

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
(916) 263-0916 FAX (916) 263-0959

**BUILDING STANDARDS BULLETIN 08-02****DATE: NOVEMBER 7, 2008****TO: CITY, COUNTY, AND CITY AND COUNTY JURISDICTIONS****SUBJECT: CALIFORNIA GREEN BUILDING STANDARDS CODE**

This Bulletin has been developed in response to a number of jurisdictions contacting the California Building Standards Commission (Commission) regarding adoption of the California Green Building Standards Code (Code) prior to the statewide effective date.

California Building Standards Law, Health and Safety Code 18938 (b), states in relevant part that the triennial edition and supplements of the California Building Standards Code, Title 24 (composed of model codes and state amendments), shall become effective 180 days after publication. The 180-day requirement is intended to provide adequate notice so that all affected entities can prepare to implement the new mandatory standards adopted and approved by the Commission. Establishing an effective date of a voluntary code is not addressed by statute.

This version of the Code is primarily a voluntary one. There are mandatory provisions adopted by the Commission within the Code, but these are items that are currently either required by state law or required by existing regulations. The mandatory provisions adopted by the Department of Housing and Community Development (HCD) have a delayed effective date until the 2010 codes are in effect. Thus, HCD's regulations are effectively providing a two-year notice of what regulations will apply statewide, and are currently voluntary.

Due to questions surrounding the ability of local jurisdictions to amend the Code, the adopting state agencies added intent language to the Code to make it clear that local jurisdictions retain their authority to adopt local amendments. The statutory references from the Health and Safety Code are included in the language. If a local jurisdiction wishes to adopt the Code prior to the effective date, the local ordinance adoption process will give affected entities notice regarding the jurisdiction's planned adoption of it.

To reiterate, nothing within California Building Standards Law would preclude a local jurisdiction from adopting the current voluntary version of the Code prior to its effective date. As with all adoptions of the California Building Standards Code or other actions relating to Title 24, local jurisdictions should consult with their City Attorney or County Counsel prior to local adoption of the code.

Dave Walls
Executive Director