

Date of Hearing: August 27, 2026

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Matt Haney, Chair

AB 306 (Schultz) – As Amended July 2, 2026

SUBJECT: California Building Standards Commission: appeals: code interpretations

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. Specifically, **this bill:**

- 1) Requires the CBSC to decide appeals resulting from the administration of state building standards and promulgate code interpretations.
- 2) Modifies 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.
- 3) Specifies 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.
- 4) Authorizes 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.
- 5) Authorizes 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.
- 6) Requires 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.

- 7) Authorizes 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.
- 8) Requires decisions on appeals and code interpretations issued by the CBSC to be posted in a searchable format on the CBSC's internet website.
- 9) Requires 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.
- 10) Makes findings and declarations that 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.

EXISTING LAW:

- 1) Pauses changes to building standards affecting residential units at the state and local level from October 1, 2025, to June 1, 2031, with limited exceptions. [Health and Safety Code (HSC) Section 18929.1(c), HSC 17958(b)]
- 2) Establishes the CBSC within the Department of General Services and requires the commission to approve and adopt building standards and to codify those standards in the California Building Standards Code. Requires CBSC to publish editions of the code in its entirety once every three years. In the intervening period the commission must publish supplements as necessary. (HSC 18942, HSC 18930)
- 3) Requires CBSC to receive proposed building standards from a state agency for consideration in an 18-month code adoption cycle. Requires CBSC to adopt regulations governing the procedures for 18-month code adoption cycle, which must include adequate provision of the following:
 - a) Public participation in the development of standards;
 - b) Notice in written form to the public of the compiled building standards with justifications;
 - c) Technical review of the proposed building standards and accompanying justification by advisory boards appointed by CBSC; and
 - d) Time for review of recommendations by the advisory boards prior to CBSC taking action. (HSC 18929.1)
- 4) Requires proposed building standards that are submitted to CBSC for consideration to be accompanied by an analysis completed by the appropriate state agency that justifies approval based on the following criteria:
 - a) The building standard does not conflict with, overlap, or duplicate other building standards;

- b) The proposed standard is within the parameters of the agency's jurisdiction;
 - c) The public interest requires the adoption of the building standard;
 - d) The standard is not unreasonable, arbitrary, unfair, or capricious;
 - e) The cost to the public is reasonable, based on the overall benefit to be derived from the building standard;
 - f) The standard is not unnecessarily ambiguous or vague; and
 - g) The applicable national specifications, published standards, and model codes have been appropriately incorporated into the standard. (HSC 18930)
- 5) Authorizes cities and counties to make reasonably necessary changes or modifications to the provisions of the California Building Standards Code upon finding these changes are reasonably necessary due to local climatic, geological, or topographical conditions. (HSC 17958.5, HSC 17958.7)
- 6) Authorizes any person adversely affected by any regulation, rules, omission, interpretation, decision, or practice of any state agency regarding the administration of any building standard to appeal the issue for resolution to the commission. [HSC 18945(a)]
- 7) Provides that if any local agency with authority to enforce a state building standard and any person adversely affected by any regulation, rule, omission, interpretation, decision, or practice of such agency both wish to appeal the issue for resolution to the CBSC, then both parties may appeal to the CBSC. The BSC may accept such appeal only if the CBSC determines that the issues involved in such appeal have statewide significance. [HSC 18945(b)]

FISCAL EFFECT: According to the Senate Appropriations Committee:

- 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)

COMMENTS:

Author's Statement: 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."

Building Standards: The California Building Standards Law establishes the process for adopting state building standards by the Commission. Statewide building standards are intended to provide uniformity in building across the state. The CBSC's duties include the following: receiving proposed building standards from state agencies for consideration in each triennial and intervening building code adoption cycle; reviewing and approving building standards submitted by state agencies; adopting building standards for state buildings where no other state agency is authorized by law; and publishing the approved building standards in the California Building Standards Code (Title 24 of the California Code of Regulations).

Most building standards currently in use in California are developed and vetted at the national level every three years by technical organizations, academics, and trade associations that develop consensus standards, which are then incorporated into the IBC, the national model code used by most U.S. jurisdictions. At the state level, agencies with authority over specified occupancies then review the IBC and amend as necessary for California's specific needs. There are approximately 20 state agencies that develop building standards and propose them for adoption to the CBSC.

After the proposal of building standards by state agencies, the proposals undergo a public vetting process. A code advisory committee composed of experts in a particular scope of code reviews the proposed standards, followed by public review. The proposing agency considers feedback and may then amend the standards and re-submit them to the CBSC for consideration. CBSC reviews and adopts the standards and files them with the Secretary of State for codification and publishing, and there is a 180-day period during which local agencies file modifications and changes to the state codes (though they are not limited to this window). The new codes then take effect January 1 of the subsequent year following publication.

Updates and changes to building standards are adopted on two timelines: through the triennial code adoption cycle which occurs every three years, and through the intervening code adoption cycle which provides an update to codes 18 months after the publication of the triennial codes. Regulatory activities for each cycle begin over two years before the effective date of the codes.

HCD is responsible for the standards for residential buildings, hotels and motels. The California Building Code and California Residential Code govern general standards for multifamily and single-family residential construction. The Office of the State Fire Marshal is responsible for adopting building standards focused on fire and panic safety for residential occupancies. Within the codes, there are certain requirements that are mandatory for all newly constructed dwellings or buildings, and certain provisions that are optional or voluntary – meaning the requirements must be followed only if an entity chooses to construct certain items or systems.

As a matter of practice, the Legislature typically offers guidelines or directs agencies to consider certain standards, rather than requires the adoption of specific standards, in order to provide flexibility and allow for subject matter experts to determine appropriateness and weigh the many considerations that must be evaluated when recommending new or modified building standards.

Local Amendments to State Codes: Local governments are provided wide latitude to make changes and modifications to the state baseline codes – so long as they exceed or are more protective than the state baseline, not a reduction – and for codes affecting residential buildings (excluding energy “reach codes” which follow a different process), neither the CBSC nor statute requires the local modifications to include any cost determinations or economic impact analysis. Local governments simply have to include a finding in their filing with the CBSC that the modifications are “reasonably necessary because of local climatic, geological, or topographical conditions” or environmental conditions for green building standards. CBSC does not currently have the authority to review these findings for validity, merits, or the justification of reasonableness, nor do the local amendments have to follow the APA or more rigorous state review criteria requiring state building standards to “not [be] unreasonable, arbitrary, unfair, or capricious, in whole or in part” or have a “cost to the public [that is] reasonable, based on the overall benefit to be derived from the building standards.”

Numerous Directives and Mandates Leading to Standards Freeze: The Legislature and Governor have enacted multiple additional directives to research and propose new building standards in recent years, including for rainwater catchment, electric vehicle charging, water efficiency and reuse, adaptive reuse projects, and beyond. Some of the most impactful mandates in recent years have also come from outside stakeholders or the adopting agencies themselves (rather than the Legislature), like solar panel mandates and fire sprinkler requirements. There are several legitimate and important concerns that are addressed by these and many other elements of building standards for housing. However, the framework for proposing and adopting new standards leaves agencies in silos regarding the volume or costs of new proposals that counterpart agencies are also simultaneously developing. Cost analyses are performed on each individual modification or for each respective chapter, not on the accumulation of the entirety of changes in each intervening or triennial cycle across all agencies. Holistic review is therefore difficult and while individual standards may increase costs by what appears a reasonable amount, from a different lens, the cost of the totality of all cumulative changes may be less reasonable.

In response to concerns regarding the rapid pace of modifications to building standards, the deadly Los Angeles fires of January 2025, and a need to find methods to stem increases in housing construction costs, the Legislature and Governor enacted several significant changes to building standards in the 2025 housing budget trailer bill, AB 130 (Committee on Budget), Chapter 22. The most significant change is a freeze to any new building standards or changes to existing building standards affecting residential units at both the state and local level until 2031, with limited exceptions.

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 clarifies 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.

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.”

Related Legislation: *AB 130 (Committee on Budget), Chapter 22, Statutes of 2025.* Prohibits the CSBC and any other adopting agency, from October 1, 2025, until June 1, 2031, from considering, approving, or adopting any proposed building standards affecting residential units, with limited exceptions. Prohibits a city or county from making changes or modifications to building standards affecting residential units, including to green building standards, from October 1, 2025 until June 1, 2031, with limited exceptions. Requires CBSC to reject a modification or change to any building standard affecting a residential unit filed by the governing body of a city or county, from October 1, 2025, until June 1, 2031, with limited exceptions.

REGISTERED SUPPORT / OPPOSITION:

Support

American Institute of Architects California (Sponsor)
Abundant Housing LA
Bay Area Council
California Apartment Association

California Conference of Carpenters
California YIMBY
Construction Employers' Association
Council of Infill Builders
Eden Housing
House Sacramento
Housing Action Coalition
Housing California
Los Angeles County
Phillips Win Architecture
San Francisco Bay Area Planning and Urban Research Association
Studio One Eleven
USGBC California
Valley Industry and Commerce Association

Opposition

California Building Officials
County Building Officials Association of California
City of Oceanside

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