

**FINAL EXPRESS TERMS  
FOR PROPOSED BUILDING STANDARDS  
OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
REGARDING THE 2019 CALIFORNIA MECHANICAL CODE,  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4  
(HCD 05/19)**

The State agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific (Government Code Section 11346.2(a)(1)).

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If using assistive technology, please adjust your settings to recognize underline, strikeout, italics and ellipsis.

**LEGEND for EXPRESS TERMS (Based on model codes - Parts 2, 2.5, 3, 4, 5, 9, 10)**

- Model Code language appears upright.
  - Existing California amendments appear in *italics*.
  - Amended model code or new California amendments appear *underlined and in italic*.
  - Repealed model code language appears ~~upright and in strikeout~~.
  - Repealed California amendments appear in ~~*italic and strikeout*~~.
  - Ellipsis (. . .) indicate existing text remains unchanged.
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## FINAL EXPRESS TERMS (ITEMS 1-2)

Item 1 HCD proposes to amend Chapter 1 as follows:

**CHAPTER 1  
ADMINISTRATION  
DIVISION I  
CALIFORNIA ADMINISTRATION**

### 1.1.0 General.

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**1.1.9 Effective Date of this Code.** *Only those standards approved by the California Building Standards Commission that are effective at the time an application for building permit is submitted shall apply to the plans and specifications for, and to the construction performed under, that permit. For the effective dates of the provisions contained in this code, see the History Note page of this code. (No change to existing California amendment.)*

#### **Exceptions:**

(1) **[HCD 1 & HCD 2]** *Retroactive permits issued in accordance with Health and Safety Code Section 17958.12.*

(2) **[HCD 1 & HCD 2]** *Plans approved by the Department of Housing and Community Development or a Department-approved design approval agency for factory-built housing as defined by Health and Safety Code Section 19971. Approved plans, pursuant to the California Code of Regulations, Title 25, Division 1, Chapter 3, Subchapter 1, Article 3, Section 3048 remain valid for a period of 36 months from the date of plan approval.*

#### **Notation:**

Authority: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 17958.12, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Sections 12955.1 and 65852.2.

Reference(s): Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4 and 1101.5; and Government Code Sections 12955.1 and 12955.1.1.

**SECTION 1.8.0  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT [HCD].**

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### 1.8.4 Permits, Fees, Applications, and Inspections.

**1.8.4.1 Permits.** *A written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, relocation, or alteration of any mechanical system. (No change to existing California amendment.)*

**Exceptions:**

- (1) *Work exempt from permits as specified in Chapter 1, Administration, Division II, Section 104.2 Items (1) through (5) of this code. (No change to existing California amendment.)*
- (2) *Changes, alterations, or repairs of a minor nature not affecting structural features, egress, sanitation, safety, or accessibility as determined by the enforcing agency. (No change to existing California amendment.)*
- (3) *Retroactive permits issued in accordance with Health and Safety Code Section 17958.12.*

*Exemptions from permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of other provisions of law or this code. (No change to existing California amendment.)*

**Notation:**

Authority: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 17958.12, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

Reference(s): Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4 and 1101.5; and Government Code Sections 12955.1, 12955.1.1 and 65852.2.

**1.8.9 Unsafe Buildings or Structures.**

**1.8.9.1 Authority to Enforce.** *Subject to other provisions of law, the administration, enforcement, actions, proceedings, abatement, violations, and penalties for unsafe buildings and structures are contained in the following statutes and regulations: (No change to existing California amendment.)*

- (1) *For applications subject to the State Housing Law as referenced in Section 1.8.3.2.1 of this code, refer to Health and Safety Code, Division 13, Part 1.5, commencing with Section 17910 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, commencing with Section 1. For enforcement related to accessory dwelling units, see Health and Safety Code Section 17980.12 operative until January 1, 2035.*
- (2) through (5) *(No change to existing California amendment.)*

**Notation:**

Authority: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 17958.12, 17980.12, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

Reference(s): Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4 and 1101.5; and Government Code Sections 12955.1, 12955.1.1 and 65852.2.

**Item 2 HCD proposes to amend Chapter 2 as follows:**

**CHAPTER 2  
DEFINITIONS**

**203.0**

**- A-**

**(HCD 1 & HCD 2) Accessory Dwelling Unit. An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. Accessory dwelling units shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. (See Government Code Section 65852.2.)**

**Notation:**

Authority: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 17958.12, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

Reference(s): Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4 and 1101.5; and Government Code Sections 12955.1, 12955.1.1 and 65852.2.