

LAWS RELATED TO BLDG APPEALS BOARD FUNCTIONS

The chapters shown below are the main legal basis for California's Building, Housing and Fire regulations and codes. In their text they incidentally refer to various government code sections and other laws and statutes but on the whole these contain the majority of what applies in appeals.

HEALTH & SAFETY CODE

DIV 12. FIRES AND FIRE PROTECTION

This section under construction.

DIV 13 - HOUSING / PART 1.5 - Regulation of Buildings Used for Human Habitation

and BUILDING STANDARDS

17910-17913 Application of State Housing Law to existing buildings or structures

17920. et al Building Standards - expressed and **defined.**

17920.5 Local Appeals Board to hear appeals regarding "building requirements"

17920.6. As used in this part, "**housing appeals board**" means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the requirements of the city or county relating to the use, maintenance, and change of occupancy of hotels, motels, lodginghouses, apartment houses, **and dwellings, or portions thereof, and buildings and structures accessory thereto**, including requirements governing alteration, additions, repair, demolition, and moving of such buildings if also authorized to hear such appeals. In any area in which there is not such a board or agency, "housing appeals board" means the local appeals board having jurisdiction over such area.

17922 -17923 Laws Regarding Existing Housing

17922 (f) A local enforcement agency may not prohibit the use of materials, appliances, installations, devices, arrangements, or methods of construction specifically permitted by the department to be used in the alteration or repair of existing buildings, but those materials, appliances, installations, devices, arrangements, or methods of construction may be specifically prohibited by local ordinance as provided pursuant to Section 17958.5.

17922 (g) Enforcement to proceed **only** if a building is substandard or violation is a misdemeanor

17922.6 Provisions regarding the Office of Noise Control. (g) Sections 17925, 17958, 17958.5, and 17958.7 shall not apply to the provisions of this section.

17925. Anyone that opposes the application of any building standard may request an appeal. Local standards to be "reasonable" in their application.

17932 Appeals to the Dir of Bldg Standards are for erroneous or unlawful state standards only.

17950 The California Building Standards Code applies in all parts of the state

17951 Governing bodies may prescribe reasonable fees....

Shall not exceed the amount reasonably required....

In accordance with Government Code Sec 66016

17953 Subdivision soils reports required; under certain circumstances may be waived

17954 Problem soils require an investigation

17955 Authorizes appeals of any soils determination to the local appeals board.

17956 Local government shielded from liability re; sections 17953, 17954 & 17955

17957. The governing body of any city, county, or city and county may enact an ordinance prescribing an alternate procedure which is equal to or more restrictive than the procedure specified in Sections 17953, 17954, and 17955.

- 17958 **Except as provided in Sections 17958.8 and 17958.9, any city or county may make changes in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations thereafter adopted (see section 17958.5 & .7)**
- 17958.5 **Except as provided in Section 17922.6, in adopting the ordinances or regulations pursuant to Section 17958, a city or county may make such changes or modifications in the** requirements contained in the provisions published in the California Building Standards Code and the other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are **reasonably necessary because of local climatic, geological, or topographical conditions.**
For purposes of this subdivision, a city and county may make reasonably necessary modifications to the requirements, adopted pursuant to Section 17922, contained in the provisions of the code and regulations on the basis of local conditions.
- 17958.7 ...before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary
- 17958.8 Local ordinances shall permit replacement of original construction where...
- 17959.4. The housing appeals board may, in cases of extreme hardship to owner-occupants or tenants of dwellings, provide for deferral of the effective date of orders of abatement. Any deferral of the effective date of an order of abatement under this section shall terminate upon any sale or transfer of the dwelling by the owner-occupant but shall not terminate upon the sale or transfer of the dwelling if the dwelling is occupied by a tenant other than the owner-occupant.
- 17959.5 The housing appeals board may, upon appeal or upon application by the owner, grant variances from local use zone requirements in order to permit an owner-occupant of a dwelling to construct an addition to a dwelling to meet occupancy standards relating the number of persons in a household to the number of rooms or bedrooms. This power of the housing appeals board shall be in addition to, and shall not otherwise affect, the powers of other governmental boards and agencies to allow local use zone variances.
- 18901-19919 California Building Standards Law
18908 "Buildings" Defined
18909 "Building Standards" Defined
- 19957 Local Building Officials MAY grant exceptions in certain cases

Regarding ACCESSIBILITY

- 19957.5 Local governments may appoint a local Appeals Board to deal with accessibility issues;**
Composition of these Appeals Boards;
To conduct hearings on written appeals by any person regarding actions taken by the building department in enforcement of the requirements of this part.

19957.5 (c) Appeals Board shall conduct hearing under the provisions of (a) to approve or disapprove of interpretations of this part and enforcement actions taken. *All such approvals or disapprovals shall be final & conclusive as to the building department.*