

ASSEMBLY BILL

No. 2373

Introduced by Assembly Member Hall

February 19, 2010

An act to amend Section 19870 of the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 2373, as introduced, Hall. Building standards: plans and specifications.

Existing law prohibits an enforcement agency, as a result of construction inspection, from imposing a new or modified building standard different from those specified in the plans and specifications approved during plan checking functions for which a building permit is issued, except as prescribed.

This bill would make technical, nonsubstantive changes to these provisions.

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

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

- 1 SECTION 1. Section 19870 of the Health and Safety Code is
- 2 amended to read:
- 3 19870. (a) As a result of construction inspection, an
- 4 enforcement agency shall not impose a new or modified building
- 5 standard different from those specified in the plans and
- 6 specifications approved during plan checking functions for which

1 a building permit is issued, unless the enforcement agency
2 determines that any of the following apply:

3 (1) The standard is necessary to correct a violation of the
4 governing code or standard and to protect the public health or
5 safety.

6 (2) The plans and specifications did not reference the standard
7 or were not in sufficient detail.

8 (3) There is a deviation, addition, or deletion from the plan.

9 (4) There are modifications to the plan by the permittee.

10 (5) The permit is deemed expired because the building or work
11 authorized by the permit is not commenced within 180 days from
12 the date of the permit, or the permittee has suspended or abandoned
13 the work authorized by the permit at any time after the work is
14 commenced.

15 (6) The permit is deemed suspended or revoked pursuant to
16 subdivision (e) of Section 303 of the latest adopted version of the
17 Uniform Building Code.

18 (b) As used in this chapter:

19 (1) "Building standard" means a building standard as defined
20 in Section 18909, or other standard adopted by a local agency
21 pursuant to Section 17958 or subdivision (c) of Section 18941.5,
22 that was effective on the date of the application for the building
23 permit.

24 (2) "Enforcement agency" means ~~any~~ a department of a local
25 agency that has the authority to inspect a construction or renovation
26 project and enforce health, safety, or building codes including, but
27 not limited to, the building department or building division, the
28 fire department or fire district, and the health department.

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

30 (4) "Plans and specifications" mean the plans, drawings, and
31 specifications for a construction or renovation project, for which
32 a building permit was issued, which relates to buildings classified
33 for occupancy as a building of Group A, B, and R-1, pursuant to
34 the 1991, Edition of the Uniform Building Code of the International
35 Conference of Building Officials.

36 (5) "Building inspector" means ~~any~~ an employee or contractor
37 of an enforcement agency who performs inspections of a
38 construction or renovation project for the purpose of assuring
39 compliance with adopted uniform building codes and standards.

1 (6) “Supervisor” means ~~any~~ *an* employee of ~~any~~ *an* enforcement
2 agency to whom a building inspector reports and who is responsible
3 for reviewing a building inspector’s project approvals or denials
4 or modification orders.

5 (7) “Permittee” means a building owner, building property
6 manager, or authorized representative to whom a building permit
7 is issued by the enforcement agency.

8 (c) (1) If an enforcement agency requires that a new or modified
9 building standard be met pursuant to the condition set forth in
10 paragraph (1) of subdivision (a), the building inspector, within two
11 working days of ordering the standard shall provide the permittee,
12 in writing on a form prescribed by the enforcement agency, a
13 description of the specific threat to public health and safety and
14 the section of the applicable building code or standard that has
15 been violated or not complied with, and the interpretations and
16 reasons for differing from the approved plans and specifications.

17 (2) If an enforcement agency requires that a new or modified
18 building standard be met pursuant to the condition set forth in
19 paragraph (2) of subdivision (a), the building inspector, within two
20 working days of ordering the standard, shall provide the permittee,
21 in writing on a form prescribed by the enforcement agency, the
22 applicable building code or standard that has been violated or not
23 complied with, and a description of how that standard is applicable
24 and necessary to the construction or renovation project for which
25 the building permit is issued.

26 (3) If an enforcement agency requires that a new or modified
27 building standard be met pursuant to the condition set forth in
28 paragraph (3) or (4) of subdivision (a), the building inspector,
29 within two working days of ordering the standard, shall provide
30 the permittee, in writing on a form prescribed by the enforcement
31 agency, the applicable building code or standard that has been
32 violated or not complied with, and the deviations, additions, or
33 deletions from, or the modifications to, the plan, as the case may
34 be, which results in a violation or noncompliance with an
35 applicable building code or standard.

36 (d) If an enforcement agency requires a new or modified
37 building standard that the permittee certifies to the enforcement
38 agency would result in a cumulative increase in the overall cost
39 of the construction or renovation project of 10 percent or more,
40 all findings made by a building inspector pursuant to subdivision

1 (c) shall be reviewed and approved in writing by the supervisor of
2 the construction inspector within five working days of the order
3 for a new or modified building standard. No certificate of
4 occupancy may be denied if the findings of a construction
5 supervisor are not so approved.

6 (e) A copy of all findings made by the building inspector
7 pursuant to subdivision (c) shall be sent to the department within
8 the local agency that is responsible for reviewing and approving
9 the plans and specifications during the plan checking functions for
10 which the building permit is issued.

11 (f) Compliance with subdivisions (c) and (d) shall not be
12 required if, at the time an enforcement agency imposes a new or
13 modified building standard, the building inspector, the building
14 inspector's supervisor, and the permittee consult with one another
15 within two working days of imposing the standard, and the
16 permittee agrees with the enforcement agency's order.