

**1-303. Scope of appeals and types of appellants.** Appeals to the Commission and the matters which can be appealed are as follows:

(a) An appeal may be submitted by any person adversely affected by the administration of building standards or administrative regulations of Title 24, or the enforcement or the lack of enforcement of Title 24, by any state agency as prescribed in Health and Safety Code Section 18945(a) and this article.

(b) An appeal may be submitted by any person adversely affected by the enforcement of Title 24 by a local enforcement agency, in the company of the local enforcement agency, as prescribed in Health and Safety Code Section 18945(b) and this article. Such joint appeals must have statewide significance.

(c) An appeal may be filed by any person, including a state or local agency adversely affected by an apparent conflict, duplication or overlap of any current Title 24 provision, or any other matter of statewide significance relating to the application of Title 24.

(d) The Commission may accept appeals relating to actions and decisions by state and local agencies to enforce building standards, but may only make recommendations for reconsideration. The Commission has no authority to overturn a decision by a state or local agency when the matter is within the jurisdiction of that state or local agency.

(e) When the basis of an appeal is the action of a state agency other than the Commission, the appellant must obtain a final determination from the state agency in question relating to the issue under appeal before the Commission will hear the appeal.

**Exception:** An apparent conflict, duplication or overlap in other available state appeals procedures or within the regulations or code.

**Authority:** Health and Safety Code Sections 18931, 18945, 18946 and 18949.

**Reference:** Health and Safety Code Sections 18931, 18945, 18946 and 18949.

**HISTORY:**

1. (BSC 1/89) Regular order by the California Building Standards Commission to amend Section 1-601, Part 1, Title 24, California Code of Regulations. Filed with the Secretary of State April 1990; effective April 17, 1990. Approved as a regular order by the California Building Standards Commission on April 16, 1990.

**1-305. (a) Time limitations for appeals.** Appeals will be accepted by the Commission only within:

1. Six months of when the act, interpretation, decision or practice complained of occurred, or
2. As determined by the Commission if special circumstances are found to exist.

**1-307. Appeal form and filing fee.**

(a) The appeal shall be in writing and shall specifically set forth:

1. The specific regulation, rules, interpretation or decision of any state agency respecting the administration of any building standard being appealed.
2. The dates of any act, interpretation or decision of any state agency related to the complaint.
3. The nature of any act, interpretation or decision of any state agency related to the complaint.
4. The reasons for the appeal.
5. Documentation of the official action of the applicable state agency with respect to the agency's final determination on the issue.
6. Identification of witnesses, experts and other representatives of the appellant.

(b) The appeal shall be filed with the Executive Director at: CALIFORNIA BUILDING STANDARDS COMMISSION, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. The address should be confirmed at the Commission's website.

(c) Filing Fee: Health and Safety Code Section 18949 requires the Commission to recover the cost of administering appeals. Accordingly, a nonrefundable fee of \$450.00 shall be submitted with the initial request for appeal. In addition, any and all costs for an administrative law judge or costs related to a hearing before the appeals subcommittee will be the responsibility of the appellants.

**Authority:** Health and Safety Code Sections 18931 and 18945.

**Reference:** Health and Safety Code Sections 18931 and 18945.

**1-309. Receipt and processing appeals.**

(a) Receipt of any appeal shall be acknowledged in writing by the Executive Director within 30 days of receipt advising the appellant and the state agency of the acceptance or rejection of the appeal as filed. The reply shall also set forth the planned action of the Commission in response to the application together with reasons for the proposed actions.

(b) If the Executive Director determines that additional information is needed in order to process the appeal, the Executive Director may request such additional information and defer action on the appeal until such additional information is received. If the Executive Director requests additional information, the appellant shall have 30 days from the date of the Executive Director's request within which to submit the information. If the requested information is not received within 30 days, the Executive Director may treat the appeal as having been abandoned or may, upon written notice to the appellant and any state agency a part of the appeal, process the appeal on such information as is available. Upon written request the Executive Director may, for good cause, extend the 30-day period by one additional 30-day period.