



County of Lassen
Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

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April 10, 2025

Zoning and Building

Inspection Requests

Phone: 530 257-5263

TO: Lassen County Board of Supervisors
Agenda Date: April 15, 2025

FROM: Gaylon F. Norwood, Acting Director

SUBJECT: Adoption of the Ordinance amending Section 12.27.300 (Fire Safety regulations) of Chapter 12.27 (Limited Density Owner-Built Rural Dwellings) of the Lassen County Code. The amendment will remove the requirement to install fire sprinklers within all residential structures over two thousand square feet, constructed under Chapter 12.27 of Lassen County Code.

ACTION REQUESTED:

1. Receive report; and
2. Conduct a Public Hearing; and
3. Find that adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) and direct the Environmental Review Officer to file a Notice of Exemption; and
4. Waive the second reading and adopt the ordinance; and
5. Direct the Acting Director of the Lassen County Planning and Building Service Department to file a copy of Chapter 12.27 (Limited Density Owner-Built Dwellings), and the findings made by the Board of Supervisors for its adoption, in accordance with subsection "(b)" of section 17958.2 of the Health and Safety Code.

Summary:

On March 25, 2025, the Board of Supervisors introduced and waived the first reading of the attached ordinance. The Board then directed staff to schedule a public hearing for 10:00 a.m. on April 15, 2025. The packet provided for the Board's March 25, 2025 meeting is attached to provide pertinent information.

Board of Supervisors
Agenda Date: April 15, 2025
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At the conclusion of the public hearing, the Board of Supervisors may adopt the proposed ordinance. If the Board makes changes, the proposed ordinance will need to be re-introduced and the public hearing will need to be continued.

California Environmental Quality Act:

As noted at the March 25, 2025, meeting, Title 25 is applicable regardless of whether Lassen County updates its implementing ordinance. As such, the “General Rule,” found at CEQA Guidelines subsection 15061(b)(3) applies:

CEQA Guidelines Subsection 15061(b)(3):

“The activity is covered by the common sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

It is recommended that the Board find that adoption of the proposed ordinance is exempt in accordance with the above sub-section.

GFN:mao

Enclosures: Proposed Ordinance
March 25, 2025, Board packet

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 12.27.300 (FIRE SAFETY REGULATIONS) OF CHAPTER 12.27 (LIMITED DENSITY OWNER-BUILT RURAL DWELLINGS) OF THE LASSEN COUNTY CODE, KNOWN AS THE LASSEN COUNTY BUILDING CODE

The following ordinance, consisting of seven sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the ____ day of _____, 2025, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman of the Board of Supervisors,
County of Lassen, State of California

Attest: JULIE BUSTAMANTE
Clerk of the Board

By: _____
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the ____th day of _____, 20____.

Deputy Clerk of the County of Lassen Board of Supervisors

THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN,
STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION ONE: This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: Pursuant to Health and Safety Code section 17958.2, the County may adopt changes and modifications to the amendments to the California Building Standards Code that it determines are reasonably necessary because of local climatic, geological and topographical conditions. This ordinance will repeal and reenact Section 12.27.300 of Article 1 of Title 12 of the Lassen County Code.

SECTION THREE: Section 12.27.300 of the Lassen County Code is hereby repealed and replaced with the following:

A limited density owner-built rural dwelling permit application shall be reviewed by Lassen County fire warden for compliance with Public Resources Code Sections 4290 and 4291, and Lassen County Code Chapter 9.16 (Fire Hazards).

All limited density owner-built rural dwellings shall comply with the "Materials and Construction Methods for Exterior Wildfire Exposure" requirements found in the current adopted California Residential Code or in the latest adopted version of the California Building Code, Chapter 7A. Within all residential structures constructed under this chapter, fire sprinklers are not required.

SECTION FOUR: Findings. Pursuant to Health and Safety Code section 17958.2 and section 80 of Article 8 (Regulations for Limited Density Owner-Built Rural Dwellings) of Title 25 of the California Code of Regulations, the Board of Supervisors expressly finds that the changes to said Article 8 are reasonably necessary because of local climatic, geological and topographical conditions, as specified in Section 16, section 12.27.020 (Findings) of Ordinance Number 2022-03. The Board finds that the adoption of the modifications as set forth herein will assist in mitigating the local climatic, geological and topographical conditions. These findings are intended to support each of the amendments made by this ordinance.

SECTION FIVE: CEQA. This Ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to subsection 15061(b)(3) of the CEQA Guidelines based on the findings made in this ordinance and at the public hearing at which this ordinance was adopted.

SECTION SIX: This Ordinance shall be in full force and effective a minimum of thirty (30) days after passage.

SECTION SEVEN: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The County Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

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BOARD OF SUPERVISORS' MEETING March 25, 2025

Introduce and Waive the First Reading of an Ordinance Amending Article I of Title 12 of the Lassen County Code (known as the Lassen County Building Code). The amendment will remove the requirement to install fire sprinklers within all residential structures over two thousand square feet, constructed under Chapter 12.27 of Lassen County Code.

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Department of Planning and Building Services

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March 20, 2025

Zoning and Building

Inspection Requests

Phone: 530 257-5263

TO: Lassen County Board of Supervisors
 Agenda Date: March 25, 2025

FROM: Gaylon F. Norwood, Acting Director

SUBJECT: Introduce and Waive the First Reading of an Ordinance Amending Article I of Title 12 of the Lassen County Code (known as the Lassen County Building Code). The amendment will remove the requirement to install fire sprinklers within all residential structures over two thousand square feet, constructed under Chapter 12.27 of Lassen County Code.

ACTION REQUESTED:

1. Receive report; and
2. Find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3); and
3. Introduce and waive the first reading of the ordinance amending Title 12 of the Lassen County Code; and
4. Set a Public Hearing for April 15, 2025, meeting at 10:00 a. m., to waive the second reading and adopt the ordinance; and
5. Authorize the Clerk of the Board of Supervisors to make available for public review the proposed ordinance and publish a notice of hearing as required by Government Code sections 50022.3, 50022.6, and 6066.

Summary:

Proposal of an ordinance that is updating Chapter 12.27 Limited Density Owner-Built Rural Dwellings of the Lassen County zoning code. Said Chapter was adopted in accordance with Title 25 of the California Code of Regulations (Specifically Article 8, Subchapter 1, Division 1, of Title 25. The amendment will remove the requirement to install fire sprinklers within all residential structures over two thousand square feet, constructed under Chapter 12.27 of Lassen County Code. Specifically, Section 12.27.300 Fire Safety regulations of the Lassen County zoning code will be updated.

The existing section reads as follow:

A limited density owner-built rural dwelling permit application shall be reviewed by Lassen County fire warden for compliance with Public Resources Code Sections 4290 and 4291, and Lassen County Code Chapter 9.16 (Fire Hazards).

All limited density owner-built rural dwellings shall comply with the "Materials and Construction Methods for Exterior Wildfire Exposure" requirements found in the current adopted California Residential Code or in the latest adopted version of the California Building Code, Chapter 7A. Fire sprinklers shall be installed within all residential structures greater than two thousand square feet (manufactured homes are exempt from this requirement). Residential fire sprinklers shall be connected to, and installed in accordance with, an automatic residential fire sprinkler system that complies with NFPA 13D or current adopted California Residential Code.

The amended section adopted with the proposed ordinance will read as follows:

A limited density owner-built rural dwelling permit application shall be reviewed by Lassen County fire warden for compliance with Public Resources Code Sections 4290 and 4291, and Lassen County Code Chapter 9.16 (Fire Hazards).

All limited density owner-built rural dwellings shall comply with the "Materials and Construction Methods for Exterior Wildfire Exposure" requirements found in the current adopted California Residential Code or in the latest adopted version of the California Building Code, Chapter 7A. Within all residential structures constructed under this chapter, fire sprinklers are not required.

Background:

A Limited Density Owner-Built Rural Dwelling Ordinance (Ordinance Number 2022-03) was previously adopted as required by subsection "(b)" of Section 17958.2 of the Health and Safety Code.

California Environmental Quality Act:

Title 25 is applicable regardless of whether Lassen County updates its implementing ordinance. As such, the "General Rule," found at CEQA Guidelines subsection 15061(b)(3) applies:

CEQA Guidelines Subsection 15061(b)(3):

"The activity is covered by the common sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

It is recommended that the Board find that introduction of the proposed ordinance is exempt in accordance with the above sub-section. The Board of Supervisors will make the final determination and confirm that the above exemption is applicable to adoption of the ordinance

Board of Supervisors
 Agenda Date: March 25, 2025
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after the required public hearing is conducted. At that time the Board may also direct staff to file a Notice of Exemption with the Lassen County Clerk's office.

If this Chapter is adopted, subsection "(b)" of section 17958.2 (attached) of the Health and Safety Code requires that Lassen County file "...a copy of the changes or modifications [e.g. changes to the authorizing Article of Title 25] and the express findings for the changes or modifications with the department." The protocol for said submittal is discussed in the California Building Standard Commission Bulletin 19-05 (attached), on page 3 of 6. If the Board of Supervisors schedules a public hearing and adopts Chapter 12.27, as proposed, a recommended action will be submittal of said Chapter and the adopted findings to the California Building Standards Commission.

Adoption:

In accordance with Government Code section 50022.3 (attached), the Board of Supervisors must schedule a public hearing after the first reading of the title (or full reading if not waived) of the proposed ordinance. In summary, said section requires that the public hearing be conducted no sooner than 14 days after publication of a notice. Said notice must then be published for two consecutive weeks. Thus, the soonest the public hearing can be conducted is April 15, 2025, and staff recommends that the Board of Supervisors provide direction to schedule and notice a public hearing for said date.

MLA:mao

Enclosures: Ordinance proposed to be introduced
 Health and Safety Code Section 17958.2
 California Building Standard Commission Bulletin 19-05
 Government Code section 50022.3

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 12.27.300 (FIRE SAFETY
REGULATIONS) OF CHAPTER 12.27 (LIMITED DENSITY OWNER-BUILT
RURAL DWELLINGS) OF THE LASSEN COUNTY CODE, KNOWN AS THE
LASSEN COUNTY BUILDING CODE

The following ordinance, consisting of seven sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the ____ day of _____, 2025, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman of the Board of Supervisors,
County of Lassen, State of California

Attest: JULIE BUSTAMANTE
Clerk of the Board

By: _____
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the ____th day of _____, 20____.

Deputy Clerk of the County of Lassen Board of Supervisors

Ordinance Number: _____

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THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN,
STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION ONE: This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: Pursuant to Health and Safety Code section 17958.2, the County may adopt changes and modifications to the amendments to the California Building Standards Code that it determines are reasonably necessary because of local climatic, geological and topographical conditions. This ordinance will repeal and reenact Section 12.27.300 of Article 1 of Title 12 of the Lassen County Code.

SECTION THREE: Section 12.27.300 of the Lassen County Code is hereby repealed and replaced with the following:

A limited density owner-built rural dwelling permit application shall be reviewed by Lassen County fire warden for compliance with Public Resources Code Sections 4290 and 4291, and Lassen County Code Chapter 9.16 (Fire Hazards).

All limited density owner-built rural dwellings shall comply with the "Materials and Construction Methods for Exterior Wildfire Exposure" requirements found in the current adopted California Residential Code or in the latest adopted version of the California Building Code, Chapter 7A. Within all residential structures constructed under this chapter, fire sprinklers are not required.

SECTION FOUR: Findings. Pursuant to Health and Safety Code section 17958.2 and section 80 of Article 8 (Regulations for Limited Density Owner-Built Rural Dwellings) of Title 25 of the California Code of Regulations, the Board of Supervisors expressly finds that the changes to said Article 8 are reasonably necessary because of local climatic, geological and topographical conditions, as specified in Section 16, section 12.27.020 (Findings) of Ordinance Number 2022-03. The Board finds that the adoption of the modifications as set forth herein will assist in mitigating the local climatic, geological and topographical conditions. These findings are intended to support each of the amendments made by this ordinance.

SECTION FIVE: CEQA. This Ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to subsection 15061(b)(3) of the CEQA Guidelines based on the findings made in this ordinance and at the public hearing at which this ordinance was adopted.

SECTION SIX: This Ordinance shall be in full force and effective a minimum of thirty (30) days after passage.

Ordinance Number: _____

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SECTION SEVEN: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The County Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

**State of California****HEALTH AND SAFETY CODE****Section 17958.2**

17958.2. (a) Notwithstanding Section 17958, regulations of the department adopted for limited-density owner-built rural dwellings, which are codified in Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations, shall not become operative within any city or county unless and until the governing body of the city or county makes an express finding that the application of those regulations within the city or county is reasonably necessary because of local conditions and the city or county files a copy of that finding with the department.

(b) In adopting ordinances or regulations for limited-density owner-built rural dwellings, a city or county may make any changes or modifications in the requirements contained in Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations that it determines are reasonably necessary because of local conditions, if the city or county files a copy of the changes or modifications and the express findings for the changes or modifications with the department. No change or modification of that type shall become effective or operative for any purpose until the finding and the change or modification has been filed with the department.

(Amended by Stats. 2000, Ch. 471, Sec. 6. Effective January 1, 2001.)

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959

CALIFORNIA BUILDING STANDARDS COMMISSION INFORMATION BULLETIN 19-05

DATE: June 24, 2019

TO: LOCAL BUILDING DEPARTMENTS
STATE AGENCIES AND DEPARTMENTS
CBSC INTERESTED PARTIES

SUBJECT: Applicability of California Building Standards and Local
Government Amendments

This bulletin supersedes all other information bulletins previously issued by the California Building Standards Commission (CBSC) on this subject. This information bulletin serves to bring attention to requirements of state law establishing the application of the California Building Standards Code in Title 24 of the California Code of Regulations (Title 24), and how local government must enforce its provisions as applicable, may enact more restrictive requirements for local conditions, and adopt administrative regulations and approve alternatives.

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 (HS Code), which is state law. Within the HS Code there are two bodies of law addressing the application of Title 24. First is the California Building Standards Law, HS Code, Section 18901 et seq. found in Division 13, Part 2.5, and the second is the State Housing Law, HS Code, Section 17950 found in Division 13, Part 1.5. These provisions of law establish that Title 24 as published by the California Building Standards Commission and incorporating the latest editions of selected model codes

is the applicable code for all occupancies throughout the state, not the model codes by themselves. (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 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 in all parts of the state.

Local Government Adoption of Title 24 by Ordinance

- Title 24 is applicable to all occupancies throughout California, whether or not the local government takes an affirmative action to adopt Title 24. HS Code, Sections 17950 and 18938(d).
- 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. HS Code, 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 the building standards, including the adoption of appendices, contained in Title 24 for all occupancies, 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, such as the Uniform Swimming Pool, Spa and Hot Tub Code, 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. HS Code, Section 18941.5.

- The governing body of the local government must make express findings that amendments to the building standards, including green building standards and

adoption of appendices, contained in Title 24 are necessary because of local climatic, geological or topographical conditions. HS Code, Sections 17958.7 and 18941.5.

- The local government amendments must provide a more restrictive building standard, including green building standard, than that contained in Title 24. HS Code, Section 18941.5.
- The amendments are not effective until copies of both 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. HS Code, Section 17958.7.

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 the local government must 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. HS Code, Sections 17958, 17958.5 and 17958.7. 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. HS Code, Sections 17958, 17958.5 and 17958.7.
- The amendments are not effective until copies of both 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. HS Code, Section 17958.7.

Local Government Amendments under the Fire Protection District Law of 1987

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 HS Code, Division 12, Part 2.7. Again, there are differences in how these amendments are implemented.

- The "governing body" shall be deemed to be the district board and the district shall be deemed to be the local agency. HS Code, Section 13869.7.
- The district board must make an express finding that amendments to building standards for fire and panic safety that are contained in Title 24 are necessary because of local climatic, geological or topographical conditions. HS Code, Section 13869.7.
- The district is required to notify the city, county, or city and county where the amendments will apply of the proposed amendments, and receive their comments. HS Code, Section 13869.7.
- Upon adoption by the district, the amendments are required to be presented for ratification to the city, county, or city and county where it will apply. HS Code, Section 13869.7.
- The amendment is not effective until ratification by the city, county, or city and county. Copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, must be filed with the Department of Housing and Community Development by the city, county, or city and county where it will apply, along with the adopting ordinance and any findings of the city, county, or city and county. HS Code, Sections 17950, 17958.7 and 18941.5.

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. HS Code, Sections 17950, 17958.7 and 18941.5

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 HS Code, Section 18909 regarding a local regulation that is not deemed a building standard.

- CBSC may acknowledge in writing acceptance of the filings by local governments that meet the requirements of HS Code, Section 17958.7.
- CBSC is not authorized by law to evaluate the merits of the express findings of a local government as to the local climatic, geological or topographical conditions necessitating its amendments.

- CBSC will reject, in writing, the filings by local governments proposing to adopt and amend model codes. 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. HS Code, Sections 17958, 17958.5 and 17958.7.
- The California Building Standards Commission may reject, in writing, the filings by local governments where no express findings are submitted with proposed amendments. No express findings may be deemed to have been submitted under the following circumstances:
 - There is, in fact, no express findings submitted with the proposed amendments. HS Code, Section 17958.7.
 - The proposed amendments are not expressly marked and identified as to the applicable express findings. HS Code, Sections 17950 and 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 requests that electronically filed ordinances submitted to CBSC be provided in an accessible readable PDF (Portable Document Format) or that a website URL be provided that serves as a link to the ordinance(s) posted on the local jurisdiction's website. This is so that persons with disabilities can readily access and read the filings. California Government Code, Section 7405 enacted through Senate Bill 1442 (Liu, Chapter 870, Statutes of 2016) requires that state agencies comply with the accessibility requirements of the Federal Rehabilitation Act of 1973 and regulations implementing that Act. Electronic filings received by CBSC that are not accessible must be reformatted for posting on CBSC's website. Local jurisdiction assistance in this regard will help to avoid complications in making the filings readily available to the disability community.

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 HS Code, 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, topographic 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' in height. A local ordinance changing the height requirement to 6' 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 HS Code, 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 HS Code, Section 17951(e), without the need for a local ordinance or code amendment.

Additional Resources

The [Local Code Ordinances webpage](#) on CBSC's website has a number of helpful resources including the 2019 edition of the [Guide for Local Amendments of Building Standards](#), examples of acceptable ordinances that were filed in accordance with state law, and the *California Code Adoption for Local Jurisdictions* webinar which is in the process of being updated and expected to be available by July 1, 2019. This webinar is a joint effort with the California Building Standards Commission, California Building Officials Association and the International Code Council. We highly recommend reviewing the guide and updated webinar 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.

Questions or comments regarding the contents of this information bulletin should be directed to CBSC's staff at either (916) 263-0916 or [email CBSC](#).



Mia Marvelli
Executive Director

**State of California****GOVERNMENT CODE****Section 50022.3**

50022.3. After the first reading of the title of the adopting ordinance and of the title of the code to be adopted thereby, and of the title of the secondary codes therein adopted by reference, the legislative body shall schedule a public hearing thereon. Notice of the hearing shall be published pursuant to Section 6066 in a newspaper of general circulation in or nearest to the adopting local agency. If there is no such newspaper in the county the notice shall be posted in the same manner as provided for the posting of a proposed ordinance. The notice shall state the time and place of the hearing. It shall also state that copies of the primary code and also copies of the secondary codes, if any, being considered for adoption, are on file with the clerk of the legislative body, and are open to public inspection. The notice shall also contain a description which the legislative body deems sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

(Amended by Stats. 1957, Ch. 357.)