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## SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator Maria Elena Durazo, Chair

2025 - 2026 Regular

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**Bill No:** AB 306  
**Author:** Schultz  
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**Fiscal:** Yes  
**Consultant:** Favorini-Csorba

### ***CALIFORNIA BUILDING STANDARDS COMMISSION: APPEALS: CODE INTERPRETATIONS***

*Requires the California Building Standards Commission to decide appeals and issue code interpretations regarding a local agency's implementation of the California Building Standards.*

#### **Background**

The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

***State Housing Law.*** Prior to 1962, the Legislature established minimum building requirements for dwellings in statutory form, and these requirements only applied to incorporated cities, unless a county voluntarily adopted them. In 1962, the Legislature enacted State Housing Law, which provides requirements and procedures for uniform statewide code enforcement to protect the health, safety, and general welfare of the public and occupants of housing and accessory buildings. Among other things, State Housing Law delegates responsibility to state administrative agencies for the adoption of building standards, applies state building codes uniformly, and directs local agencies' administration of code enforcement.

***Building codes.*** The California Building Standards Code (Title 24 of the California Code of Regulations) contains building standards and regulations as adopted by the California Building Standards Commission (BSC). These standards include, among other requirements, structural standards for building safety (the Building Code), fire safety standards (the Fire Code), energy efficiency standards (the Energy Code), and standards for green buildings (CalGreen).

Numerous state agencies propose standards to BSC for adoption, including, among others:

- The Department of Housing and Community Development, which proposes standards related to residential dwellings;
- The Office of the State Fire Marshal, which proposes fire and panic safety standards across all occupancies in the Fire Code;
- The California Energy Commission, which proposes energy efficiency standards in the Energy Code; and

- The Division of the State Architect, which proposes standards for public and historical building standards.

The BSC updates the Building Standards Code on a three-year cycle—the BSC published new standards that went into effect on January 1, 2026. Once adopted at the state level, cities and counties in California then enact an ordinance to adopt the codes. New construction and improvements to existing buildings must comply with the current building codes, and improvements to an existing building may trigger additional code upgrades for other parts of a building.

Cities and counties may adopt their own local building code requirements, so long as they make a finding that the changes are reasonably necessary because of local climatic, geological, or topographical conditions. Cities and counties must file these findings and the adopted standards with the BSC. The California Green Building Standards Code provides that local climatic, geological, or topographical conditions include environmental conditions established by the city or county, meaning they can adopt more stringent green building requirements than the state codes. The CEC must approve these “reach codes” as cost effective and at least as energy efficient as state standards before they go into effect.

AB 130 (Committee on Budget, 2025) prohibited the Building Standards Commission and cities and counties from modifying building standards applicable to residential development until June 1, 2031, with a few limited exceptions.

***Administrative permit approvals.*** A builder may need a range of administrative permits from the local agency in order to actually complete the work to construct or modify a building. These permits can include building permits and other permits for: demolition; grading; excavation; electrical, plumbing, or mechanical work; encroachment in the public right-of-way; roofing; water and sewer connections or septic systems; fire sprinklers; and home occupations.

City and county building departments enforce the provisions of the State Housing Law, the California Building Standards Code, and local zoning codes that specify the allowable forms and uses of buildings within a city or county’s jurisdiction. Within building departments, the positions responsible for evaluating building permits for compliance include building officials, inspectors, plan checkers, and civil engineers. State Housing Law also allows local agencies to hire private entities on a temporary basis to perform plan checking services. Some agencies contract out a portion of their workload during especially busy times, or certain portions of the building permit review process, such as reviewing compliance with energy efficiency requirements. Other local agencies contract out nearly all plan checking functions to a private firm.

State law and the Building Standards Code explicitly provide building officials broad authority as part of their enforcement authority to render interpretations of the code and to adopt policies and procedures to clarify the application of its provisions.

***Alternative materials, means, and methods.*** The California Building Standards Code allows local building and fire officials to approve alternative materials, designs, or methods of construction that are not specifically spelled out in the code, but achieve the intent of the provision of the code and provide equivalent quality, strength, effectiveness, fire resistance, durability, and safety. The State Fire Marshal may also approve materials, means, and methods

that are an alternative to the provisions of the Fire Code. Approval of a request for use of alternate materials, means, or methods of protection are limited to the particular case covered by request and are not precedential for future requests.

***Post-entitlement permitting.*** In 2022, the Legislature enacted a framework establishing timelines and procedures for approving all local “post-entitlement phase permits,” including building permits, needed to construct housing that had already received approval from a planning department (AB 2234, R. Rivas, 2022). AB 2234 requires local agencies—defined to mean only cities and counties—to process post-entitlement permits in an expedited manner, with clear timelines and procedures for determining an application to be complete and reviewing it for compliance with the law, to limit surprises to homebuilders.

AB 301 (Schiavo, 2025) extended most of AB 2234’s provisions to state agency permits for housing projects, except certain water pollution permits and permits issued by the Coastal Commission. It also deemed approved state post-entitlement permits if state agencies fail to meet the timeline to approve or deny the permit.

***Building permit appeals.*** A variety of separate appeals procedures govern building permits, including:

- ***Building code appeal process.*** The Building Standards Code requires every city or county to establish a process to hear and decide appeals of orders, decisions, and determinations made by local officials. A city or county can choose to establish a local appeals board, which cannot include employees of the jurisdiction. If no board is established, the city council or board of supervisors is the appellate body.
- ***Appeals of post-entitlement permits.*** Under AB 2234, cities, counties, and state agencies must allow an appeal of a post-entitlement permit denial. Cities or counties may choose whether to allow an appeal to the planning commission, the city council or board of supervisors, or both. If an applicant appeals, the city or county must make a final determination on the appeal within: (1) 60 business days of the appeal for a project of 25 units or fewer; or (2) 90 business days of the appeal for a project of 26 units or more.
- ***BSC appeals process.*** Any local agency having authority to enforce a state building standard and any person adversely affected by any regulation, rule, omission, interpretation, decision, or practice of that agency can jointly appeal the issue for resolution to BSC. The BSC can only hear the appeal if it determines that the issues involved in the appeal have statewide significance. The local official must participate; the person adversely affected cannot make an appeal to BSC alone.
- ***State Fire Marshal processes.*** The Fire Code allows a person to ask the State Fire Marshal to interpret the Fire Code. These individuals submit requests to the State Fire Marshal’s Code Interpretation Committee. When the request relates to a specific project, occupancy or building, the State Fire Marshal must review the issue with the appropriate local enforcing agency before issuing a code interpretation. Once the Code Interpretation Committee reaches a decision, it posts it online, where it serves as guidance to fire officials statewide. An applicant that receives a denial of an alternative materials, means, or methods request may also appeal that denial to the State Fire Marshal.

Recent research has documented challenges with some of the current appeals processes.<sup>1</sup> The Turner Center for Housing Innovation at the University of California, Berkeley (Turner Center) raised numerous concerns that it argues impair housing development in the state. The Turner Center notes:

“When local building officials err or impose prohibitively expensive interpretations of code, there are few good options for builders to seek redress. State law generally requires the cooperation of the local building official to submit a formal request for clarification to a state entity, a process rarely used in practice... BSC staff report that such appeals have been filed perhaps once or twice in the past 15 years... And while existing law provides builders with the ability to challenge a local code determination through a local appeals board, few cities and counties have created such boards. Further, state law stipulates that local jurisdictions that have not bothered to create local appeals boards should simply have their governing bodies (city council or board of supervisors) act as an appeals board. This leads to a system where an appeal by a builder is most likely to be heard by a body without relevant technical expertise that is also employing the same city staff person whose code-related decision is being contested.

“For developers and homeowners alike, these inconsistencies and inabilities to effectively contest costly local amendments or interpretations can translate into delays, mandated redesigns, and added costs that ripple through the system.”

The American Institute of Architects want the Legislature to revise the BSC appeals process to match other models.

### **Proposed Law**

Assembly Bill 306 allows an appeal to the BSC by any person adversely affected by a decision of the local enforcement agency, regardless of whether the local agency participates. It allows an appeal to include a request for approval to use an alternate material, means, or method. If approved, that alternative is limited to the particular case covered by the request and does not establish a precedent for any future request.

The BSC can only accept an appeal if:

- The BSC determines that the issues involved have statewide significance; and
- The person seeking to appeal has exhausted all local appeals procedures, unless the local agency joins the appeal to the BSC.

The BSC must review an appeal with stakeholders, including, but not limited to, representatives of the building industry, local agencies having authority to enforce a state building standard, and labor organizations.

AB 306 also allows any person to request a code interpretation from the BSC regarding the intent of any regulation or provision adopted by the BSC. When the request relates to a specific

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<sup>1</sup> Turner Center, “California’s Building Code Appeals Process: A Quiet but Crucial Lever for Housing.” November 24, 2025.

project, occupancy, or building, BSC must review the issue with the appropriate local enforcing agency before rendering the code interpretation.

The BSC must post the decisions on appeals and code interpretations online in a searchable format. AB 306 also requires local enforcement agencies to post rules and regulations that implement or interpret

AB 306 makes additional technical and conforming changes, and includes findings and declarations to support its purposes.

### Comments

1. Purpose of the bill. According to the author, “AB 306 addresses a practical yet underexamined barrier to housing delivery in California: the absence of a functional statewide process for resolving significant building code disputes. Today, identical code provisions can be interpreted differently across California’s 540 jurisdictions, and innovative materials, methods, and housing types often must be approved on a jurisdiction-by-jurisdiction basis. That inconsistency creates delays, uncertainty, and unnecessary costs. This bill establishes a more workable state-level framework for appeals, code interpretations, and code equivalency determinations when issues have statewide significance. It also improves transparency by requiring that code interpretations and local amendments be posted on line, and linked where applicable to findings and express terms. AB 306 does not eliminate local authority or lower safety standards. Local agencies retain their authority to adopt more restrictive standards where authorized by law and supported by required findings, and local officials retain case-by-case authority over alternative methods and materials. This bill creates a clearer path to state level consistency, transparency, and accountability in code administration. If California is serious about housing production efficiency, adaptive reuse, and scaling construction innovation, we must also modernize the systems that determine how our building codes are interpreted and applied.”

2. How will this work? The State Fire Marshal’s processes for issuing code interpretations and reviewing alternative materials, means, and methods are generally well regarded, despite the potential for it to be used adversarially by builders seeking to overturn local decisions. Among the reasons that the process functions well is that the State Fire Marshal must review any challenge to a local agency’s decision with the local agency themselves, fostering a collaborative approach. AB 306 imports many of the features from the current State Fire Marshal process to the BSC’s process. The bill allows appeals of building permit decisions by local building officials, even if the building officials don’t agree. It also explicitly includes alternative means and methods, consistent with the State Fire Marshal review process. But it also maintains important safeguards to ensure that it doesn’t undermine local building officials’ determinations that were made in the interest of public safety. First, it requires exhaustion of local appeals processes before an applicant can appeal to the BSC and retains the limitation that BSC can only review decisions with statewide import, so that frivolous claims stop before they reach BSC. Second, it provides that alternative means, materials, and methods are not precedential, so that appeals of decisions on these alternatives don’t become a backdoor amendment to the building code. Finally, it requires consultation with stakeholders, including the local agency that issued the decision that is being appealed, to ensure that all viewpoints are represented in the decisions it issues. AB 306 strikes a balance between creating more pathways for lowering the cost of construction and ensuring that public safety is protected.

3. Let's be clear. Alternative materials, means, and methods are intended to be just that: alternatives to the code. They are not intended to be a means to circumvent explicit prohibitions. AB 306 allows appeals of determinations regarding these alternatives. It includes some safeguards so that the process doesn't create loopholes in the codes, but some ambiguity remains. The Committee may wish to consider amending AB 306 to specify that an alternative may be approved only if it: (1) is not specifically prohibited, restricted or otherwise regulated in the California Building Standards Code; and (2) has not been rejected for inclusion in the California Building Standards Code.

4. Gut and amend. As introduced, AB 306 prohibited code changes, similar to the prohibitions enacted by AB 130. The Committee never heard that version of the bill. The May 21, 2026, amendments struck the contents of the bill and inserted provisions relating to appeals of building standards.

5. Charter city. The California Constitution allows cities that adopt charters to control their own "municipal affairs." In all other matters, charter cities must follow the general, statewide laws. Because the Constitution doesn't define "municipal affairs," the courts determine whether a topic is a municipal affair or whether it's an issue of statewide concern. AB 306 says that it applies to all cities, including charter cities. To support this assertion, the bill includes a legislative finding and declaration that the bill addresses a matter of statewide concern.

6. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because AB 306 imposes new duties on local officials, Legislative Counsel says it imposes a new state mandate. AB 306 states that if the Commission on State Mandates determines that the bill imposes a reimbursable mandate, then reimbursement must be made pursuant to existing statutory provisions.

7. Incoming! The Senate Rules Committee has ordered a double referral of AB 306: first to the Committee on Housing, which approved AB 306 at its June 24<sup>th</sup> hearing on a vote of 10-0, and second to the Committee on Local Government.

8. Related legislation. AB 1621 (Wilson) shortens the time for cities and counties to process appeals of post-entitlement permits, including building permits, to 30 business days for a project of up to 25 units and 45 business days for a project of 26 or more units. It also requires appeals to go directly to a city council or board of supervisors, instead of the planning commission.

### **Assembly Actions**

Prior votes not relevant to the current version of the bill.

### **Support and Opposition** (6/26/26)

#### **Support:**

American Institute of Architects California (Sponsor)  
Bay Area Council  
California Apartment Association  
Eden Housing  
Housing Action Coalition

Los Angeles County  
Studio One Eleven  
Usgbc California

Opposition:  
California Building Officials  
City of Oceanside

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