

BUILDING STANDARDS COMMISSION

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CALIFORNIA BUILDING STANDARDS COMMISSION INFORMATION BULLETIN 19-06

DATE: September 10, 2019

TO: LOCAL BUILDING DEPARTMENTS
STATE AGENCIES AND DEPARTMENTS
INTERESTED PARTIES

SUBJECT: 2019 California Building Code, and 2019 California Residential Code and California Swimming Pool Safety Act

The intent of this bulletin is to provide information regarding errors and omissions identified within the publication of the 2019 California Building Code, Chapter 31, Section 3109 and 2019 California Residential Code, Appendix Chapter V specific to the California Swimming Pool Safety Act.

The Swimming Pool Safety Act background

The Swimming Pool Safety Act (Act) resides in [Health and Safety Code \(HS Code\) Sections 115920 through 115929](#) and contains requirements for private single-family home swimming pool safety provisions intended to protect people from accidental drownings and other potential pool hazards. The Act was initially added to California law in 1996 and was most recently updated by [Senate Bill 1078, Committee on Transportation and Housing \(Chapter 957, Statutes of 2018\)](#).

[HS Code Section 18942 \(b\)](#) requires the California Building Standards Commission (CBSC) to publish the text of the Act in the California Residential Code, Part 2.5 of Title 24 of the California Code of Regulations. As a convenience for the code users, CBSC also publishes the Act text in Chapter 31 of the California Building Code, Part 2 of Title 24 of the California Code of Regulations.

2019 California Building Code, Chapter 31

In reviewing the 2019 California Building Code (CBC) publication it was identified that an error occurred within the matrix adoption table which identifies the Building Standards Commission as adopting Section 3109 in its entirety, which is misleading. The Building Standards Commission does not have authority in law to interpret or make specific swimming pool or spa regulations. As stated above CBSC is required to publish the Act's text and has done so in Section 3109.2. Additionally, California does not adopt the International Swimming Pool and Spa Code. However, local governments may amend building standards and adopt other model codes, provided the adoption of such building standards or model codes does not conflict with state law, building standards or other adopted California regulations.

In reviewing the 2019 CBC it was also identified that the following note contained in HS Code Section 18942 (b) should have accompanied the Act text printed in Section 3109.2.

NOTE: These regulations are subject to local government modification. You should verify the applicable local government requirements at the time of application for a building permit.

An errata supplement will be issued by the publisher to correct the matrix adoption table editorial error and the errata will have a January 1, 2020 effective date that coincides with the effective date of the 2019 California Building Standards Code.

In a future rulemaking CBSC intends to add the missing HS Code 18942 (b) note to the 2019 CBC, Section 3109.2.

2019 California Residential Code, Appendix V

In a previous rulemaking Appendix V was added to the California Residential Code (CRC), Part 2.5 of Title 24 pursuant to HS Code 18942 and contains the statutory language of the Act. Because this is an appendix chapter and no state agency acronym is checked in the matrix adoption table, local jurisdictions may not recognize that the contents of Appendix V are state law and these mandatory building standards must be enforced by local governments for the safe design and construction of private single-family home swimming pools.

The note contained in HS Code Section 18942 (b) is included in Appendix V, so no correction to the appendix is necessary. However, CBSC intends to add explanatory language below the Appendix V title to clearly state that the appendix chapter contains the minimum requirements for private single-family home swimming pools.

Local government amendment authority

Local governments may amend the building standards contained in the California Building Standards Code, Title 24 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.

CBSC issued [Information Bulletin 19-05](#) on June 24, 2019, which contains requirements of state law establishing the application of the California Building Standards Code in Title 24 of the California Code of Regulations. Specifically, the bulletin describes how local governments must enforce the Title 24 provisions as applicable, may enact more restrictive requirements for local conditions, and adopt administrative regulations and approve alternatives. The bulletin contains links to additional resources such as a [Guide for Local Amendment](#) of Building Standards and a [Local 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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