

BUILDING STANDARDS COMMISSION

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CALIFORNIA BUILDING STANDARDS COMMISSION INFORMATION BULLETIN 19-03

DATE: May 23, 2019

TO: LOCAL BUILDING DEPARTMENTS
STATE AGENCIES AND DEPARTMENTS
CBSC INTERESTED PARTIES

SUBJECT: AB 2913 (Chapter 655, Statutes of 2018) and Conflicts With the
California Building Standards Code, Title 24

The purpose of this information bulletin is to alert local building departments, state agencies and departments, and interested parties of new requirements in the California Health & Safety Code (HSC) relating to local jurisdictional permit issuance and the duration of time that issued permits remain valid.

Background

HSC Section 18938.5 contains a number of requirements, including that a local ordinance adding or modifying building standards for residential occupancies applies only to an application for a building permit, plans, specifications for, and the construction performed under that permit. One of the exceptions to this provision is a permit that is subsequently deemed expired due to work not commenced within 180 days from the date of the permit, or the permittee abandoned the work authorized by the permit.

[Assembly Bill AB 2913, Wood \(Chapter 655, Statutes of 2018\)](#), which became effective January 1, 2019, amended HSC Section 18938.5 (b)(2)(B) by changing the exception relative to the permit expiration time period from 180 days to 12 months. The legislation also added HSC Section 18938.6 to provide that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance; the exception being where the permittee has abandoned the work authorized by the permit. Furthermore, this new law authorizes the permittee to request extension of the permit, and the building official may grant in writing one or more extensions in increments not exceeding 180 days.

Enforcement Precedence

These changes in law have created a conflict with the commencement of work permit expiration requirements within the administrative provisions found in Chapter 1, Division II in a number of parts of Title 24. The affected Title 24 Parts are 2, 2.5, 4, 5 and 9. Please be aware of this conflict with commencement of work and that the provisions of law contained in HSC Sections 18938.5 and 18938.6 take precedence over these administrative building standards relevant to permit expiration.

These HSC sections however, do not address the time period where work is considered suspended or abandoned. This matter is addressed in the above Title 24 Parts. In jurisdictions that adopt and enforce Section 105.5 of Chapter 1, Division II, California Building Code, Part 2, Title 24, California Code of Regulations, this period is specified as 180 days of work suspension or abandonment. This provision of Section 105.5 does not conflict with the HSC sections noted above, and the 180-day reference is applicable in determining the time period for work suspension or abandonment.

In order to address this conflict and determine a resolution, CBSC staff will be consulting with affected state agency representatives on an effective means to resolve the conflict in Title 24.

Local Government Amendments

Local ordinances modifying or changing Title 24 building standards are subject to requirements of California law and must be filed with the appropriate state agency for each edition of the California Building Standards Code.

The [Local Code Ordinances](#) page on CBSC's website has a number of helpful resources, including the [Guide for Local Amendments of Building Standards](#), ordinances received by CBSC for filing in accordance with state law, and the California Code Adoption for Local Jurisdictions webinar.

If you have any questions concerning this matter, please contact our office at

(916) 263-0916 or email your inquiry to cbsc@dgs.ca.gov.



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