

BUILDING STANDARDS COMMISSION

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BUILDING STANDARDS BULLETIN 11-01

DATE: June 8, 2011

TO: LOCAL BUILDING OFFICIALS
INTERESTED PARTIES

SUBJECT: CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGreen)
AND LOCAL GOVERNMENT AMENDMENTS THERETO

This Building Standards Bulletin supplements Building Standards Bulletin 10-03 issued on December 22, 2010, which included referenced state laws and regulations. The information provided in Building Standards Bulletin 10-03 remains valid.

This bulletin is to bring attention to issues encountered with the local ordinance filings for the 2010 codes, specifically green building code local amendments. Please note that the mandatory provisions of the 2010 CALGreen code became effective statewide on January 1, 2011.

Both in this bulletin and on the California Building Standards Commission's (CBSC) website we offer helpful guidance to assist local jurisdictions prior to submitting ordinances. Please refer to the following web link for additional information regarding filing local amendments.

www.bsc.ca.gov/proc_rsltn/pr_proc_amnd.htm

Lastly, this bulletin addresses a number of frequently asked questions (FAQs) regarding the content and filing of ordinances and green building ordinances.

Non-compliant Filings:

Following are two principal reasons why some of the proposed local amendment ordinances as submitted by local jurisdictions for the current edition of the California Building Standards Code, California Code of Regulations, Title 24, have been found unacceptable for filing.

- Lack of "express findings" as to the rationale for topographical, geological and/or climatic need as required by (H&SC) §§ 17958.7 and 18941.5, and/or
- Lack of "expressly marked" modifications or changes to Title 24 pursuant to (H&SC) §§ 17958.7.

Helpful Guidance:

1. Make certain that the express findings (e.g. topographical, geological, and/or climatic) are submitted with the proposed amendments.
2. Ensure that the proposed amendments are expressly marked and identified as to the applicable express findings.
3. Ensure that the proposed amendments have expressly marked modifications or changes to the respective part of Title 24 which can be illustrated via a standard regulatory strike-out and underline format.

Ordinance FAQs / CALGreen:

1. Q: When does a city or county local ordinance for a code amendment become effective?
A: The local amendment(s) becomes effective on the date that the city or county's amendment(s) with its related findings and the modification or change, compliant with (H&SC) §§ 17958.7, are filed (received) with the CBSC. Should a city or county not file its amendment(s) with CBSC means that Title 24, without the city or county amendment(s), applies within the local jurisdiction.
2. Q. How does a city or county know that their ordinance has been filed?
A. CBSC will send a letter to the city or county acknowledging receipt of the compliant ordinance(s) and the date it was received.
3. Q. When may city or county local code amendment(s) be filed with the CBSC?
A. The local amendments may be filed any time, however, most cities and counties file to coincide with the triennial effective date of Title 24. If filed before the effective date the enforceability will be on and after the effective date of Title 24. If filed after the effective date, the enforceability of the amendment will be on the date the amendment, compliant with (HSC) §§ 17958.7, is filed with CBSC or contact our office at (916) 263-0916 or by e-mail at cbsc@dgs.ca.gov.
4. Q. How do I know if a city or county has filed an ordinance with CBSC?
A. CBSC staff will scan and post all ordinances filed with CBSC on the CBSC website. The list of filed ordinances may be viewed via the web link at: www.bsc.ca.gov under the title "Local Jurisdiction Ordinance Filings". Cities and Counties with a blue hyperlink have successfully filed its ordinance(s) with the CBSC.
5. Q. What if a city or county adopted and filed with CBSC a green building ordinance prior to the effective date of CALGreen?
A. The mandatory provisions of CALGreen, like other parts of Title 24, apply statewide. If no additional filing is made, a local jurisdiction would enforce both CALGreen & its green building ordinance. If there are conflicts, however, CALGreen will prevail and can only be amended via a subsequent filing, including findings and changes expressly marked, as required to comply with (HSC) §§ 18941.5 and (HSC) §§ 17958.7.

All state laws referenced herein may be viewed at the state website www.leginfo.ca.gov . Referenced California Code of Regulations and provisions except Title 24 may be viewed at the Office of Administrative Law website www.oal.ca.gov . The twelve (12) Parts of Title 24 may be accessed through the CBSC website www.bsc.ca.gov .

If you have any questions concerning this bulletin or if additional clarification would be helpful, please contact our office at (916) 263-0916 or by e-mail at cbsc@dgs.ca.gov.



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