

**FINAL EXPRESS TERMS FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE ADOPTION BY REFERENCE OF THE
2006 UNIFORM MECHANICAL CODE (UMC) WITH PROPOSED AMENDMENTS
INTO THE 2007 CALIFORNIA MECHANICAL CODE (CMC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

The Department of Housing and Community Development (HCD) proposes to adopt the 2006 edition of the Uniform Mechanical Code (UMC) for codification and effectiveness into the 2007 edition of the California Mechanical Code (CMC) as presented on the following pages, including any necessary amendments. HCD further proposes to:

- Repeal the 2001 edition of the California Mechanical Code;
- Repeal amendments to the model codes 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 such language appears in *italics*, modified language is underlined or shown in ~~strikeout~~.
2. New UMC language with new California amendments: UMC language shown in normal Arial 9 point; California amendments to UMC text shown underlined and in italics.
3. Repealed text: All such language appears in ~~strikeout~~.
4. Amended, adopted or repealed language after public hearing: All such language will appear in double underline and ~~double strikeout~~.
5. Non-substantive editorial revisions: All such revisions shown in **yellow highlight** and *italics*. Modified language is underlined or in ~~strikeout~~.
6. Notation: Authority and Reference citations are provided at the end of each chapter.

HCD proposes to repeal all amendments to the existing Chapter 1 of the 2000 UMC in its entirety.

REPEALED AMENDMENTS

Section:

~~101.2 [For HCD 1 & HCD 2] Title — California Mechanical Code. This document shall be known as the “California Mechanical Code.” Where a reference to the Uniform Mechanical Code or UMC appears in the text of this code, the reader shall understand the reference to be to the California Mechanical Code at Part 4 of Title 24, California Code of Regulations. The provisions contained in the California Mechanical Code of the (compiled) California Building Standards Code, Title 24, California Code of Regulations as defined in Health and Safety Code Section 18910, may be cited as such and are referred to hereafter as these regulations, “these mechanical standards” or “this code.”~~

102.0 Purpose

The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within this jurisdiction ~~[For HCD 1 & HCD 2] for the State of California and local enforcement agencies.~~

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

103.1 Applicability. The provisions of this code shall apply to the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances within this jurisdiction. ~~[For HCD 1 & HCD 2] for the State of California and local enforcement agencies.~~

Additions, alterations, repairs to and replacement of equipment or systems shall comply with the provisions for new equipment and systems, except as otherwise provided in Section 104.0 of this code.

~~**Exception [For HCD 1] Additions, Alterations or Repairs.** The alteration, repairs, replacement, occupancy, use and maintenance provisions are superseded, in part, by State Housing Law, Health and Safety Code, Division 13, Part 1.5, Sections 17912, 17920.3, 17922 (c), 17958.8 and 17958.9 and California Code of Regulations, Title 25, Chapter 1 (commencing with Section 1). Health and Safety Code Section 17958.8 is 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 as long as the hotel, lodging house, motel, apartment house, or dwelling, or portions thereof, or building and structure accessory thereto, complies with the provisions published in the State Building Standards Code and the other rules and regulations of the department or alternative local standards adopted pursuant to Section 17920.7 and does not become or continue to be a substandard building.~~

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

~~[For HCD 1 & HCD 2] Mechanical standards in the code shall have no retroactive or retrospective effect or application on existing construction unless the term and time of application of such standards are specifically identified or specified in this code and California law.~~

The design and testing of equipment regulated by this code shall be subject to the approval of the Authority Having Jurisdiction ~~[For HCD 1 & HCD 2] enforcing agency provided in section 108.1.1.~~

The standards contained in Appendix A shall be considered as part of this code. Appendix B and C contain recommended practices which shall not apply unless specifically adopted. Appendix D contains conversion tables and a table for determining the approximate minimum thickness for carbon sheet metal.

~~**103.1.1.2 [For HCD 1 & HCD 2] Effective Date.** One hundred and eighty days after the publication, or as otherwise noted herein.~~

~~**103.1.2 [For HCD 1 & HCD 2] Availability of Codes.** A subsection of Health and Safety Code Section 18942 is repeated here for clarity and reads as follows:~~

~~**Section 18942(d)**~~

~~(1) Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. These codes shall be maintained in the office of the building official responsible for the administration and enforcement of this part.~~

~~(2) This subdivision shall not apply to any city or county which contracts for the administration and enforcement of the provisions of this part with another local government agency which complies with this section.~~

~~103.1.3 [For HCD 1 & HCD 2] Applicability to Occupancy Groups.~~ The provisions of the model code, which are adopted by this code, are applicable to all occupancy groups and uses regulated by this code. The amendments to the model code are applicable only to those occupancies or uses which the state agency adopting the amendments is authorized to regulate as listed in Section 108.1.1.

~~103.1.4 [For HCD 1 & HCD 2] Conflicts Between Codes.~~ When the requirements of this code conflict with the requirements of the California Building Code, Title 24, Part 2, the most restrictive requirement shall prevail. When the requirements of this code conflict with the requirements of the California Plumbing Code, this code shall prevail.

~~103.1.5 [For HCD 1 & HCD 2] Non-Building Regulations.~~ Requirements contained in the U.M.C., or in any other referenced standard, code, or documents, which are not building standards as defined in Health and Safety Code Section 18909, shall not be construed as part of the provisions of this code.

~~103.1.5.1 [For HCD 1 & HCD 2] For the applicability of regulations relating to maintenance, operation, use, limitations or prohibitions, and similar non-building regulations, see other Titles of the California Code of Regulation.~~

~~103.1.5.2 [For HCD 1 & HCD 2] For the applicability of regulations relating to maintenance, operation, use, limitations or prohibitions, and similar non-building regulations, see Title 25, California Code of Regulations, Chapter 1 (commencing with Section 1).~~

~~103.1.6 [For HCD 1 & HCD 2] 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.

~~103.1.7 [For HCD 1 & HCD 2] Format.~~ This part fundamentally adopts the U.M.C. by reference on a chapter-by-chapter basis. Such adoption is reflected in the adoption tables of each chapter of this part. When the adoption table of a chapter of this part makes no reference to a specific chapter of the U.M.C., such chapter of the U.M.C. is not adopted as a portion of this code.

~~103.1.8 [For HCD 1 & HCD 2] STANDARD REFERENCE DOCUMENTS~~

~~103.1.8.1 [For HCD 1 & HCD 2] Codes and Standards Adoption.~~ 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.

~~104.5.1 [For HCD 1] Moved Buildings.~~ Moving of apartment houses and dwellings. Health and Safety Code Section 17958.9 is repeated here for clarity and reads as follows:

~~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.

~~105.2 Order of Precedence.~~ Where in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general and a specific requirement, the specific requirement shall apply.

~~Mechanical standards in the code shall have no retroactive or retrospective effect or application on existing construction unless the term and time of application of such standards are specifically identified or specified in this code.~~

~~105.5.1 [For HCD 1] Notwithstanding other provisions of law, the method for approval of alternate materials, design, tests and methods of construction by local building departments are set forth in State Housing Law, Health and Safety Code, Division 13, Section 17951 (d) and California Code of Regulations, Title 25, Division 1, Chapter 1. The applicable subsections of Health and Safety Code Section 17951(d) are repeated here for clarity and reads as follows:~~

~~Section 17951(d).~~

~~(2) The building department of any city or county may approve an alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that proscribed in the California Building Standards Code or this part in performance, safety, and for the protection of life and health.~~

~~(3) The building department of any city or county shall require evidence that any material, appliance, installation, device, arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to this part and in order to substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved testing agency selected by the owner or the owner's agent.~~

NOTE: ~~[For HCD 2] Refer to Title 24, Part 4, Section 108.10.~~

~~**105.5.2 [For HCD 1]** 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, Section 17002 and California Code of Regulations, Title 25, Division 1, Chapter 1. Health and Safety Code Section 17002 is repeated here for clarity and reads as follows:~~

~~**Section 17002.** The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part if such alternate has been approved by the Department of Housing and Community Development.~~

~~The Department of Housing and Community Development may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, or method of construction offered is, for the purpose intended, at least the equivalent of that prescribed in this part in quality, strength, effectiveness, fire resistance, durability and safety, for the protection of life and health.~~

~~This section shall not apply to a local ordinance, which is applicable pursuant to Section 17001.~~

~~**105.5.3 [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, Section 18305 and California Code of Regulations, Title 25, Division 1, Chapter 2. The applicable subsections of Health and Safety Code Section 18305 are repeated here for clarity and reads as follows:~~

~~**Section 18305.**~~

~~(a) This part is not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part and the rules and regulations adopted pursuant to this part, if the alternate used has been approved.~~

~~(b) The department may approve any alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent to that prescribed in this part and the rules and regulations adopted pursuant to this part in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.~~

~~(c) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and the rules and regulations promulgated pursuant to this part, or in order to substantiate claims for alternates, the department may require proof of compliance to be made at the expense of the owner or his or her agent.~~

~~(d) The department shall notify the appropriate enforcement agency and plan checking agency of its findings.~~

~~(e) This section is not applicable to local regulations authorized by this part.~~

~~**106.2 [For HCD 1] Local Variances.** Health and Safety Code Section 17958.5 is repeated here for clarity 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 modification 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.~~

~~**106.3 [For HCD 1] Findings; Filings; and Rejections of Local Variances.** The applicable subsections of Health and Safety Code Section 17958.7 are repeated here for clarity 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.~~

106.4 [For HCD 1 & HCD 2] Ratification by City Council.—The applicable subsections of Health and Safety Code Section 13869.7 are repeated here for clarity and reads as follows:

Section 13869.7

~~(a) Any fire protection district organized pursuant to Part 2.7 (commencing with Section 13800) of Division 12 may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code. For these purposes, the district board shall be deemed a legislative body and the district shall be deemed a local agency. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.~~

~~(b) Any fire protection district that proposes to adopt an ordinance pursuant to this section shall, not less than 30 days prior to noticing a proposed ordinance for public hearing, provide a copy of that ordinance, together with the adopted findings made pursuant to subdivision (a), to the city, county, or city and county where the ordinance apply. The city, county, or city and county, may provide the district with written comments, which shall become a part of the fire protection district's public hearing record.~~

~~(c) The fire protection district shall transmit the adopted ordinance to the city, county, or city and county where the ordinance will apply. The legislative body of the city, county, or city and county, may ratify, modify, or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial. No ordinance adopted by the district shall be effective until ratification by the city, county, or city and county where the ordinance will apply. Upon ratification of an adopted ordinance, the city, county, or city and county, shall file a copy of the findings of the district, and any findings of the city, county, or city and county, together with the adopted ordinance expressly marked and identified to which each finding refers, with the Department of Housing and Community Development.~~

108.1.1 [For HCD 1 & HCD 2] Application Vesting Authority.—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.

108.1.1.8 [For HCD 1] Department of Housing and Community Development.

~~Application—Hotels, motels, timeshares, 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 toilet or cooking facilities. Refer to Section 108.1.1.13 of this code, for Office of the State Fire Marshal, for fire and panic safety application.~~

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

~~Authority Cited—H&SC §§17921, 17922, 19990; and 42 US Code Section 3601, et seq.~~

~~Reference—H&SC §§17000 through 17060, 17910 through 17990, and 19960 through 19997.~~

108.1.1.8.1 [For 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 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, Section 1102A.16-P, also known as the California Building Code. The application of this code, shall apply only to "Covered Multifamily Dwellings," as defined in Chapter 11A of the California Building Code, Section 1102A.3-C, 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 Section 213 of the California Building Code, when used as a residence with 3 or more guest rooms.~~
- ~~4. Congregate residences, as defined in Section 204 of the California Building Code.~~
- ~~5. Dwellings with 3 or more efficiency units, as defined in Section 205 of the California Building Code or Health and Safety Code Section 17958.1.~~
- ~~6. Shelters for the homeless not otherwise subject to the disabled access regulations of the Division of the State Architect — Access Compliance (commencing with Section 1111B of the California Building Code).~~
- ~~7. Dormitories, as defined in Section 205 of the California Building Code.~~
- ~~8. Time-Share Dwellings with 3 or more units, except for condominiums covered in item number 2 above.~~
- ~~9. Other Group R Occupancies in multifamily dwellings, which are established by the Office of the State Fire Marshal (commencing with Section 310 of the California Building Code).~~

~~The HCD 1/AC 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. The HCD 1/AC regulations generally do not cover public accommodation occupancies, such as hotels and motels.~~

~~Buildings or portions of buildings of the same or similar occupancies, or mixed occupancies, and buildings accessory to them, also may be subject to the disabled access regulations adopted by the Division of the State Architect — Access Compliance.~~

~~Enforcing Agency — Local building department or the Department of Housing and Community Development.
 Authority Cited — H&SC §§ 17921, 17922, 19990; and 42 US Code Section 3601, et seq.
 Reference — H&SC §§ 17000 through 17060, 17910 through 17990, 19960 through 19997 and GC 12955.1.~~

~~**108.1.1.9 [For HCD 2] Department of Housing and Community Development.**~~

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

~~Enforcing Agency — Local building department, other local agency responsible for the enforcement of Health and Safety Code Sections 18000 through 18700, or the Department of Housing and Community Development.
 Authority Cited — H&SC §§ 18300.
 Reference — H&SC §§ 18000 through 18700.~~

~~**108.3.1 [For HCD 1 & HCD 2] RIGHT OF ENTRY FOR ENFORCEMENT**~~

~~**108.3.1.1 [For HCD 1]. Authority to Enter and Inspect Premises.** Health and Safety Code Sections 17050(i) and 17970 are repeated here for clarity and reads 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.~~

~~**108.3.1.2 [For HCD 2] Authority to Enter and Inspect Premises.** The applicable subsections of Health and Safety Code Sections 18400 are repeated here for clarity and reads as follows:~~

~~**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.~~

~~**108.3.1.3 [For HCD 1] Limitations on Authority to Enter.** Notwithstanding other sections of law, Health and Safety Code Section 17972 is repeated here for clarity and reads as follows:~~

~~**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.~~

~~**108.6.1 [For HCD 1] Authority of Condemn.** Administrative actions, enforcement proceedings, nuisance abatements, violation notifications, and penalties shall comply with the requirements of State Housing Law, contained in Health and Safety Code Sections 17910 through 17995.5 and California Code of Regulations, Title 25, Division 1, Chapter 1 (commencing with Section 1).~~

~~**108.10 [For HCD 1] AUTHORITY OF CITY AND COUNTY BUILDING DEPARTMENTS**~~

~~**108.10.1 [For HCD 1] General – State Housing Law.** Health and Safety Code Section 17960 is repeated for clarity 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.~~

~~**NOTE: [For HCD 1]** See Section 108.1.1.8 of this code.~~

~~**108.10.2 [For HCD 2] General – Mobile Home Park Act.**~~

~~Refer to the Mobile Home 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 mobile home park administrative and enforcement authority, permits, plans, fees, violations, inspections, and penalties.~~

~~**NOTE: [For HCD 2]** See Section 108.1.1.9 of the code.~~

~~**108.10.3 [For HCD 1] General – 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 (commencing with Section 600) for employee housing administrative and enforcement authority, permits, fees, violations, inspections, and penalties.~~

~~**NOTE: [For HCD 1]** See Section 108.1.1.8 of this code.~~

~~**108.10.4 [For HCD 1] General – Factory-Built Housing.**~~

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

NOTE: ~~[For HCD 1] See Section 108.1.1.8 of this code.~~

~~114.2.1.1 [For HCD 1] Retention of Plans.~~ Refer to Building Standards Law, Health and Safety Code Sections 19850 and 19851, for permanent retention of plans.

~~114.6 [For HCD 1] Permit Issuance.~~ Health and Safety Code Section 17960.1 is repeated here for clarity and reads as follows:

Section 17960.1

~~(a) The governing body of a local agency may authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function.~~

~~(b) A local agency need not enter into a contract or employ persons if it determines that no entities or persons are available or qualified to perform the plan-checking services.~~

~~(c) Entities or persons employed by a local agency may, pursuant to agreement with the local agency, perform all functions necessary to check the plans and specifications to comply with other requirements imposed pursuant to this part or by local ordinances adopted pursuant to this part, except those functions reserved by this part or local ordinance to the legislative body. A local agency may charge the applicant fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section which the applicant requested.~~

~~(d) When there is an excessive delay in checking plans and specifications submitted as a part of an application for a residential building permit, the local agency shall, upon request of the applicant, contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function subject to subdivisions (b) and (e).~~

~~(e) For purposes of this section:~~

~~(1) "Enforcement agency" means the building department or building division of a local agency.~~

~~(2) "Excessive delay" means the enforcement agency of a local agency has taken either of the following:~~

~~(A) — More than 30 days after submittal of a complete application to complete the structural building safety plan check of the applicant's set of plans and~~

~~specifications, which are suitable for checking. For a discretionary building permit, the time period specified in this paragraph shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from Division 13 (commencing with Section 21000) of the Public Resources Code.~~

~~(B) — Including the days actually taken in (A), more than 45 days to complete the checking of the resubmitted corrected plans and specifications suitable for checking after the enforcement agency had returned the plans and specifications to the applicant for correction.~~

~~(3) "Local agency" means a city, county, or city and county.~~

~~(4) "Residential building" means a one to four family detached structure not exceeding three stories in height.~~

NOTE: ~~For plan checking of related "Employee Housing," as defined in HSC 17008, refer also to HSC 17021(b) [Effective January 1, 2001].~~

~~115.1.1 [For HCD 1] Fees.~~ The applicable subsections of Health and Safety Code Section 17951 is repeated here for clarity and reads as follows:

Section 17951

~~(a) The governing body of any county or city, including a charter city, may prescribe fees for permits, certificates, or other forms or documents required or authorized by this part or rules and regulations promulgated pursuant thereto.~~

~~(b) The governing body of any county or city, including a charter city, or fire protection district, may prescribe fees to defray the costs of enforcement required by this part to be carried out by local enforcement agencies.~~

~~(c) The amount of the fees proscribed pursuant to subdivisions (a) and (b) of this section shall not exceed the~~

~~amount reasonably required to administer or process these permits, certificates, or other forms or documents, or to defray the costs of enforcement required by this part to be carried out by local enforcement agencies, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code.~~

208.0 FIRE CODE ~~[Not adopted by HCD]~~ The fire code adopted by this jurisdiction.

1201.3.5.2 Cutting Structure.

Structural members shall not be seriously weakened or impaired by cutting or notching. ~~[For HCD 1 & HCD 2] Structural modifications shall be made in compliance with the California Building Code, Title 24, Part 2.~~

AMENDMENTS:

CHAPTER 1 ADMINISTRATION

(NOTE: This entire chapter is relocated to Appendix Chapter 1)

(CALIFORNIA) CHAPTER 1 GENERAL CODE PROVISIONS

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the California Mechanical Code, may be cited as such and will be referred to herein as "this code." The California Mechanical Code is Part 4 of twelve parts of the official compilation and publication of the adoptions, amendment, and repeal of Mechanical regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part incorporates by adoption the 2006 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials with necessary California amendments.

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.

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.

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.

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 102 for additional scope provisions.

(2) Local detention facilities regulated by the Board of Corrections. See Section 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 104 for additional scope provisions.

(4) Energy efficiency standards regulated by the California Energy Commission. See Section 105 for additional scope provisions.

(5) Dairies and places of meat inspection regulated by the Department of Food and Agriculture. See Section 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 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 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 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 108 for additional scope provisions.

(10) Accommodations for persons with disabilities regulated by the Division of the State Architect. See Section 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 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 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 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 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

6. Wildland urban interface fire areas

(15) 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 112 for additional scope provisions.

(16) Graywater systems regulated by the Department of Water Resources. See Section 113 for additional scope provisions.

101.4 Appendices. Provisions contained in the appendices 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 101.8 of this code.

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.

101.6 Non-Building Standards, Orders and Regulations. Requirements contained in the Uniform Mechanical 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.

101.7 Order of Precedence and Use.

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.

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

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.

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 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 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.

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.

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.

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).

101.11 Format. This part fundamentally adopts the Uniform Mechanical 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 Uniform Mechanical Code, such chapter of the Uniform Mechanical Code is not adopted as a portion of this code.

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 108
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)

108.1 Purpose. The purpose of this code is to establish minimum standards to protect, the health, safety, and general welfare of the occupant and the public by governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, ventilation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances.

SECTION 108.2
AUTHORITY AND ABBREVIATIONS

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 108.2.1.1 through 108.2.1.3.

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.

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 Chapter 11A of the CBC. 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 Chapter 11A of the CBC. "HCD 1/AC" applications include, but are not limited to, the following:*

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

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 108.3
LOCAL ENFORCING AGENCY

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, movement, 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.

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 108.3.2.1 through 108.3.2.5 below:

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, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, motels, lodging houses and dwellings, including accessory buildings, facilities, and uses thereto.

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, Article 1, 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.

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.

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.

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 108.4
PERMITS, FEES, APPLICATIONS AND INSPECTIONS

108.4.1 Permits. A written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, relocation, or alteration of any mechanical system.

Exceptions:

- (1) Work exempt from permits as specified in Appendix Chapter 1, Sections 112.2 through 112.2.5 of this code.

(2) Changes, alterations, or repairs of a minor nature not affecting structural features, egress, sanitation, safety or accessibility as determined by the enforcing agency.

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

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.

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.

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 through 19852.

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.

SECTION 108.5
RIGHT OF ENTRY FOR ENFORCEMENT

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 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 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 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 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 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 108.6
LOCAL MODIFICATION BY ORDINANCE OR REGULATION

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.

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 stating their findings and 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 108.7
ALTERNATE MATERIALS, DESIGNS, TESTS AND METHODS OF CONSTRUCTION

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 108.7.2 for local building departments and Section 108.7.3 for the Department of Housing and Community Development.

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.

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 for the 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 facilities serving covered multifamily dwellings as defined in Chapter 11A of the CBC, the proposed alternate must also meet the threshold set for "EQUIVALENT FACILITATION" as defined in Chapter 11A of the CBC.

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.

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, movement, 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 108.8 **APPEALS BOARD**

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.

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.

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 108.9
UNSAFE BUILDINGS OR STRUCTURES

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 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 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 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 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 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.

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 108.3.2.1 of this code, refer to 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 108.3.2.2 of this code, refer to 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 108.3.2.3 of this code, refer to 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 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 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 108.10
OTHER BUILDING REGULATIONS

108.10.1 Existing Structures. *Notwithstanding other provisions of law, the replacement, retention, and extension of original materials and the use of original methods of construction for any existing building or accessory structure, or portions thereof, shall be permitted. For additional information, see California Health and Safety Code, Sections 17912 and 17958.8.*

108.10.2 Moved Structures. Subject to the requirements of California Health and Safety Code Sections 17922.3 and 17958.9, local ordinances or regulations relating to a moved residential building or accessory structure thereto, 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 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.

**CHAPTER 2
DEFINITIONS**

Note: Adopt entire chapter as amended.

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~~**APPROVED [For HCD 1 & HCD 2]** Health and Safety Code Section 17920(a) is repeated here for clarity and reads as follows:~~

~~**Section 17920(a).** "Approved" means acceptable to the Department.~~

~~**Exception:** "Approved" also means meeting the approval of the enforcement agency, except as otherwise provided by statute, when used in connection with any system, material, type of construction, fixture, or appliance as the result of investigations and tests conducted by the agency, or by reason of accepted principles or tests by national authorities, technical, health, or scientific organizations or agencies.~~

~~**NOTE:** See Health and Safety Code Section 19966 for "approved" as applied to Factory-Built Housing as referenced in Section 108.1.1.8 of this code.~~

APPROVED [Not adopted by HCD]. Acceptable to the Authority Having Jurisdiction.

~~**Exception:** [HCD 1 & HCD 2] For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, "Approved" means meeting the approval of the Enforcing Agency, except as otherwise provided by law, when used in connection with any system, material, type of construction, fixture or appliance as the result of investigations and tests conducted by the agency, or by reason of accepted principles or tests by national authorities, or technical, health, or scientific organizations or agencies.~~

Notes:

~~(1) See Health and Safety Code Section 17920 for "Approved" as applied to residential construction and buildings or structures accessory thereto, as referenced in Sections 108.2.1.1 and 108.2.1.2.~~

~~(2) See Health and Safety Code Section 17921.1 for "Approved" as applied to the use of hotplates in residential construction referenced in Sections 108.2.1.1 and 108.2.1.2.~~

~~(3) See Health and Safety Code Section 17921.3 for "Approved" as applied to low-flush water closets in residential construction, as referenced in Sections 108.2.1.1 and 108.2.1.2.~~

~~(4) See Health and Safety Code Section 19966 for "Approved" as applied to Factory-Built Housing as referenced in Sections 108.2.1.1 and 108.2.1.2.~~

~~(5) See Health and Safety Code Section 18201 for "Approved" as applied to Mobilehome Parks as referenced in Section 108.2.1.3.~~

~~(6) See Health and Safety Code Section 18862.1 for "Approved" as applied to Special Occupancy Parks as referenced in Section 108.2.1.3.~~

APPROVED TESTING AGENCY An organization primarily established for purposes of testing to approved standards and approved by the Authority Having Jurisdiction. ~~[HCD 1 & HCD 2] For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, "Approved Testing Agency" is any agency which is determined by the Enforcing Agency, except as otherwise provided by statute, to have adequate personnel and~~

expertise to carry out the testing of systems, materials, and various types of construction, fixtures or appliances.

ASSEMBLY BUILDING ~~[Not adopted by HCD]~~ A building or a portion of a building used for the gathering together of fifty (50) or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, dining or awaiting transportation. ~~[HCD 1, & HCD 2] For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, Refer to the California Building Code, Title 24, Part 2 for use and occupancy classification.~~

~~**Exception:** [For HCD 1 & HCD 2] Refer to the California Building Code, Title 24, Part 2 for use and occupancy classification.~~

AUTHORITY HAVING JURISDICTION The organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, installations, or procedures. The authority having jurisdiction shall be a federal, state, local or other regional department or an individual such as a plumbing official; mechanical official; labor department official; health department official; building official or others having statutory authority. In the absence of a statutory authority, the authority having jurisdiction may be some other responsible party. This definition shall include the authority having jurisdiction's duly authorized representative. ~~[HCD 1, & HCD 2] For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, "Authority Having Jurisdiction" shall mean "ENFORCING AGENCY" as defined in Section 207.0 of this code.~~

204.0

-B-

~~**BUILDING** [For HCD 1 & HCD 2] Health and Safety Code Section 17920(b) is repeated here for clarity and reads as follows:~~

~~**Section 17920(b).** "Building" means a structure subject to this part.~~

~~**BUILDING** [HCD 1 & HCD 2] Any structure used or intended for supporting or sheltering any use or occupancy.~~

~~**Exceptions:** For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, "Building" shall not include the following:~~

- ~~(1) Any mobilehome as defined in Health and Safety Code Section 18008.~~
- ~~(2) Any manufactured home as defined in Health and Safety Code Section 18007.~~
- ~~(3) Any commercial modular as defined in Health and Safety Code Section 18001.8 or any special purpose commercial modular as defined in Health and Safety Code Section 18012.5.~~
- ~~(4) Any recreation vehicle as defined in Health and Safety Code Section 18010.~~
- ~~(5) Any multi-unit manufactured housing, as defined in Health and Safety Code Section 18008.7.~~

~~For additional information, see Health and Safety Code Section 18908.~~

~~**BUILDING CODE** [Not adopted by HCD] The building code that is adopted by this jurisdiction. [HCD 1 & HCD 2] For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, "Building Code" shall mean the California Building Code, Title 24, Part 2.~~

~~**Exception:** [For HCD 1 & HCD 2] Whenever the term "Building Code" is used in this code, it shall mean the California Building Code, Title 24, Part 2.~~

~~**BUILDING OFFICIAL** [Not adopted by HCD]. See Authority Having Jurisdiction.~~

~~**Exception:** [For HCD 1 & HCD 2] "Building Official" shall be the "Enforcing Agency" as specified in the appropriate subsections of Section 108.1.1 of this code.~~

206.0

-D-

~~DEPARTMENT [For HCD 1 & HCD 2] Health and Safety Code Section 17920(d) is repeated here for clarity and reads as follows:~~

~~Section 17920(d). For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, "Department" "Department" means the Department of Housing and Community Development.~~

~~DWELLING [Not adopted by HCD] A building or portion thereof that contains not more than two dwelling units.~~

~~Exception: Refer to the California Building Code, Title 24, Part 2, for the definition of "dwelling unit."~~

~~DWELLING UNIT [Not adopted by HCD] A building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family.~~

~~Exception: [For HCD 1 & HCD 2] Refer to the California Building Code, Title 24, Part 2, for the definition of "dwelling unit."~~

207.0

-E-

~~ELECTRICAL CODE [Not adopted by HCD] The National Electrical Code promulgated by the National Fire Protection Association, as adopted by this jurisdiction. [HCD 1 & HCD 2] For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, w Whenever the term "Electrical Code" is used in this code, it shall mean the California Electrical Code, Title 24, Part 3.~~

~~Exception: [For HCD 1 & HCD 2] Whenever the term "Electrical Code" is used in this code, it shall mean the California Electrical Code, Title 24, Part 3.~~

~~ENFORCING AGENCY [For HCD 1 & HCD 2] For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, "Enforcing Agency" is the designated department or agency as specified in by statutes and regulation. to enforce the specific building standards promulgated or adopted by the specified state agency.~~

~~ENFORCEMENT AGENCY [For HCD 1 & HCD 2] See Enforcing Agency.~~

208.0

-F-

~~FAMILY. [HCD 1 & HCD 2] "Family" is an individual or two or more persons who by blood or marriage, or otherwise, live together in a dwelling unit.~~

~~FIRE CODE [Not adopted by HCD] The fire code adopted by this jurisdiction.~~

214.0

-L-

~~LABELED [For HCD 1 & HCD 2] Health and Safety Code Section 17920(g) is repeated here for clarity and reads as follows:~~

~~Section 17920(g). "Labeled" means equipment or materials to which has been attached a label, symbol or other identifying mark of an organization, approved by the department, that maintains a periodic inspection program of production of labeled products, installations, equipment, or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.~~

~~LABELED [Not adopted by HCD] Equipment or materials bearing a label of a listing agency (accredited conformity assessment body). See Listed (third-party certified). [HCD 1 & HCD 2] For applications listed in 108.2.1.1 through 108.2.1.3 regulated by the Department of Housing and Community Development, "Labeled" means equipment or materials to which has been attached a label, symbol or other identifying mark of an organization, approved by the Department, that maintains a periodic inspection program of production of labeled products, installations, equipment, or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.~~

~~LISTED [For HCD 1 & HCD 2] Health and Safety Code Section 17920(h) is repeated here for clarity and reads as follows:~~

~~Section 17920(h) "Listed" means all products that appear in a list published by an approved testing or listing agency.~~

LISTED (Third-party certified) Equipment or materials included in a list published by a listing agency (accredited conformity assessment body), that maintains periodic inspection on current production of listed equipment or materials and whose listing states either that the equipment or material complies with approved standards or has been tested and found suitable for use in a specified manner. **[HCD 1 & HCD 2]** For applications listed in Sections 108.2.1.1 and 108.2.1.3 regulated by the Department of Housing and Community Development, "Listed" means all products that appear in a list published by an approved testing or listing agency. For additional information, see Health and Safety Code Section 17920(h).

LISTING AGENCY [For HCD 1 & HCD 2] Health and Safety Code Section 17920(l) is repeated for clarity and reads as follows:

~~**Section 17920(l).** "Listing agency" means an agency approved by the department that is in the business of listing and labeling products, materials, equipment, and installations tested by an approved testing agency, and that maintains a periodic inspection program on current production of listed products, equipment, and installations, and that, at least annually, makes available a published report of these listings.~~

LISTING AGENCY [Not adopted by HCD] An agency accredited by an independent and authoritative conformity assessment body to operate a material and product listing and labeling (certification) system and that is accepted by the Authority Having Jurisdiction which is in the business of listing or labeling. The system includes initial and ongoing product testing, a periodic inspection on current production of listed (certified) products, and that makes available a published report of such listing in which specific information is included that the material or product conforms to applicable standards and found safe for use in a specific manner. **[HCD 1 & HCD 2]** For applications listed in Sections 108.2.1.1 and 108.2.1.3 regulated by the Department of Housing and Community Development, "Listing Agency" means an agency approved by the Department that is in the business of listing and labeling products, materials, equipment, and installations tested by an approved testing agency, and that maintains a periodic inspection program on current production of listed products, equipment, and installations, and that, at least annually, makes available a published report of these listings. For additional information, see Health and Safety Code Section 17920(i).

216.0

-N-

NUISANCE [For HCD 1 & HCD 2] Health and Safety Code Section 17920(k) is repeated for clarity and reads as follows:

~~**Section 17920(k).** "Nuisance" means any nuisance defined pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code, or any other form of nuisance recognized at common law or in equity.~~

NUISANCE – [Not adopted by HCD] Includes, but is not limited to:

- (1) Any public nuisance known at common law or in equity jurisprudence.
- (2) Whenever any work regulated by this Code is dangerous to human life or is detrimental to health and property.
- (3) Inadequate or unsafe water supply or sewage disposal system.

[HCD 1 & HCD 2] For applications listed in Section 108.2.1.1 regulated by the Department of Housing and Community Development, "Nuisance" shall mean any nuisance as defined in Health and Safety Code Section 17920(k).

Notes:

1. For applications subject to the Mobilehome Parks Act as referenced in Section 108.3.2.2 of this code, refer to California Code of Regulations, Title 25 Division 1, Chapter 2 for the definition of "Nuisance".

2. For applications subject to the Special Occupancy Parks Act as referenced in Section 108.3.2.3 of this code, refer to California Code of Regulations, Title 25, Division 1, Chapter 2.2 for the definition of "Nuisance".

217.0

-O-

OCCUPANCY CLASSIFICATION For the purpose of this code, certain occupancies are defined as follows: **[HCD 1 & HCD 2]** For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, r Refer to the California Building Code, Title 24, Part 2 for use and occupancy classifications.

Note: [For HCD 1 & HCD 2] The Occupancy Classification requirements are adopted as amended by the State Fire Marshal. See Chapter 1, Section 103.1.4 of this code if there is a conflict.

Group A Occupancies

Group A Occupancies include the use of a building or ...

218.0

-P-

PLUMBING CODE ~~[Not adopted by HCD]~~ The Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by this jurisdiction. **[HCD 1 & HCD 2]** ~~For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, w~~ Whenever the term "Plumbing Code" is used in this code, it shall mean the California Plumbing Code, Title 24, Part 5.

Exception: ~~[For HCD 1 & HCD 2]~~ Whenever the term "Plumbing Code" is used in this code, it shall mean the California Plumbing Code, Title 24, Part 5.

222.0

-T-

TESTING AGENCY ~~[For HCD 1 & HCD 2]~~ ~~For applications listed in Sections 108.2.1.1 through 108.2.1.3 regulated by the Department of Housing and Community Development, s~~ See "Approved Testing Agency". ~~Health and Safety Code Section 17920(m) is repeated for clarity and reads as follows:~~

Section 17920(m). "Testing agency" means an agency approved by the Department as qualified and equipped for testing of products, materials, equipment, and installations in accordance with nationally recognized standards.

223.0

-U-

UMC ~~[For HCD 1 & HCD 2]~~ ~~is t~~ The most recent edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.

UMC Standards ~~[For HCD 1 & HCD 2]~~ ~~are t~~ The Uniform Mechanical Code Standards listed in Appendix A of the most recent edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

CHAPTER 3 GENERAL REQUIREMENTS

Note: Adopt entire chapter as amended.

304.7 Liquefied Petroleum Gas Appliances. **[HCD 1 & HCD 2]** ~~For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, l~~ Liquefied petroleum gas-burning appliances shall not be installed in a pit, basement or similar location where heavier-than-air gas might collect. Appliances so fueled shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

CHAPTER 4 VENTILATION AIR SUPPLY

Note: Adopt entire chapter without amendments.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

CHAPTER 5 EXHAUST SYSTEMS

Note: Adopt entire chapter without amendments.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

CHAPTER 6 DUCT SYSTEMS

Note: Adopt entire chapter as amended.

601.2 Sizing Requirements. Duct systems used with blower-type equipment that are portions of a heating, cooling, absorption, evaporative cooling, or outdoor air ventilation system shall be sized in accordance with Chapter 17, or by other approved methods.

Exception: [HCD 1 & HCD 2] For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, duct sizing calculations are not required for systems which do not require outside air.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

CHAPTER 7 COMBUSTION AIR

Note: Adopt entire chapter without amendments.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

CHAPTER 8 CHIMNEYS AND VENTS

Note: Adopt entire chapter without amendments.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

CHAPTER 9 INSTALLATION OF SPECIFIC EQUIPMENT

Note: Adopt entire chapter as amended.

924.1 Prohibited Installations Unless specifically permitted by the Authority Having Jurisdiction, unvented room heaters shall not be installed as primary heat sources. Unvented room heaters shall not be permitted in spaces that do not have the required volume of indoor air as defined in Section 902.0 (B).

~~**[HCD 1 & HCD 2] For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, u Unvented fuel-burning room heaters shall not be installed, used, maintained, or permitted to exist in a Group R Occupancy.**~~

924.1.1 Unvented room heaters shall not be installed in bathrooms or bedrooms.

Exceptions:

(1) Where approved by the Authority having Jurisdiction, one listed wall-mounted unvented room heater equipped with an oxygen depletion safety shutoff system shall be permitted to be installed in a bathroom provided that the input rating shall not exceed 6,000 Btu/hr (1760 W/hr) and combustion and ventilation air is provided as specified in 902.0 (B). [NFPA 54:9.23.11]

(2) Where approved by the authority having jurisdiction, one listed wall-mounted unvented room heater equipped with an oxygen depletion safety shutoff system shall be permitted to be installed in a bedroom provided that the input rating shall not exceed 10,000 Btu/hr (2930 W/hr) and combustion and ventilation air is provided as specified in 902.0 (B). [NFPA 54:9.23.11].

~~**[HCD 1 & HCD 2] For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, u Unvented fuel-burning room heaters shall not be installed, used, maintained, or permitted to exist in a Group R Occupancy.**~~

This subsection shall not apply to portable oil fired unvented heating appliances used as supplemental heating in Group S, Divisions 3, 4, and 5, and Group U Occupancies, and regulated by the Fire Code.

932.0 Warm-Air Furnaces Located in Under-Floor Spaces.

~~**[HCD 1 & HCD 2] For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, w Warm-air furnaces in under-floor spaces shall comply with Sections 932.1 through 932.5 of this code:**~~

932.1 Clearance from combustibles shall be as specified in Section 304.1.

932.2 An access opening and passageway of a height and width sufficient to permit removal of the furnace, but in no case less than thirty (30) inches by thirty (30) inches (762 mm x 762 mm), shall be provided to the working space in front of the furnace. The access opening to the passageway shall be through an opening in an exterior wall of the building or through a trap door within the building. The distance from the passageway access to the center line of the working space in front of the furnace burner shall not exceed twenty (20) feet (6096 mm) measured along the center line of the passageway.

932.3 A furnace supported from the ground shall rest on a concrete slab extending not less than three (3) inches (76 mm) above the adjoining ground level.

932.4 The lowest portion of a suspended furnace shall have a clearance of at least six (6) inches (152 mm) from the ground. Excavation necessary to install a furnace shall extend to a depth of six (6) inches (152mm) below and twelve (12) inches

(305 mm) on all sides of the furnace, except the control side, which shall have thirty (30) inches (762 mm). If the depth of the excavation for either furnace or passageway exceeds twelve (12) inches (305 mm), walls of the excavation shall be lined with concrete or masonry extending four (4) inches (102 mm) above the adjoining ground level. In floodplain areas the entire crawl space grade or height shall provide twelve (12) inch (305 mm) clearance between the bottom of the furnace and the ground.

932.5 A permanent electric outlet and lighting fixture controlled by a switch located at the passageway opening shall be provided at or near the furnace.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

**CHAPTER 10
STEAM AND HOT WATER BOILERS**

Note: Adopt entire chapter without amendments.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

**CHAPTER 11
REFRIGERATION**

Note: Adopt entire chapter without amendments.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

**CHAPTER 12
HYDRONICS**

Note: Adopt entire chapter without amendments.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

**CHAPTER 13
FUEL PIPING**

Note: This chapter is not adopted.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

CHAPTER 14 PROCESS PIPING

Note: This chapter is not adopted.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

CHAPTER 15 SOLAR SYSTEMS

Note: Adopt only the sections listed below.

1500 ~~[For HCD 1 & HCD 2] General. [HCD 1 & HCD 2] For applications listed in Section 108.2 regulated by the Department of Housing and Community Development, s See Health and Safety Code Section 17959.1, and Civil Code Section 801.5, is repeated here for clarity and reads as follows:~~

~~**Section 17959.1.** No local ordinance enacted pursuant to this chapter shall have the effect of prohibiting or of unreasonably restricting the use of solar energy systems, other than for the preservation of the public health and safety. The provisions of this Section shall apply to charter cities.~~

~~This Section shall not apply to ordinances which impose reasonable restrictions on solar energy systems. However, it is the policy of the state to promote and encourage the use of solar energy systems and to remove obstacles thereto. Accordingly, reasonable restrictions on a solar energy system are those restrictions which do not significantly increase the cost of the system or significantly decrease its efficiency, or which allow for an alternative system of comparable cost and efficiency.~~

~~As used in this Section, "solar energy system" shall be defined as set forth in Section 801.5 of the Civil Code.~~

- ~~(a) A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. However, if the building official of the city or county has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.~~
- ~~(b) A city or county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. This finding shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.~~
- ~~(c) Any conditions imposed on an application to install a solar energy system must be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.~~
- ~~(d) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.
(2) A solar energy system for heating water shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agency. SRCC is a nonprofit third party supported by the United States Department of Energy. The certification shall be for the entire solar energy system and installation.
(3) A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.~~
- ~~(e) The following definitions apply to this Section:
(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost effective method, condition, or mitigation imposed by a city or county on another similarly situated application in a prior successful application for a permit. A city or county shall use its best efforts to ensure that~~

~~the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.~~

~~(2) "Solar energy system" has the meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code. (3) A "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.~~

~~1501 [For HCD 1 & HCD 2] Civil Code Section 801.5, is repeated here for clarity and reads as follows:~~

Section 801.5.

~~(a) The right of receiving sunlight as specified in subdivision 18 of Section 801 shall be referred to as a solar easement. "Solar easement" means the right of receiving sunlight across real property of another for any solar energy system. As used in this Section, "solar energy system" means either of the following:~~

~~(1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.~~

~~(2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.~~

~~(b) Any instrument creating a solar easement shall include, at a minimum, all of the following:~~

~~(1) A description of the dimensions of the easement expressed in measurable terms, such as vertical or horizontal angles measured in degrees, or the hours of the day on specified dates during which direct sunlight to a specified surface of a solar collector, device, or structural design feature may not be obstructed, or a combination of these descriptions.~~

~~(2) The restrictions placed upon vegetation, structures, and other objects that would impair or obstruct the passage of sunlight through the easement.~~

~~(3) The terms or conditions, if any, under which the easement may be revised or terminated.~~

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

**CHAPTER 16
STATIONARY FUEL CELL POWER PLANTS**

Note: Adopt entire chapter without amendments.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

**CHAPTER 17
STANDARDS**

Note: Adopt entire chapter without amendments.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

**APPENDIX CHAPTER 1
ADMINISTRATION**

Note: Adopt only those sections listed in the Matrix Adoption Table.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

**APPENDIX A
UNIFORM MECHANICAL CODE STANDARDS 2-2 through 6-5**

Note: Adopt entire Appendix A without amendments.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

**APPENDIX B
PROCEDURES TO BE FOLLOWED TO PLACE GAS EQUIPMENT IN OPERATION**

Note: This appendix is not adopted.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

**APPENDIX C
INSTALLATION AND TESTING OF OIL (LIQUID) FUEL-FIRED EQUIPMENT**

Note: This appendix is not adopted.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

**APPENDIX D
UNIT CONVERSION TABLES**

Note: Adopt entire Appendix D without amendments.

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 17995.5, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5 and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.