

AMENDED IN SENATE JUNE 30, 1997  
AMENDED IN ASSEMBLY APRIL 23, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1071**

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**Introduced by Assembly Members Cardoza and Torlakson**  
**Wayne**  
**(Principal coauthor: Assembly Member Torlakson)**

February 27, 1997

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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~~ 18941.7 of the Health and Safety Code,  
relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 1071, as amended, 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This bill would make technical, nonsubstantive changes to certain of these provisions to conform outdated references in current law.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.

*Existing law, which is repealed January 1, 2003, allows the governing body of a city, county, or city and county to adopt an ordinance that allows a building or other structure located on a military base selected for closure to comply with the California Building Standards Code and other provisions of state law regarding liability in relation to fires in a graduated manner over a period of no more than 3 years if certain conditions, including, among other things, that the use of the building or structure is not hazardous to life safety, fire safety, health or sanitation that a compliance plan has been adopted, are met before January 1, 2000.*

*This bill would extend the date of repeal of these provisions to January 1, 2010, would include disabled access as one of those conditions that must be met and would extend the compliance period to 10 years. The bill would also require the local building official of the governing body to certify that all compliance plans are adhered to or take certain action and require the governing body to submit the certification to the California Building Standards Commission. The bill would provide that these provisions do not apply to March Air Force Base.*

*This bill would provide that its provisions shall only become operative if AB 125 of the 1997–98 Regular Session is enacted and becomes operative, on or before January 1, 1998.*

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 codes described in paragraphs (1) to (5),  
6 inclusive, of subdivision (a) of Section 17922 are approved  
7 by the California Building Standards Commission  
8 pursuant to Section 18930 and the effective date of the  
9 model codes as established by the California Building  
10 Standards Commission.

11 (b) The department may publish information  
12 bulletins regarding code enforcement as emergencies  
13 occur or at any other time the department determines  
14 appropriate.

15 (c) The department shall distribute the information  
16 described in subdivision (a), and may distribute the  
17 information described in subdivision (b), to the following  
18 entities:

19 (1) The building department in each county and city.

20 (2) Housing code officials, fire service officials,  
21 professional associations concerned with building  
22 standards, and any other persons or entities the  
23 department determines appropriate.

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

26 17920. As used in this part:

27 (a) "Approved" means acceptable to the department.

28 (b) "Building" means a structure subject to this part.

29 (c) "Building standard" means building standard as  
30 defined in Section 18909.

31 (d) "Department" means the Department of Housing  
32 and Community Development.

33 (e) "Enforcement" means diligent effort to secure  
34 compliance, including review of plans and permit  
35 applications, response to complaints, citation of  
36 violations, and other legal process. Except as otherwise  
37 provided in this part, "enforcement" may, but need not,  
38 include inspections of existing buildings on which no



1 complaint or permit application has been filed, and effort  
2 to secure compliance as to these existing buildings.

3 (f) “Fire protection district” means any special  
4 district, or any other municipal or public corporation or  
5 district, which is authorized by law to provide fire  
6 protection and prevention services.

7 (g) “Labeled” means equipment or materials to which  
8 has been attached a label, symbol, or other identifying  
9 mark of an organization, approved by the department,  
10 that maintains a periodic inspection program of  
11 production of labeled products, installations, equipment,  
12 or materials and by whose labeling the manufacturer  
13 indicates compliance with appropriate standards or  
14 performance in a specified manner.

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

17 (i) “Listing agency” means an agency approved by the  
18 department that is in the business of listing and labeling  
19 products, materials, equipment, and installations tested  
20 by an approved testing agency, and that maintains a  
21 periodic inspection program on current production of  
22 listed products, equipment, and installations, and that, at  
23 least annually, makes available a published report of these  
24 listings.

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

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

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

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

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



1 17920.9. (a) The department shall propose adoption,  
2 amendment, or repeal by the California Building  
3 Standards Commission pursuant to Chapter 4  
4 (commencing with Section 18935) of Part 2.5, of those  
5 regulations as are necessary for the provision of minimum  
6 fire safety and fire-resistant standards relating to the  
7 manufacture, composition, and use of foam building  
8 systems manufactured for use, or used, in construction of  
9 buildings subject to this part, mobilehomes subject to Part  
10 2 (commencing with Section 18000), or factory-built  
11 housing subject to Part 6 (commencing with Section  
12 19960), for the protection of the health and safety of  
13 persons occupying those buildings, mobilehomes, or  
14 factory-built housing. The department shall enforce  
15 building standards published in the California Building  
16 Standards Code relating to foam building systems, and  
17 other rules and regulations adopted by the department or  
18 by federal law. Each manufacturer of foam building  
19 systems shall have any foam building system  
20 manufactured for use in any building, factory-built  
21 housing, or mobilehome listed and labeled by an  
22 approved testing agency certifying that the system meets  
23 fire safety and fire-resistant building standards published  
24 in the California Building Standards Code. The  
25 department shall consult with all available public and  
26 private sources to assist in the development of the  
27 building standards and other rules and regulations.

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, *a*  
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 propose the adoption, amendment, or  
40 repeal of building standards to the California Building



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

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

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

33 ~~17922. (a) Except as otherwise specifically provided~~  
34 ~~by law, the building standards adopted or proposed for~~  
35 ~~adoption and submitted by the department for approval~~  
36 ~~pursuant to Chapter 4 (commencing with Section 18935)~~  
37 ~~of Part 2.5 and the other rules and regulations, which are~~  
38 ~~contained in Title 24 of the California Code of~~  
39 ~~Regulations, adopted, amended, or repealed from time to~~  
40 ~~time pursuant to this chapter shall be adopted by~~



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

8 ~~(1) The Uniform Housing Code of the International~~  
9 ~~Conference of Building Officials, except its definition of~~  
10 ~~“substandard building.”~~

11 ~~(2) The Uniform Building Code of the International~~  
12 ~~Conference of Building Officials.~~

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

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

19 ~~(5) The National Electrical Code of the National Fire~~  
20 ~~Protection Association.~~

21 ~~(6) Appendix Chapter 1 of the Uniform Code for~~  
22 ~~Building Conservation of the International Conference of~~  
23 ~~Building Officials.~~

24 ~~(b) Except as provided in Section 17959.5, local use~~  
25 ~~zone requirements, local fire zones, building setback, side~~  
26 ~~and rear yard requirements, and property line~~  
27 ~~requirements are hereby specifically and entirely~~  
28 ~~reserved to the local jurisdictions notwithstanding any~~  
29 ~~requirements found or set forth in this part.~~

30 ~~(e) Regulations other than building standards which~~  
31 ~~are adopted, amended, or repealed by the department,~~  
32 ~~and building standards adopted and submitted by the~~  
33 ~~department for approval pursuant to Chapter 4~~  
34 ~~(commencing with Section 18935) of Part 2.5, governing~~  
35 ~~alteration and repair of existing buildings and moving of~~  
36 ~~apartment houses and dwellings shall permit the~~  
37 ~~replacement, retention, and extension of original~~  
38 ~~materials and the continued use of original methods of~~  
39 ~~construction as long as the hotel, lodginghouse, motel,~~  
40 ~~apartment house, or dwelling, or portions thereof, or~~



1 ~~building and structure accessory thereto does not become~~  
2 ~~or continue to be a substandard building. Building~~  
3 ~~additions or alterations which increase the area, volume,~~  
4 ~~or size of an existing building, and foundations for~~  
5 ~~apartment houses and dwellings moved, shall comply~~  
6 ~~with the requirements for new buildings or structures~~  
7 ~~specified in this part, or in building standards published~~  
8 ~~in the California Building Standards Code, or in the other~~  
9 ~~rules and regulations adopted pursuant to this part.~~  
10 ~~However, the additions and alterations shall not cause the~~  
11 ~~building to exceed area or height limitations applicable to~~  
12 ~~new construction.~~

13 ~~(d) Regulations other than building standards which~~  
14 ~~are adopted by the department and building standards~~  
15 ~~adopted and submitted by the department for approval~~  
16 ~~pursuant to Chapter 4 (commencing with Section 18935)~~  
17 ~~of Part 2.5 governing alteration and repair of existing~~  
18 ~~buildings shall permit the use of alternate materials,~~  
19 ~~appliances, installations, devices, arrangements, or~~  
20 ~~methods of construction if the material, appliance,~~  
21 ~~installation, device, arrangement, or method is, for the~~  
22 ~~purpose intended, at least the equivalent of that~~  
23 ~~prescribed in this part, the building standards published~~  
24 ~~in the California Building Standards Code, and the rules~~  
25 ~~and regulations promulgated pursuant to the provisions~~  
26 ~~of this part in performance, safety, and for the protection~~  
27 ~~of life and health. Regulations governing abatement of~~  
28 ~~substandard buildings shall permit those conditions~~  
29 ~~prescribed by Section 17920.3 which do not endanger the~~  
30 ~~life, limb, health, property, safety, or welfare of the public~~  
31 ~~or the occupant thereof.~~

32 ~~(e) No local enforcement agency may prohibit the use~~  
33 ~~of materials, appliances, installations, devices,~~  
34 ~~arrangements, or methods of construction specifically~~  
35 ~~permitted by the department to be used in the alteration~~  
36 ~~or repair of existing buildings, but such materials,~~  
37 ~~appliances, installations, devices, arrangements, or~~  
38 ~~methods of construction may be specifically prohibited~~  
39 ~~by local ordinance as provided pursuant to Section~~  
40 ~~17958.5.~~



1 ~~(f) No local ordinance may permit any action or~~  
2 ~~proceeding to abate violations of regulations governing~~  
3 ~~maintenance of existing buildings, unless the building is~~  
4 ~~a substandard building or the violation is a misdemeanor.~~

5 ~~SEC. 6.—~~

6 SEC. 5. Section 17922.8 of the Health and Safety Code  
7 is amended to read:

8 17922.8. The Office of Noise Control may appoint an  
9 advisory committee to assist the office in reviewing and  
10 revising the noise insulation standards previously  
11 adopted.

12 ~~SEC. 7.—~~

13 SEC. 6. Section 17924 of the Health and Safety Code  
14 is amended to read:

15 17924. Rules and regulations shall be promulgated  
16 pursuant to Chapter 3.5 (commencing with Section  
17 11340) of Part 1 of Division 3 of Title 2 of the Government  
18 Code, and no state department, officer, board, agency,  
19 committee, or commission shall have power pursuant to  
20 the provisions of this part to publish building standards,  
21 as defined in Section 18909, but shall propose and submit  
22 those building standards as deemed necessary to carry out  
23 the provisions of this part for adoption and publishing  
24 pursuant to the provisions of Part 2.5 (commencing with  
25 Section 18901).

26 ~~SEC. 8.—~~

27 SEC. 7. Section 17927 of the Health and Safety Code  
28 is amended to read:

29 17927. The department shall propose the adoption,  
30 amendment, or repeal of building standards pursuant to  
31 the provisions of Chapter 4 (commencing with Section  
32 18935) of Part 2.5, and the department shall adopt,  
33 amend, and repeal other rules and regulations for garage  
34 door springs for installation in garages which are  
35 accessory to apartment houses, hotels, motels, and  
36 dwellings as the department determines are reasonably  
37 necessary to prevent the death or injury of persons or  
38 damage to property resulting from the breaking of the  
39 garage door springs. Except as otherwise provided in this  
40 part, the department shall enforce building standards



1 published in the California Building Standards Code  
2 relating to garage door springs and other rules and  
3 regulations adopted by the department pursuant to this  
4 section.

5 No garage door spring which violates the provisions of  
6 any building standard published in the California  
7 Building Standards Code relating to garage door springs  
8 or any other rule or regulation adopted by the  
9 department pursuant to this section shall be sold or  
10 offered for sale, or installed in any garage which is  
11 accessory to an apartment house, hotel, motel, or  
12 dwelling, on or after the date of publication of the  
13 building standard or the effective date of the rule or  
14 regulation.

15 ~~SEC. 9.—~~

16 *SEC. 8.* Section 17952 of the Health and Safety Code  
17 is amended to read:

18 17952. (a) In the event of nonenforcement of this  
19 part, or the building standards published in the California  
20 Building Standards Code, or the other rules and  
21 regulations promulgated pursuant to the provisions of  
22 this part, such provisions, building standards or other  
23 rules and regulations shall be enforced by the department  
24 in any city or county after the department has given  
25 written notice to the governing body of that city or  
26 county or fire protection district, as the case may be, of a  
27 violation of this part, those building standards, or the  
28 other rules or regulations promulgated pursuant to the  
29 provisions of this part and the city or county has failed to  
30 initiate proceedings to secure correction of the violation  
31 within 30 days of the date of that notice. The city or  
32 county or fire protection district may request a hearing  
33 before the department pursuant to Section 17930 within  
34 the 30 days to show cause for nonenforcement.  
35 Enforcement by the department shall not be initiated  
36 until the decision of the department, adverse to the city  
37 or county or fire protection district, is rendered.

38 (b) In the event of enforcement by the department  
39 pursuant to subdivision (a), the costs incurred by the  
40 department for such enforcement shall be borne by such



1 city, or county, or city and county, or fire protection  
2 district. The department may assess fees to defray the  
3 costs of enforcement, thereby reducing the cost to be  
4 borne by the city, county, city and county, or fire  
5 protection district, but the department need not assess  
6 such fees and may not require the city, county, city and  
7 county, or fire protection district to assess fees to offset  
8 department costs.

9 ~~SEC. 10.—~~

10 *SEC. 9.* Section 17958 of the Health and Safety Code  
11 is amended to read:

12 17958. Except as provided in Sections 17958.8 and  
13 17958.9, any city or county may make changes in the  
14 provisions adopted pursuant to Section 17922 and  
15 published in the California Building Standards Code or  
16 the other regulations thereafter adopted pursuant to  
17 Section 17922 to amend, add, or repeal ordinances or  
18 regulations which impose the same requirements as are  
19 contained in the provisions adopted pursuant to Section  
20 17922 and published in the California Building Standards  
21 Code or the other regulations adopted pursuant to  
22 Section 17922 or make changes or modifications in those  
23 requirements upon express findings pursuant to Sections  
24 17958.5 and 17958.7. If any city or county does not amend,  
25 add, or repeal ordinances or regulations to impose those  
26 requirements or make changes or modifications in those  
27 requirements upon express findings, the provisions  
28 published in the California Building Standards Code or  
29 the other regulations promulgated pursuant to Section  
30 17922 shall be applicable to it and shall become effective  
31 180 days after publication by the California Building  
32 Standards Commission. Amendments, additions, and  
33 deletions to the California Building Standards Code  
34 adopted by a city or county pursuant to Section 17958.7,  
35 together with all applicable portions of the California  
36 Building Standards Code, shall become effective 180 days  
37 after publication of the California Building Standards  
38 Code by the California Building Standards Commission.

39 ~~SEC. 11.—~~



1 *SEC. 10.* Section 17958.1 of the Health and Safety  
2 Code is amended to read:

3 17958.1. Notwithstanding Sections 17922, 17958, and  
4 17958.5, a city or county may, by ordinance, permit  
5 efficiency units for occupancy by no more than two  
6 persons which have a minimum floor area of 150 square  
7 feet and which may also have partial kitchen or bathroom  
8 facilities, as specified by the ordinance. In all other  
9 respects, these efficiency units shall conform to minimum  
10 standards for those occupancies otherwise made  
11 applicable pursuant to this part.

12 “Efficiency unit,” as used in this section, has the same  
13 meaning specified in the Uniform Building Code of the  
14 International Conference of Building Officials, as  
15 incorporated by reference in Chapter 2-12 of Part 2 of  
16 Title 24 of the California Code of Regulations.

17 ~~SEC. 12.—~~

18 *SEC. 11.* Section 17958.5 of the Health and Safety  
19 Code is amended to read:

20 17958.5. Except as provided in Section 17922.6, in  
21 adopting the ordinances or regulations pursuant to  
22 Section 17958, a city or county may make such changes or  
23 modifications in the requirements contained in the  
24 provisions published in the California Building Standards  
25 Code and the other regulations adopted pursuant to  
26 Section 17922 as it determines, pursuant to the provisions  
27 of Section 17958.7, are reasonably necessary because of  
28 local climatic, geological, or topographical conditions.

29 For purposes of this subdivision, a city and county may  
30 make reasonably necessary modifications to the  
31 requirements, adopted pursuant to Section 17922,  
32 contained in the provisions of the code and regulations on  
33 the basis of local conditions.

34 ~~SEC. 13.—~~

35 *SEC. 12.* Section 17958.7 of the Health and Safety  
36 Code is amended to read:

37 17958.7. (a) Except as provided in Section 17922.6,  
38 the governing body of a city or county, before making any  
39 modifications or changes pursuant to Section 17958.5,  
40 shall make an express finding that such modifications or



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

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

15 ~~SEC. 14.~~

16 *SEC. 13.* Section 18928 of the Health and Safety Code  
17 is amended to read:

18 18928. (a) Each state agency adopting or proposing  
19 adoption of a model code, national standard, or  
20 specification shall reference the most recent edition of  
21 applicable model codes, national standards, or  
22 specifications.

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

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

38 (2) The date determined by the commission, if no  
39 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, as referenced in the California Building~~  
37 ~~Standards Code, shall apply to all occupancies throughout~~  
38 ~~the state and shall become effective 180 days after~~  
39 ~~publication in the California Building Standards Code by~~  
40 ~~the California Building Standards Commission or at a~~



1 ~~later date after publication established by the~~  
2 ~~commission.~~

3 ~~(e) 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 ~~(c) This section shall not be applicable to the time~~  
4 ~~limits set forth in Section 17958 for changes by local~~  
5 ~~agencies in the California Building Standards Code.~~

6 *SEC. 14. Section 18941.7 of the Health and Safety*  
7 *Code is amended to read:*

8 18941.7. (a) The governing body of a city, county, or  
9 city and county may adopt an ordinance that allows a  
10 building or other structure located on a military base  
11 selected for closure by action of the federal Defense Base  
12 Closure and Realignment Commission to comply with  
13 this part and Division 12 (commencing with Section  
14 13000), or ~~to~~ any regulations or standards promulgated  
15 pursuant to this part, in a graduated manner over a period  
16 of no more than ~~three~~ 10 years from the earlier of either  
17 the date the property has been transferred by, or the date  
18 a lease is entered into with, the federal government  
19 pursuant to paragraph (2), if all of the following  
20 conditions are met:

21 (1) The use of the building or structure is not  
22 hazardous to life safety, fire safety, health, ~~or~~ sanitation,  
23 *or disabled access*, as determined by the local building  
24 official and fire marshal.

25 (2) The building or other structure has been  
26 transferred by the federal government to the city,  
27 county, city and county, redevelopment agency, or reuse  
28 entity or is under a lease between the city, county, city  
29 and county, redevelopment agency, or reuse entity and  
30 the federal government.

31 (3) The governing body of the city, county, or city and  
32 county adopts a graduated compliance plan which  
33 includes all of the following:

34 (A) Requirements for buildings and structures with:

35 (i) No change in occupancy or use with no anticipated  
36 alterations.

37 (ii) No change in occupancy or use with planned  
38 alterations.

39 (iii) Change in occupancy or use with no anticipated  
40 alterations.



1 (iv) Change in occupancy or use with planned  
2 alterations.

3 (B) Requirements for a building and structure  
4 compliance inspection and a fire department inspection,  
5 and for preparation of inspection reports, prior to issuing  
6 a certificate of occupancy.

7 (C) Requirements for the inspection reports prepared  
8 pursuant to subparagraph (B) to be attached to the  
9 certificate of occupancy or provided to the occupants of  
10 the building or other structure.

11 (D) Requirements for the terms and period of time for  
12 compliance to be specified in the sublease.

13 (b) *The local building official of a governing body of*  
14 *a city, county, or city and county that adopts an ordinance*  
15 *pursuant to subdivision (a) shall certify that any*  
16 *compliance plan adopted pursuant to paragraph (3) of*  
17 *subdivision (a) is being adhered to. The certification shall*  
18 *be issued by the building official five years and seven*  
19 *years after the beginning of the compliance period*  
20 *specified in subdivision (a). If the building official*  
21 *determines that compliance has not been achieved*  
22 *within the period of time specified in subparagraph (D)*  
23 *of paragraph (3) of subdivision (a), any certificate of*  
24 *occupancy that has been issued shall be revoked and*  
25 *remain revoked until compliance is achieved.*

26 (c) *The governing body shall submit the certification*  
27 *required by subdivision (b) and supporting*  
28 *documentation to the California Building Standards*  
29 *Commission.*

30 (d) Nothing in this section affects the requirement of  
31 state consent to retrocession pursuant to Section 113 of  
32 the Government Code.

33 ~~(e)~~

34 (e) This section shall be applicable to a building or  
35 other structure for which the conditions in paragraphs  
36 (1), (2), and (3) of subdivision (a) are met before January  
37 1, 2000.

38 ~~(d)~~

39 (f) *This section shall not apply to March Air Force*  
40 *Base.*



1 (g) This section shall remain in effect only until  
2 January 1, ~~2003~~2010, and as of that date is repealed, unless  
3 a later-enacted statute, that is enacted before January 1,  
4 ~~2003~~ 2010, deletes, or extends that date.

5 *SEC. 15. This act shall only become operative if AB*  
6 *125 of the 1997–98 Regular Session is enacted, and*  
7 *becomes operative, on or before January 1, 1998.*

