

ASSEMBLY BILL

No. 1071

Introduced by Assembly Members Cardoza and Torlakson

February 27, 1997

An act to amend Sections 17913, 17920, 17920.9, 17921, 17922, 17922.8, 17924, 17927, 17952, 17958, 17958.1, 17958.5, 17958.7, 18928, and 18938 of the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 1071, as introduced, Cardoza. Housing: building standards.

Existing law requires the Department of Housing and Community Development to adopt and submit building standards for approval by the California Building Standards Commission and publication in the California Building Standards Code and to adopt other specified regulations. The standards, rules, and regulations of the department are required to impose substantially similar requirements as are contained in various uniform industry codes, and the department is required to adopt those requirements by reference, with the exception of additions and deletions to them made by the department.

This bill would delete the reference to the various specified uniform industry codes and, instead, substitute any model code, as defined, that may be adopted by the California Building Standards Commission, as specified. This bill also would make technical, nonsubstantive changes to certain of

these provisions to conform outdated references in current law.

Existing law requires the Department of Housing and Community Development, in conjunction with the office of the State Fire Marshal, to report annually to the California Building Standards Commission the modifications and changes made by cities and counties to the building standards published in the California Building Standards Code and to report any more stringent building standards related to fire and panic safety adopted by a city, county, city and county, or fire protection district.

This bill would delete that requirement.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17913 of the Health and Safety
- 2 Code is amended to read:
- 3 17913. (a) The department shall notify the entities
- 4 listed in subdivision (c) of the dates that each of the
- 5 ~~uniform model codes described in paragraphs (1) to (5),~~
- 6 ~~inclusive, of subdivision (a) of Section 17922 are~~
- 7 ~~published by the specified organizations and the dates the~~
- 8 ~~codes are approved by the State California Building~~
- 9 ~~Standards Commission pursuant to Section 18930 or the~~
- 10 ~~dates the codes are considered to be adopted pursuant to~~
- 11 ~~subdivision (a) of Section 17922 and the effective date of~~
- 12 ~~the model codes as established by the California Building~~
- 13 ~~Standards Commission.~~
- 14 (b) The department may publish information
- 15 bulletins regarding code enforcement as emergencies
- 16 occur or at any other time the department determines
- 17 appropriate.
- 18 (c) The department shall distribute the information
- 19 described in subdivision (a), and may distribute the
- 20 information described in subdivision (b), to the following
- 21 entities:
- 22 (1) The building department in each county and city.



1 (2) Housing code officials, fire service officials,
2 professional associations concerned with building
3 standards, and any other persons or entities the
4 department determines appropriate.

5 SEC. 2. Section 17920 of the Health and Safety Code
6 is amended to read:

7 17920. As used in this part:

8 (a) “Approved” means acceptable to the department.

9 (b) “Building” means a structure subject to this part.

10 (c) “Building standard” means building standard as
11 defined in Section 18909.

12 ~~(d) “Commission” means the Commission of Housing~~
13 ~~and Community Development. Any reference in this~~
14 ~~part to the commission or to the Commission of Housing~~
15 ~~and Community Development shall be subject to Section~~
16 ~~17003.5.~~

17 ~~(e) “Department” means the Department of Housing~~
18 ~~and Community Development.~~

19 ~~(f) —~~

20 (e) “Enforcement” means diligent effort to secure
21 compliance, including review of plans and permit
22 applications, response to complaints, citation of
23 violations, and other legal process. Except as otherwise
24 provided in this part, “enforcement” may, but need not,
25 include inspections of existing buildings on which no
26 complaint or permit application has been filed, and effort
27 to secure compliance as to these existing buildings.

28 ~~(g) —~~

29 (f) “Fire protection district” means any special
30 district, or any other municipal or public corporation or
31 district, which is authorized by law to provide fire
32 protection and prevention services.

33 ~~(h) —~~

34 (g) “Labeled” means equipment or materials to which
35 has been attached a label, symbol, or other identifying
36 mark of an organization, approved by the department,
37 that maintains a periodic inspection program of
38 production of labeled products, installations, equipment,
39 or materials and by whose labeling the manufacturer



1 indicates compliance with appropriate standards or
2 performance in a specified manner.

3 ~~(i)~~

4 (h) “Listed” means all products that appear in a list
5 published by an approved testing or listing agency.

6 ~~(j)~~

7 (i) “Listing agency” means an agency approved by the
8 department that is in the business of listing and labeling
9 products, materials, equipment, and installations tested
10 by an approved testing agency, and that maintains a
11 periodic inspection program on current production of
12 listed products, equipment, and installations, and that, at
13 least annually, makes available a published report of these
14 listings.

15 ~~(k)~~

16 (j) “Noise insulation” means the protection of persons
17 within buildings from excessive noise, however
18 generated, originating within or without such buildings.

19 ~~(l)~~

20 (k) “Nuisance” means any nuisance defined pursuant
21 to Part 3 (commencing with Section 3479) of Division 4
22 of the Civil Code, or any other form of nuisance
23 recognized at common law or in equity.

24 ~~(m)~~

25 (l) “Public entity” has the same meaning as defined in
26 Section 811.2 of the Government Code.

27 ~~(n)~~

28 (m) “Testing agency” means an agency approved by
29 the department as qualified and equipped for testing of
30 products, materials, equipment, and installations in
31 accordance with nationally recognized standards.

32 SEC. 3. Section 17920.9 of the Health and Safety Code
33 is amended to read:

34 17920.9. (a) The department shall ~~adopt, amend,~~
35 ~~propose adoption, amendment, or repeal, and submit~~
36 ~~building standards for approval by the California Building~~
37 ~~Standards Commission pursuant to Chapter 4~~
38 ~~(commencing with Section 18935) of Part 2.5, and the~~
39 ~~department shall adopt, amend, and repeal such of those~~
40 regulations as are necessary for the provision of minimum



1 fire safety and fire-resistant standards relating to the
2 manufacture, composition, and use of foam building
3 systems manufactured for use, or used, in construction of
4 buildings subject to this part, mobilehomes subject to Part
5 2 (commencing with Section 18000), or factory-built
6 housing subject to Part 6 (commencing with Section
7 19960), for the protection of the health and safety of
8 persons occupying those buildings, mobilehomes, or
9 factory-built housing. The department shall enforce
10 building standards published in the ~~State~~ *California*
11 Building Standards Code relating to foam building
12 systems, and other rules and regulations adopted by the
13 department or by federal law. Each manufacturer of
14 foam building systems shall have any foam building
15 system manufactured for use in any building,
16 factory-built housing, or mobilehome listed and labeled
17 by an approved testing agency certifying that the system
18 meets fire safety and fire-resistant building standards
19 published in the ~~State~~ *California* Building Standards
20 Code ~~adopted by the department~~. The department shall
21 consult with all available public and private sources to
22 assist in the development of the building standards and
23 other rules and regulations.

24 ~~“Approved testing agency” means any agency which is~~
25 ~~determined by rule and regulation of the department to~~
26 ~~have adequate personnel and expertise to carry out the~~
27 ~~testing of those systems.~~

28 (b) The department shall make inspections of the
29 manufacture of such foam building systems which it
30 determines are necessary to insure compliance with the
31 requirements of subdivision (a).

32 (c) No person shall sell, offer for sale, or use in
33 construction of buildings subject to this part,
34 mobilehomes subject to Part 2 (commencing with
35 Section 18000), or factory-built housing subject to Part 6
36 (commencing with Section 19960), in this state, any foam
37 building system, and no person shall sell or offer for sale
38 in this state any such building, mobilehome, or
39 factory-built housing of which a foam building system is
40 a component, which foam building system does not



1 comply with, or has not been listed and labeled by an
 2 approved testing agency certifying that the foam
 3 building system is in compliance with, the requirements
 4 of subdivision (a) on and after the 180th day after the
 5 building standards or other rules or regulations become
 6 effective.

7 This subdivision shall not apply to any buildings,
 8 mobilehomes, or factory-built housing constructed prior
 9 to the 180th day after those standards become effective.

10 (d) No person shall sell, offer for sale, or use in
 11 construction of any building subject to this part,
 12 mobilehome subject to Part 2 (commencing with Section
 13 18000), or factory-built housing subject to Part 6
 14 (commencing with Section 19960), in this state, any foam
 15 building system, and no person shall sell or offer for sale
 16 in this state any such building, mobilehome, or
 17 factory-built housing of which a foam building system is
 18 a component, if the manufacturer thereof refuses to
 19 permit the department to conduct the inspections
 20 required by subdivision (b) on and after the 180th day
 21 after the building standards or other rules or regulations
 22 become effective.

23 (e) As used in this section:

24 (1) "Foam" means a material made by mixing organic
 25 polymers with air or other gases in a manner that forms
 26 a solid substance with holes filled with air or gas when the
 27 mixture is allowed to set.

28 (2) "Foam building system" means a system of
 29 building materials composed of, in whole or in part, of
 30 foam. It includes, but is not limited to, all combinations of
 31 systems such as those composed of foam inserted between
 32 and bonded to two boundary surface materials or those
 33 composed exclusively of foam.

34 (3) "Building standard" means building standard as
 35 defined in Section 18909.

36 SEC. 4. Section 17921 of the Health and Safety Code
 37 is amended to read:

38 17921. (a) Except as provided in subdivision (b), the
 39 department shall ~~adopt, amend,~~ *propose the adoption,*
 40 *amendment,* or repeal ~~and submit~~ *of* building standards



1 ~~for approval~~ to the *California Building Standards*
2 *Commission* pursuant to the provisions of Chapter 4
3 (commencing with Section 18935) of Part 2.5, and the
4 department shall adopt, amend, and repeal other rules
5 and regulations for the protection of the public health,
6 safety, and general welfare of the occupant and the public
7 governing the erection, construction, enlargement,
8 conversion, alteration, repair, moving, removal,
9 demolition, occupancy, use, height, court, area,
10 sanitation, ventilation and maintenance of all hotels,
11 motels, lodginghouses, apartment houses, and dwellings,
12 and buildings and structures accessory thereto. Except as
13 otherwise provided in this part, the department shall
14 enforce those building standards and those other rules
15 and regulations. The other rules and regulations adopted
16 by the department may include a schedule of fees to pay
17 the cost of enforcement by the department under
18 Sections 17952 and 17965.

19 (b) The State Fire Marshal shall adopt, amend, or
20 repeal and submit building standards for approval
21 pursuant to the provisions of Chapter 4 (commencing
22 with Section 18935) of Part 2.5, and the State Fire Marshal
23 shall adopt, amend, and repeal other rules and regulations
24 for fire and panic safety in all hotels, motels,
25 lodginghouses, apartment houses and dwellings,
26 buildings, and structures accessory thereto. These
27 building standards and regulations shall be enforced
28 pursuant to Sections 13145 and 13146; however, this
29 section is not intended to require an inspection by a local
30 fire agency of each single-family dwelling prior to its
31 occupancy.

32 SEC. 5. Section 17922 of the Health and Safety Code
33 is amended to read:

34 17922. (a) Except as otherwise specifically provided
35 by law, the building standards adopted *or proposed for*
36 *adoption* and submitted by the department for approval
37 pursuant to Chapter 4 (commencing with Section 18935)
38 of Part 2.5 and the other rules and regulations, which are
39 contained in Title 24 of the California ~~Administrative~~
40 *Code of Regulations*, adopted, amended, or repealed



1 from time to time pursuant to this chapter shall be
2 adopted by reference, except that the building standards
3 and rules and regulations shall include any additions or
4 deletions made by the department. The building
5 standards and rules and regulations shall impose
6 substantially the same requirements as are contained in
7 the most recent editions of the ~~following uniform~~
8 ~~industry codes as adopted by the organizations specified:~~

9 (1) ~~The model codes defined in subdivisions (a) to (f),~~
10 ~~inclusive of Section 18916 and the Uniform Housing Code~~
11 ~~of the International Conference of Building Officials,~~
12 ~~except its definition of “substandard building.”~~

13 (2) ~~The Uniform Building Code of the International~~
14 ~~Conference of Building Officials.~~

15 (3) ~~The Uniform Plumbing Code of the International~~
16 ~~Association of Plumbing and Mechanical Officials.~~

17 (4) ~~The Uniform Mechanical Code of the~~
18 ~~International Conference of Building Officials and the~~
19 ~~International Association of Plumbing and Mechanical~~
20 ~~Officials.~~

21 (5) ~~The National Electrical Code of the National Fire~~
22 ~~Protection Association. In adopting building standards for~~
23 ~~approval pursuant to Chapter 4 (commencing with~~
24 ~~Section 18935) of Part 2.5 for publication in the State~~
25 ~~Building Standards Code and in promulgating other~~
26 ~~regulations, the department shall consider local~~
27 ~~conditions and any amendments to the uniform codes~~
28 ~~referred to in this section. Except as provided in Part 2.5~~
29 ~~(commencing with Section 18901), in the absence of~~
30 ~~adoption by regulation, the most recent editions of the~~
31 ~~uniform codes referred to in this section shall be~~
32 ~~considered to be adopted one year after the date of~~
33 ~~publication of the uniform codes.~~

34 (6) ~~Appendix Chapter 1 of the Uniform Code for~~
35 ~~Building Conservation of the International Conference of~~
36 ~~Building Officials.~~

37 (b) Except as provided in Section 17959.5, local use
38 zone requirements, local fire zones, building setback, side
39 and rear yard requirements, and property line
40 requirements are hereby specifically and entirely



1 reserved to the local jurisdictions notwithstanding any
2 requirements found or set forth in this part.

3 (c) Regulations other than building standards which
4 are adopted, amended, or repealed by the department,
5 and building standards adopted and submitted by the
6 department for approval pursuant to Chapter 4
7 (commencing with Section 18935) of Part 2.5, governing
8 alteration and repair of existing buildings and moving of
9 apartment houses and dwellings shall permit the
10 replacement, retention, and extension of original
11 materials and the continued use of original methods of
12 construction as long as the hotel, lodginghouse, motel,
13 apartment house, or dwelling, or portions thereof, or
14 building and structure accessory thereto, ~~complies with~~
15 ~~the provisions published in the State Building Standards~~
16 ~~Code and the other rules and regulations of the~~
17 ~~department or alternative local standards adopted~~
18 ~~pursuant to subdivision (b) of Section 17920.7 or 17958.5~~
19 ~~and~~ does not become or continue to be a substandard
20 building. Building additions or alterations which increase
21 the area, volume, or size of an existing building, and
22 foundations for apartment houses and dwellings moved,
23 shall comply with the requirements for new buildings or
24 structures specified in this part, or in building standards
25 published in the ~~State California~~ Building Standards
26 Code, or in the other rules and regulations adopted
27 pursuant to this part. However, the additions and
28 alterations shall not cause the building to exceed area or
29 height limitations applicable to new construction.

30 (d) Regulations other than building standards which
31 are adopted by the department and building standards
32 adopted and submitted by the department for approval
33 pursuant to Chapter 4 (commencing with Section 18935)
34 of Part 2.5 governing alteration and repair of existing
35 buildings shall permit the use of alternate materials,
36 appliances, installations, devices, arrangements, or
37 methods of construction if the material, appliance,
38 installation, device, arrangement, or method is, for the
39 purpose intended, at least the equivalent of that
40 prescribed in this part, the building standards published



1 in the ~~State~~ *California* Building Standards Code, and the
2 rules and regulations promulgated pursuant to the
3 provisions of this part in performance, safety, and for the
4 protection of life and health. Regulations governing
5 abatement of substandard buildings shall permit those
6 conditions prescribed by Section 17920.3 which do not
7 endanger the life, limb, health, property, safety, or
8 welfare of the public or the occupant thereof.

9 (e) No local enforcement agency may prohibit the use
10 of materials, appliances, installations, devices,
11 arrangements, or methods of construction specifically
12 permitted by the department to be used in the alteration
13 or repair of existing buildings, but such materials,
14 appliances, installations, devices, arrangements, or
15 methods of construction may be specifically prohibited
16 by local ordinance as provided pursuant to Section
17 17958.5.

18 (f) No local ordinance may permit any action or
19 proceeding to abate violations of regulations governing
20 maintenance of existing buildings, unless the building is
21 a substandard building or the violation is a misdemeanor.

22 SEC. 6. Section 17922.8 of the Health and Safety Code
23 is amended to read:

24 17922.8. The Office of Noise Control may appoint an
25 advisory committee to assist the office in reviewing and
26 revising the noise insulation standards previously
27 adopted ~~by the commission~~.

28 SEC. 7. Section 17924 of the Health and Safety Code
29 is amended to read:

30 17924. Rules and regulations shall be promulgated
31 pursuant to Chapter 3.5 (commencing with Section
32 11340) of Part 1 of Division 3 of Title 2 of the Government
33 Code, and no state department, officer, board, agency,
34 committee, or commission shall have power pursuant to
35 the provisions of this part to publish building standards,
36 as defined in Section 18909, but shall ~~adopt~~ *propose* and
37 submit ~~such~~ *those* building standards as deemed
38 necessary to carry out the provisions of this part for
39 ~~approval~~ *adoption* and publishing pursuant to the
40 provisions of Part 2.5 (commencing with Section 18901).



1 SEC. 8. Section 17927 of the Health and Safety Code
2 is amended to read:

3 17927. The department shall ~~adopt, amend~~ *propose*
4 *the adoption, amendment,* or repeal ~~and submit~~ *of*
5 building standards ~~for approval~~ pursuant to the
6 provisions of Chapter 4 (commencing with Section
7 18935) of Part 2.5, and the department shall adopt,
8 amend, and repeal other rules and regulations for garage
9 door springs for installation in garages which are
10 accessory to apartment houses, hotels, motels, and
11 dwellings as the department determines are reasonably
12 necessary to prevent the death or injury of persons or
13 damage to property resulting from the breaking of the
14 garage door springs. Except as otherwise provided in this
15 part, the department shall enforce building standards
16 published in the ~~State~~ *California* Building Standards Code
17 relating to garage door springs and other rules and
18 regulations adopted by the department pursuant to this
19 section.

20 No garage door spring which violates the provisions of
21 any building standard published in the ~~State~~ *California*
22 Building Standards Code relating to garage door springs
23 or any other rule or regulation adopted by the
24 department pursuant to this section shall be sold or
25 offered for sale, or installed in any garage which is
26 accessory to an apartment house, hotel, motel, or
27 dwelling, on or after the date of publication of the
28 building standard or the effective date of the rule or
29 regulation.

30 SEC. 9. Section 17952 of the Health and Safety Code
31 is amended to read:

32 17952. (a) In the event of nonenforcement of this
33 part, or the building standards published in the ~~State~~
34 *California* Building Standards Code, or the other rules
35 and regulations promulgated pursuant to the provisions
36 of this part, such provisions, building standards or other
37 rules and regulations shall be enforced by the department
38 in any ~~such~~ city or county after the department has given
39 written notice to the governing body of ~~such~~ *that* city or
40 county or fire protection district, as the case may be, of a



1 violation of this part, ~~such~~ *those* building standards, or the
2 other rules or regulations promulgated pursuant to the
3 provisions of this part and the city or county has failed to
4 initiate proceedings to secure correction of the violation
5 within 30 days of the date of ~~such~~ *that* notice. The city or
6 county or fire protection district may request a hearing
7 before the ~~commission~~ *department* pursuant to Section
8 17930 within ~~such~~ *the* 30 days to show cause for
9 nonenforcement. Enforcement by the department shall
10 not be initiated until the decision of the ~~commission~~
11 *department*, adverse to the city or county or fire
12 protection district, is rendered.

13 (b) In the event ~~that a city, or county, or city and~~
14 ~~county, or fire protection district fails to initiate~~
15 ~~proceedings to correct a specific violation of the rules and~~
16 ~~regulations or building standards adopted pursuant to~~
17 ~~Section 17920.7 and in the event of enforcement of such~~
18 ~~rules and regulations or building standards by the~~
19 department pursuant to subdivision (a) ~~of this section~~,
20 the costs incurred by the department for such
21 enforcement shall be borne by such city, or county, or city
22 and county, or fire protection district. The department
23 may assess fees to defray the costs of enforcement,
24 thereby reducing the cost to be borne by the city, county,
25 city and county, or fire protection district, but the
26 department need not assess such fees and may not
27 require the city, county, city and county, or fire
28 protection district to assess fees to offset department
29 costs.

30 SEC. 10. Section 17958 of the Health and Safety Code
31 is amended to read:

32 17958. Except as provided in Sections 17958.8 and
33 17958.9, any city or county may make changes in the
34 provisions adopted pursuant to Section 17922 and
35 published in the ~~State~~ *California* Building Standards Code
36 or the other regulations thereafter adopted pursuant to
37 Section 17922 to amend, add, or repeal ordinances or
38 regulations which impose the same requirements as are
39 contained in the provisions adopted pursuant to Section
40 17922 and published in the ~~State~~ *California* Building



1 Standards Code or the other regulations adopted
2 pursuant to Section 17922 or make changes or
3 modifications in those requirements upon express
4 findings pursuant to Sections 17958.5 and 17958.7. If any
5 city or county does not amend, add, or repeal ordinances
6 or regulations to impose those requirements or make
7 changes or modifications in those requirements upon
8 express findings, the provisions published in the ~~State~~
9 *California* Building Standards Code or the other
10 regulations promulgated pursuant to Section 17922 shall
11 be applicable to it and shall become effective 180 days
12 after publication by the ~~commission~~ *California Building*
13 *Standards Commission*. Amendments, additions, and
14 deletions to the ~~State~~ *California* Building Standards Code
15 adopted by a city or county pursuant to Section 17958.7,
16 together with all applicable portions of the ~~State~~
17 *California* Building Standards Code, shall become
18 effective 180 days after publication of the ~~State~~ *California*
19 Building Standards Code by the ~~State~~ *California* Building
20 Standards Commission.

21 SEC. 11. Section 17958.1 of the Health and Safety
22 Code is amended to read:

23 17958.1. Notwithstanding Sections 17922, 17958, and
24 17958.5, a city or county may, by ordinance, permit
25 efficiency units for occupancy by no more than two
26 persons which have a minimum floor area of 150 square
27 feet and which may also have partial kitchen or bathroom
28 facilities, as specified by the ordinance. In all other
29 respects, these efficiency units shall conform to minimum
30 standards for those occupancies otherwise made
31 applicable pursuant to this part.

32 “Efficiency unit,” as used in this section, has the same
33 meaning specified in ~~Section 1208~~ of the Uniform
34 Building Code of the International Conference of
35 Building Officials, as incorporated by reference in
36 Chapter 2-12 of Part 2 of Title 24 of the California
37 ~~Administrative~~ *Code of Regulations*.

38 SEC. 12. Section 17958.5 of the Health and Safety
39 Code is amended to read:



1 17958.5. ~~(a)~~ Except as provided in Section 17922.6, in
2 adopting the ordinances or regulations pursuant to
3 Section 17958, a city or county may make such changes or
4 modifications in the requirements contained in the
5 provisions published in the California Building Standards
6 Code and the other regulations adopted pursuant to
7 Section 17922 as it determines, pursuant to the provisions
8 of Section 17958.7, are reasonably necessary because of
9 local climatic, geological, or topographical conditions.

10 For purposes of this subdivision, a city and county may
11 make reasonably necessary modifications to the
12 requirements, adopted pursuant to Section 17922,
13 contained in the provisions of the code and regulations on
14 the basis of local conditions.

15 ~~(b) On or before October 1, 1991, and each October 1~~
16 ~~thereafter, the department, in conjunction with the office~~
17 ~~of the State Fire Marshal, shall transmit a report to the~~
18 ~~State Building Standards Commission on the~~
19 ~~modifications and changes made by cities and counties to~~
20 ~~the building standards published in the California~~
21 ~~Building Standards Code, and on the more stringent~~
22 ~~requirements adopted by a city, county, or city and~~
23 ~~county pursuant to Section 13143.5, or adopted by a fire~~
24 ~~protection district and ratified pursuant to Section~~
25 ~~13869.7, to the building standards relating to fire and~~
26 ~~panic safety adopted by the State Fire Marshal and~~
27 ~~contained in the California Building Standards Code. The~~
28 ~~report shall be for informational purposes only and shall~~
29 ~~include a summary by the department and the office of~~
30 ~~the reasons cited as the necessity for the modifications,~~
31 ~~changes, and more stringent fire and panic safety~~
32 ~~requirements. The report required pursuant to this~~
33 ~~section shall apply to modifications, changes, and more~~
34 ~~stringent fire and panic safety requirements adopted or~~
35 ~~ratified on or after January 1, 1991.~~

36 SEC. 13. Section 17958.7 of the Health and Safety
37 Code is amended to read:

38 17958.7. (a) Except as provided in Section 17922.6,
39 the governing body of a city or county, before making any
40 modifications or changes pursuant to Section 17958.5,



1 shall make an express finding that such modifications or
2 changes are reasonably necessary because of local
3 climatic, geological or topographical conditions. Such a
4 finding shall be available as a public record. A copy of ~~such~~
5 *those* findings, together with the modification or change
6 expressly marked and identified to which each ~~such~~
7 finding refers, shall be filed with the ~~department~~
8 *California Building Standards Commission*. No ~~such~~
9 modification or change shall become effective or
10 operative for any purpose until the finding and the
11 modification or change have been filed with the
12 ~~department~~ *California Building Standards Commission*.

13 (b) The ~~department~~ *California Building Standards*
14 *Commission* may reject a modification or change filed by
15 the governing body of a city or county if no finding was
16 submitted.

17 SEC. 14. Section 18928 of the Health and Safety Code
18 is amended to read:

19 18928. (a) Each state agency adopting *or proposing*
20 *adoption of* a model code, national standard, or
21 specification shall reference the most recent edition of
22 applicable model codes, national standards, or
23 specifications.

24 (b) Each state agency adopting *or proposing adoption*
25 *of* a model code, national standard, or specification shall
26 adopt *or proposed adoption of* the most recent editions of
27 the model codes, as amended *or proposed to be amended*
28 by the adopting agency, within one year after the date of
29 publication of the model codes, national standards, or
30 specifications. The “date of publication of a model code,
31 national standard, or specification” is either of the
32 following:

33 (1) The date of publication printed in the model code,
34 national standard, or specification. If only a month and
35 year are shown by the model code, national standard, or
36 specification adopting agency or body, the date of
37 publication shall be considered to be the last day of the
38 month shown.

39 (2) The date determined by the commission, if no
40 publication date is shown in the model code, national



1 standard, or specification. The commission shall notify all
2 adopting agencies of its determination within 15 days.

3 (c) If the adopting agencies fail to comply with
4 subdivision (b), the commission shall convene a
5 committee to recommend to the commission the
6 adoption, amendment, or repeal, on the agencies' behalf,
7 of the most recent editions of the model codes, national
8 standards, or specifications and necessary state standards.

9 SEC. 15. Section 18938 of the Health and Safety Code
10 is amended to read:

11 18938. (a) Building standards shall be filed with the
12 Secretary of State and codified only after they have been
13 approved by the commission and shall not be published
14 in any other title of the California Code of Regulations.
15 Emergency building standards shall be filed with the
16 Secretary of State and shall take effect only after they
17 have been approved by the commission as required by
18 Section 18937. The filing of building standards adopted or
19 approved pursuant to this part, or any certification with
20 respect thereto, with the Secretary of State, or elsewhere
21 as required by law, shall be done solely by the
22 commission.

23 (b) ~~The building standards contained in the Uniform~~
24 ~~Fire Code of the International Conference of Building~~
25 ~~Officials and the Western Fire Chiefs Association, Inc.,~~
26 ~~the Uniform Building Code of the International~~
27 ~~Conference of Building Officials, Appendix Chapter 1 of~~
28 ~~the Uniform Code for Building Conservation of the~~
29 ~~International Conference of Building Officials, the~~
30 ~~Uniform Plumbing Code of the International Association~~
31 ~~of Plumbing and Mechanical Officials, the National~~
32 ~~Electrical Code of the National Fire Protection~~
33 ~~Association, and the Uniform Mechanical Code of the~~
34 ~~International Conference of Building Officials and the~~
35 ~~International Association of Plumbing and Mechanical~~
36 ~~Officials model codes~~, as referenced in the California
37 Building Standards Code, shall apply to all occupancies
38 throughout the state and shall become effective 180 days
39 after publication in the California Building Standards
40 Code by the California Building Standards Commission



1 or at a later date after publication established by the
2 commission.

3 (c) Except as otherwise provided in this subdivision,
4 an adoption, amendment, or repeal of a building standard
5 shall become effective 180 days after its publication in the
6 triennial edition of the California Building Standards
7 Code or one of its supplements, or at any later date as
8 approved by the California Building Standards
9 Commission, with the exceptions of building standards
10 adopted by the Occupational Safety and Health
11 Standards Board, standards adopted pursuant to Section
12 25402 of the Public Resources Code, and those regulations
13 that implement or enforce building standards. Building
14 standards adopted by the Occupational Safety and Health
15 Standards Board and those regulations that implement or
16 enforce building standards shall become effective 30 days
17 after filing by the commission with the Secretary of State.
18 This subdivision shall not apply to emergency building
19 standards, and building standards approved pursuant to
20 subdivision (b) of Section 142.3 of the Labor Code and
21 published pursuant to subdivision (b) of Section 18943.
22 An amendment or a repeal of a building standard in the
23 California Building Standards Code that, as determined
24 by the commission, would result in a less restrictive
25 regulation, shall become effective 30 days after filing of
26 the amendment or repeal by the commission with the
27 Secretary of State.

28 (d) Emergency standards defined in subdivision (a) of
29 Section 18913 shall become effective when approved by
30 the commission, and filed with the Secretary of State, or
31 upon any later date specified therein, and remain in
32 effect as provided by Section 11346.1 of the Government
33 Code and Section 18937 of this code. Emergency
34 standards shall be distributed as soon as practicable after
35 publication to all interested and affected parties. Notice
36 of repeal, pursuant to Section 11346.1 of the Government
37 Code, of emergency standards defined in subdivision (a)
38 of Section 18913 within the period specified by that
39 section, shall also be given to the parties by the affected
40 agencies promptly after the termination of the statutory



1 period pursuant to Section 11346.1 of the Government
2 Code.

3 (e) This section shall not be applicable to the time
4 limits set forth in ~~Sections 17922 and~~ *Section* 17958 for
5 ~~approval of uniform codes and~~ for changes by local
6 agencies in the California Building Standards Code.

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