.ca.gov/bsc, should be studied by persons not already trained in the application and use of Title 24 as it provides background information that will be helpful when using 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.
- CBSC is required by state law to adopt, approve, and publish building standards in the California Code of Regulations (CCR), Title 24, that apply statewide to all building occupancies.

Acronyms and Abbreviations

The following acronyms and abbreviations are used in this guide.

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

CBSC: California Building Standards Commission

CCR: California Code of Regulations promulgated by the executive branch agencies and departments of state government to implement state laws. The CCR is divided into Titles 1 through 28. Each title has a particular subject area. Title 24 is reserved for the California Building Standards Code.

CEC: California Energy Commission

GC: Government Code - State law

HCD: Department of Housing and Community Development

HSC: California Health and Safety Code - State law

OAL: Office of Administrative Law

PRC: Public Resources Code - State law

SHBSB: State Historical Building Safety Board

SHL: State Housing Law

Title 24: The 24th 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 25th of 28 titles of the California Code of Regulations. Title 25 contains 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 on our website.

Applicable State Laws

The state law that establishes the statewide building standards code, known as the California Building Standards Code, located in the California Code of Regulations, Title 24, is found in the California Health and Safety Code (HSC). 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 HSC regarding building standards.

Note: A building standard is defined in HSC Section 18909. In short, a building standard is a regulation governing the design and construction of a building. Additionally, the definition includes a regulation, or rule, relating to the implementation or enforcement of a building standard not otherwise governed by statute. Page four of this guide provides information on how to access state laws online.

The first state law relating to building standards is known as the California Building Standards Law and is located in HSC Division 13, Part 2.5, commencing with

Section 18901. The provisions of Part 2.5 govern the work of CBSC and how Title 24 is adopted and published by CBSC and applies to all building occupancies throughout California.

The second body of law is known as the State Housing Law (SHL), which is located in HSC Division 13, Part 1.5, commencing with Section 17910. Part 1.5 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 publication in Title 24. Additionally, HCD has adopted administrative regulations (not building standards) to implement the SHL, which are located in CCR, Title 25, Division 1, Chapter 1, Subchapter 1, commencing with Section 1. These administrative regulations should not be confused with the building standards developed by HCD that are adopted and published in Title 24.

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 publication in Title 24.

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 various types of buildings and building uses, refer to CBC, Chapter 1, Division 1, Sections 1.2 through 1.14. The authority and reference provisions of each section identify the state laws that mandate the enactment of building standards and assign the responsibility to develop building standards to the state agencies. This subject is explained in detail in CBSC's *Guide to Title 24*.

Applicability of State Published Building Standards

The provisions of the HSC discussed above establish that Title 24 published by CBSC and incorporating the latest editions of selected model codes, is the applicable code for all building occupancies throughout the state. The utilization of selected model codes is explained in CBSC's *Guide to Title 24,* and model codes by themselves do not include all applicable requirements for the design and construction of buildings in California.

References: HSC 17950 and 18938(b)

Availability of Referenced Laws and Regulations

1. **California Law:** All state laws referenced herein may be accessed at the state website: www.leginfo.legislature.ca.gov/

2. **Title 24:** California Building Standards Code may be accessed through CBSC's website: www.dgs.ca.gov/bsc

3. **Titles other than Title 24:** Titles 1 through 28 (except Title 24) may be accessed at the Office of Administrative Law (OAL) website: www.oal.ca.gov/

Local Government Responsibilities and Authority

Following is a brief summary of the responsibilities and authorities of local government established in state law regarding building standards.

1. **Local government enforcement:** Except for building occupancies subject to state agency enforcement, local government must enforce Title 24 as published by 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 other building types and occupancies are subject to local enforcement. Enforcement responsibilities are clarified in 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, GC 4453(b) and 54350, PRC 25402, and Civil Code 55.53

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 a local government does not adopt Title 24 by local ordinance, Title 24 becomes 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 HSC Sections 17958 and 18938, and in CBC, Chapter 1, Division 1, Section 1.1.3.

   References: HSC 17958 and 18938(b) and CBC 1.1.3 and 1.1.3.1

3. **Local amendments permitted:** Various state laws identified herein authorize local governments and fire protection districts to adopt local ordinances that make 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 includes specific requirements to be satisfied before the local amendments may be effective and enforced. These requirements are explained in *Local Code Amendment Authority and Requirements* herein.

Local ordinances making amendments to Title 24 that have been filed with CBSC and accepted as meeting the filing requirements of state law are viewable under *Local Code Ordinances* on CBSC's website.

A local ordinance amendment that relates to the implementation or enforcement of a building standard, such as an amendment to administrative provisions or the adoption of a model code appendix, necessitates an express findings that the amendment is reasonably necessary because of local climatic, geological, topographic or environmental conditions. The amendment also must be expressly marked in a manner to distinguish the amendment text from the published text of Title 24.

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. These requirements are explained in *Local Code Amendment Authority and Requirements* herein.

5. **Amendments must be filed with the state:** Local ordinances making amendments to Title 24 are neither effective nor operative until filed with CBSC, HCD, or SHBSB 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 CCR. Additionally, actions to amend the provisions of Title 24 must be part of the public record.

   References: HSC Sections 17958.7 and 18942

   NOTE: CBSC's educational publication *It's Your Building Department* provides extensive information about the requirements of state law applying to local building departments and is available on CBSC's website.

Local Code Amendment Authority and Requirements

Local governments may amend the building standards contained in Title 24 of the CCR 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 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**

   a. **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**. CCR, Title 24, Part 11, California Green Building Standards Code (CALGreen), Section 101.7.1, 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 and CBC 1.1.8 and 1.8.6

   b. **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 among the subjects of other state laws and may not be subject to an amendment made under the authority of HSC 18941.5.

   c. **Document requirements:** Amendment documents must be **expressly marked** to clearly identify or demonstrate the following:

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

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

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

Or, email a searchable Portable Document Format (PDF) to ordinancefilings@dgs.ca.gov. The PDF must include the ordinance identification and signature of the governing body official.

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

a. **Amendment authority:** HSC Sections 17958, 17958.5 and 17958.7 authorize local amendments to the building standards in Title 24, including green building standards, 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**.

Unlike the California Building Standards Law, there is no specific requirement in the SHL 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 and CBC Section 1.8.6

b. **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.

c. **Document requirements:** Amendment documents must be **expressly marked** to identify or demonstrate the following:

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

  Note: See HCD Information Bulletin 2016-03 - SHL dated May 9, 2016, regarding local amendments to HCD regulations in Title 25. There are specific requirements for 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 HCD's website www.hcd.ca.gov/building-standards/state-housing-law/index.shtml

d. **Filing requirements:** Local amendments made pursuant to SHL are not effective until filed with CBSC. Address amendment documents to:

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

   Or, email a searchable PDF to ordinancefilings@dgs.ca.gov. The PDF must include the ordinance identification and signature of the governing body official.

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

3. Local Amendments for Universal Design in Housing

a. **Amendment authority:** HSC Section 17959 authorizes local ordinances for universal design in residential occupancies based on HCD 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:

- Universal Design Model Ordinance - AB 2787
- Housing Accessibility Checklist
- New Home Universal Design Option Checklist - AB 1400

Access these documents at HCD's websites: www.hcd.ca.gov/building-standards/state-housing-law/universal-design.shtml and www.hcd.ca.gov/building-standards/state-housing-law/state-housing-laws-regulations.shtml

References: HSC 17958.5, 17959, and 18941.5

b. Document requirements: Amendment documents must be **expressly marked** to identify or demonstrate the following:

- The state law providing the authority for the amendment.
- The Title 24 section being amended. The amendment text should be discernable from the text of Title 24 not being amended.
- 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.

c. Filing requirements: Local amendments made pursuant to HSC 17959 shall not be effective or enforceable until filed with HCD. Address 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

4. Local Amendments for Homeless Shelter Crisis

a. Amendment authority: Government Code (GC) Section 8698.4, enacted by AB 932, Chapter 786, Statutes of 2017, permits seven specific local jurisdictions to adopt ordinances to address homeless shelter crises. These local jurisdictions, upon declaring a shelter crisis, may in lieu of compliance with state and local building approval procedures or state housing, health,

habitability, planning, and zoning or safety standards, procedures and laws, adopt reasonable local standards and procedures for the design, site development and operation of homeless shelters.

In order to effect the provisions of GC Section 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. HCD is required to provide its findings in a report to the Senate Committee on Transportation and Housing and the Assembly Committee on Housing and Community Development within a specific period of time.

Local amendments made pursuant to GC Section 8698.4 and received at CBSC's office will be forwarded to HCD for its review, approval and reporting to the state legislature.

Local jurisdictions should address homeless 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

5. Local Amendments under the Fire Protection District Law

a. Amendment authority: HSC, Division 12, Part 2.7, Section 13869.7 of the Fire Protection District Law of 1987, authorizes a local fire protection district to adopt ordinances with fire and panic safety requirements **more restrictive** than SFM's fire and panic safety provisions in Title 24. 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 and CBC Sections 1.1.8 and 1.8.6

b. 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 shown in the code or Matrix Adoption Tables as adopted by SFM.

Note: The Matrix Adoption Tables are non-regulatory and are intended only as an aid to the user.

c. **Document requirements:** Amendment documents must be **expressly marked** to identify or demonstrate the following:

- The state law providing the authority for the amendment.
- The Title 24 section being amended. The amendment text should be discernable from the text of Title 24 not being amended.
- 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**.
- The fire protection district presented the proposed amendment(s) to the city, county, or city and county where the amendments will apply for a 30-day review.
- The fire protection district obtained ratification (approval) by the city, county, or city and county where the amendment will apply. The amendment is not effective without the ratification by the city, county, or city and county where the amendment will apply. When ratified, the amendment becomes effective.

d. **Filing requirements:** The amendment documents must be filed with HCD **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
9342 Tech Center Drive, Suite 500
Sacramento, CA 95826

6. Local Amendments for Fire and Panic Safety

a. **Amendment authority:** HSC 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 safety provisions of Title 24. Additionally, Section 13143.5, subsections (b) and (c) authorize a local jurisdiction to require residential fire sprinkler systems in new housing, or when retrofitting existing housing, when not otherwise required by Title 24.

References: HSC 13143.5, 17958.5, 17958.7 and 18941.5

b. **Amendment application:** Amendments made under the authority of HSC Section 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 Section 13143.5, subsections (b) or (c), may apply to new residential buildings, additions to existing residential buildings, or retrofitting of existing residential buildings.

c. **Document requirements:** Amendment documents must be **expressly marked** to identify or demonstrate the following:
   - The state law providing the authority for the amendment.
   - The Title 24 section being amended. The amendment text should be discernable from the text of Title 24 not being amended.
   - The local governing body has made an **express finding** that the amendment for more restrictive fire and panic safety under HSC Section 13143.5 is **reasonably necessary because of local climatic, geological, or topographical conditions**.

d. **Filing requirements:** The local amendments made pursuant to HSC Section 13143.5, subsections (b) and/or (c), shall be filed with CBSC. Address amendment documents to:

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

   Or, email a searchable PDF to ordinancefilings@dgs.ca.gov. The PDF must include the ordinance identification and signature of the governing body official.

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

7. Local Amendments for Energy Conservation

a. **Amendment authority:** Public Resources Code (PRC) Section 25402.1(h)(2) allows more stringent local amendments to the energy conservation provisions in the CCR, Title 24, Part 6, California Energy Code. CCR, Title 24, Part 1, California Administrative Code, Chapter 10, Section 10-106, requires local government to gain approval from the California Energy Commission (CEC) for a local energy conservation requirement. Local governments must apply to CEC for approval, and provide supporting analysis on how it was determined that the proposed local standard will save

more energy than the current provisions in Title 24, Part 6, and be cost-effective.

After 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 energy commission for approval. Only those local energy amendments approved by 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. CEC has staff available to help create the necessary documentation that will be approved upon application.

CEC Contact: Ingrid Neumann

Mailing Address: California Energy Commission
1516 Ninth Street, MS-37
Sacramento, CA 95814-5512

Email Address: ingrid.neumann@energy.ca.gov

References: PRC Section 25402.1 and Title 24, Part 1, Section 10-106

b. **Amendment application:** Amendments to Title 24 made under the authority of PRC Section 25402.1(h)(2), may, when approved, apply to any building occupancy subject to CCR, Title 24, Part 6, California Energy Code.

c. **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 amendment text should be discernable from the text of Title 24 not being amended.

d. **Filing requirements:** Amendment documents made under the authority provided in the PRC 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, email a searchable PDF to ordinancefilings@dgs.ca.gov. The PDF

must include the ordinance identification and signature of the governing body official.

CBSC will acknowledge in writing, the receipt of the amendment documents and review findings. Local amendments accepted for filing will be made available to the public on CBSC's website. Be advised that amendments to Part 6 filed with CBSC are not lawfully enforceable until approved by CEC.

8. Local Amendments under the State Historical Building Code

a. Amendment authority: HSC, Division 13, Part 2.7, Section 18959, authorizes local government to make amendments to the building standards in Part 8 of Title 24 for qualified historical buildings.

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

Reference: HSC Section 18959

b. 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.

c. Document requirements: Amendment documents must be expressly marked to identify or demonstrate the following:

- The state law providing the authority for the amendment.
- The Title 24, Part 8, section being amended.
- 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 as a public record.

d. 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). 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

9. Local Amendments under the Earthquake Protection Law

CBSC does not review ordinances relative to building seismic retrofit standards for seismically hazardous buildings developed pursuant to the Earthquake Protection Law (HSC Section 19100 et seq). CBSC forwards this type of local ordinance to HCD for consideration. HSC Section 19165 requires these ordinances be filed with HCD for informational purposes, including any subsequent amendments.

Local jurisdictions should address 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

10. Local Amendments for Accessory Dwelling Units

Local amendments developed for the purpose of regulating accessory dwelling units pursuant to Government Code 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 address 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

Causes for CBSC Rejection

CBSC conducts a review of all received filings of local amendments to Title 24 for compliance with the requirements of HSC Sections 17958.7 and 18941.5. 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 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 CBSC that incorporates model codes, and the related Title 25 regulations of HCD, are subject to adoption and amendment by a local government or a fire protection district.

- 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 the required **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 amendment to administrative provisions in Title 24 that **relate 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.

- The filing documents for the adoption of an appendix that **relate 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.

Filings meeting the requirements of law are posted on CBSC's website as *Local Code Ordinances* under the Codes tab. All submitting local governments receive a letter from CBSC advising of the acceptance of the filing, or identifying the cause for rejection. 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 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 CBSC, HCD, or SHBSB. Read HSC Section 18909(c) regarding a regulation that is not a building standard.

In Conclusion

CBSC, along with other specific state agencies, exercises significant oversight relative to local amendments, filing requirements and amendment content. Local amendments that CBSC receives and accepts for filing are available to the public on its website for review. Please visit CBSC's website www.dgs.ca.gov/bsc for filed and accepted local amendments, guidance materials and FAQs. Questions about the local amendment process, including whether CBSC has received certain local amendments, may be directed to CBSC staff by email cbsc@dgs.ca.gov or telephone (916) 263-0916.

We hope this guidebook has been helpful, and would appreciate receiving your comments and suggestions on how it or any of our other guides and educational material might be improved. You can email us at cbsc@dgs.ca.gov or send by mail to California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA, 95833.

CBSC Educational Publications

In addition to this guide, CBSC has developed a variety of educational material that are accessed on its website, available for to print for your use and distribution.

Appendix 1. Referenced State Laws

Note: Only those state laws pertaining to local amendments to Title 24 discussed within this guide are provided within this appendix. State laws may be accessed online at the state website http://leginfo.legislature.ca.gov/faces/home.xhtml.

Health and Safety Code Section 1226. Note: Only subsection (c) is provided here.
(c) A city or county, as applicable, shall have plan review and building inspection responsibilities for the construction or alteration of buildings described in paragraph (1) and paragraph (2) of subdivision (b) of Section 1204 and shall apply the provisions of the latest edition of the California Building Standards Code in conducting these plan review responsibilities. For these buildings, construction and alteration shall include conversion of a building to a purpose specified in paragraphs (1) and (2) of subdivision (b) of Section 1204. Upon the initial submittal to a city or county by the governing authority or owner of these clinics for plan review and building inspection services, the city or county shall reply in writing to the clinic whether or not the plan review by the city or county will include a certification as to whether or not the clinic project submitted for plan review meets the standards as propounded by the office in the California Building Standards Code.
If the city or county indicates that its review will include this certification it shall do all of the following:
(1) Apply the applicable clinic provisions of the latest edition of the California Building Standards Code.
(2) Certify in writing, to the applicant within 30 days of completion of construction whether or not these standards have been met.

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 Code 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 model codes described in Section 18916 and adopted by reference into the California Building Standards Code and any other building standards adopted into 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. Note: 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 18948. *The responsibility for the enforcement and administration of building standards shall remain in the state or local agency specified by other provisions of law.*

Health and Safety Code Section 18949. *(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 18954. *Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of a qualified historical building or structure may be made if they conform to this part. The building department of every city or county or other local agency that has jurisdiction over the enforcement of code within its legal authority shall apply the alternative standards and regulations adopted pursuant to Section 18959.5 in permitting repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, safety, moving, or continued use of a qualified historical building or structure. A state agency shall apply the alternative regulations adopted pursuant to Section 18959.5 in permitting repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, safety, moving, or continued use of a qualified historical building or structure.*
The application of any alternative standards for the provision of access to the disabled or exemption from access requirements shall be done on a case-by-case and item-by-item basis, and shall not be applied to an entire qualified historical building or structure without individual consideration of each item, and shall not be applied to related sites or areas except on an item-by-item basis.

Health and Safety Code Section 18959. (Note: Only subsection (f) is provided here*.*
(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.

> **Note:** The word "part" in HSC 18959 is referencing Part 2.7, of Division 13, of the Health and Safety Code, entitled State Historical Building Code.

Health and Safety Code Section 19165. *Any city, city and county, or county adopting an ordinance establishing building seismic retrofit standards for seismically hazardous buildings shall file for informational purposes with the Department of Housing and Community Development a copy of those standards and all subsequent amendments.*

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.

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

Health and Safety Code Section 129885. Note: Only subsections (a), (b) and (c) are provided here.
(a) A city or county, as applicable, shall have plan review and building inspection responsibilities for the construction or alteration of buildings described in paragraph (1) of subdivision (b) of Section 129725. The building standards for the construction or alteration of buildings specified in paragraph (1) of subdivision (b) of Section 129725 established or applied by a city or county, shall not be more restrictive or comprehensive than comparable building standards established, or otherwise applied, to clinics licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2. For chronic dialysis and surgical services buildings, construction or alteration shall include conversion of a building to a purpose specified in paragraph (1) of subdivision (b) of Section 129725.
(b) Upon the initial submittal to a city or county by the governing authority or owner of a hospital for plan review and building inspection services for buildings described in paragraph (1) of subdivision (b) of Section 129725 for chronic dialysis and surgical services, the city or county shall reply in writing to the hospital as to whether or not the plan review by the city or county will include a certification as to whether or not the clinic project submitted for plan review meets the clinic standards propounded by the office in the California Building Standards Code.
If the city or county indicates that its review will include this certification, it shall do all of the following:
(1) Apply the applicable clinic provisions of the latest edition of the California Building Standards Code.
(2) Certify in writing to the applicant within 30 days of completion of construction whether or not the standards have been met.
(c) If, upon initial submittal, the city or county indicates that its plan review will not include this certification, the governing authority or owner shall submit the plans to the Office of Statewide Health Planning and Development and the office shall review the plans for certification to determine whether or not the clinic project meets the standards propounded by the office in the California Building Standards Code.

Government Code Section 4453. *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.

Government Code Section 8698.4. Note: Only subsections (a) (1) and (2) are provided here.
(a) Notwithstanding any other provision in this chapter, upon a declaration of a shelter crisis by the City of Berkeley, Emeryville, Los Angeles, Oakland, or San Diego, the County of Santa Clara, or the City and County of San Francisco, the following shall apply to the respective city, county, or city and county during a shelter crisis:
(1) Emergency housing may include homeless shelters for the homeless located or constructed on any land owned or leased by a city, county, or city and county, including land acquired with low- and moderate-income housing funds.
(2) (A) (i) The city, county, or city and county, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, may adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. The Department of Housing and Community Development shall review and approve the city's, county's, or city and county's draft ordinance to ensure it addresses minimum health and safety standards. The department shall, as set forth in Section 9795, provide its findings to the Senate Committee on Transportation and Housing and the Assembly Committee on Housing and Community Development within 30 calendar days of receiving the draft ordinance.

Government Code Section 54350. *A local agency has police power over any enterprise acquired, constructed, or improved pursuant to this chapter and may make and enforce all necessary regulations to protect the public health in the operation and maintenance of the enterprise.*

Government Code Section 65852.2. Note: Only subsection (h) is provided here. *(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.*

Public Resources Code Section 25402.1. Note: Only subsections (g) and (h) are provided 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.
(h) Subdivisions (a) and (b) of Section 25402 and this section shall apply only to new residential and nonresidential buildings on which actual site preparation and construction have not commenced prior to the effective date of rules and regulations adopted pursuant to those sections that are applicable to those buildings. Nothing in those sections shall prohibit either of the following:
(1) The enforcement of state or local energy conservation or energy insulation standards, adopted prior to the effective date of rules and regulations adopted pursuant to subdivisions (a) and (b) of Section 25402 and this section with regard to residential and nonresidential buildings on which actual site preparation and construction have commenced prior to that date.
(2) The enforcement of city or county energy conservation or energy insulation standards, whenever adopted, with regard to residential and nonresidential buildings on which actual site preparation and construction have not commenced prior to the effective date of rules and regulations adopted pursuant to subdivisions (a) and (b) of Section 25402 and this section, if the city or county files the basis of its determination that the standards are cost effective with the commission and the commission finds that the standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to those sections. If, after two or more years after the filing with the commission of the determination that those standards are cost effective, there has been a substantial change in the factual circumstances affecting the determination, upon application by any interested party, the city or county shall update and file a new basis of its determination that the standards are cost effective. The determination that the standards are cost effective shall be adopted by the governing body of the city or county at a public meeting. If, at the meeting on the matter, the governing body determines that the standards are no longer cost effective, the standards shall, as of that date, be unenforceable and no building permit or other entitlement shall be denied based on the noncompliance with the standards.

Civil Code Section 55.53. Note: Only subsection (d) is 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.

(3) If a permit applicant or member of the public requests consultation from a certified access specialist, the local agency may charge an amount limited to a reasonable hourly rate, an estimate of which shall be provided upon request in advance of the consultation. A local government may additionally charge or increase permitting, plan check, or inspection fees to the extent necessary to offset the costs of complying with this subdivision. Any revenues generated from an hourly or other charge or fee increase under this subdivision shall be used solely to offset the costs incurred to comply with this subdivision. A CASp inspection pursuant to subdivision (a) by a building inspector who is a certified access specialist shall be treated equally for legal and evidentiary purposes as an inspection conducted by a private CASp. Nothing in this subdivision shall preclude permit applicants or any other person with a legal interest in the property from retaining a private CASp at any time.

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 are provided within this appendix. Title 24 regulations may be accessed online at the CBSC website www.dgs.ca.gov/bsc . State regulations in other titles may be accessed online at the state website 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.

California Code of Regulations, Title 24, Part 2, California Building Code, 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 Code of Regulations, Title 24, Part 2, California Building Code, 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 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, 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 Code of Regulations, Title 24, Part 11, California Green Building Standards Code, Section 101.7.1 Findings and filings. Note: Only subsection 1. is provided 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.*