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Building Codes Take Effect Jan. 1

Developers with projects planned for the near future are being reminded that unless permit applications are submitted before the end of the year, the new California Building Codes will take effect on Jan. 1.

The updated building codes include changes associated with the new green building standards and the mandate for fire sprinkler systems in all new homes. The administrative trigger for any state or local building code is based on the permit application submittal date.

Specifically, Health & Safety Code 18938.5(a) states: "Only those building standards approved by the commission, and that are effective at the local level at the time an application for a building permit is submitted, shall apply to the plans and specifications for, and to the construction performed under, that building permit."

The building permit application submittal date is the key point in the statute. However, it should be noted that it is entirely up to the local building department to determine what constitutes a building permit application, and this does vary from jurisdiction to jurisdiction.

For example, many jurisdictions will allow a phased project that is already well under construction to continue to show compliance under the existing California Building Codes, providing the models have not changed from those originally approved when the project started.

Other jurisdictions may take a more aggressive interpretation. That is why developers contact your local building department now to get a clear interpretation of how they plan to implement the new 2011 California Residential Code and California Green Building Code.