

provisions adopted by the Department of Housing and Community Development. If any city, county or city and county does not amend, add or repeal by local ordinances or regulations the provisions published in this code or other regulations promulgated by the Department of Housing and Community Development, those provisions shall be applicable and shall become effective 180 days after publication by the California Building Standards Commission. Amendments, additions and deletions to this code adopted by a city, county or city and county pursuant to California Health and Safety Code Sections 17958.7 and 18941.5, together with all applicable portions of this code, shall also become effective 180 days after publication of the California Building Standards Code by the California Building Standards Commission.

108.6.2 Findings, filings and rejections of local modifications. Prior to making any modifications or establishing more restrictive building standards, the governing body shall make express findings and filings, as required by California Health and Safety Code Section 17958.7, showing that such modifications are reasonably necessary due to local climatic, geological or topographical conditions. No modification shall become effective or operative unless the following requirements are met:

1. The express findings shall be made available as a public record.
2. A copy of the modification and express finding, each document marked to cross-reference the other, shall be filed with the California Building Standards Commission for cities, counties or cities and counties, and with the Department of Housing and Community Development for fire protection districts.
3. The California Building Standards Commission has not rejected the modification or change.

Nothing in this section shall limit the authority of fire protection districts pursuant to California Health and Safety Code Section 13869.7(a).

**SECTION 108.7
ALTERNATE MATERIALS, DESIGNS, TESTS AND
METHODS OF CONSTRUCTION**

108.7.1 General. The provisions of this code, as adopted by the Department of Housing and Community Development are not intended to prevent the use of any alternate material, appliance, installation, device, arrangement, method, design or method of construction not specifically prescribed by this code. Consideration and approval of alternates shall comply with Section 108.7.2 for local building departments and Section 108.7.3 for the Department of Housing and Community Development.

108.7.2 Local building departments. The building department of any city, county or city and county may approve alternates for use in the erection, reconstruction, movement, enlargement, conversion, alteration, repair, removal

or demolition of an apartment house, hotel, motel, dwelling or an accessory structure, except for the following:

1. Structures located in mobilehome parks as defined in California Health and Safety Code Section 18214.
2. Structures located in special occupancy parks as defined in California Health and Safety Code Section 18862.43.
3. Factory-built housing as defined in California Health and Safety Code Section 19971.

108.7.2.1 Approval of alternates. The consideration and approval of alternates by a local building department shall comply with the following procedures and limitations:

1. The approval shall be granted on a case-by-case basis.
2. Evidence shall be submitted to substantiate claims that the proposed alternate, in performance, safety and protection of life and health, conforms to, or is at least equivalent to, the standards contained in this code and other rules and regulations promulgated by the Department of Housing and Community Development.
3. The building department may require tests performed by an approved testing agency at the expense of the owner or owner's agent as proof of compliance.
4. If the proposed alternate is related to accessibility in covered multifamily dwellings or in facilities serving covered multifamily dwellings as defined in Chapter 11A, the proposed alternate must also meet the threshold set for "Equivalent Facilitation" as defined in Chapter 11A.

For additional information regarding approval of alternates by a building department pursuant to the State Housing Law, see California Health and Safety Code Section 17951(e) and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1.

108.7.3 Department of Housing and Community Development. The Department of Housing and Community Development may approve alternates for use in the erection, reconstruction, movement, enlargement, conversion, alteration, repair, removal or demolition of an apartment house, hotel, motel, dwelling or an accessory thereto. The consideration and approval of alternates shall comply with the following:

1. The department may require tests at the expense of the owner or owner's agent to substantiate compliance with the California Building Standards Code.
2. The approved alternate shall, for its intended purpose, be at least equivalent in performance and safety to the materials, designs, tests or methods of construction prescribed by this code.