

- (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).

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, 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, 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, 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 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 or demolition of an apartment house, hotel, motel, lodging house, 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.*

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.*