

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


2020 W. El Camino Avenue, Suite 200, Sacramento, CA 95833
P.O. Box 1407, Sacramento, CA 95812-1407
(916) 445-9471 / FAX (916) 263-5348
From TDD Phones 1-800-735-2929
www.hcd.ca.gov



May 9, 2016

INFORMATION BULLETIN 2016-03 (SHL)

TO: Local Governing Bodies
Local Code Enforcement Agencies
Local Fire Protection Districts
Interested Parties
State Agencies and Departments

FROM:  Richard Weinert, Deputy Director
Division of Codes and Standards

SUBJECT: Statutory Filing Requirements – Local Ordinances and Regulations

The purpose of this Information Bulletin is to notify local governing bodies, code enforcement agencies, fire protection districts, interested parties, state agencies and departments of filing requirements statutorily mandated to be sent to the California Department of Housing and Community Development (Department).

Background

California Health and Safety Code (HSC) Section 17910 et seq. known as the "State Housing Law" and other sections of the HSC, require local fire protection districts, city and county governing bodies and agencies to notify the Department when adopting local building standards or regulations by ordinance. These laws may require the local city, county, or city and county or fire protection district to make express findings and file a copy of the local ordinance with the Department prior to enforcement of the local ordinance. Compliance with these laws is important to ensure that the Department is aware of locally adopted building standards or regulations affecting housing.

Fire Protection Districts

Building Standards

Current state law (HSC Section 13869.7) allows fire protection districts to adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code. However, should a fire protection district choose to adopt such standards, there are specific requirements which must be followed before a local ordinance containing building standards may be enforced. These requirements are outlined below:

- The fire protection district shall make an express finding that such modifications or changes are reasonably necessary due to local climatic, geological or topographical conditions. (Reference HSC Section 13869.7, 18941.5 and 17958.7)
- Provide a copy of the proposed local ordinance together with the express findings to the city, county, or city and county where the ordinance will apply, at least 30 days before a publicly noticed hearing and allow for written comments.
- Transmit the adopted ordinance to the city, county, or city and county where the ordinance will apply for ratification, modification, or denial.
- File with the Department a copy of the district findings, any findings of the city, county, or city and county, together with the adopted ordinance expressly marked and identified to which each finding refers.

No building standards adopted by ordinance by the fire protection district shall be effective until ratification by the city, county, or city and county where the ordinance will apply, and the ordinance and ratification are filed with the Department.

Click [here](#) to view California Health and Safety Code Section 13869.7.

Cities and Counties

1. Limited-Density Owner-Built Rural Dwellings

Current state law (HSC Section 17958.2) allows cities and counties to adopt regulations for Limited-Density Owner-Built Rural Dwellings. The Department regulations adopted for Limited-Density Owner-Built Rural Dwellings are located in Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations. These regulations are not effective or operative in any city, county, or city and county unless the governing body of the city or county makes an express finding that the application of those regulations within the city or county are reasonably necessary based on local conditions and files a copy of the finding with the Department.

Click [here](#) to view California Health and Safety Code Section 17958.2.

2. Universal Design Guidelines and Model Ordinance

Current state law (HSC Section 17959) requires the Department to develop guidelines for home construction and home modifications including one or more Model Universal Design Ordinance(s). Cities, counties, and cities and counties may adopt regulations for Universal Design based on guidelines and the Model Universal Design Ordinance developed by the Department which is available for local adoption. The Universal Design guidelines, when adopted are intended to enhance the full life cycle use of housing and to accommodate a wide range of individual preferences and functional abilities. The Department has also developed a Universal Design Checklist which outlines features which may provide additional safety or mobility assistance to persons with mobility impairments or disabilities.

When a city or county adopts a local ordinance which is more restrictive than the building standards contained in the California Building Standards Code, prior to making changes, there are specific requirements which must be followed before a local ordinance containing Universal Design building standards may be enforced. These requirements are outlined below:

- The city, county, or city and county shall make an express finding that such modifications or changes are reasonably necessary.
- File a copy of the ordinance and the findings with the Department.
- The Department may review the findings and each ordinance to evaluate their consistency with this subdivision, and shall provide written comments to the adopting entity as to any such evaluation.

No such ordinance shall become effective or operative for any purpose until the findings and the ordinance have been filed with the Department.

Click [here](#) to view California Health and Safety Code Section 17959.

Click [here](#) to view the Department Information Bulletin 05-13 Universal Design: New Model Local Ordinance Availability and New Builder Checklist Requirement, issued on November 10, 2005.

Click [here](#) to view the Department webpage where you can view the Model Universal Design Local Ordinance (AB 2787).

Click [here](#) to view the Department webpage where you can view the New Home Universal Design Checklist (AB 1400).

3. Building Seismic Retrofit Standards

Current state law (HSC Section 19165) allows cities, counties, and cities and counties to adopt an ordinance establishing building seismic retrofit standards for seismically hazardous buildings. This law also requires any city, county, or city and county where such an ordinance has been adopted to file a copy of the standards with the Department for informational purposes.

Click [here](#) to view California Health and Safety Code Section 19165.

The Department requests that local enforcing agencies share this Information Bulletin with all interested or affected parties as this will increase compliance with state law.

If there are questions or concerns regarding this Information Bulletin, please contact State Housing Law Program at (916) 445-9471.