

# REVISION RECORD FOR THE STATE OF CALIFORNIA

## EMERGENCY SUPPLEMENT

Effective January 30, 2017

2016 Title 24, Part 10  
California Existing Building Code

### General Information:

1. This supplement provides emergency building standards that were adopted by the Building Standards Commission on January 27, 2017, filed with Secretary of State, and became effective January 30, 2017. The Building Standards Commission issued Information Bulletin 17-01 announcing the emergency regulations.

**Clarification:** Emergency building standards become effective upon filing with Secretary of State after commission adoption. They remain in place and enforceable for only 180 days, pursuant to *Government Code*, Sections 11346.2 to 11347.3. For the emergency building standards to become a permanent adoption, the state agency initiating the emergency adoption must complete the required rulemaking process before the 180-day expiration date. The required process includes an opportunity for the public to review and comment on the initially adopted regulatory language of the building standard.

2. This Emergency Supplement provides new or replacement blue supplement pages with building standards approved by the California Building Standards Commission on an emergency basis for insertion in for *California Code of Regulations*, Title 24, Part 10, of the 2016 *California Building Standards Code*. Existing Part 10 pages should be replaced by pages provided with this supplement. Instructions are provided below.
3. *Health and Safety Code*, Section 18938.5, establishes that only building standards in effect at the time of the application for a building permit may be applied to the project plans and construction. This rule applies to both adoptions of building standards for Title 24 by the California Building Standards Commission, and local adoptions and ordinances imposing building standards.
4. Not all code text on the enclosed blue Emergency Supplement pages is a new or amended building standard. New, amended, or repealed building standards are identified by margin symbols. An explanation of margin symbols is provided in the front of the code.
5. You may wish to retain the superseded material with this revision record so that the prior wording of any section can be easily ascertained.

### Remove Existing Pages

1 and 2  
11 through 14  
17 through 20  
23 through 26  
151 and 152

### Insert Blue-Colored Pages

1 and 2  
11 through 14  
17 through 20  
23 through 26  
151 and 152



# CALIFORNIA EXISTING BUILDING CODE – MATRIX ADOPTION TABLE

## CHAPTER 1 – SCOPE AND ADMINISTRATION

(Matrix Adoption Tables are non-regulatory, intended only as an aid to the user.  
See Chapter 1 for state agency authority and building applications.)

| Adopting Agency   | BSC | BSC-<br>CG | SFM | HCD |   |      | DSA |    |       | OSHPD |   |   |   | BSCC | DPH | AGR | DWR | CEC | CA | SL | SLC |
|---|-----|------------|-----|-----|---|------|-----|----|-------|-------|---|---|---|------|-----|-----|-----|-----|----|----|-----|
|   |     |            |     | 1   | 2 | 1/AC | AC  | SS | SS/CC | 1     | 2 | 3 | 4 |      |     |     |     |     |    |    |     |
| Adopt Entire Chapter  |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| Adopt Entire Chapter as amended (amended sections listed below) |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| Adopt only those sections that are listed below                 | X   |            | X   | X   | X |      | X   | X  | X     |       |   |   |   |      |     |     |     |     |    |    |     |
| Chapter / Section   |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| <i>Division I – California Administration</i>                   |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.1   | X   |            | X   | X   | X |      | X   | X  | X     |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.2   | X   |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.3   |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.4   |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.5 (Reserved)  |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.6   |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.7   |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.8   | X   |            |     | X   | X |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.9.1   |     |            |     |     |   |      | X   |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.9.1.1   |     |            |     |     |   |      | X   |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.9.2   |     |            |     |     |   |      |     | X  | X     |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.9.2.1   |     |            |     |     |   |      |     | X  |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.9.2.2   |     |            |     |     |   |      |     |    | X     |       |   |   |   |      |     |     |     |     |    |    |     |
| 1.11  |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| <i>Division II – Scope and Administration</i>                   |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 101.8   | X   |            |     | X   | X |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 101.8.1   |     |            |     |     |   |      | X   | X  |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 102.1   |     |            |     |     |   |      | X   | X  |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 102.2   |     |            |     |     |   |      | X   | X  |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 102.3   |     |            |     |     |   |      | X   | X  |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 102.4   |     |            |     |     |   |      | X   | X  |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 102.5   |     |            |     |     |   |      | X   | X  |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 104.9   |     |            |     |     |   |      | X   | X  |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 104.10  |     |            |     |     |   |      | X   | X  |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 104.11  |     |            |     |     |   |      | X   | X  |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 105.1   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 105.2 Building: 1-6   |     |            |     | X   | X |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 105.2.1 – 105.2.2   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 105.3 – 105.3.1   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 105.4   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 105.6 – 105.7   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 106.1   |     |            |     | X   | X |      | X   | X  |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 106.1-106.3   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 106.2.1   |     |            |     | X   | X |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 106.2.4   |     |            |     | X   | X |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 106.2.5   |     |            |     | X   | X |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |

(continued)

**CALIFORNIA EXISTING BUILDING CODE – MATRIX ADOPTION TABLE  
CHAPTER 1 – SCOPE AND ADMINISTRATION—continued**

| Adopting Agency   | BSC | BSC-<br>CG | SFM | HCD |   |      | DSA |    |       | OSHPD |   |   |   | BSCC | DPH | AGR | DWR | CEC | CA | SL | SLC |
|---|-----|------------|-----|-----|---|------|-----|----|-------|-------|---|---|---|------|-----|-----|-----|-----|----|----|-----|
|   |     |            |     | 1   | 2 | 1/AC | AC  | SS | SS/CC | 1     | 2 | 3 | 4 |      |     |     |     |     |    |    |     |
| Adopt Entire Chapter  |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| Adopt Entire Chapter as amended (amended sections listed below) |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| Adopt only those sections that are listed below                 | X   |            | X   | X   | X |      | X   | X  | X     |       |   |   |   |      |     |     |     |     |    |    |     |
| Chapter / Section   |     |            |     |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 106.2.6   | X   |            |     | X   | X |      |     | X  | X     |       |   |   |   |      |     |     |     |     |    |    |     |
| 106.4   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 106.5   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 107.1-107.4   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 109.1-109.3   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 109.3   |     |            |     | X   | X |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 109.3.1   |     |            |     | X   | X |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 109.3.2   |     |            |     | X   | X |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 109.3.3   |     |            |     | X   | X |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 109.3.4-109.3.6   |     |            | X   | X   | X |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 109.3.7-109.3.9   |     |            | X   | X   | X |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 109.3.7.1   | X   |            |     |     |   |      |     | X  | X     |       |   |   |   |      |     |     |     |     |    |    |     |
| 109.4-109.6   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 110   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 111   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 113.1-113.2   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 114   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |
| 115   |     |            | X   |     |   |      |     |    |       |       |   |   |   |      |     |     |     |     |    |    |     |

The state agency does not adopt sections identified with the following symbol: †

The Office of the State Fire Marshal's adoption of this chapter or individual sections is applicable to structures regulated by other state agencies pursuant to Section 1.11.

**1.8.7.3 Department of Housing and Community Development.** The Department of Housing and Community Development may approve alternates for use in the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal or demolition of apartments, condominiums, hotels, motels, lodging houses, dwellings or an accessory thereto and permanent buildings in mobilehome parks and special occupancy parks. The consideration and approval of alternates shall comply with the following:

1. The department may require tests at the expense of the owner or owner's agent to substantiate compliance with the California Building Standards Code.
2. The approved alternate shall, for its intended purpose, be at least equivalent in performance and safety to the materials, designs, tests or methods of construction prescribed by this code.

### **SECTION 1.8.8 APPEALS BOARD**

**1.8.8.1 General.** Every city, county, or city and county shall establish a process to hear and decide appeals of orders, decisions and determinations made by the enforcing agency relative to the application and interpretation of this code and other regulations governing construction, use, maintenance and change of occupancy. The governing body of any city, county, or city and county may establish a local appeals board and a housing appeals board to serve this purpose. Members of the appeals board(s) shall not be employees of the enforcing agency and shall be knowledgeable in the applicable building codes, regulations and ordinances as determined by the governing body of the city, county, or city and county.

Where no such appeals boards or agencies have been established, the governing body of the city, county, or city and county shall serve as the local appeals board or housing appeals board as specified in California Health and Safety Code Sections 17920.5 and 17920.6.

**1.8.8.2 Definitions.** The following terms shall for the purposes of this section have the meaning shown.

**HOUSING APPEALS BOARD.** The board or agency of a city, county, or city and county which is authorized by the governing body of the city, county, or city and county to hear appeals regarding the requirements of the city, county, or city and county relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition and moving. In any area in which there is no such board or agency, "Housing appeals board" means the local appeals board having jurisdiction over the area.

**LOCAL APPEALS BOARD.** The board or agency of a city, county, or city and county which is authorized by the governing body of the city, county, or city and county to hear appeals regarding the building requirements of the city, county, or city and county. In any area in which there is no such board or agency, "Local appeals board" means

the governing body of the city, county, or city and county having jurisdiction over the area.

**1.8.8.3 Appeals.** Except as otherwise provided in law, any person, firm or corporation adversely affected by a decision, order or determination by a city, county, or city and county relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any lawfully enacted ordinance by a city, county, or city and county, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate.

The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

### **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.
2. For applications subject to the Mobilehome Parks Act as referenced in Section 1.8.3.2.2 of this code, refer to Health and Safety Code, Division 13, Part 2.1, commencing with Section 18200 and California Code of Regulations, Title 25, Division 1, Chapter 2, commencing with Section 1000.
3. For applications subject to the Special Occupancy Parks Act as referenced in Section 1.8.3.2.3 of this code, refer to Health and Safety Code, Division 13, Part 2.3, commencing with Section 18860 and California Code of Regulations, Title 25, Division 1, Chapter 2.2, commencing with Section 2000.
4. For applications subject to the Employee Housing Act as referenced in Section 1.8.3.2.4 of this code, refer to Health and Safety Code, Division 13, Part 1, commencing with Section 17000 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 3, commencing with Section 600.
5. For applications subject to the Factory-Built Housing Law as referenced in Section 1.8.3.2.5 of this code, refer to Health and Safety Code, Division 13, Part 6, commencing with Section 19960 and California Code of Regulations, Title 25, Division 1, Chapter 3, Subchapter 1, commencing with Section 3000.

**1.8.9.2 Actions and proceedings.** Subject to other provisions of law, punishments, penalties and fines for violations of

building standards 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.
2. For applications subject to the Mobilehome Parks Act as referenced in Section 1.8.3.2.2 of this code, refer to Health and Safety Code, Division 13, Part 2.1, commencing with Section 18200 and California Code of Regulations, Title 25, Division 1, Chapter 2, commencing with Section 1000.
3. For applications subject to the Special Occupancy Parks Act as referenced in Section 1.8.3.2.3 of this code, refer to Health and Safety Code, Division 13, Part 2.3, commencing with Section 18860 and California Code of Regulations, Title 25, Division 1, Chapter 2.2, commencing with Section 2000.
4. For applications subject to the Employee Housing Act as referenced in Section 1.8.3.2.4 of this code, refer to Health and Safety Code, Division 13, Part 1, commencing with Section 17000 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 3, commencing with Section 600.
5. For applications subject to the Factory-Built Housing Law as referenced in Section 1.8.3.2.5 of this code, refer to Health and Safety Code, Division 13, Part 6, commencing with Section 19960 and California Code of Regulations, Title 25, Division 1, Chapter 3, Subchapter 1, commencing with Section 3000.

### SECTION 1.8.10 OTHER BUILDING REGULATIONS

**1.8.10.1 Existing structures.** Notwithstanding other provisions of law, the replacement, retention, and extension of original materials and the use of original methods of construction for any existing building or accessory structure, or portions thereof, shall be permitted in accordance with the provisions of this code as adopted by the Department of Housing and Community Development. For additional information, see California Health and Safety Code, Sections 17912, 17920.3, 17922 and 17958.8.

**1.8.10.2 Moved structures.** Subject to the requirements of California Health and Safety Code Sections 17922, 17922.3 and 17958.9, local ordinances or regulations relating to a moved residential building or accessory structure thereto, shall permit the replacement, retention, and extension of original materials and the use of original methods of construction so long as the structure does not become or continue to be a substandard building.

### SECTION 1.9 DIVISION OF THE STATE ARCHITECT

#### **1.9.1 Division of the State Architect-Access Compliance.**

Buildings or facilities where accessibility is required for applications listed in California Code of Regulations, Title 24, Part 2 (California Building Code), Chapter 1, Section 1.9.1 regulated by the Division of the State Architect-Access Compliance shall comply with Title 24, Part 2, Chapter 11A or 11B, as applicable under authority cited by CA Government Code Section 4450 and in reference cited by CA Government Code Sections 4450 through 4461, 12955.1(c), and CA Health and Safety Code Sections 18949.1, 19952 through 19959.

**1.9.1.1 Adopting agency identification.** Division of the State Architect-Access Compliance amendments in this code appear preceded with the acronym [DSA-AC].

#### **1.9.2 Division of the State Architect-Structural Safety.**

##### **1.9.2.1 DSA-SS Division of the State Architect-Structural Safety.**

**Application**—Public elementary and secondary schools, community colleges and state-owned or state-leased essential services buildings.

**Enforcing agency**—The Division of the State Architect—Structural Safety [DSA-SS] has been delegated the responsibility and authority by the Department of General Services to review and approve the design and observe the construction of public elementary and secondary schools, community colleges and state-owned or state-leased essential services buildings.

**Authority cited**—Education Code Section 17310 and 81142 and Health and Safety Code Section 16022.

**Reference**—Education Code Sections 17280 through 17317, and 81130 through 81147 and Health and Safety Code Sections 16000 through 16023.

##### **1.9.2.1.1 Applicable administrative standards.**

###### **1. Title 24, Part 1, California Code of Regulations:**

- 1.1. Sections 4-301 through 4-355, Group 1, Chapter 4, for public elementary and secondary schools and community colleges.
- 1.2. Sections 4-201 through 4-249, Chapter 4, for state-owned or state-leased essential services buildings.

###### **2. Title 24, Part 2, California Code of Regulations:** [applies to public elementary and secondary schools, community colleges and state-owned or state-leased essential services building(s)]:

- 2.1. Sections 1.1 and 1.9.2.1 of Chapter 1, Division I.
- 2.2. Sections 101.8.1, 102.1, 102.2, 102.3, 102.4, 102.5, 104.9, 104.10, 104.11, 106.2.6 and 109.3.7.1 of Chapter 1, Division II.

**1.9.2.1.2 Applicable building standards.** California Building Standards Code, Title 24, Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12, California Code of Regulations, for school buildings, community colleges and state-owned or state-leased essential service buildings.

The provisions of Title 24, Part 10, as adopted and amended by the Division of the State Architect—Structural Safety [DSA-SS], shall apply to the applications listed in Section 1.9.2.1.

The Division of the State Architect—Structural Safety [DSA-SS] adopts the following building standards in Title 24, Part 10:

Chapters 1, 3 and 4.

**1.9.2.1.3 Amendments.** Division of the State Architect—Structural Safety amendments in this code appear preceded with the acronym [DSA-SS].

**Exceptions:**

1. Chapter 3, Sections 317-323—DSA-SS adopts these sections without the use of the DSA-SS acronym.

**1.9.2.2 DSA-SS/CC Division of the State Architect—Structural Safety/Community Colleges.**

**Application—Community Colleges.** The Division of the State Architect has been delegated the authority by the Department of General Services to promulgate alternate building standards for application to community colleges, which a community college may elect to use in lieu of standards promulgated by DSA-SS in accordance with Section 1.9.2.1.

**Enforcing agency—Division of the State Architect—Structural Safety/Community Colleges [DSA-SS/CC].**

The Division of the State Architect has been delegated the authority by the Department of General Services to review and approve the design and oversee construction of community colleges electing to use the alternative building standards as provided in this section.

**Authority cited—Education Code Section 81053.**

**Reference—Education Code Sections 81052, 81053, and 81130 through 81147.**

**1.9.2.2.1 Applicable administrative standards.**

1. Title 24, Part 1, California Code of Regulations:
  - 1.1. Sections 4-301 through 4-355, Group 1, Chapter 4.
2. Title 24, Part 2, California Code of Regulations:
  - 2.1. Sections 1.1 and 1.9.2.2 of Chapter 1, Division I.
  - 2.2. Sections 101.8.1, 102.1, 102.2, 102.3, 102.4, 102.5, 104.9, 104.10, 104.11, 106.2.6 and 109.3.7.1 of Chapter 1, Division II.

**1.9.2.2.2 Applicable building standards.** California Building Standards Code, Title 24, Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12, California Code of Regulations.

The provisions of Title 24, Part 10, as adopted and amended by the Division of the State Architect—Structural Safety/Community Colleges [DSA-SS/CC], shall apply to the applications listed in Section 1.9.2.2.

The Division of the State Architect—Structural Safety/Community Colleges [DSA-SS/CC] adopts the following building standards in Title 24, Part 10:

Chapters 1, 3 and 4.

**1.9.2.2.3 Amendments.** Division of the State Architect—Structural Safety/Community Colleges amendments in this code appear preceded with the acronym [DSA-SS/CC].

**Exceptions:**

1. Chapter 3, Sections 317-323—DSA-SS/CC adopts these sections without the use of the DSA-SS/CC acronym.

**SECTION 1.10  
OFFICE OF STATEWIDE HEALTH  
PLANNING AND DEVELOPMENT**

**SECTION 1.11  
OFFICE OF THE STATE FIRE MARSHAL**

**1.11.1 SFM—Office of the State Fire Marshal.** Specific scope of application of the agency responsible for enforcement, the enforcement agency and the specific authority to adopt and enforce such provisions of this code, unless otherwise stated.

**Application:**

Institutional, educational or any similar occupancy. Any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for the aged, children's nursery, children's home, school or any similar occupancy of any capacity.

**Authority cited—Health and Safety Code Section 13143.**

**Reference—Health and Safety Code Section 13143.**

**Assembly or similar place of assemblage.** Any theater, dancehall, skating rink, auditorium, assembly hall, meeting hall, nightclub, fair building or similar place of assemblage where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

**Authority cited—Health and Safety Code Section 13143.**

**Reference—Health and Safety Code Section 13143.**

**Small family day-care homes.**

**Authority cited—Health and Safety Code Sections 1597.45, 1597.54, 13143 and 17921.**

**Reference—Health and Safety Code Section 13143.**

**Large family day-care homes.**

**Authority cited—Health and Safety Code Sections 1597.46, 1597.54 and 17921.**

*Reference*—Health and Safety Code Section 13143.

**Residential facilities and residential facilities for the elderly.**

*Authority cited*—Health and Safety Code Section 13133.

*Reference*—Health and Safety Code Section 13143.

**Any state institution or other state-owned or state-occupied building.**

*Authority cited*—Health and Safety Code Section 13108.

*Reference*—Health and Safety Code Section 13143.

**High-rise structures.**

*Authority cited*—Health and Safety Code Section 13211.

*Reference*—Health and Safety Code Section 13143.

**Motion picture production studios.**

*Authority cited*—Health and Safety Code Section 13143.1.

*Reference*—Health and Safety Code Section 13143.

**Organized camps.**

*Authority cited*—Health and Safety Code Section 18897.3.

*Reference*—Health and Safety Code Section 13143.

**Residential.** All hotels, motels, lodging houses, apartment houses and dwellings, including congregate residences and buildings and structures accessory thereto. Multiple-story structures existing on January 1, 1975, let for human habitation, including and limited to, hotels, motels and apartment houses, less than 75 feet (22 860 mm) above the lowest floor level having building access, wherein rooms used for sleeping are let above the ground floor.

*Authority cited*—Health and Safety Code Sections 13143.2 and 17921.

*Reference*—Health and Safety Code Section 13143.

**Residential care facilities.** Certified family care homes, out-of-home placement facilities, halfway houses, drug and/or alcohol rehabilitation facilities and any building or structure used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or institution for protective social care and supervision services by any governmental agency.

*Authority cited*—Health and Safety Code Section 13143.6.

*Reference*—Health and Safety Code Section 13143.

**Tents, awnings or other fabric enclosures used in connection with any occupancy.**

*Authority cited*—Health and Safety Code Section 13116.

*Reference*—Health and Safety Code Section 13143.

**Fire alarm devices, equipment and systems in connection with any occupancy.**

*Authority cited*—Health and Safety Code Section 13114.

*Reference*—Health and Safety Code Section 13143.

**Hazardous materials.**

*Authority cited*—Health and Safety Code Section 13143.9.

*Reference*—Health and Safety Code Section 13143.

**Flammable and combustible liquids.**

*Authority cited*—Health and Safety Code Section 13143.6.

*Reference*—Health and Safety Code Section 13143.

**Public school automatic fire detection, alarm and sprinkler systems.**

*Authority cited*—Health and Safety Code Section 13143 and California Education Code Article 7.5, Sections 17074.50, 17074.52 and 17074.54.

*Reference*—Government Code Section 11152.5, Health and Safety Code Section 13143 and California Education Code Chapter 12.5, Leroy F. Greene School Facilities Act of 1998, Article 1.

**Wildland-Urban interface fire area.**

*Authority cited*—Health and Safety Code Sections 13143, 13108.5(a) and 18949.2(b) and (c) and Government Code Section 51189.

*Reference*—Health and Safety Code Sections 13143, Government Code Sections 51176, 51177, 51178 and 51179 and Public Resources Code Sections 4201 through 4204.

**1.11.2 Duties and powers of the enforcing agency.**

**1.11.2.1 Enforcement.**

**1.11.2.1.1** The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall except as provided in Section 1.11.2.1.2 be as follows:

1. The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R-3 occupancies, as described in Section 1.1.3.1 or SFM Part 2 California Building Code, Section 310.1, to either of the following:
  - 1.1. The chief of the fire authority of the city, county or city and county, or an authorized representative.
  - 1.2. The chief building official of the city, county or city and county, or an authorized representative.
2. The chief of any city or county fire department or of any fire protection district, and authorized representatives, shall enforce within the jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in Item 1 or 4.

**1.11.3.5 Retention of plans.** Refer to Building Standards Law, Health and Safety Code Sections 19850 and 19851 for permanent retention of plans.

**1.11.4 Fees.**

**1.11.4.1 Other fees.** Pursuant to Health and Safety Code Section 13146.2, a city, county or district which inspects a hotel, motel, lodging house or apartment house may charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the city, county or district, sufficient to pay its costs of that inspection.

**1.11.4.2 Large family day-care.** Pursuant to Health and Safety Code Section 1597.46, Large Family Day-Care Homes, the local government shall process any required permit as economically as possible, and fees charged for review shall not exceed the costs of the review and permit process.

**1.11.4.3 High-rise.** Pursuant to Health and Safety Code Section 13217, High-rise Structure Inspection: Fees and costs, a local agency which inspects a high-rise structure pursuant to Health and Safety Code Section 13217 may charge and collect a fee for the inspection from the owner of the high-rise structure in an amount, as determined by the local agency, sufficient to pay its costs of that inspection.

**1.11.4.4 Fire clearance preinspection.** Pursuant to Health and Safety Code Section 13235, Fire Clearance Preinspection, fee, upon receipt of a request from a prospective licensee of a community care facility, as defined in Section 1502, of a residential care facility for the elderly, as defined in Section 1569.2, or of a child day-care facility, as defined in Section 1596.750, the local fire enforcing agency, as defined in Section 13244, or State Fire Marshal, whichever has primary jurisdiction, shall conduct a preinspection of the facility prior to the final fire clearance approval. At the time of the preinspection, the primary fire enforcing agency shall price consultation and interpretation of the fire safety regulations and shall notify the prospective licensee of the facility in writing of the specific fire safety regulations which shall be enforced in order to obtain fire clearance approval. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for the preinspection of a facility with a capacity to serve 25 or fewer persons. A fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for a preinspection of a facility with a capacity to serve 26 or more persons.

**1.11.4.5 Care facilities.** The primary fire enforcing agency shall complete the final fire clearance inspection for a community care facility, residential care facility for the elderly, or child day-care facility within 30 days of receipt of the request for the final inspection, or as of the date the prospective facility requests the final preclearance inspection by the State Department of Social Services, whichever is later.

Pursuant to Health and Safety Code Section 13235, a preinspection fee equal to, but not exceeding, the actual cost of the preinspection services may be charged for a facility with a capacity to serve 25 or less clients. A fee

equal to, but not exceeding, the actual cost of the preinspection services may be charged for a preinspection of a facility with a capacity to serve 26 or more clients.

Pursuant to Health and Safety Code Section 13131.5, a reasonable final inspection fee, not to exceed the actual cost of inspection services necessary to complete a final inspection may be charged for occupancies classified as residential care facilities for the elderly (RCFE).

Pursuant to Health and Safety Code Section 1569.84, neither the State Fire Marshal nor any local public entity shall charge any fee for enforcing fire inspection regulations pursuant to state law or regulation or local ordinance, with respect to residential care facilities for the elderly (RCFE) which service six or fewer persons.

**1.11.4.6 Requests of the Office of the State Fire Marshal.** Whenever a local authority having jurisdiction requests that the State Fire Marshal perform plan review and/or inspection services related to a building permit, the applicable fees for such shall be payable to the Office of the State Fire Marshal.

**1.11.5 Inspections.** Work performed subject to the provisions of this code shall comply with the inspection requirements of Sections 109.1, 109.3, 109.3.4, 109.3.5, 109.3.6, 109.3.7, 109.3.8, 109.3.9, 109.5 and 109.6 as adopted by the Office of the State Fire Marshal.

**1.11.5.1 Existing Group I-1 or R occupancies.** Licensed 24-hour care in a Group I-1 or R occupancy in existence and originally classified under previously adopted state codes shall be reinspected under the appropriate previous code, provided there is no change in the use or character which would place the facility in a different occupancy group.

**1.11.6 Certificate of Occupancy.** A Certificate of Occupancy shall be issued as specified in Section 110.

**Exception:** Group R, Division 3 and Group U occupancies.

**1.11.7 Temporary structures and uses.** See Section 107.

**1.11.8 Service utilities.** See Section 111.

**1.11.9 Stop work order.** See Section 114.

**1.11.10 Unsafe buildings, structures and equipment.** See Section 115.

**SECTION 1.12  
STATE LIBRARIAN  
Reserved**

**SECTION 1.13  
DEPARTMENT OF WATER RESOURCES  
Reserved**

**SECTION 1.14  
CALIFORNIA STATE LANDS COMMISSION  
Reserved**

## DIVISION II

## SCOPE AND ADMINISTRATION

*Note: Sections adopted or amended by state agencies are specifically indicated by an agency banner.*

*Division II is not adopted by the Department of Housing and Community Development except where specifically indicated.*

## PART 1—SCOPE AND APPLICATION

SECTION 101  
GENERAL

[A] **101.1 Title.** These regulations shall be known as the *Existing Building Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

[A] **101.2 Scope.** The provisions of the *California Existing Building Code* shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

[A] **101.3 Intent.** The intent of this code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings.

[A] **101.4 Applicability.** This code shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings, regardless of occupancy, subject to the criteria of Sections 101.4.1 and 101.4.2.

[A] **101.4.1 Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall be permitted to comply with the provisions of the laws in existence at the time of its original permit unless such permit has expired. Subsequent permits shall comply with the *California Building Code* or *California Residential Code*, as applicable, for new construction.

[A] **101.4.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *California Fire Code*, or the *International Property Maintenance Code*, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.

[A] **101.5 Safeguards during construction.** Construction work covered in this code, including any related demolition, shall comply with the requirements of Chapter 15.

[A] **101.6 Appendices.** The code official is authorized to require rehabilitation and retrofit of buildings, structures or individual structural members in accordance with the appendices of this code if such appendices have been individually adopted.

[A] **101.7 Correction of violations of other codes.** Repairs or alterations mandated by any property, housing, or fire safety maintenance code or mandated by any licensing rule or ordinance adopted pursuant to law shall conform only to the requirements of that code, rule, or ordinance and shall not be required to conform to this code unless the code requiring such repair or alteration so provides.

**101.8 Maintenance.** [BSC, HCD 1, HCD 2] Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner’s designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the building official shall have the authority to require a building or structure to be re-inspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

**101.8.1 Maintenance.** [DSA-SS, DSA-SS/CC] Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner’s designated agent shall be responsible for the maintenance of buildings and structures. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protections and safety systems and devices in existing structures.

SECTION 102  
APPLICABILITY

[A] **102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where in any specific case different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[A] **102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

[A] **102.3 Application of references.** References to chapter or section numbers or to provisions not specifically identified by number shall be construed to refer to such chapter, section, or provision of this code.

[A] **102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

[A] **102.4.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] **102.4.2 Conflicting provisions.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the pro-

visions of this code as applicable, shall take precedence over the provisions in the referenced code or standard.

**[A] 102.5 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

## PART 2—ADMINISTRATION AND ENFORCEMENT

### SECTION 103 DEPARTMENT OF BUILDING SAFETY

**[A] 103.1 Creation of enforcement agency.** The Department of Building Safety is hereby created, and the official in charge thereof shall be known as the code official.

**[A] 103.2 Appointment.** The code official shall be appointed by the chief appointing authority of the jurisdiction.

**[A] 103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, the related technical officers, inspectors, plan examiners, and other employees. Such employees shall have powers as delegated by the code official.

### SECTION 104 DUTIES AND POWERS OF CODE OFFICIAL

**[A] 104.1 General.** The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**[A] 104.2 Applications and permits.** The code official shall receive applications, review construction documents, and issue permits for the repair, alteration, addition, demolition, change of occupancy, and relocation of buildings; inspect the premises for which such permits have been issued; and enforce compliance with the provisions of this code.

**[A] 104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine where the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 of the *California Building Code*.

**[A] 104.2.2 Preliminary meeting.** When requested by the permit applicant or the code official, the code official shall meet with the permit applicant prior to the application for a construction permit to discuss plans for the proposed work or change of occupancy in order to establish the specific applicability of the provisions of this code.

**Exception:** Repairs and Level 1 alterations.

**[A] 104.2.2.1 Building evaluation.** The code official is authorized to require an existing building to be investigated and evaluated by a registered design professional based on the circumstances agreed upon at the preliminary meeting. The design professional shall notify the code official if any potential nonconformance with the provisions of this code is identified.

**[A] 104.3 Notices and orders.** The code official shall issue necessary notices or orders to ensure compliance with this code.

**[A] 104.4 Inspections.** The code official shall make the required inspections, or the code official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**[A] 104.5 Identification.** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**[A] 104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous, or hazardous, the code official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

**[A] 104.7 Department records.** The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

**[A] 104.8 Liability.** The code official, member of the Board of Appeals, or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

**[A] 104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction

## SCOPE AND ADMINISTRATION

until the final termination of the proceedings. The code official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

**[A] 104.9 Approved materials and equipment.** Materials, equipment, and devices approved by the code official shall be constructed and installed in accordance with such approval.

**[A] 104.9.1 Used materials and equipment.** The use of used materials that meet the requirements of this code for new materials is permitted. Used equipment and devices shall be permitted to be reused subject to the approval of the code official.

**[A] 104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Department of Building Safety.

**[A] 104.10.1 Flood hazard areas.** For existing buildings located in flood hazard areas for which repairs, alterations and additions constitute substantial improvement, the code official shall not grant modifications to provisions related to flood resistance unless a determination is made that:

1. The applicant has presented good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render compliance with the flood-resistant construction provisions inappropriate.
2. Failure to grant the modification would result in exceptional hardship.
3. The granting of the modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense nor create nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances.
4. The modification is the minimum necessary to afford relief, considering the flood hazard.
5. A written notice will be provided to the applicant specifying, if applicable, the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and that construction below the design flood elevation increases risks to life and property.

**[A] 104.11 Alternative materials, design and methods of construction, and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design, or

method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method, or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

**[A] 104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

**[A] 104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the code official for the period required for retention.

## SECTION 105 PERMITS

**[A] 105.1 Required.** Any owner or owner's authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit.

**[A] 105.1.1 Annual permit.** Instead of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the code official is authorized to issue an annual permit upon application therefor to any person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.

**[A] 105.1.2 Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The code official shall have access to such records at all times, or such records shall be filed with the code official as designated.

**[A] 105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The code official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration, repair or change of occupancy.

**106.2.6 Exterior balconies and elevated walking surfaces.** [BSC, DSA-SS, DSA-SS/CC, HCD 1, HCD 2] *Where the scope of work involves a balcony 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, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.*

[A] **106.3 Examination of documents.** The code official shall examine or cause to be examined the submittal documents and shall ascertain by such examinations whether the construction or occupancy indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

[A] **106.3.1 Approval of construction documents.** Where the code official issues a permit, the construction documents shall be approved in writing or by stamp as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the code official. The other set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the code official or a duly authorized representative.

[A] **106.3.2 Previous approval.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been issued and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[A] **106.3.3 Phased approval.** The code official is authorized to issue a permit for the construction of foundations or any other part of a building before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

[A] **106.3.4 Deferred submittals.** Deferral of any submittal items shall have the prior approval of the code official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the code official.

Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the code official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance to the

design of the building. The deferred submittal items shall not be installed until their deferred submittal documents have been approved by the code official.

[A] **106.4 Amended construction documents.** Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

[A] **106.5 Retention of construction documents.** One set of approved construction documents shall be retained by the code official for a period of not less than the period required for retention of public records.

[A] **106.6 Design professional in responsible charge.** Where it is required that documents be prepared by a registered design professional, the code official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The code official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

## SECTION 107

### TEMPORARY STRUCTURES AND USES

[A] **107.1 General.** The code official is authorized to issue a permit for temporary uses. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

[A] **107.2 Conformance.** Temporary uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

[A] **107.3 Temporary power.** The code official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

[A] **107.4 Termination of approval.** The code official is authorized to terminate such permit for a temporary use and to order the temporary use to be discontinued.

## SECTION 108 FEES

[A] **108.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

[A] **108.2 Schedule of permit fees.** On buildings, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the applicable governing authority.

[A] **108.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work including materials and labor for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of the code official. Final building permit valuation shall be set by the code official.

[A] **108.4 Work commencing before permit issuance.** Any person who commences any work before obtaining the necessary permits shall be subject to an additional fee established by the code official that shall be in addition to the required permit fees.

[A] **108.5 Related fees.** The payment of the fee for the construction, alteration, removal, or demolition of work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

[A] **108.6 Refunds.** The code official is authorized to establish a refund policy.

## SECTION 109 INSPECTIONS

[A] **109.1 General.** Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[A] **109.2 Preliminary inspection.** Before issuing a permit, the code official is authorized to examine or cause to be examined buildings and sites for which an application has been filed.

[A] **109.3 Required inspections.** The code official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.9.

[A] **109.3.1 Footing or foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready-mixed in accordance with ASTM C94, the concrete need not be on the job.

[A] **109.3.2 Concrete slab or under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the sub floor.

[A] **109.3.3 Lowest floor elevation.** For additions and substantial improvements to existing buildings in flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation documentation required in the *California Building Code* shall be submitted to the code official.

[A] **109.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, framing, fire blocking, and bracing are in place and pipes, chimneys, and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes, and ducts are approved.

*109.3.4.1 Moisture content verification. [HCD] Moisture content of framing members shall be verified in accordance with the California Green Building Standards Code (CALGreen), Chapter 4, Division 4.5.*

[A] **109.3.5 Lath or gypsum board inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

**Exception:** Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

[A] **109.3.6 Fire and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

[A] **109.3.7 Other inspections. [HCD, SFM]** In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws enforced by the *building official*.

*Note: Residential buildings undergoing permitted alterations, additions or improvements shall replace noncompliant plumbing fixtures with water-conserving*

plumbing fixtures. Plumbing fixture replacement is required prior to issuance of a certificate of final completion, certificate of occupancy or final permit approval by the local building department. See Civil Code Section 1101.1, et seq., for the definition of a non-compliant plumbing fixture, types of residential buildings affected and other important enactment dates.

**109.3.7.1 Weather exposed balcony and walking surface waterproofing.** [BSC, DSA-SS, DSA-SS/CC, HCD 1, HCD 2] Where the scope of work involves a balcony 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.

**Exception:** Where special inspections are provided in accordance with Section 1705.1.1, Item 3 of the California Building Code.

[A] **109.3.8 Special inspections.** [HCD, SFM] Special inspections shall be in accordance with Chapter 17 of the California Building Code.

[A] **109.3.9 Final inspection.** The final inspection shall be made after work required by the building permit is completed.

[A] **109.4 Inspection agencies.** The code official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

[A] **109.5 Inspection requests.** It shall be the duty of the holder of the building permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for any inspections of such work that are required by this code.

[A] **109.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

## SECTION 110 CERTIFICATE OF OCCUPANCY

[A] **110.1 Altered area use and occupancy classification change.** Altered areas of a building and relocated buildings shall not be used or occupied, and change in the existing use or occupancy classification of a building or portion thereof shall not be made until the code official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

[A] **110.2 Certificate issued.** After the code official inspects the building and does not find violations of the provisions of

this code or other laws that are enforced by the Department of Building Safety, the code official shall issue a certificate of occupancy that shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the code official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy in accordance with the provisions of the California Building Code.
9. The type of construction as defined in the California Building Code.
10. The design occupant load and any impact the alteration has on the design occupant load of the area not within the scope of the work.
11. If fire protection systems are provided, whether the fire protection systems are required.
12. Any special stipulations and conditions of the building permit.

[A] **110.3 Temporary occupancy.** The code official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The code official shall set a time period during which the temporary certificate of occupancy is valid.

[A] **110.4 Revocation.** The code official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

## SECTION 111 SERVICE UTILITIES

[A] **111.1 Connection of service utilities.** A person shall not make connections from a utility, source of energy, fuel, or power to any building or system that is regulated by this code for which a permit is required, until approved by the code official.

[A] **111.2 Temporary connection.** The code official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel, or power.

[A] **111.3 Authority to disconnect service utilities.** The code official shall have the authority to authorize disconnection of utility service to the building, structure or system reg-

## SCOPE AND ADMINISTRATION

ulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 111.1 or 111.2. The code official shall notify the serving utility and, wherever possible, the owner or the owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

### SECTION 112 BOARD OF APPEALS

**[A] 112.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

**[A] 112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

**[A] 112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

### SECTION 113 VIOLATIONS

**[A] 113.1 Unlawful acts.** It shall be unlawful for any person, firm, or corporation to repair, alter, extend, add, move, remove, demolish, or change the occupancy of any building or equipment regulated by this code or cause same to be done in conflict with or in violation of any of the provisions of this code.

**[A] 113.2 Notice of violation.** The code official is authorized to serve a notice of violation or order on the person responsible for the repair, alteration, extension, addition, moving, removal, demolition, or change in the occupancy of a building in violation of the provisions of this code or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**[A] 113.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**[A] 113.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the require-

ments thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be subject to penalties as prescribed by law.

### SECTION 114 STOP WORK ORDER

**[A] 114.1 Authority.** Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

**[A] 114.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

**[A] 114.3 Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

### SECTION 115 UNSAFE BUILDINGS AND EQUIPMENT

**[A] 115.1 Conditions.** Buildings, structures or equipment that are or hereafter become unsafe, shall be taken down, removed or made safe as the code official deems necessary and as provided for in this code.

**[A] 115.2 Record.** The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**[A] 115.3 Notice.** If an unsafe condition is found, the code official shall serve on the owner, the owner's authorized agent or person in control of the structure a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe building to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the code official acceptance or rejection of the terms of the order.

**[A] 115.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is delivered to the owner or the owner's authorized agent personally; sent by certified or registered mail addressed to the owner or the owner's authorized agent at the last known address with the return receipt requested; or delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's authorized agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

## HISTORY NOTE APPENDIX CALIFORNIA EXISTING BUILDING CODE

### Title 24, Part 10, California Code of Regulations

#### HISTORY:

For prior code history, see the History Note Appendix to the *California Existing Building Code*, 2013 Triennial Edition, effective January 1, 2014.

1. (BSC 06/15, DSA-AC 02/15, DSA-SS 03/15, HCD 04/15, SFM 05/15) - Adopt the 2015 edition of the *International Existing Building Code* published by the International Code Council, for incorporation into the 2016 *California Existing Building Code*, CCR Title 24, Part 10 with amendments for State regulated occupancies, effective on January 1, 2017.
2. Rulemaking file numbers BSC EF 01-17, HCD EF 01-17: Emergency regulations amend Sections 101.8, 106.2.6 and 109.3.7.1. Approved as an emergency on January 27, 2017, effective upon filing with Secretary of State on January 30, 2017.
3. Rulemaking file number DSA-SS/CC EF 01-17: Emergency regulations amend Sections 1.9.2.1, 1.9.2.2, 101.8.1, 106.2.6 and 109.3.7.1. Approved as an emergency on January 27, 2017, effective upon filing with Secretary of State on January 30, 2017.





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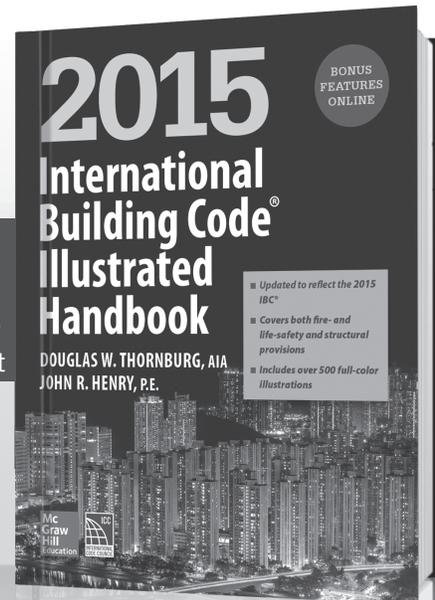
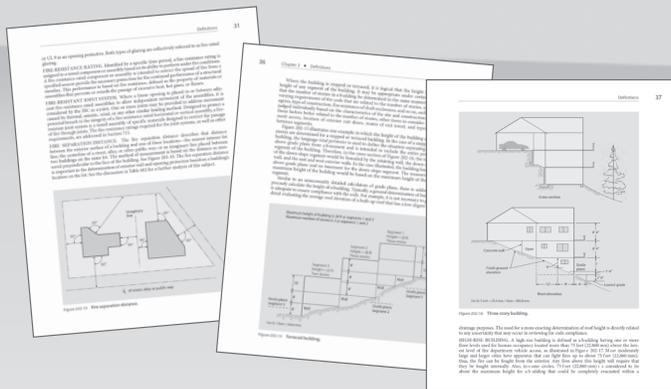
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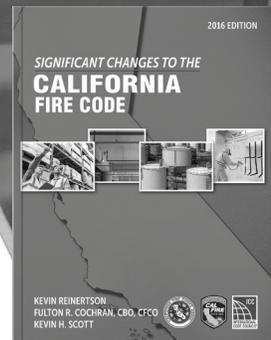
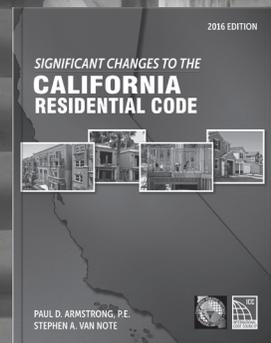
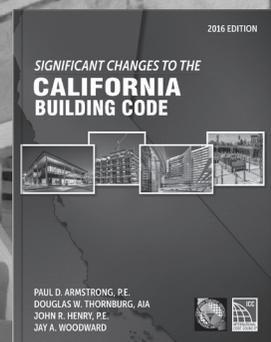
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