

**FINAL EXPRESS TERMS
FOR PROPOSED BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2019 CALIFORNIA RESIDENTIAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5**

(HCD 03/19)

The State agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific (Government Code Section 11346.2(a)(1)).

If using assistive technology, please adjust your settings to recognize underline, strikeout, italics and ellipsis.

LEGEND for EXPRESS TERMS (Based on model codes - Parts 2, 2.5, 3, 4, 5, 9, 10)

- Model Code language appears upright.
- Existing California amendments appear in *italics*.
- Amended model code or new California amendments appear *underlined and in italic*.
- Repealed model code language appears upright and in ~~strikeout~~.
- Repealed California amendments appear in ~~*italic and strikeout*~~.
- Ellipsis (. . .) indicate existing text remains unchanged.

FINAL EXPRESS TERMS (Items 1 through 6)

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

CHAPTER 1 Scope and Application

SECTION 1.1 General

1.1.9 Effective date of this code. *Only those standards approved by the California Building Standards Commission that are effective at the time an application for building permit is submitted shall apply to the plans and specifications for, and to the construction performed under, that permit. For the effective dates of the provisions contained in this code, see the History Note page of this code. (No change to existing California amendment.)*

Exceptions:

(1) (HCD 1 & HCD 2) Retroactive permits issued in accordance with Health and Safety Code Section 17958.12.

(2) (HCD 1 & HCD 2) Exception: *Plans approved by the Department of Housing and Community Development or a Department-approved design approval agency for factory-built housing as defined by Health and Safety Code Section 19971. Approved plans, pursuant to the California Code of Regulations, Title 25, Division 1, Chapter 3, Subchapter 1, Article 3, Section 3048 remain valid for a period of 36 months from the date of plan approval.*

Notation:

Authority: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 17958.12, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1, 18873.2, 18873.3, 18873.4, 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

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

**Item 2 HCD proposes to amend Chapter 1, Division I, Section 1.8, as follows:
SECTION 1.8.4 Permits, Fees, Applications and Inspections**

1.8.4.1 Permits. *A written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure. (No change to existing California amendment.)*

Exceptions:

1. *Work exempt from permits as specified in Chapter 1, Scope and Application, Division II, Administration, Section R105.2. (No change to existing California amendment.)*
2. *Changes, alterations or repairs of a minor nature not affecting structural features, egress, sanitation, safety or accessibility as determined by the enforcing agency. (No change to existing California amendment.)*
3. *Retroactive permits issued in accordance with Health and Safety Code Section 17958.12.*

Exemptions from permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of other provisions of law or this code. (No change to existing California amendment.)

Notation:

Authority: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 17958.12, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1, 18873.2, 18873.3, 18873.4, 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

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

**Item 3 HCD proposes to amend Chapter 1, Division I, Section 1.8.9, as follows:
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: (No change to California amendment text.)*

1. *For applications subject to the State Housing Law as referenced in Section 1.8.3.2.1 of this code, refer to Health and Safety Code, Division 13, Part 1.5, commencing with Section 17910 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, commencing with Section 1. For enforcement related to accessory dwelling units, see Health and Safety Code Section 17980.12 operative until January 1, 2035.*
2. *through 5. (No change to California amendment text.)*

Notation:

Authority: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 17958.12, 17980.12, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1, 18873.2, 18873.3, 18873.4, 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

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

**Item 4 HCD proposes to amend Chapter 2, Definitions, as follows:
CHAPTER 2 Definitions
SECTION R202 Definitions**

ACCESSORY DWELLING UNIT. [HCD 1 & HCD 2] An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. Accessory dwelling units shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. (See Government Code Section 65852.2.)

Notation:

Authority: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 17980.12, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1, 18873.2, 18873.3, 18873.4, 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

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

Item 5 HCD proposes to amend Chapter 3, Section R309, as follows:

SECTION R309 Garages and Carports

R309.4 Automatic garage door openers. Automatic garage door openers, if provided, shall be listed and labeled in accordance with UL 325. *See Health and Safety Code Sections 19890 and 19891 and 19892 for additional provisions for residential garage door openers.*

Notation:

Authority: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1, 18873.2, 18873.3, 18873.4, 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

References: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, 19890, 19891, 19892, and 19960 through 19997; Civil Code Sections 1101.4 and 1101.5; and Government Code Sections 12955.1 and 12955.1.1.

Item 6 HCD proposes to amend Appendix X, as follows:

APPENDIX X Emergency Housing
SECTION X103 Emergency Housing

X103.3 Occupant load. *Except as otherwise stated in this appendix, the maximum occupant load allowed in buildings and structures used as emergency housing shall be determined by the enforcing agency, but the interior floor area shall not be less than 70 square feet (6.5 m²) for one occupant. Where more than one person occupies the building/structure, the required floor area shall be increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of one. (No change to existing California amendment.)*

Exceptions:

1. *Tents. (No change to existing California amendment.)*
2. *Recreational vehicles and park trailers designed for human habitation that meet the requirements in the Health and Safety Code, Sections 18009.3 and 18010, as applicable. (No change to existing California amendment.)*

3. For emergency housing, including emergency sleeping cabins, the minimum interior floor area may be reduced to 53 square feet (4.9 m²) if the enforcing agency determines that 53 square feet (4.9 m²) is adequate space for a single-occupancy sleeping unit.

Notation:

Authority: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1, 18873.2, 18873.3, 18873.4, 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

References: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, 19890, 19891, 19892, and 19960 through 19997; Civil Code Sections 1101.4 and 1101.5; and Government Code Sections 8698, 12955.1 and 12955.1.1.
