

**FINAL EXPRESS TERMS
FOR PROPOSED BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2019 CALIFORNIA EXISTING BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

(HCD 07/19)

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)).

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- Repealed model code language appears upright and in ~~strikeout~~.
- Repealed California amendments appear in ~~*italic and strikeout*~~.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.

FINAL EXPRESS TERMS

Item 1 HCD proposes to amend Chapter 1, Division I, Section 1.1, as follows:

Chapter 1 Scope and Administration

Section 1.1 General

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, 18873.2, 18873.3, 18873.4, 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

References: 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.

**Item 2HCD proposes to amend Chapter 1, Division I, Section 1.8, as follows:
SECTION 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, moving or alteration of any building or structure. (No change to existing California amendment.)*

Exceptions:

1. *Work exempt from permits as specified in Chapter 1, Division II, Scope and Administration, Section 105.2. (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.)

SECTION 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:*

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, 18873.2, 18873.3, 18873.4, 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

References: 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.

Item 3HCD proposes to amend Chapter 1, Division II, as follows:

SECTION 109 Inspections

109.3.6 Weather-exposed balcony and walking surface waterproofing. Where the scope of work involves balconies or other elevated walking surfaces exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved. *(No change to model code text; shown for reference only.)*

***Exception:** [DSA-SS, DSA-SS/CC, HCD_1, HCD_2] Where special inspections are provided in accordance with Section 1705A.1.1, Item 3 or Section 1705.1.1, Item 3, as applicable, of the California Building Code. (pending change as errata to California amendment.)*

109.3.6.1 Weather-exposed balcony and walking surface (exterior elevated element) inspections for multifamily buildings with three or more dwelling units. [HCD 1 & HCD 2] Weather-exposed balconies and walking surfaces extending beyond the exterior walls of a building, more than 6 feet (1828.8 mm) above ground level, and that rely on wood or wood-based products for structural support or stability shall be inspected. Inspections shall be conducted in accordance with Health and Safety Code Section 17973(a) through (f) and (m). Weather-exposed balconies and walking surfaces found to be in need of repair or replacement shall be corrected in accordance with Section 17973(g) through (i). Continued and ongoing maintenance of weather-exposed balconies and walking surfaces shall be the responsibility of the building owner in accordance with Section 17973(k). See definition of “exterior elevated element” Health and Safety Code Section 17973(b)(2) for additional details. See Civil Code Section 5551 for inspections of condominium projects.

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, 17926, 17927, 17928, 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.

References: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and Sections 19960 through 19997; Civil Code Sections 1101.4, 1101.5, 1954.201 and 5551; and Government Code Sections 12955.1 and 12955.1.1.

Item 4HCD proposes to amend Chapter 2, Definitions, as follows:

SECTION 202 Definitions

ACCESSORY DWELLING UNIT. [HCD 1 & HCD 2] 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.)

EXTERIOR ELEVATED ELEMENT. See Government Code Section 17973(b)(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, 17926, 17927, 17928, 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.

References: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and Sections 19960 through 19997; Civil Code Sections 1101.4, 1101.5 and 1954.201, 5551; and Government Code Sections 12955.1, 12955.1.1 and 65852.2.

Item 5 HCD proposes to amend Chapter 3, as follows:
CHAPTER 3 Provisions for all Compliance Methods
SECTION 302 General Provisions

302.5 New and replacement materials. Except as otherwise required or permitted by this code, materials permitted by the applicable code for new construction shall be used. Like materials shall be permitted for repairs and alterations, provided that unsafe conditions are not created. Hazardous materials shall not be used where the code for new construction would not permit their use in buildings of similar occupancy, purpose and location. **(HCD 1)** *Local ordinances or regulations shall permit the replacement, retention and extension of original materials, and the use of original methods of construction, for any building or accessory structure, provided such building or structure complied with the building code provisions in effect at the time of original construction and the building or accessory structure does not become or continue to be a substandard building. For additional information, see Health and Safety Code Sections 17912, 17920.3, 17922(d), 17922.3, 17958.8 and 17958.9. (No change to existing code text; only shown for clarity.)*

Exception: *No replacement residential garage door shall be installed to connect the replacement door to an existing residential automatic garage door opener that does not have a battery backup function designed to keep the garage door operational without interruption during an electrical outage. See Health and Safety Code Section 19892.*

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, 17926, 17927, 17928, 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.

References: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, Section 19892, and Sections 19960 through 19997; Civil Code Sections 1101.4, 1101.5 and 1954.201; and Government Code Sections 12955.1 and 12955.1.1.