

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 for the 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 local 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 facilities serving covered multifamily dwellings as defined in Chapter 11A of the CBC, the proposed alternate must also meet the threshold set for "EQUIVALENT FACILITATION" as defined in Chapter 11A of the CBC.

For additional information regarding approval of alternates by a local building department pursuant to the State Housing Law, see California Health and Safety Code Section 17951(e) and California Code 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, construction, reconstruction, movement enlargement, conversion, alteration, repair, removal demolition or arrangement of apartment houses, hotels, motels, lodging houses, dwellings, including accessory buildings, facilities, and uses 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.

108.8 Appeals Board

108.8.1 General. Every city, county or city and county, shall establish a local appeals board and a

housing appeals board. The local appeals board and housing appeals board shall each be comprised of at least five voting members who shall serve at the pleasure of the city, county or city and county. Appointees shall not be employees of the jurisdiction and shall be qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances.

108.8.2 Definitions. The following terms shall for the purposes of this section have the meaning shown.

Housing Appeals Board. The board or agency of a city, county or city and county which is authorized by the governing body of the city, county or city and county to hear appeals regarding the requirements of the city, county or city and county relating to the use, maintenance, and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition, and moving. In any area in which there is no such board or agency, "housing appeals board" means the local appeals board having jurisdiction over the area.

Local Appeals Board. The board or agency of a city, county or city and county which is authorized by the governing body of the city, county or city and county to hear appeals regarding the building requirements of the city, county or city and county. In any area in which there is no such board or agency, "local appeals board" means the governing body of the city, county or city and county having jurisdiction over the area.

108.8.3 Appeals. Except as otherwise provided by law, any person, firm, or corporation adversely affected by a decision, order, or determination by a city, county or city and county relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any lawfully enacted ordinance by a city, county or city and county, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate.

The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

108.9 Unsafe Buildings or Structures

108.9.1 Authority to Enforce. Subject to other provisions of law, the administration, enforcement, actions, proceedings, abatement, violations and penalties for unsafe buildings and structures are contained in the following statutes and regulations:

1. For applications subject to State Housing Law as referenced in Section 108.3.2.1 of this code, refer to Health and Safety Code Sections 17910 through 17995.5 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1.
2. For applications subject to the Mobilehome Parks Act as referenced in Section 108.3.2.2 of this code,