

**EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE ADOPTION BY REFERENCE OF THE
2005 EDITION OF THE NATIONAL ELECTRICAL CODE (NEC)
WITH PROPOSED AMENDMENTS INTO THE
2007 CALIFORNIA ELECTRICAL CODE (CEC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

The Department of Housing and Community Development (HCD) proposes to adopt the 2005 edition of the National Electrical Code (NEC) for codification and effectiveness into the 2007 edition of the California Electrical Code (CEC) as presented on the following pages, including any necessary amendments. HCD further proposes to:

- Repeal the 2002 edition of the National Electrical Code;
- Repeal amendments to the model code that are no longer necessary, repeal or amend building standards that are not addressed by a model code;
- Relocate or codify existing adopted and necessary amendments to the model code into the format of the model code proposed for adoption, the action of which has no regulatory effect; adopt new necessary amendments to the model code proposed for adoption; and/or
- Adopt new building standards that are not addressed by the model code proposed for adoption

LEGEND FOR EXPRESS TERMS:

1. Existing California amendments or code language being modified: All language will appear in *italics*, modified language is underlined or shown in ~~strikeout~~.
 2. NEC language with new California amendments: NEC language shown in normal Arial 9 point; California amendments to NEC text shown underlined and in italics.
 3. Repealed text: All such language appears in ~~strikeout~~.
 4. Notation: Authority and Reference citations are provided at the end of each chapter.
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REPEALED AMENDMENTS

HCD proposes to repeal the existing Article 89 of the 2005 NEC with the exception of 2004 CEC Articles 89.2 and 89.4 which are relocated and renumbered to 89.101.3.3 and 89.108.1.

ARTICLE 89 – Administration

Section:

~~**89.1 Title.** The provisions contained in this Code shall be known as the “California Electrical Code,” a portion of the “California Building Standards Code,” as defined in the “California Building Standards Law” commencing with Section 18901 of the Health and Safety Code, and may be cited and referred to as the “California Electrical Code.” The unqualified words “This Code” as used herein, refer only to the California Electrical Code, and do not include any other portions of the California Building Standards Code. These provisions may also be cited as “C.E.C.” or “Part 3” within other parts of the California Building Standards Code (Title 24).~~

~~**89.2 Purpose.** The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property and public welfare, and to protect against hazards that may arise from the use of electricity by regulating and controlling the design, construction, installation, quality of materials, location and operation of electrical equipment, wiring and systems.~~

~~**89.3 Scope.** The provisions of this Code and the building standards contained herein, including those standards adopted by reference without amendments, where specifically adopted by the listed agencies under their cited authority and enforced by the enforcing agency specified in Section 89.7, shall apply to the construction, alteration, moving, demolition, repair and use of all electrical equipment, wiring and systems in or on any building or structure or outdoors on any premise or property; except such electrical equipment, wiring and systems which are expressly exempted by Section 89.4.~~

~~**Exception: [For HCD 1] Additions, Alterations, Repairs and Moved Buildings.** Notwithstanding other provisions of law, alterations, repairs, replacements, and moved buildings are governed by Health and Safety Code, Division 13, Part 1.5, Sections 17912, 17920.3, 17922 (c), 17922.3, 17958.8 and 17958.9, known as the State Housing Law, and are implemented by the California Code of Regulations, Title 25, Chapter 1. Health and Safety Code Sections 17958.8 and 17958.9 are repeated here for clarity and reads as follows:~~

~~**Section. 17958.8.** "Local ordinances or regulations governing alterations and repair of existing buildings shall permit the replacement, retention, and extension of original materials and the use of original methods of construction for any building or accessory structure subject to this part, including a hotel, lodging house, motel, apartment house, or dwelling, or portions thereof, as long as the portion of the building and structure subject to the replacement, retention, or extension of original materials and the use of original methods of construction complies with the building code provisions governing that portion of the building or accessory structure at the time of construction, and the other rules and regulations of the department or alternative local standards governing that portion at the time of its construction and adopted pursuant to Section 13143.2 and the building or accessory structure does not become or continue to be a substandard building."~~

~~**Section. 17958.9.** "Local ordinances or regulations governing the moving of apartment houses and dwellings shall, after July 1, 1978, permit the retention of existing materials and methods of construction so long as the apartment house or dwelling complies with the building standards for foundation applicable to new construction, and does not become or continue to be a substandard building."~~

~~**89.4 Exempted from this Code.** This Code does not cover:~~

~~(A) Installations in ships, watercraft other than floating dwelling units, railway rolling stock, aircraft, automotive vehicles, commercial coaches, manufactured homes, mobilehomes, and recreational vehicles.~~

~~(B) Installations underground in mines, mine shafts and tunnels.~~

~~(C) Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes.~~

~~(D) Installation of communication equipment under the exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations.~~

~~(E) Installations under the exclusive control of electrical utilities for the purpose of communication, or metering; or for the generation, control, transformation, transmission, and distribution of electrical energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property.~~

~~**Exception to (D) and (E):** In places of employment, the following shall apply: installations of conductors, equipment and associated enclosures subject to the jurisdiction of the California Public Utilities Commission, that are owned, operated and maintained by an electric, communications or electric railway utility, but not including conduit, vaults, and other like enclosures containing conductors and equipment of such a utility when located indoors or on premises not used exclusively for utility purposes, but do not apply to the utility's conductors and equipment therein.~~

~~(F) Installations on highways or bridges.~~

~~**89.5 Non-Building Standards, Orders and Regulations.**~~

~~(A) Requirements contained in the National Electrical Code (NEC), or in any other referenced code, document, or standard, which are not building standards as defined in Section 18909 of the Health and Safety Code, shall not be construed as a part of the provisions of this Code.~~

~~(B) For the applicability of regulations, safety and other orders, and standards which relate to the administration, enforcement, maintenance, operation and similar non-building standards, see other titles of the California Code of Regulations.~~

~~**89.6 Order of Precedence and Use.**~~

~~(A) In the event of any difference between the provisions of this Code and the National Electrical Code (NEC), or between this Code and the provisions of any other referenced code, document or standard, the text of this Code shall govern. Where a specific provision varies from a general provision, the specific provisions shall apply.~~

~~(B) If a section of this Code makes a cross-reference to another section or table in the National Electrical Code (NEC), such cross-referencing shall be interpreted to mean that which is shown in the NEC unless the referenced section or table has been amended or modified in this Code for the particular enforcing agency.~~

~~(C) If a section in the National Electrical Code (NEC) makes a cross-reference to another section or table in the NEC, such cross-referencing shall be interpreted to mean that which is shown in the NEC unless the referenced section or table has been amended or modified in this Code for the particular enforcing agency.~~

~~(D) When adopted by a State agency, and approved by the Commission, the text of amended provisions contained in this Code shall take precedence over the corresponding provisions of the National Electrical Code (NEC).~~

~~**89.6.1 [For HCD 1] Local Variances.** For clarification purposes, the applicable Health & Safety Code Section 17958.5 is repeated here and reads as follows:~~

~~**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 such 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 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 subdivision, a city and county may make reasonably necessary modifications to the requirements, adopted pursuant to Section 17922, contained in the provisions of the code and regulations on the basis of local conditions."~~

~~**89.6.2 [For HCD 1] Findings, Filing and Rejections of Local Variances.** For clarification purposes, the applicable subsection of Health & Safety Code Section 17958.7 is repeated here and reads as follows:~~

~~**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."~~

~~**89.7 Application.**~~

~~**3.(C) HCD — Department of Housing and Community Development.**~~

~~**3A.(1) HCD 1 — Department of Housing and Community Development.**~~

~~**Application**—Hotels, motels, lodging houses, apartment houses, dwellings, dormitories, condominiums, shelters for homeless persons, congregate residences, employee housing and factory-built housing, and any other types of dwellings containing sleeping accommodations with common toilet or cooking facilities.—Reference 89.7.8 of this code, Office of the State Fire Marshall, for fire and panic safety application.~~

~~**Enforcing Agency**—Local Building Department or the Department of Housing and Community Development.~~

~~**Authority Cited**—Health and Safety Code sections 17921, 17922 and 19990.~~

~~Reference—Health and Safety Code sections 17000 through 17060, 17910 through 17990 and 19960 through 19997.~~

~~(2) HCD 1/AC—Department of Housing and Community Development, Access Compliance.~~

~~Application—Covered multifamily dwellings, including but not limited to, lodging houses, dormitories, time share dwellings, condominiums, shelters for homeless persons, congregate residences, apartment houses, dwellings, employee housing, factory built housing, and any other types of dwellings containing sleeping accommodations with common toilet or cooking facilities which are not subject to DSA/AC requirements.~~

~~HCD 1/AC—(Department of Housing and Community Development, Access Compliance). Application—Whenever the identification “HCD 1/AC” appears in this code, it shall mean the following provision by the California Department of Housing and Community Development requires specific accommodations for persons with physical disabilities, as defined in Chapter 11A, of the California Code of Regulations, Title 24, Part 2, also known as the California Building Code. The application of such provisions shall apply only to Group R Occupancies which are newly constructed covered multifamily dwellings as defined in Chapter 11A of the California Building Code, including but not limited to, the following:~~

- ~~1. Apartment Buildings with 3 or more dwelling units.~~
- ~~2. Condominiums with 4 or more dwelling units.~~
- ~~3. Lodging Houses, as defined in Chapter 2 of the California Building Code, when used as a residence with 3 or more guest rooms.~~
- ~~4. Congregate Residences, as defined in Chapter 2 of the California Building Code.~~
- ~~5. Dwellings with 3 or more efficiency units, as defined in Chapter 2 of the California Building Code or Section 17958.1 of the California Health and Safety Code.~~
- ~~6. Shelters for the homeless, not otherwise subject to the disabled access provisions of the Division of the State Architect, Access Compliance (DSA/AC).~~
- ~~7. Dormitories, as defined in Chapter 2 of the California Building Code, with 3 or more guest rooms as defined in Chapter 2 of the California Building Code.~~
- ~~8. Time share dwellings with 3 or more units, except for condominiums covered in item 2 above.~~
- ~~9. Other Group R Occupancies in covered multifamily dwellings which are regulated by the Office of the State Fire Marshal.~~

~~Buildings or portions of buildings of the same or similar occupancies, or mixed occupancies, and buildings accessory thereto, may also be subject to the disabled access provisions adopted by DSA/AC. Buildings subject to the disabled access regulations of the DSA/AC are identified in section 89.7.5 of this Code.~~

~~These multifamily structure disabled access regulations do not apply to the alteration, repair, rehabilitation, or additions to existing Group R Occupancies that were constructed and occupied prior to July 15, 1992. These regulations also generally do not cover public accommodations such as hotels and motels. (See Section 89.7.5 for public accommodations).~~

~~Note: For specific requirements and exceptions, see Part 2, Chapters 10 and 11A, as amended, California Building Code; Sections 404.8(C) and 406.3(G) as amended, of this part.~~

~~Enforcing Agency—Local Building Department or the Department of Housing and Community Development.~~

~~Authority Cited—Health and Safety Code sections 17921, 17922, 19990 and Government Code Section 12955.1.~~

~~Reference—Health and Safety Code sections 17000 through 17060, 17910 through 17990, 19960 through 19997 and Government Code Section 12955.1.~~

~~(3) General—State Housing Law; City or County Enforcement.~~

~~Notwithstanding other provisions of law, Health and Safety Code, Division 13, Parts 1.5, Section 17960 is repeated here for clarity and specificity and reads as follows:~~

~~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.”~~

~~(4) Right of Entry For Enforcement.~~

Notwithstanding other provisions of law, Health and Safety Code Sections 17050(i), 17970, 17971, 17972 are repeated here for clarity and read as follows:

Section 17050 (i). *“The enforcement agency may:*

- (1) Enter public or private properties to determine whether there exists any employee housing to which this part applies.*
- (2) Enter and inspect all employee housing wheresoever situated, and inspect all accommodations, equipment, or paraphernalia connected therewith.*
- (3) Enter and inspect the land adjacent to the employee housing to determine whether the sanitary and other requirements of this part, the building standards published in the California Building Standards Code relating to employee housing, and the other rules and regulations adopted pursuant to this part have been or are being complied with.”*

Section 17970. *“Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part which the enforcement agency has the power to enforce.”*

Section 17971. *“The owner, or authorized agent of any owner, of any building or premises may enter the building or premises whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part.”*

Section 17972. *“No person authorized by this article to enter buildings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the dwelling, nor enter any dwelling in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.”*

~~(5) Unsafe Buildings or Structures.~~

~~(a) Authority to Enforce.~~

Notwithstanding other provisions of law, for administration, enforcement, actions, proceedings, abatement, violations and penalties in structures subject to State Housing Law, refer to California Health and Safety Code, Division 13, Part 1.5, Sections 17910 through 17995.5 and California Code of Regulations, Title 25, Division 1, Chapter 1.

~~(b) Employee housing.~~

Notwithstanding other provisions of law, for administration, enforcement, actions, proceedings, violations and penalties applicable to structures subject to the Employee Housing Act, refer to Health and Safety Code, Division 13, Part 1, Sections 17000 through 17062.5 and California Code of Regulations, Title 25, Division 1, Chapter 1.

~~(6) Violations.~~

~~(a) Actions and Proceedings.~~

Notwithstanding other provisions of law, Health and Safety Code, Division 13, Part 1.5, Sections 17980 through 17995.5 address punishments, penalties and fines for violations of building standards in structures subject to State Housing Law and California Code of Regulations, Title 25, Division 1, Chapter 1.

~~(b) Actions and Proceedings (For Employee Housing).~~

Notwithstanding other provisions of law, and Health and Safety Code, Division 13, Part 1, Sections 17055 through 17062.5 address punishments, penalties and fines for violations of building standards in structures subject to the Employee Housing Act and California Code of Regulations, Title 25, Division 1, Chapter 1.

~~(7) Methods for Approval of Alternates.~~

~~(a) Alternate for Materials, Designs, Tests and Methods of Construction.~~

Notwithstanding other provisions of law, the method for approval of alternate materials, design, tests and methods of construction are set forth in State Housing Law, Health and Safety Code, Division 13, Part 1.5, Section 17923 or 17951(d), 17958 and California Code of Regulations, Title 25, Division 1, Chapter 1.

~~(b) Alternate for Materials, Designs, Tests and Methods of Construction. (For Employee Housing)~~

Notwithstanding other provisions of law, the method for approval of alternate materials, appliances, installation, device, arrangement, or method of construction are set forth in the Employee Housing Act, Health and Safety Code, Division 13, Part 1, Section 17002 and California Code of Regulations, Title 25, Division 1, Chapter 1.

~~(8) Fees and Plan Review.~~

~~(a) General.~~

Notwithstanding other provisions of law, reference State Housing Law, Health and Safety Code, Division 13, Part 1.5, Section 17951 and California Code of Regulations, Title 25, Division 1, Chapter 1, for local enforcement agency's and the Department of Housing and Community Development's authority to prescribe fees.

~~(b) Plan Review and Time Limitations.~~

Notwithstanding other provisions of law, provisions related to plan checking, prohibition of excessive delays and contracting with or employment of private parties to perform plan checking are set forth in State Housing Law, Health and Safety Code, Division 13, Part 1.5, Section 17960.1, for employee housing State Housing Law, Health and Safety Code, Division 13, Part 1, Sections 17021 and 17055.

~~(c) Retention of Plans.~~

Note: Reference Health and Safety Code, Division 13, Part 3, Sections 19850 and 19851 for provisions related to permanent retention of plans.

~~Enforcing Agency~~—Local Building Department or the Department of Housing and Community Development.

~~Authority Cited~~—Health and Safety Code Sections 17921 and 50558.

~~Reference~~—Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 19960 through 19997, and 50558 and 50559.

~~(D) HCD-2—Department of Housing and Community Development~~

~~Application~~—Permanent buildings and permanent accessory buildings or structures constructed within mobilehome parks and special occupancy parks which are under the control and ownership of the park operator.

~~(1) Right of Entry For Enforcement. [For HCD-2].~~

Notwithstanding other provisions of law, Health and Safety Code, Division 13, Part 2.1, Section 18400 is repeated below for clarity.

~~Section 18400~~

~~(a) The department shall enforce this part and the rules and regulations adopted pursuant to this part, except as provided in Section 18300.~~

~~(b) The officers or agents of the enforcement agency may do either of the following:~~

~~(1) Enter public or private property to determine whether there exists any park to which this part applies.~~

~~(2) Enter and inspect all parks, wherever situated, and inspect all accommodations, equipment, or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of this part and the regulations adopted pursuant to this part.~~

~~(2) Actions and Proceedings. [For HCD-2].~~

Notwithstanding other provisions of law, Health and Safety Code, Division 13, Part 2.1, Sections 18402, 18404, 18423, 18510, and 18700 address punishments, penalties and fines for violations of building standards subject to the Mobilehome Parks Act.

~~(3)(c) Alternate for Materials, Designs, Tests and Methods of Construction. [For HCD-2].~~

Notwithstanding other provisions of law, the method for approval of alternate materials, appliances, installation, device, arrangement, or method of construction are set forth in the Mobilehome Parks Act, Health and Safety Code, Division 13, Part 2.1, Section 18305 and Chapters 2 and 2.2. of Title 25, California Code of Regulations.

~~Enforcing Agency~~—Local building department or the Department of Housing and Community Development.

~~Authority Cited~~—Health and Safety Code Sections 18300, 18610 and 18670.

~~Reference~~—Health and Safety Code Sections 18200 through 18851.

~~89.8 Adopting Agency.~~ *An "Adopting agency" is a State agency, excluding an agency in the judicial or legislative department of the State Government, which is responsible for the administration of a program and which as promulgated, adopted and submitted to the Commission for its approval proposed building standards for such*

~~programs. "Adopting agency" may include boards, commissions, committees, departments, divisions, officers, and other subdivisions of State Government.~~

~~**89.9. Format.** The California Electrical Code, a part of the California Building Standards Code, adopts the National Electrical Code (NEC) by reference on an article by article basis. Amendments or additions to the provisions of the NEC by each adopting agency are adopted on a section by section or subsection by subsection basis, and follow the NEC format using the same titles, bold face headings and general text arrangement, except where the commission has approved a format variance.~~

~~**89.10. Validity.** If any chapter, article, section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the State as stipulated by statutes, or otherwise inoperative, such decisions shall not affect the validity of the remaining portions of this Code.~~

~~**89.11. Standard Reference Documents.**~~

~~(A) The codes, publications, and standards adopted in the Matrix Adoption or referred to in this Code, including other codes, publications, and standards referred to therein, are by title and date of publication, hereby adopted as standard reference documents of this code.~~

~~(B) Such reference to other documents shall be made in the form of either an Internal citation within the text or a fine print note (utilizing a smaller typographical alphabet letter size), and shall be a specific edition of the referenced document. Internal citations appearing within the text of a building standard are enforceable, and each citation must be checked for accuracy and application. Fine print notes which appear beneath the applicable text of the building standard or Code section are explanatory of permissive and are not enforceable.~~

~~Statutory Authority: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3, and 19990; and Government Code Section 12955.1~~

~~Statutory Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18000 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.~~

AMENDMENTS:

CALIFORNIA ARTICLE 89
GENERAL CODE PROVISIONS

(Note: Adopt only those sections listed in the matrix adoption table.)

SECTION 89.101
GENERAL

89.101.1 Title. These regulations shall be known as the California Electrical Code, may be cited as such and will be referred to herein as "this code." The California Electrical Code is Part 3 of twelve parts of the official compilation and publication of the adoptions, amendment, and repeal of Electrical regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part incorporates by adoption the 2005 National Electrical Code of the National Fire Protection Association with necessary California amendments.

89.101.2 Purpose. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation, and energy conservation; to preserve life and property from fire and other hazards attributed to the built environment; and to provide safety to fire fighters and emergency responders during emergency operations.

89.101.3 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 building structures throughout the State of California.

89.101.3.1 Non-State-Regulated Buildings, Structures, and Applications. Except as modified by local ordinance pursuant to Section 101.8, the building standards in the California Code of Regulations, Title 24, Parts 2, 3, 4, 5, 6, 9 and 10 shall apply to all occupancies and applications not regulated by a state agency.

89.101.3.2 State-Regulated Buildings, Structures, and Applications. The model code, state amendments to the model code, and/or state amendments where there are no relevant model code provisions, shall apply to the following buildings, structures, and applications regulated by state agencies as referenced in the Matrix Adoption Tables and as specified in sections 102 through 113, except where modified by local ordinance pursuant to Section 101.8. When adopted by a state agency, the provisions of this code shall be enforced by the appropriate enforcing agency, but only to the extent of authority granted to such agency by the State Legislature.

Note: See Preface to distinguish the model code provisions from the California provisions.

1. State-owned buildings, including buildings constructed by the Trustees of the California State University, and to the extent permitted by California laws, buildings designed and constructed by the Regents of the University of California, and regulated by the Building Standards Commission. See section 89.102 for additional scope provisions.
2. Local detention facilities regulated by the Board of Corrections. See section 89.103 for additional scope provisions.
3. Barbering, cosmetology or electrolysis, establishments, acupuncture offices, pharmacies, veterinary facilities, and structural pest control locations regulated by the Department of Consumer Affairs. See section 89.104 for additional scope provisions.
4. Energy efficiency standards regulated by the California Energy Commission. See section 89.105 for additional scope provisions.
5. Dairies and places of meat inspection regulated by the Department of Food and Agriculture. See section 89.106 for additional scope provisions.
6. Organized camps, laboratory animal quarters, public swimming pools, radiation protection, commissaries serving mobile food preparation vehicles, and wild animal quarantine facilities regulated by the Department of Health Services. See section 89.107 for additional scope provisions.
7. Hotels, motels, lodging houses, apartment houses, dwellings, dormitories, condominiums, shelters for homeless persons, congregate residences, employee housing, factory-built housing, and other types of dwellings containing sleeping accommodations with common toilets or cooking facilities. See section 89.108 for additional scope provisions.
8. Accommodations for persons with disabilities in buildings containing newly constructed covered multifamily dwellings, new common use spaces serving existing covered multifamily dwellings, additions to existing buildings where the addition alone meets the definition of a covered multifamily dwelling, and common-use spaces serving covered multifamily dwellings which are regulated by Department of Housing and Community Development. See section 89.108 for additional scope provisions.
9. Permanent buildings and permanent accessory buildings or structures constructed within mobilehome parks and special occupancy parks regulated by the Department of Housing and Community Development. See section 89.108 for additional scope provisions.
10. Accommodations for persons with disabilities regulated by the Division of the State Architect. See section 89.109.1 for additional scope provisions.
11. Public elementary and secondary schools, community college buildings, and state-owned or state-leased essential service buildings regulated by the Division of the State Architect. See section 89.109.2 for additional scope provisions.
12. Qualified historical buildings and structures and their associated sites regulated by the State Historical Building Safety Board with the Division of the State Architect. See section 89.109.3 for additional scope provisions.

13. General acute care hospitals, acute psychiatric hospitals, skilled nursing and/or intermediate care facilities, clinics licensed by the Department of Health Services, and correctional treatment centers regulated by the Office of Statewide Health Planning and Development. See section 89.110 for additional scope provisions.

14. Applications regulated by the Office of State Fire Marshal include but are not limited to the following in accordance with Section 89.111:

1. Buildings or structures used or intended for use as an:

1.1. Asylum, jail

1.2. Mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school or any similar occupancy of any capacity

1.3. Theater, dancehall, skating rink, auditorium, assembly hall, meeting hall, nightclub, fair building, or similar place of assemblage where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education

1.4. Small family day care homes, large family day-care homes, residential facilities and residential facilities for the elderly, residential care facilities

1.5. State institutions or other state-owned or state-occupied buildings

1.6. High rise structures

1.7. Motion picture production studios

1.8. Organized camps

1.9. Residential structures

2. Tents, awnings or other fabric enclosures used in connection with any occupancy

3. Fire alarm devices, equipment and systems in connection with any occupancy

4. Hazardous materials, flammable and combustible liquids

5. Public school automatic fire detection, alarm, and sprinkler systems

15. Wildland urban interface fire areas.

16. Public libraries constructed and renovated using funds from the California Library Construction and Renovation Bond Act of 1988 and regulated by the State Librarian. See section 89.112 for additional scope provisions.

17. Graywater systems regulated by the Department of Water Resources. See section 89.113 for additional scope provisions.

89.101.3.3 (Relocated from 2004 CEC 89.4) **89.4 Exempted from this Code.** This Code does not cover:

~~(A)~~-1. Installations in ships, watercraft other than floating dwelling units, railway rolling stock, aircraft, automotive vehicles, commercial coaches, mobilehomes, and recreational vehicles.

~~(B)~~-2. Installations underground in mines, mine shafts and tunnels.

~~(C)~~-3. Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes.

~~(D)~~-4. Installation of communication equipment under the exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations.

~~(E)~~-5. Installations under the exclusive control of electrical utilities for the purpose of communication, or metering; or for the generation, control, transformation, transmission, and distribution of electrical energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property.

Exception to ~~(D)~~4 and ~~(E)~~5: *In places of employment, the following shall apply: installations of conductors, equipment and associated enclosures subject to the jurisdiction of the California Public Utilities Commission, that are owned, operated and maintained by an electric, communications or electric railway utility, but not including conduit, vaults, and other like enclosures containing conductors and equipment of such a utility when located indoors or on premises not used exclusively for utility purposes, but do not apply to the utility's conductors and equipment therein.*

~~(F)~~ 6. Installations on highways or bridges.

89.101.4 Annexes. Provisions contained in the annexes of this code shall not apply unless specifically adopted by a state agency or adopted by a local enforcing agency in compliance with Health and Safety Code Section 18938 (b) for Building Standards Law, Health and Safety Code Section 17950 for State Housing Law and Health and Safety Code Section 13869.7 for Fire Protection Districts. See section 89.101.8 of this code.

89.101.5 Referenced Codes. The codes, standards and publications adopted and set forth in this code, including other codes, standards and publications referred to therein are, by title and date of publication, hereby adopted as standard reference documents of this code. When this code does not specifically cover any subject related to building design and construction, recognized architectural or engineering practices shall be employed. The National Fire Codes and the Fire Protection Handbook of the National Fire Prevention Association are permitted to be used as authoritative guides in determining recognized fire-prevention engineering practices.

89.101.6 Non-Building Standards, Orders and Regulations. Requirements contained in the National Electrical Code, or in any other referenced standard, code or document, which are not building standards as defined in section 18909, Health and Safety Code, shall not be construed as part of the provisions of this code. For non-building standards, orders, and regulations, see other titles of the California Code of Regulations.

89.101.7 Order of Precedence and Use.

89.101.7.1 Differences. In the event of any differences between these building standards and the standard reference documents, the text of these building standards shall govern.

89.101.7.2 Specific provision. Where a specific provision varies from a general provision, the specific provisions shall apply.

89.101.7.3 Conflicts. When the requirements of this code conflict with the requirements of any other part of the California Building Standards Code, Title 24, the most restrictive requirement shall prevail.

89.101.8 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 89.101.8.1. The effective date of amendments, additions, or deletions to this code of cities, counties, or city and counties filed pursuant to section 89.101.8.1 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.

89.101.8.1 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 at 1800 3rd Street, Room 260, Sacramento, CA 95814.

89.101.9 Effective Date of this Code. Only those standards approved by the California Building Standards Commission that are effective at the time an application for building permit is submitted shall apply to the plans and specifications for, and to the construction performed under, that permit. For the effective dates of the provisions contained in this code, see the History Note page of this code.

89.101.10 Availability of Codes. At least one entire copy each of Titles 8, 19, 20, 24, and 25 with all revisions shall be maintained in the office of the building official responsible for the administration and enforcement of this code. See Health and Safety Code section 18942 (d) (1) & (2).

89.101.11 Format. This part fundamentally adopts the National Electrical Code by reference on a chapter-by-chapter basis. Such adoption is reflected in the Matrix adoption table of each chapter of this part. When the Matrix adoption tables make no reference to a specific chapter of the National Electrical Code, such chapter of the National Electrical Code is not adopted as a portion of this code.

89.101.12 Validity. If any chapter section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the state as stipulated by statutes, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of this code.

SECTION 89.108 **DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

89.108.1 Purpose. (Relocated from 2004 CEC 89.2) The purpose of this code is to establish minimum standards to protect ~~life or limb, the~~ health, safety, and general property and public welfare of the occupant and the public against hazards that may arise from the use of electricity by ~~regulating and controlling~~ governing the design, construction, reconstruction, installation, quality of materials, location, operation, and maintenance or use of electrical equipment, wiring and systems, ~~within this jurisdiction.~~

SECTION 89.108.2 **AUTHORITY AND ABBREVIATIONS**

89.108.2.1 General. The Department of Housing and Community Development is authorized by law to promulgate and adopt building standards and regulations for several types of building applications. These applications are grouped and identified by abbreviation in the Matrix Adoption Tables to show which model code sections and amendments are applicable to each application. The applications under the authority of the Department of Housing and Community Development are listed in Sections 89.108.2.1.1 through 89.108.2.1.3.

89.108.2.1.1 Housing Construction. Application - Hotels, motels, lodging houses, apartment houses, dwellings, dormitories, condominiums, shelters for homeless persons, congregate residences, employee housing, factory-built housing and other types of dwellings containing sleeping accommodations with or without common toilet or cooking facilities including accessory buildings, facilities, and uses thereto. Sections of this code which pertain to applications listed in this Section are identified in the Matrix Adoption Table using the abbreviation "HCD 1".

Enforcing Agency—Local building department or the Department of Housing and Community Development.
Authority Cited—Health and Safety Code Sections 17921, 17922, 19990 through 19992; and Government Code Section 12955.1.

Reference—Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.

89.108.2.1.2 Housing Accessibility. Application- Covered multifamily dwelling units as defined in Chapter 11A of the California Code of Regulations, Title 24, Part 2, also known as the California Building Code (CBC) including, but not limited to, lodging houses, dormitories, time-shares, condominiums, shelters for homeless persons, congregate residences, apartment houses, dwellings, employee housing, factory-built housing and other types of dwellings containing sleeping accommodations with or without common toilet or cooking facilities.

Sections of this code identified in the Matrix Adoption Table by the abbreviation "HCD 1/AC" require specific accommodations for persons with physical disabilities, as defined in CBC Chapter 11A. The application of such provisions shall be in conjunction with other requirements of this code and apply only to Group R Occupancies which are newly-constructed covered multifamily dwellings as defined in CBC Chapter 11A. "HCD 1/AC" applications include, but are not limited to, the following:

- (1) All newly-constructed covered multifamily dwellings as defined in CBC Chapter 11A.
- (2) New common use areas as defined in CBC Chapter 11A serving existing covered multifamily dwellings.

(3) Additions to existing buildings, where the addition alone meets the definition of a covered multifamily dwelling as defined in CBC Chapter 11A.

(4) Common use areas serving covered multifamily dwellings.
HCD 1A/C building standards generally do not apply to public use areas or public accommodations such as hotels and motels. Public use areas, public accommodations, and housing which is publicly funded as defined in Chapter 2, Chapter 11A, and Chapter 11B of the CBC, are subject to the Division of the State Architect (DSA/AC) and are referenced in Section 109.1.

Enforcing Agency—Local building department or the Department of Housing and Community Development.
Authority Cited—Health and Safety Code Sections 17921, 17922, 19990 through 19992, and Government Code Section 12955.1.

Reference—Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997, and Government Code Section 12955.1.

89.108.2.1.3 Permanent Buildings in Mobilehome Parks and Special Occupancy Parks. Application - Permanent buildings, and permanent accessory buildings or structures, constructed within mobilehome parks and special occupancy parks that are under the control and ownership of the park operator. Sections of this code which pertain to applications listed in this Section are identified in the Matrix Adoption Table using the abbreviation "HCD 2".

Enforcing Agency— Local building department or other local agency responsible for the enforcement of Health and Safety Code Division 13, Part 2.1 and Part 2.3, commencing with Sections 18200 and 18860 respectively, or the Department of Housing and Community Development.

Authority Cited—Health and Safety Code Sections 17921, 17922, 18300 and 18865.

Reference—Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.

SECTION 89.108.3 **LOCAL ENFORCING AGENCY**

89.108.3.1 Duties and Powers. The building department of every city, county or city and county shall enforce all the provisions of law, this code, and the other rules and regulations promulgated by the Department of Housing and Community Development pertaining to the installation, erection, construction, reconstruction, relocation, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, motels, lodging houses and dwellings, including accessory buildings, facilities, and uses thereto.

The provisions regulating the erection and construction of dwellings and appurtenant structures shall not apply to existing structures as to which construction is commenced or approved prior to the effective date of these regulations. Requirements relating to use, maintenance and occupancy shall apply to all dwellings and appurtenant structures approved for construction or constructed before or after the effective date of this code.

For additional information regarding the use and occupancy of existing buildings and appurtenant structures, see California Code of Regulations, Title 25, Division 1, Chapter 1, Subsection 1, Article 1, commencing with Section 1.

89.108.3.2 Laws, Rules, and Regulations. Other than the building standards contained in this code, and notwithstanding other provisions of law, the statutory authority and location of the laws, rules, and regulations to be enforced by local enforcing agencies are listed by statute in Sections 89.108.3.2.1 through 89.108.3.2.5 below:

89.108.3.2.1 State Housing Law. Refer to the State Housing Law, California Health and Safety Code, Division 13, Part 1.5 commencing with Section 17910, and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 1, commencing with Section 1, for the erection, construction, reconstruction, relocation, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, motels, lodging houses and dwellings, including accessory buildings, facilities, and uses thereto.

89.108.3.2.2 Mobilehome Parks Act. Refer to the Mobilehome Parks Act, California Health and Safety Code, Division 13, Part 2.1, commencing with Section 18200 and California Code of Regulations, Title 25, Division 1, Chapter 2, commencing with Section 1000 for mobilehome park administrative and enforcement authority, permits, plans, fees, violations, inspections and penalties both within and outside mobilehome parks.

Exception: Mobilehome parks where the Department of Housing and Community Development is the enforcing agency.

89.108.3.2.3 Special Occupancy Parks Act. Refer to the Special Occupancy Parks Act, California Health and Safety Code, Division 13, Part 2.3, commencing with Section 18860 and California Code of Regulations, Title 25, Division 1, Chapter 2.2, Article 1, commencing with Section 2000 for special occupancy park administrative and enforcement authority, permits, fees, violations, inspections and penalties both within and outside of special occupancy parks.

Exception: Special occupancy parks where the Department of Housing and Community Development is the enforcing agency.

89.108.3.2.4 Employee Housing Act. Refer to the Employee Housing Act, California Health and Safety Code, Division 13, Part 1, commencing with Section 17000 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 3, Article 1, commencing with Section 600 for employee housing administrative and enforcement authority, permits, fees, violations, inspections and penalties.

89.108.3.2.5 Factory-Built Housing. Refer to the Factory-Built Housing Law, California Health and Safety Code, Division 13, Part 6, commencing with Section 19960 and California Code of Regulations, Title 25, Division 1, Chapter 3, Subchapter 1, Article 1, commencing with Section 3000 for factory-built housing administrative and enforcement authority, permits, fees, violations, inspections and penalties.

SECTION 89.108.4 **PERMITS, FEES, APPLICATIONS AND INSPECTIONS**

89.108.4.1 Permits. (a) Except as exempted in paragraph (b) of this subsection, a written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, relocation, or alteration of any electrical system.

(b) Consistent with the requirements of section 17960 of the Health and Safety Code, the local enforcing agency shall enforce the requirements of this code, but shall exempt the following activities from the requirement for a permit or inspection.

1. Listed cord and plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles, but not the outlets therefor.
3. Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Installation or maintenance of communications wiring, devices, appliances, apparatus or equipment.

Exemptions from permit and inspection requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of any other provision of law or this code.

89.108.4.2 Fees. Subject to other provisions of law, the governing body of any city, county or city and county may prescribe fees to defray the cost of enforcement of rules and regulations promulgated by the Department of Housing and Community Development. The amount of the fees shall not exceed the amount reasonably necessary to administer or process permits, certificates, forms, or other documents, or to defray the costs of enforcement. For additional information, see State Housing Law, Health and Safety Code, Division 13, Part 1.5, Section 17951 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 3, commencing with Section 6.

89.108.4.3 Plan Review and Time Limitations. Subject to other provisions of law, provisions related to plan checking, prohibition of excessive delays, and contracting with or employment of private parties to perform plan checking are set forth in State Housing Law, Health and Safety Code Section 17960.1, and for employee housing, in Health and Safety Code Section 17021.

89.108.4.3.1 Retention of Plans. The building department of every city, county or city and county shall maintain an official copy, microfilm, or electronic or other type of photographic copy of the plans of every building, during the life of the building, for which the department issued a building permit.

Exceptions:

1. Single or multiple dwellings not more than two stories and basement in height.
2. Garages and other structures appurtenant to buildings listed in exception (1).
3. Farm or ranch buildings appurtenant to buildings listed in exception (1).
4. Any one-story building where the span between bearing walls does not exceed 25 feet, except a steel frame or concrete building.

All plans for common interest developments as defined in Section 1351 of the California Civil Code shall be retained. For additional information regarding plan retention and reproduction of plans by an enforcing agency, see Health and Safety Code Sections 19850 and 19853.

89.108.4.4 Inspections. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or other regulations of the Department of Housing and Community Development. Required inspections are listed in Annex Chapter 1, Section 109.3.1 through 109.3.6, 109.3.8, 109.3.9 and 109.3.10.

SECTION 89.108.5
RIGHT OF ENTRY FOR ENFORCEMENT

89.108.5.1 General. Subject to other provisions of law, officers and agents of the enforcing agency may enter and inspect public and private properties to secure compliance with the rules and regulations promulgated by the Department of Housing and Community Development. For limitations and additional information regarding enforcement, see the following:

1. For applications subject to State Housing Law as referenced in Section 89.108.3.2.1 of this Code, refer to Health and Safety Code Sections 17970 through 17972 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1.
2. For applications subject to the Mobilehome Parks Act as referenced in Section 89.108.3.2.2 of this Code, refer to the Health and Safety Code, commencing with Section 18200 and California Code of Regulations, Title 25, Division 1, Chapter 2.
3. For applications subject to the Special Occupancy Parks Act as referenced in Section 89.108.3.2.3 of this Code, refer to the Health and Safety Code, commencing with Section 18860 and California Code of Regulations, Title 25, Division 1, Chapter 2.2.
4. For applications subject to the Employee Housing Act as referenced in Section 89.108.3.2.4 of this Code, refer to Health and Safety Code Section 17052 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 3.
5. For applications subject to the Factory-Built Housing Act as referenced in Section 89.108.3.2.5 of this Code, refer to Health and Safety Code Sections 19991 through 19992 and California Code of Regulations, Title 25, Division 1, Chapter 3, Subchapter 1.

SECTION 89.108.6
LOCAL MODIFICATION BY ORDINANCE OR REGULATION

89.108.6.1 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 17958.7 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.*

89.108.6.2 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 cities, counties, or cities and counties, 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).

SECTION 89.108.7
ALTERNATE MATERIALS, DESIGNS, TESTS AND METHODS OF CONSTRUCTION

89.108.7.1 General. *The provisions of this code as adopted by the Department of Housing and Community Development are not intended to prevent the use of any alternate material, appliance, installation, device, arrangement, design or method of construction not specifically prescribed by this code. Consideration and approval of alternates shall comply with Section 89.108.7.2 for local building departments and Section 89.108.7.3 for the Department of Housing and Community Development.*

89.108.7.2 Local Building Departments. *The building department of any city, county or city and county may approve alternates for use in the erection, construction, reconstruction, movement enlargement, conversion, alteration, repair, removal demolition or arrangement of apartment houses, hotels, motels, lodging houses, dwellings, including accessory buildings, facilities, and uses thereto, except for the following:*

- 1. Structures located in mobilehome parks as defined in California Health and Safety Code Section 18214.*
- 2. Structures located in special occupancy parks as defined in California Health and Safety Code Section 18862.43.*
- 3. Factory-built housing as defined in California Health and Safety Code Section 19971.*

89.108.7.2.1 Approval of Alternates. *The consideration and approval of alternates by a local building department shall comply with the following procedures and limitations:*

- 1. The approval shall be granted on a case-by-case basis.*
- 2. Evidence shall be submitted to substantiate claims that the proposed alternate, in performance, safety, and protection of life and health, conforms to, or is at least equivalent, to the standards contained in this Code and other rules and regulations promulgated by the Department of Housing and Community Development.*

3. The local building department may require tests performed by an approved testing agency at the expense of the owner or owner's agent as proof of compliance.

4. If the proposed alternate is related to accessibility in covered multifamily dwellings or in facilities serving covered multifamily dwellings as defined in CBC Chapter 11A, the proposed alternate must also meet the threshold set for "EQUIVALENT FACILITATION" as defined in CBC Chapter 11A.

For additional information regarding approval of alternates by a local building department pursuant to the State Housing Law, see California Health and Safety Code Section 17951(e) and California Code Regulations, Title 25, Division 1, Chapter 1, Subchapter 1.

89.108.7.3 Department of Housing and Community Development. The Department of Housing and Community Development may approve alternates for use in the erection, construction, reconstruction, relocation, enlargement, conversion, alteration, repair, removal or demolition of an apartment house, hotel, motel, lodging house, dwelling, or an accessory thereto. The consideration and approval of alternates shall comply with the following:

1. The department may require tests at the expense of the owner or owner's agent to substantiate compliance with the California Building Standards Code.

2. The approved alternate shall, for its intended purpose, be at least equivalent in performance and safety to the materials, designs, tests, or methods of construction prescribed by this Code.

SECTION 89.108.8 **APPEALS BOARD**

89.108.8.1 General. Every city, county or city and county shall establish a local appeals board and a housing appeals board. The local appeals board and housing appeals board shall each be comprised of at least five voting members who shall serve at the pleasure of the city, county or city and county. Appointees shall not be employees of the jurisdiction and shall be qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances.

89.108.8.2 Definitions. The following terms shall for the purposes of this section have the meaning shown.

Housing Appeals Board. The board or agency of a city, county or city and county which is authorized by the governing body of the city, county or city and county to hear appeals regarding the requirements of the city, county or city and county relating to the use, maintenance, and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition, and moving. In any area in which there is no such board or agency, "housing appeals board" means the local appeals board having jurisdiction over the area.

Local Appeals Board. The board or agency of a city, county or city and county which is authorized by the governing body of the city, county or city and county to hear appeals regarding the building requirements of the city, county or city and county. In any area in which there is no such board or agency, "local appeals board" means the governing body of the city, county or city and county having jurisdiction over the area.

89.108.8.3 Appeals. Except as otherwise provided by law, any person, firm, or corporation adversely affected by a decision, order, or determination by a city, county or city and county relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any lawfully enacted ordinance by a city, county or city and county, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate.

The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

SECTION 89.108.9
UNSAFE BUILDINGS OR STRUCTURES

89.108.9.1 Authority to Enforce. Subject to other provisions of law, the administration, enforcement, actions, proceedings, abatement, violations and penalties for unsafe buildings and structures are contained in the following statutes and regulations:

1. For applications subject to State Housing Law as referenced in Section 89.108.3.2.1 of this Code, refer to Health and Safety Code Sections 17910 through 17995.5 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1.
2. For applications subject to the Mobilehome Parks Act as referenced in Section 89.108.3.2.2 of this Code, refer to the Health and Safety Code, commencing with Section 18200, and California Code of Regulations, Title 25, Division 1, Chapter 2.
3. For applications subject to the Special Occupancy Parks Act as referenced in Section 89.108.3.2.3 of this Code, refer to the Health and Safety Code, commencing with Section 18860, and California Code of Regulations, Title 25, Division 1, Chapter 2.2.
4. For applications subject to the Employee Housing Act as referenced in Section 89.108.3.2.4 of this Code, refer to Health and Safety Code Sections 17000 through 17062.5 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 3.
5. For applications subject to the Factory-Built Housing Act as referenced in Section 89.108.3.2.5 of this Code, refer to Health and Safety Code Sections 19960 through 19997 and California Code of Regulations, Title 25, Division 1, Chapter 3, Subchapter 1.

89.108.9.2 Actions and Proceedings. Subject to other provisions of law, punishments, penalties and fines for violations of building standards are contained in the following statutes and regulations:

1. For applications subject to State Housing Law as referenced in Section 89.108.3.2.1 of this Code, refer to and Health and Safety Code Sections 17980 through 17995.5 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1.
2. For applications subject to the Mobilehome Parks Act as referenced in Section 89.108.3.2.2 of this Code, refer to the Health and Safety Code Sections 18200 through 18700 and California Code of Regulations, Title 25 Division 1, Chapter 2.
3. For applications subject to the Special Occupancy Parks Act as referenced in Section 89.108.3.2.3 of this Code, refer to the Health and Safety Code Sections 18866 through 18869 and California Code of Regulations, Title 25, Division 1, Chapter 2.2.
4. For applications subject to the Employee Housing Act as referenced in Section 89.108.3.2.4 of this Code, refer to Health and Safety Code Sections 17060 through 17062.5 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 3.
5. For applications subject to the Factory-Built Housing Act as referenced in Section 89.108.3.2.5 of this Code, refer to Health and Safety Code Sections 19995 through 19997 and California Code of Regulations, Title 25, Division 1, Chapter 3, Subchapter 1.

SECTION 89.108.10
OTHER BUILDING REGULATIONS

89.108.10.1 Existing Structures. Subject to the requirements of California Health and Safety Code Sections 17912, 17920.3, 17922(c), 17922.3, 17958.8 and 17958.9, the provisions contained in Chapter 34 of the CBC relating to existing structures shall only apply as identified in the Matrix Adoption Table under the authority of the Department of Housing and Community Development as listed in Sections 89.108.2.1.1 through 89.108.2.1.3 of this Code.

89.108.10.2 Moved Structures. *Subject to the requirements of California Health and Safety Code Sections 17922.3 and 17958.9, the provisions relating to a moved residential structure shall, after July 1, 1978, permit the retention of existing materials and methods of construction so long as the structure does not become or continue to be a substandard building.*

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18865 and 19990; and Government Code Sections 12955.1 and 12955.1.1.

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

ARTICLE 90 Introduction

HCD is proposing the adoption of Article 90 without amendment.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3, and 19990; and Government Code Section 12955.1

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18000 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.

CHAPTER 1: General, Articles 100-110

HCD is proposing the adoption of Articles 100 and 110 of Chapter 1 without amendments.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3, and 19990; and Government Code Section 12955.1

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18000 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.

CHAPTER 2: Wiring and Protection, Articles 200-285

HCD is proposing the adoption of Articles 200, 210, 215, 220, 225, 230, 240, 250, 280, and 285 of Chapter 2 without amendment.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3, and 19990; and Government Code Section 12955.1

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18000 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.

CHAPTER 3: Wiring Methods and Materials, Articles 300-398

HCD is proposing the adoption of Articles 300, 310, 312, 314, 320, 322, 324, 326, 328, 330, 332, 336, 338, 340, 342, 344, 348, 350, 352, 353, 354, 356, 358, 360, 362, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 396, and 398 of Chapter 3 without amendments.

HCD is proposing the adoption of Articles 334 and 394 of Chapter 3 with amendment.

ARTICLE 334 Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS

334.10 Uses Permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:

- (1) One- and two-family dwellings.
- (2) Multifamily dwellings permitted to be of Types III, IV, and V construction except as prohibited in 334.12.
- (3) Other structures permitted to be of Types III, IV, and V construction except as prohibited in 334.12. Cables shall be concealed within walls, floors, or ceilings that

provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.

FPN No. 1: Types of building construction and occupancy classifications are defined in NFPA 220-1999, Standard on Types of Building Construction, or the applicable building code, or both.

FPN No. 2: See Annex E for determination of building types [NFPA 220, Table 3-1].

- (4) Cable trays in structures permitted to be Types III, IV, or V where the cables are identified for the use.

FPN: See 310.10 for temperature limitation of conductors.

Note: [HCD 1 and HCD 2] Types III, IV, and V construction as referenced in Section 334.10 items ~~(2)~~ and (2), (3), and (4) shall be as defined in Title 24, Part 2, California Building Code.

(A) Type NM. Type NM cable shall be permitted as follows:

- (1) For both exposed and concealed work in normally dry locations except as prohibited in 334.10(3)
- (2) To be installed or fished in air voids in masonry block or tile walls

(B) Type NMC. Type NMC cable shall be permitted as follows:

- (1) For both exposed and concealed work in dry, moist, damp, or corrosive locations, except as prohibited by 334.10(3)
- (2) In outside and inside walls of masonry block or tile
- (3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1.59 mm (. in.) thick and covered with plaster, adobe, or similar finish

(C) Type NMS. Type NMS cable shall be permitted as follows:

- (1) For both exposed and concealed work in normally dry locations except as prohibited by 334.10(3)
- (2) To be installed or fished in air voids in masonry block or tile walls

ARTICLE 394 Concealed Knob-and-Tube Wiring

394.12 Uses Not Permitted. Concealed knob-and-tube wiring shall not be used in the following:

- (1) Commercial garages
- (2) Theaters and similar locations
- (3) Motion picture studios
- (4) Hazardous (classified) locations
- (5) Hollow spaces of walls, ceilings, and attics where such spaces are insulated by loose, rolled, or foamed-in-place insulating material that envelops the conductors.

Exception: [For HCD 1] This article is not intended to prohibit the installation of insulation where knob-and-tube wiring is present, provided the following are complied with:

- (1) The wiring shall be surveyed by an electrical contractor licensed by the State of California. Certification shall be provided by the electrical contractor that the existing wiring is in good condition with no evidence of deterioration or improper over-current protection, and no improper connections or splices. Repairs, alterations, or extensions to the electrical system will require permits and inspections by the authority having jurisdiction for the enforcement of this code.
- (2) The certification form shall be filed with the authority having jurisdiction for the enforcement of this code, and a copy furnished to the property owner.
- (3) All accessible areas in the building where insulation has been installed around knob-and-tube wiring shall be posted by the insulation contractor with a notice, clearly visible, stating that caution is required when entering these areas. The notice shall be printed in both English and Spanish.
- (4) The insulation shall be noncombustible as defined in Title 24, Part 2, California Building Code.

- (5) *The insulation shall not have any electrical conductive material as part of or supporting the insulation material.*
- (6) *Nothing in this exception will prohibit the authority having jurisdiction for the enforcement of this code from requiring permits and inspections for the installations of thermal insulation.*

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3, and 19990; and Government Code Section 12955.1

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18000 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.

CHAPTER 4: Equipment for General Use, Articles 400-490.

HCD is proposing the adoption of Articles 400, 402, 404, 406, 408, 409, 410, 411, 422, 424, 426, 427, 430, 440, 445, 450, 455, 460, 470, 480, and 490 of Chapter 4 without amendment.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3, and 19990; and Government Code Section 12955.1

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18000 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.

CHAPTER 5: Special Occupancies, Articles 500-590.

HCD is proposing the adoption of Articles 518, 545, and 590 of Chapter 5 without amendment.

HCD is proposing to **not** adopt Articles 500, 501, 502, 503, 504, 505, 506, 510, 511, 513, 514, 515, 516, 517, 520, 525, 530, 540, 547, 550, 551, 552, 553, and 555 of Chapter 5.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3, and 19990; and Government Code Section 12955.1

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18000 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.

CHAPTER 6: Special Equipment, Articles 600-695.

HCD is proposing the adoption of Articles 600, 620, 680, 690, and 692 of Chapter 6 without amendment.

HCD is proposing to **not** adopt Articles 604, 605, 610, 630, 640, 645, 647, 650, 660, 665, 668, 669, 670, 675, 682, 685, and 695 of Chapter 6.

HCD is proposing the adoption of Article 625 as amended by the Office of the State Fire Marshal.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3, and 19990; and Government Code Section 12955.1

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18000 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.

CHAPTER 7: Special Conditions, Articles 700-780.

HCD is proposing the adoption of Articles 700, 702, 705, 720, 725, 727, and 770 of Chapter 7 without amendment.

HCD is proposing to **not** adopt Articles 701, 760, and 780.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3, and 19990; and Government Code Section 12955.1

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18000 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.

CHAPTER 8: Communications Systems, Articles 800-830.

HCD is proposing the adoption of Articles 800, 810, 820, and 830 of Chapter 8 without amendments.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3, and 19990; and Government Code Section 12955.1

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18000 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.

CHAPTER 9: Tables

HCD is proposing the adoption of the Tables 1, 2, 4, 5, 5A, 8, and 9, 11(A), 11(B), 12(A), and 12(B) in Chapter 9 without amendments.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3, and 19990; and Government Code Section 12955.1

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18000 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.

ANNEXES

HCD is proposing to **not** adopt Annexes A, B, C, D, E, F and G.

NOTE:

Authority Cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3, and 19990; and Government Code Section 12955.1

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18000 through 18700, 18860 through 18874, and 19960 through 19997; and Government Code Section 12955.1.