



selected model codes is the applicable code for all occupancies<sup>3</sup> throughout the state, not the model codes by themselves.

Additionally, the Department of Housing and Community Development has adopted regulations implementing the State Housing Law in the California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1 (CCR, T-25), for residential structures subject to the State Housing Law. These regulations, the CCR, T-24, and the requirements of the State Housing Law, are applicable in all parts of the State.<sup>4</sup>

#### **LOCAL GOVERNMENT ADOPTION OF THE CCR, T-24 BY ORDINANCE:**

- The CCR, T-24 is applicable to all occupancies throughout California, whether or not the local government takes an affirmative action to adopt the CCR, T-24.<sup>5</sup>
- The State Housing Law requires local building department enforcement of the Law, building standards, and implementing regulations of the Department of Housing and Community Development for residential structures.<sup>6</sup>
- Local governments should work closely with counsel to develop an adopting ordinance<sup>7</sup> any expressed findings for any amendment of the CCR, T-24, and provide for enforcement of the CCR, T-24.

#### **LOCAL GOVERNMENT AMENDMENTS:**

Local governments may amend the building standards contained in the CCR, T-24 for all occupancies, and the regulations of the Department of Housing and Community Development in CCR, T-25 applicable to residential structures. The provisions of law that permit these local government amendments contain subtle differences.

#### **Local Government Amendments under the Building Standards Law:**

The Building Standards Law takes a straight forward approach to amendments by local governments:<sup>8</sup>

- The governing body of the local government must make express findings that amendments to the building standards, including green building standards, contained in CCR, T-24 are necessary because of local climatic, geological or topographical conditions.<sup>9</sup>
- The local government amendments must provide a more restrictive building standard, including green building standard, than that contained in CCR, T-24.<sup>10</sup>

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<sup>3</sup> The term "occupancy" as used in the California Building Standards Code is the method of classifying all buildings and structures.

<sup>4</sup> H&SC § 17950, "...to apartment houses, hotels, motels, and dwellings, and buildings and structures accessory thereto..."

<sup>5</sup> H&SC §§ 17950 and 18938 (b)

<sup>6</sup> H&SC, § 17960 and 18948

<sup>7</sup> GC, § 50020, et seq.

<sup>8</sup> H&SC, § 18941.5

<sup>9</sup> H&SC, §§ 18941.5 and 17958.7

<sup>10</sup> H&SC, § 18941.5

- The amendments are not effective until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the California Building Standards Commission.<sup>11</sup>

### **Local Government Amendments under the State Housing Law:**

The State Housing Law provides for amendment of building standards related to residential construction and for amendment of CCR, T-25.

- The governing body of the local government must make an express finding that amendments to either the building standards, including green building standards, for residential construction contained in CCR, T-24, or the regulations of the Department of Housing and Community Development contained in CCR, T-25, are reasonably necessary because of local climatic, geological or topographical conditions.<sup>12</sup> There is an exception in CCR, T-25, § 52 to the requirement for an express finding where alternate abatement procedures are determined by the local enforcement agency to be the equivalent of those contained in CCR, T-25.
- Unlike the California Building Standards Law, there is no specific requirement in the State Housing Law that local government amendments provide either more restrictive building standards, including green building standards, than those contained in CCR, T-24, or more restrictive regulations than those contained in CCR, T-25.<sup>13</sup>
- The amendments are not effective until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings have been filed with the California Building Standards Commission.<sup>14</sup>

### **Local Government Amendments under the Fire Protection District Law of 1987:**

Local government amendments to building standards in the CBSC adopted by the State Fire Marshal for fire and panic safety that are more stringent are permitted under this provision of state law for fire protection districts organized under HSC, Division 12, Part 2.7. Again, there are differences in how these amendments are implemented.

- The "governing body" shall be deemed to be the district board and the district shall be deemed to be the local agency.<sup>15</sup>
- The district board must make an express finding that amendments to building standards for fire and panic safety that are contained in CCR, T-24 are necessary because of local climatic, geological or topographical conditions.<sup>15</sup>
- The district is required to notify the city, county, or city and county where the amendments will apply of the proposed amendments, and receive their comments.<sup>15</sup>
- Upon adoption, the amendments are required to be presented for ratification to the city, county,

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<sup>11</sup> H&SC, §17958.7

<sup>12</sup> H&SC, §§ 17958, 17958.5 and 17958.7

<sup>13</sup> H&SC, §§ 17958, 17958.5 and 17958.7

<sup>14</sup> H&SC, §17958.7

<sup>15</sup> H&SC, § 13869.7

or city and county where it will apply.<sup>15</sup>

- The amendment is not effective until ratification by the city, county, or city and county. Copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, must be filed with the Department of Housing and Community Development by the city, county, or city and county where it will apply, along with the adopting ordinance and any findings of the city, county, or city and county.<sup>16</sup>

#### **Filings with the California Building Standards Commission:**

- The absence of a filing with the California Building Standards Commission of local government amendments implies that the CCR, T-24 is applicable within that local jurisdiction, without amendment.<sup>17</sup>
- The California Building Standards Commission may acknowledge by letter the filings by local governments that meet the requirements of H&SC, § 17958.7.
- The California Building Standards Commission is not authorized by law to evaluate the merits of the express findings of a local government as to the local climatic, geological or topographical conditions necessitating their amendments.
- The California Building Standards Commission will reject, by letter, the filings by local governments proposing to adopt and amend model codes. Only the CCR, T-24, incorporating model codes and including California Amendments by the state adopting agencies, and the related regulations of the Department of Housing and Community Development, are subject to adoption and amendment by local governments.<sup>13</sup>
- The California Building Standards Commission may reject, by letter, the filings by local governments where no express findings are submitted with proposed amendments. No express findings may be deemed to have been submitted under the following circumstances:
  - There is, in fact, no express findings submitted with the proposed amendments.
  - The proposed amendments are not expressly marked and identified as to the applicable express findings.<sup>18</sup>
  - There is no evidence by signature(s), certification of the city/county clerk, transmittal letter or other reasonable means to validate that the express findings were a lawful action of the governing body of the local jurisdiction.

#### **Local Administrative Regulations:**

Local regulations necessary to carryout procedures by a city, county, or city and county relating to civil, administrative, or criminal procedures and remedies available for enforcing code violations,

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<sup>13</sup> HSC, § 18941.5 , 17950 and 17958.7

<sup>15</sup> H&SC, § 13869.7

<sup>16</sup>HSC, § 18941.5, 17950 and 17958.7

<sup>17</sup> HSC, § 18941.5, 17950 and 17958.7

<sup>18</sup> H&SC §§ 17950 and 18941.5

and that do not establish building standards may be enacted without meeting the requirements of HSC sections 18941.5, 17958, 17958.5 and 17958.7.

**Local Approval of Alternatives:**

Local building departments have authority under H&SC, § 17951(e) to allow alternative materials and methods of construction that are not specifically adopted in the CCR, T-24. Said section is from the State Housing Law with application to the design and construction of hotels, motels, lodging houses, apartments, condominiums, and dwellings. Thus, an alternative material or method of construction not specifically adopted in the CCR, T-24 may be approved on a case-by-case basis for housing construction under the conditions stated in HSC section 17951(e), without the need for a local ordinance or code amendment.

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

Dave Walls  
Executive Director