

CONCURRENCE IN SENATE AMENDMENTS

AB 306 (Schultz, et al.)

As Amended July 2, 2026

Majority vote

SUMMARY

Requires the California Building Standards Commission (CBSC) to hear and decide appeals regarding a local enforcement agency's implementation of the California Building Standards Code, and to issue code interpretations, as specified

Senate Amendments

- 1) Delete the previous contents of the bill.
- 2) Require the CBSC to decide appeals resulting from the administration of state building standards and promulgate code interpretations.
- 3) Modify the existing authority to appeal an issue to the CBSC of any person adversely affected by any regulation, rule, omission, interpretation, decision, or practice of any local agency, having authority to enforce a state building standard, by specifying that the decision to appeal to the CBSC need not be agreed to by the local agency.
- 4) Specify an issue appealed pursuant to 2) may 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. Provides that approval of such a request shall be limited to the particular case covered by the request and shall not be construed as establishing any precedent for any future request.
- 5) Authorize the CBSC to approve a request to use an alternate material, assembly of materials, equipment, method of construction, method of installation of equipment, or means of protection only if it meets both of the following conditions:
 - a) It is not specifically, in name, design, or function, prohibited, restricted, or otherwise regulated in the California Building Standards Code; and
 - b) It has not been specifically, in name, design, or function, rejected for inclusion in the California Building Standards Code.
- 6) Authorize the CBSC to accept an appeal pursuant to 2) only if both of the following are true:
 - a) The CBSC determines that the issues involved in the appeal have statewide significance; and
 - b) The person seeking to appeal an issue has exhausted all local appeals procedures before appealing to the CBSC. Specifies exhaustion of local appeals procedures shall not be required as a prerequisite for an appeal requested jointly by the person adversely affected and the local agency having authority to enforce a state building standard.

- 7) Require the CBSC to 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.
- 8) Authorize any person to request a code interpretation from the CBSC relative to the intent of any regulation or provision adopted by the CBSC. Requires the CBSC, when the request relates to a specific project, occupancy, or building, to review the issue with the appropriate local enforcing agency before rendering the code interpretation.
- 9) Require decisions on appeals and code interpretations issued by the CBSC to be posted in a searchable format on the CBSC's internet website.
- 10) Require a local enforcement agency that issues written rules and regulations intended to clarify the application of the California Building Standards Code to post them on the agency's website, as specified.
- 11) Make findings and declarations that state this bill addresses the statewide housing crisis as recognized by California courts, which have consistently held that state housing laws prevail over municipal affairs where necessary to facilitate housing production and overcome local barriers.

COMMENTS

Appeals. As part of its statutory responsibilities, CBSC is required to hear appeals brought by persons adversely affected by a regulation, rule, omission, interpretation, decision, or practice of a state or local agency responsible for enforcing the state building standards. Although existing law directs the CBSC to hear these appeals, it does not expressly require the CBSC to approve or deny an appeal or otherwise issue a decision resolving the matter. Existing law also creates some ambiguity regarding when an appeal involving a local agency may be brought before the CBSC. The statute provides that when a local agency and a person adversely affected by the agency's decision concerning the application of state building standards both wish to appeal an issue to the CBSC for resolution, the parties may do so. This provision could be interpreted to require agreement by both the affected person and the local agency before an appeal may proceed. Under that interpretation, a person seeking review of a local agency's decision may be unable to obtain review unless the agency itself agrees to participate in the appeal, even though the appeal may seek to overturn the agency's original decision.

This bill will clarify that a person adversely impacted by a local agency's decision relative to the state building code may appeal that decision to the CBSC after exhausting local appeals. For any appeal that is jointly filed by a local agency and a person affected by the local agency's decision on the state building code, the appellants are not required to exhaust the local appeals process. This bill will additionally clarify that the CBSC is not only obliged to hear appeals, but that the CBSC must issue a decision on appeals that are heard.

Alternate materials and methods. The State Fire Marshal (SFM) is responsible for adopting regulations that promote fire and life safety for incorporation into the California Building Standards Code. The SFM also adopts regulations governing fire hazard severity zones. Under regulations adopted by the SFM, an applicant may seek approval from the local enforcement agency to use an alternative material, assembly of materials, equipment, method of construction, method of installation, or means of protection for requirements within the SFM's jurisdiction. If

the local enforcement agency denies the proposed alternative, the regulations allow an applicant to submit a written appeal to the SFM requesting approval of the alternative. The regulations further provide that approval of an alternative by either the local enforcement agency or the SFM does not establish a precedent for future requests.

This bill seeks to replicate the SFM appeal process that is relative to aspects of the state building code within the SFM's jurisdiction to aspects of the state building code in the CBSC's general jurisdiction.

Gutted. This bill was gutted and amended into a new policy in June 2026.

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."

Arguments in Support

According to California YIMBY and SPUR, "The bill clarifies the California Building Standards Commission's authority to hear and decide appeals to promulgate code interpretations, and it allows any person to request an interpretation of the intent of a provision the Commission has adopted – so that applicants are not forced to re-litigate the same technical questions jurisdiction by jurisdiction. It creates an appeals pathway for local decisions that raise issues of statewide significance, including requests to use alternate materials, assemblies, equipment, or methods of construction, giving applicants recourse when local decisions diverge from state standards. And it requires that both Commission decision and Commission interpretations be posted in a searchable format online, and that local written rules and policies be posted on the local agency's website, clearly identified as a local interpretation and linked to the related local amendments and express findings."

According to the American Institute of Architects California, "Importantly, AB 306 builds upon processes already successfully utilized elsewhere in state government. The Office of the State Fire Marshal and the Division of the State Architect both maintain longstanding appeals and interpretation processes that provide clarity and consistency in the administration of building standards. AB 306 extends similar concepts to matters falling within the jurisdiction of the California Building Standards Commission. The bill has also been significantly amended in

response to stakeholder concerns and now includes a number of important guardrails to preserve local authority."

Arguments in Opposition

According to the California Building Officials, "In our professional opinion, AB 306 will benefit a narrow group of for-profit interests that seek to fast-track approvals on their products and practices. In our experience, local familiarity and relationships between most construction and design professionals aid in expediting permit approvals. What works in a mountainous climate zone, as code officials understand, does not hold true for coastal urban environments. A "one size fits all" approach to code interpretations simply jeopardizes public safety. Building code enforcement requires professional judgement and local accountability. The existence of differing interpretations does not demonstrate system failure. It reflects the reality that building safety decisions are site-specific and operationally dependent to address specific safety concerns.

AB 306 also places considerable responsibility upon the California Building Standards Commission (BSC). We work daily with the BSC and are very familiar with their capabilities and capacities. It is important to note that the BSC – staff and appointed commission – are a highly administrative body as opposed to technical experts. Adding the necessary staff and overhead expenses to the BSC would result in significant cost to the Department of General Services and overall California state budget. As outlined in the Turner Center report on California's Building Code Appeals process in 2025, local officials rely heavily upon larger administrative decision-making bodies for appeals. This is part of the problem outlined by the report, which is only going to be exacerbated when elevated to a higher-level statewide decision-making body. Hearings will be few and far between, which will only add to the problem as opposed to offering a solution."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) 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.
- 2) 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)

VOTES:**ASM HOUSING AND COMMUNITY DEVELOPMENT: 12-0-0**

YES: Haney, Patterson, Ávila Farías, Caloza, Gallagher, Kalra, Lee, Quirk-Silva, Ta, Wicks, Wilson, Gabriel

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hadwick, Hart, Pacheco, Pellerin, Solache, Ta

ABS, ABST OR NV: Dixon

ASSEMBLY FLOOR: 71-0-9

YES: Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Bonta, Bryan, Calderon, Carrillo, Castillo, Chen, DeMaio, Dixon, Elhawary, Ellis, Essayli, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Rivas

ABS, ABST OR NV: Addis, Alvarez, Boerner, Caloza, Connolly, Davies, Hart, Wicks, Zbur

UPDATED

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