

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF CODES AND STANDARDS**

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**INFORMATION BULLETIN 2002-10 (SHL)**

**TO: City and County Building Officials  
State Housing Law Interested Parties  
Factory-built Housing Manufacturers  
Factory-built Housing Interested Parties  
Factory-built Housing Third-Party Agencies  
Division Staff**

**SUBJECT: GUARDRAIL HEIGHTS — INTERPRETATION OF TITLE 24, PART 2,  
CALIFORNIA BUILDING CODE, SECTION 509.2 - EXCEPTION: 1.**

The Department of Housing and Community Development (Department) was recently made aware that there is some uncertainty and inconsistency regarding the application and interpretation of the 1998 California Building Code (CBC), Title 24, Part 2, as it pertains to the height requirements of guardrails in hotels, motels and apartment buildings. In accordance with the provisions of the California Health and Safety Code (HSC), Section 17913 the Department deems it appropriate to issue this Information Bulletin.

The purpose of this Information Bulletin is to provide clarification regarding guardrail height requirements to local building departments charged through HSC Section 17960 with enforcement of the California Building Standards Code, of which the CBC is one part. This Information Bulletin is also being issued to help ensure statewide consistency in the application of minimum guardrail requirements in these types of buildings.

**Guardrail Height – New Construction**

The CBC section that generally addresses the requirements for guardrail height is Section 509.2, and specifies that the top of guardrails shall not be less than 42-inches in height. Incorporated in this section, are three (3) exceptions to this 42-inch requirement. Exception 1 is the provision that addresses the permitted guardrail height for Group R, Division 1 Occupancies (hotels, motels and apartment buildings), as well as Group R, Division 3 Occupancies (single-family dwellings, lodging houses), and Group U, Division 1 Occupancies (private garages, carports).

Our investigation of this issue determined that the uncertainty stems from the language contained in Exception 1. Reprinted below is the text for Section 509.2 Height, and the text of Exception 1 as presently adopted in the CBC:

**“Section 509. 2 Height.** The top of guardrails shall not be less than 42 inches (1067 mm) in height.”

Section 509.2. Exceptions, states in part:

**“EXCEPTIONS:** 1. The top of guardrails for Group R, Division 3 and Group U, Division 1 Occupancies and interior guardrails within individual dwelling units, Group R, Division 3 congregate residences and guest rooms of Group R, Division 1 Occupancies may be 36 inches (914 mm) in height.” (emphasis added)

Thus, exception 1 permits the installation of 36-inch high guardrails only for the interior guardrails within Group R, Division 3 congregate residences, and within individual dwelling units and guest rooms of Group R, Division 1 Occupancies. Furthermore, exception 1 permits the exterior guardrails of Group R, Division 3 and Group U, Division 1 Occupancies to have 36-inch guardrails. The 36-inch high guardrails would be permitted, for example, as part of interior loft areas or for landings overlooking open interior spaces such as vaulted living rooms. On the other hand, guardrails serving private outside decks and balconies of Group R, Division 3 congregate residences and guest rooms in Group R, Division 1 Occupancies are not “within” the individual dwelling unit or guest room. Therefore, the top of the guardrail serving private outside decks and balconies must be installed at the minimum 42-inch height requirement.

The 1998 CBC may not be applied retroactively to existing buildings except when they are being converted to residential occupancies from some other use or when specifically required by state law. However, the exception in the 1998 CBC pertaining to the height of guardrails serving interior portions of Group R, Division 1 Occupancies, as adopted in regulation, has been in effect since July 1978.

### **Guardrail Height – Existing Construction**

The height requirement for existing guardrails located in existing Group R, Division 1 and 3 Occupancies, is subject to the building code requirements, including lawfully enacted local ordinances in effect at the time of construction. Concerns over compliance are evaluated on a case-by-case basis using the code requirement legally in effect at the time the building was constructed (e.g., for an apartment building constructed in 1991, the 1989 California Building Code must be consulted or the lawfully enacted local ordinance).

California regulations adopted pursuant to HSC Section 17922, permit the replacement, retention, and extension of original materials and the continued use of original methods of construction, providing the building complies with the California Building Standards

Code, the Department's regulations or lawfully enacted local ordinances. The building must not become or continue to be substandard as defined in HSC Section 17920.3.

HSC Section 17920.3 identifies many substandard conditions that render a building unfit for its intended use. Substandard conditions also include installations or construction deemed by the enforcement agency to be a nuisance. Abatement of substandard conditions within Group R, Division 1 Occupancies is subject to the applicable provisions of the State Housing Law.

This Information Bulletin does not address the validity of 36-inch guardrails serving private outside decks and balconies that were approved by local enforcement agencies after lawfully enacted local ordinances or July 1978, or whether those guardrails constitute substandard conditions. Other questions or comments regarding this Information Bulletin should be directed to Dave Walls, State Housing Law Program Manager at (916) 445-9471, or by electronic mail to [dwalls@hcd.ca.gov](mailto:dwalls@hcd.ca.gov).

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