

BUILDING STANDARDS COMMISSION

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CALIFORNIA BUILDING STANDARDS COMMISSION INFORMATION BULLETIN 22-02

DATE: June 30, 2022

TO: LOCAL BUILDING DEPARTMENTS
STATE AGENCIES AND DEPARTMENTS
INTERESTED PARTIES

SUBJECT: 2022 California Building Standards Code - Local Ordinance Filing Requirements and accessibility recommendations

The purpose of this Information Bulletin is to notify local jurisdictions and code users of changes impacting the ordinance filing requirements for the recently completed 2021 Triennial Code Adoption Cycle that resulted in the 2022 California Building Standards Code, Title 24 of the California Code of Regulations (Title 24), including the request that ordinances be filed in an accessible format so they can be posted directly on the California Building Standards Commission (CBSC) website. This Information Bulletin also serves to bring attention to requirements of state law establishing the application of Title 24, and how local government must enforce its provisions as applicable, may enact more restrictive requirements for local conditions, adopt administrative regulations and approve alternatives. This bulletin supersedes all other information bulletins previously issued by CBSC on this subject.

Referenced State Law and Code

All state laws referenced herein may be viewed at the [California Legislative Information website](http://leginfo.legislature.ca.gov/) <http://leginfo.legislature.ca.gov/>. The thirteen parts of the California Code of Regulations, Title 24 may be accessed through the [California Building Standards Commission website](https://www.dgs.ca.gov/BSC) <https://www.dgs.ca.gov/BSC>. Referenced California Code of Regulations, Title 25, and provisions may be viewed at the [Office of Administrative Law website](https://oal.ca.gov/) <https://oal.ca.gov/>.

Applicability

The applicability of Title 24 is identified in the California Health and Safety Code (HSC), which is state law. Within the HSC there are two bodies of law addressing the application of Title 24. First is the California Building Standards Law, located in HSC Division 13, Part 2.5, commencing with Section 18901, and the second is the State Housing Law, located in HSC Division 13, Part 1.5, commencing with Section 17910. These provisions of law establish that Title 24, as published, and incorporating the latest editions of selected model codes, is the applicable code for all building occupancies throughout the state. Model codes by themselves do not include all applicable requirements for the design and construction of buildings in California. (The term

“occupancy” as used in the California Building Standards Code is the method of classifying all buildings as to their designated use as structures).

Additionally, the Department of Housing and Community Development (HCD) has adopted regulations implementing the State Housing Law in the California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1 (Title 25) for residential structures subject to the State Housing Law. These regulations, Title 24, and the requirements of the State Housing Law, are applicable throughout the state.

Local Government Adoption of Title 24 by Ordinance

- Title 24 is applicable to all occupancies throughout California as per HSC Sections 17950 and 18938(b). If a local government does not adopt Title 24 by ordinance, Title 24 becomes the applicable code for all building occupancies by default as per HSC Section 17958.
- The State Housing Law requires local building department enforcement of the Law, building standards, and implementation of regulations of the Department of Housing and Community Development for residential structures. HSC, Sections 17950 and 18948.
- Local government should work closely with its legal counsel to develop an adopting ordinance pursuant to Government Code, Section 50020, et. seq., express findings for any amendment of Title 24, and provide for enforcement of Title 24.

Amendment by Local Ordinance

Local governments may amend Title 24, including the adoption of appendices, and the regulations of the Department of Housing and Community Development in Title 25 applicable to residential structures. The provisions of law that permit these local government amendments contain subtle differences.

Local governments may also adopt other model codes, providing the adoption of such model codes does not conflict with state law, building standards or other adopted California regulations.

Local Government Amendments under the Building Standards Law

The Building Standards Law takes a straightforward approach to amendments by local governments.

- The governing body of a local jurisdiction shall make express findings that amendments to the building standards, including green building standards, and adoption of appendices contained in Title 24 are reasonably necessary because of local climatic, geological, or topographical conditions. HSC, Sections 17958.7(a) and 18941.5(b).
- Local governments are not limited in their authority to establish more restrictive and reasonably necessary building standards, including green building standards, than those contained in Title 24. HSC, Section 18941.5 (b).
- The local amendments are not effective or operative until a copy of the express findings and the amendments, with the amendments expressly marked and

identified as to the applicable findings, have been filed with the California Building Standards Commission. HSC, Section 17958.7(a).

Local Government Amendments under the State Housing Law

The State Housing Law provides for amendment of building standards related to residential construction and for amendment of Title 25.

- The governing body of a local jurisdiction shall make an express finding that amendments to either the building standards, including green building standards, and the adoption of appendices for residential construction contained in Title 24, or the regulations of the Department of Housing and Community Development contained in Title 25, are reasonably necessary because of local climatic, geological, or topographical conditions. HSC, Sections, 17958.5 and 17958.7(a). There is an exception in Title 25, Section 52 to the requirement for an express finding where alternate abatement procedures are determined by the local enforcement agency to be the equivalent of those contained in Title 25.
- Unlike the California Building Standards Law, there is no specific requirement in the State Housing Law that local government amendments provide either more restrictive building standards, including green building standards, than those contained in Title 24, or more restrictive regulations than those contained in Title 25. However, Title 24 provisions are the minimum standards, thus local amendments must be equivalent or more restrictive, but not less restrictive. HSC, Sections, 17958.5, 17958.7(a), and 18941.5(b)
- The local amendments are not effective or operative until a copy of the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the California Building Standards Commission. HSC, Section 17958.7(a).

Filings with the California Building Standards Commission

Filings submitted to the California Building Standards Commission (CBSC) are reviewed and processed in the following manner:

- The absence of a filing with CBSC of local government amendments implies that Title 24 is applicable within that local jurisdiction without amendment. HSC, Section 17958.
- Local ordinances that only adopt Title 24 by reference without amendments need not be filed with the California Building Standards Commission or the Department of Housing and Community Development. Refer to HSC, Section 18909 regarding a local regulation that is not deemed a building standard and does not require filing.
- CBSC is not authorized by law to evaluate the merits of the express findings that support the local climatic, geological, or topographical (environmental for CALGreen) conditions necessitating its amendments.
- CBSC may reject, in writing, any filings by local governments proposing to adopt and amend model codes adopted by California without California amendments included. Only Title 24, incorporating model codes and including California amendments by the state agencies, and the related regulations of the

Department of Housing and Community Development, are subject to adoption and amendment by local governments. HSC, Sections 17958.5 and 17958.7.

- CBSC may reject, in writing, a local government filing for the following reasons:
 - No express finding was submitted with the proposed amendments. HSC, Section 17958.7.
 - The proposed amendments are not expressly marked and identified as to the applicable express findings. HSC, Section 18941.5.
 - There is no evidence by signature(s), certification of the city/county clerk, transmittal letter or other reasonable means to validate that the express findings were a lawful action of the governing body of the local jurisdiction.

- CBSC will issue a letter to the local enforcement agency stating that the code modifications are accepted for filing when they meet the requirements of Health and Safety Code Sections 17958.7 and 18941.5.

Local Amendments for Universal Design in Housing

HSC Section 17959 authorizes local ordinances for universal design in residential occupancies based on guidelines and the [Universal Design Model Ordinance](#) developed by HCD. In general, the HCD model ordinance applies to new or substantially rehabilitated single-family, duplex, and triplex residential dwellings, except for custom-built homes, that are not otherwise subject to the accessibility requirements in Part 2 of Title 24. These ordinances are filed with HCD.

Local Amendments for Shelter Crisis

Government Code (GOV) Sections 8698.3 and 8698.4 permit local jurisdictions to adopt ordinances to address shelter crises arising from homelessness or a natural disaster, such as fire. These local jurisdictions, upon declaring a shelter crisis, may adopt reasonable local standards and procedures for the design, site development and operation of shelters in lieu of compliance with state and local building approval procedures or state housing, health, habitability, planning, zoning or safety standards, procedures and laws. To assist locals with quickly adopting shelter crisis regulations, Appendix O of the CBC and Appendix X of the CRC are available for adoption by ordinance without the need for express findings. Appendices O and X are the minimum standards that must be met by a local shelter crisis ordinance. Refer to HCD's [Information Bulletin 2020-09](#) for filing of Emergency Housing Ordinances with HCD.

Local Amendments for Shelter Crisis- Fire and Life Safety

Government Code (GOV) Section 8698.1 permits a local jurisdiction with a population over 3.5 million to adopt ordinances related to fire and life safety to address shelter crises arising from homelessness or a natural disaster, such as fire. The alternative standards must be reasonable and, at a minimum, meet the requirements listed in the law and filed with the State Fire Marshal.

Local Amendments under the Fire Protection District Law

Local government amendments to building standards in Title 24 adopted by the State Fire Marshal for fire and panic safety that are more stringent are permitted under this provision of state law for fire protection districts organized under HSC, Division 12, Part 2.7. There are differences in how these amendments are implemented. These ordinances are filed with HCD.

Local Amendments for Energy Conservation

Public Resources Code (PRC) Section 25402.1(h)(2) allows more stringent local amendments to the energy conservation provisions in the California Energy Code, Title 24, Part 6. The California Administrative Code, Title 24, Part 1, Chapter 10, Section 10-106, requires local government to gain approval from the California Energy Commission (CEC) for any local energy conservation requirement more restrictive than the regulations in the Energy Code. Filed with CBSC and application approval by the CEC.

Local Amendments under the State Historical Building Code

HSC, Division 13, Part 2.7 (the State Historical Building Code), Section 18959 (f), authorizes local government to make amendments to the California Historical Building Code, Part 8 of Title 24, for qualified historical buildings. Filed with the State Historical Building Safety Board.

Local Amendments under the Earthquake Protection Law

CBSC does not review ordinances developed pursuant to the Earthquake Protection Law (HSC Section 19100, et seq.) relative to seismic retrofit standards for seismically hazardous buildings. HSC Section 19165 requires these amendments be filed with HCD for informational purposes.

Local Amendments for Accessory Dwelling Units

Local amendments developed for the purpose of regulating accessory dwelling units pursuant to GOV Section 65852.2 are subject to the requirements of those provisions of law and local building code requirements that apply to detached dwellings. Filed with HCD.

Note: Refer to [the 2022 Guide for Local Amendments of Building Standards](#) for detailed filing requirements for each of these types of amendments.

Submitting Accessible Documents for Posting on CBSC's Website

In accordance with GOV Sections 7405, 11135 and 11546.7, in order for ordinances to be posted to CBSC's website for viewing or downloading by the public, they must be provided in a format that is accessible to persons with disabilities. The applicable standards for accessible documents are as follows:

- Meet WCAG 2.0 AA (see * below) standards for document attributes including headers, lists, tables, alternative text for images (including signatures and logos), font and text styles, color and/or meaningful links

CBSC will review submitted documents for accessibility and will not be able to remediate those that do not meet these standards. When an ordinance document is not accessible, CBSC's local amendments webpage will only list the identification number of the ordinance. Constituents will then be able to request a copy by contacting CBSC or the local jurisdiction.

Another alternative is for a jurisdiction to provide a link to the ordinance posted on their own website and that link will be shared on CBSC's website.

CBSC highly encourages jurisdiction staff to obtain training in creating accessible documents to proactively meet the needs of constituents now and in the future. Some resources for accessibility information and training are:

- California Department of Technology (CDT) [Web Accessibility Training](http://cdt.ca.gov/workforce-development/course-schedule/) at cdt.ca.gov/workforce-development/course-schedule/
- [California Department of Rehabilitation \(DOR\) Accessibility Training](https://www.dor.ca.gov/Home/disabilityaccessservices) at <https://www.dor.ca.gov/Home/disabilityaccessservices>
- [Document Accessibility Information](http://dor.ca.gov/Home/DocumentAccessibility) at dor.ca.gov/Home/DocumentAccessibility
- [Guides for Creating Accessible Documents](http://dor.ca.gov/Home/ConstructingAccessibleElectronicContent) at dor.ca.gov/Home/ConstructingAccessibleElectronicContent
- [*Web Content Accessibility Guidelines \(WCAG\)](http://www.w3.org/TR/WCAG20/) by the World Wide Web Consortium (W3C) at www.w3.org/TR/WCAG20/

Local Administrative Ordinances

Local regulations necessary to carry out procedures by a city, county, or city and county relating to civil, administrative, or criminal procedures and remedies available for enforcing code violations, and that do not establish building standards, may be enacted without meeting the requirements of HSC, Sections 17958, 17958.5, 17958.7 and 18941.5.

However, amendments to administrative provisions in Title 24 that relate to the implementation or enforcement of a building standard that do not have express findings that each amendment is reasonably necessary because of local climatic, geological, topographical, or environmental conditions and/or are not expressly marked is reason for rejection of the filing.

An example of an amendment of an administrative requirement necessitating an express finding is where a local ordinance changes when a permit is required by modifying the height provision for a fence. The administrative provisions of Title 24 do not require a permit for fencing not over 7 feet in height. A local ordinance changing the height requirement to 6 feet necessitates a permit, and compliance with design provisions (building standards) would be mandatory, thereby implementing or enforcing a building standard.

Local Approval of Alternatives

Local building departments have authority under HSC, Section 17951(e) to allow alternative materials and methods of construction that are not specifically adopted in Title 24. Said section is from the State Housing Law with application to the design and construction of hotels, motels, lodging houses, apartments, condominiums, and dwellings. Thus, an alternative material or method of construction not specifically

adopted in Title 24 may be approved on a case-by-case basis for residential structure construction under the conditions stated in HSC, Section 17951(e), without the need for a local ordinance or code amendment. Additionally, Chapter 1 of various parts of Title 24 allows for the use of alternate materials, design, and methods of construction for both residential and nonresidential occupancies.

Additional Resources

The [Local Code Ordinances webpage](#) on CBSC's website has a number of helpful resources including the 2022 edition of the [Guide for Local Amendments of Building Standards](#), the 2022 *California Code Adoption for Local Jurisdictions* video presentation and a list of acceptable ordinances that were filed in accordance with state law. This video is a joint effort with the California Building Standards Commission, JAS Pacific, and the International Code Council. We highly recommend reviewing the guide and video after reading this bulletin, as these additional resources provide an in-depth overview of required ordinance filings with numerous state agencies and the approval of certain building standards such as amendments to the California Energy Code, Part 6 of Title 24. Additionally, please see [BSC Information Bulletin 22-01](#) Announcing 2022 Codes and [BSC Information Bulletin 22-03](#) NFPA Tentative Interim Amendments.

Questions or comments regarding the contents of this information bulletin should be directed to CBSC's staff at (916) 263-0916 or via email at cbsc@dgs.ca.gov.



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