
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 306 (Schultz) - California Building Standards Commission: appeals: code interpretations

Version: July 2, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: HOUSING 10-0, L. GOV. 7-0

Mandate: Yes

Consultant: Mark McKenzie

Bill Summary: AB 306 would require the California Building Standards Commission (CBSC) to hear and decide appeals regarding a local agency's implementation of the California Building Standards Code, and to issue code interpretations relative to the intent of any regulation, as specified. The bill would also require local enforcement agencies to post on their websites any local interpretations that clarify the application of the Building Standards Code, as specified.

Fiscal Impact:

- The CBSC estimates ongoing costs of approximately \$1.1 million annually beginning in 2028-29 for 4.0 PY of new staff, and additional unknown annual costs, at least in the tens of thousands annually, to periodically contract with subject matter experts and firms with specialized technical knowledge in particular areas of construction in order to make informed appeals and code interpretation decisions. CBSC may also incur unknown significant one-time costs to make IT improvements, to the extent an online portal for electronic filing of appeals is needed (DGS Service Revolving Fund). The CBSC also notes that its current office space cannot accommodate the addition of new permanent staff, and that it may have to incur additional one-time office relocation costs and increased annual office leasing costs. See Staff Comments.
- Unknown local costs, potentially significant in the aggregate, for local enforcement agencies to post on their respective websites any written rules and regulations that clarify the application of the Building Standards Code in a manner that clearly identifies those rules or regulations as a local interpretation or policy, as specified. These costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates. (General Fund)

Background: Existing law, the California Building Standards Law, authorizes the CBSC to approve and adopt building standards through a triennial rulemaking process to revise and update the California Building Standards Code. 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). There are approximately twenty state agencies that develop building standards for submittal to the CBSC for review, approval, and adoption, and in the absence of a designated state agency, the CBSC is required to adopt specific building standards, as prescribed. Building standards take effect 180 days after they are published, unless a different date is specified. The most recent

update to the California Building Standards Code, the 2025 Triennial Edition, is in effect from January 1, 2026 until December 31, 2028.

Once adopted at the state level, cities and counties enact an ordinance to adopt the codes. Existing law authorizes a city or county, in adopting ordinances or regulations to adopt the state building code, to make changes or modifications in the requirements of the state building code and other regulations, including green building standards, as it determines are reasonably necessary because of local climatic, geological, or topographical conditions. The local governing body must make a specified finding to justify modifications and file those findings and the adopted local standards with the CBSC.

The 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 code's provision 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 a particular case covered by a request and are not precedential for future requests.

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, but if no board is established, the city council or board of supervisors acts as the appellate body. Existing law authorizes 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, to jointly appeal the issue for resolution to the CBSC. The CBSC may accept such an appeal only if it determines that the issues involved have statewide significance, as specified.

Proposed Law: AB 306 would authorize any person adversely affected by a decision of a local enforcement agency with the authority to enforce a state building standard to appeal the issue for resolution by the CBSC, regardless of whether the local agency participates in the appeal. Specifically, this bill would:

- Authorize an appeal to include a request for approval to use an alternate material, assembly of materials, equipment, method of construction, method of installation of equipment, or means of protection. Approval of such a request would be limited to the particular case covered by the appeal and would not establish a precedent for any future request.
- Authorize the CBSC to approve a request to use an alternative material, equipment, or method only if it is not specifically prohibited, restricted, or regulated in the Building Standards Code, and it has not been specifically rejected for inclusion.
- Authorize the CBSC to accept an appeal only if it determines that the issues involved have statewide significance and the person seeking the appeal has exhausted all local appeals procedures. The latter condition would not be required if the person and local agency have jointly requested an appeal.

- Require the CBSC to review an issue subject to an appeal with specified stakeholders, including building industry representatives, local agencies, and labor organizations.
- Authorize any person to request a code interpretation from the CBSC relative to the intent of any regulation or provision adopted by the CBSC. If the code interpretation request is related to a specific project, the CBSC must review the issue with the appropriate local enforcement agency before rendering an interpretation.
- Require the CBSC to post decisions on appeals and code interpretations issued by the CBSC on its website in a searchable format.

AB 306 would also require a local enforcement agency to post on its website any written rules and regulations that clarify the application of the Building Standards Code in a manner that clearly identifies the rules or regulations as a local interpretation or policy, and to link those rules and regulations to any related local amendments and express findings.

Related Legislation: AB 130 (Committee on Budget), Chap. 22/2025, prohibited the CBSC and cities and counties from considering, approving, adopting, or modifying any proposed building standards affecting residential development, with limited exceptions, until June 1, 2031.

Staff Comments: The CBSC indicates that its current leased space cannot accommodate the addition of permanent staff necessary to implement an expanded appeals process, and that it may need to relocate its offices to a new space with a conference space that can accommodate monthly commission meetings to hear and decide appeals and code interpretations. One-time office relocation costs could be as high as \$1.6 million, with annual ongoing rent increases related to a larger office space of approximately \$109,000, beginning in 2028-29, plus additional one-time rent payments of approximately \$104,000 to continue to pay rent on the current leased space until May 1, 2029. Staff notes that these costs are not directly attributable to the requirements of this bill.

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