



Outline of AB306 Provisions in AB 130 and Reach Code Pathways

Note: BayREN prepared this outline for local government staff, to help them as they are working with these amendments. Nothing here is intended to provide legal advice, and local government staff should always check with their city or county attorneys on any legal questions.

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Summary

These provisions do four things:

1. Prevent the adoption of local modifications to the state building code, such as reach codes, that affect residential units between October 1, 2025 and June 1, 2031, with six exceptions (Sections 29, 30, 31; section 41 is the same except it doesn't list exception 6)
2. Prevent the adoption of new state building codes affecting residential units between October 1, 2025 and June 1, 2031, with seven exceptions (Sections 32, 39)
3. Establish that when a model home is approved, the state and local building codes in effect at the time of approval are the ones that should be applied to all homes based on that model home for 10 years, unless the design substantially changes (Section 40)
4. Limit the types of amendments that can be adopted between triennial code updates, i.e., during the intervening cycle (Section 42)

These provisions will not prevent implementation of the 2025 Building Standards or adoption of the 2031 Building Standards.

Pathways for Reach Codes before 2031

Background information needed to understand the pathways

- Local energy reach codes are amendments to the Energy Code (Part 6) part of the California Building Standards (Title 24).
- The current Building Standards (the 2022 Code) expire at the end of 2025.
- All reach codes that are based on the 2022 Code will expire at the same time.
- An updated Building Code (the 2025 Code) will take effect on January 1, 2026.
 - State law provides that local jurisdictions should adopt the updated code by the end of the year, but the Standards will go into effect regardless.
 - In most jurisdictions, the Chief Building Official usually takes the updated Building Standards to the Council/Board for adoption in November or so.
- Because energy reach codes are amendments to the Energy Code part of the California Building Standards, a jurisdiction must adopt the Energy Code before it can adopt a reach code.

Reach Code Pathways, Now-2031

If a jurisdiction already has adopted a reach code (based on the 2022 Code) that is/will be in effect before September 30, 2025 and wants to extend it past January 1, 2026:

- The jurisdiction could potentially use exception 1 to adopt a reach code that is “substantially similar” to the one in place. The council/board would need to make a finding that it is substantially similar.

To adopt a new or additional reach code before September 30, 2025 that will be effective in 2026 and beyond, there are two pathways:

- 2022 Code Pathway (two-step process):
 - Adopt a reach code on the 2022 Energy Code so that it “will be in effect” before September 30, 2025
 - When the jurisdiction adopts the 2025 Building Standards, use exception 1 to adopt a reach code on the 2025 Energy Code that is “substantially similar” to the one adopted before September 30. The council/board would need to make a finding that it is substantially similar.
- 2025 Code Pathway
 - The jurisdiction could adopt the 2025 State Building Code (or at least the Energy Code) earlier than usual, before September 30, together with an energy reach code based on the 2025 Code.

To adopt a reach code between October 1, 2025 and June 1, 2031, it will have to fall within one of the exceptions.

- See the blue text in the “Excerpted Language on Limitations to Reach Codes” below for the exceptions.

- There are a lot of questions about what some of these really mean and how they would work.
- Guidance will hopefully be forthcoming.
- Note that Section 31 of AB 130 says that the BSC can rely on a statement by the local agency relative to conditions 1-5. For condition 6 (amendments are related to administrative practices only), the BSC should consult with HCD and review the amendments.

Bill Text and Excerpts

Link to full bill text:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB130

Link to a summary of impacts of the bill [here](#).

Excerpted Language on Limitations to Reach Codes:

(b) Commencing **October 1, 2025, to June 1, 2031**, inclusive, **a city or county shall not make changes that are applicable to residential units** in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations thereafter adopted pursuant to Section 17922 to amend, add, or repeal ordinances or regulations which impose the same requirements as are contained in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations adopted pursuant to Section 17922 or make changes or modifications in those requirements upon express findings pursuant to Sections 17958.5 and 17958.7, **unless one of the following conditions is met:**

- (1) **The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025.**
- (2) The commission deems those changes or modifications necessary as **emergency standards** to protect health and safety.
- (3) The changes or modifications **relate to home hardening**.
- (4) The building standards **relate to home hardening and are proposed for adoption by a fire protection district** pursuant to Section 13869.7.
- (5) The changes or modifications **are necessary to implement a local code amendment that is adopted to align with a general plan** approved on or before June 10, 2025, and **that permits mixed-fuel residential construction consistent with federal law while also incentivizing all-electric construction as part of an adopted greenhouse gas emissions reduction strategy.**
- (6) The changes or modifications **are related to administrative practices**, are proposed for adoption during the intervening period pursuant to Section 18942, and **exclusively result in any of the following:**
 - (A) **Reductions in time** for a local agency to issue a postentitlement permit.
 - (B) Alterations to a local agency's postentitlement **fee schedule**.

- (C) Modernization of, or adoption of, new **permitting platforms and software** utilized by the local agency.
- (D) **Reductions in cost of internal operation** for a local agency.
- (E) Establishment, alteration, or removal of **local programs related to enforcement of building code violations** or complaints alleging building code violations.

Excerpted Language on Limitations to State Building Standards:

... proposed **building standards affecting residential units shall not be considered, approved, or adopted by the commission, unless any of the following conditions are met:**

- (1) The commission deems those changes **necessary as emergency standards** to protect health and safety.
- (2) The building standards are **amendments by the State Fire Marshal to building standards within the California Wildland-Urban Interface Code** (Part 7 of Title 24 of the California Code of Regulations).
- (3) The building standards **are proposed for adoption in relation to standards researched pursuant to Section 13108.5.2.**
- (4) The building standards are proposed for adoption **pursuant to Section 17921.9, 17921.11, or 18940.7 of this code, or Section 13558 of the Water Code.**
- (5) The building standards **are necessary to ensure the latest editions of the model codes specified in Section 18916 are incorporated into the triennial edition of the California Building Standards Code**, along with any necessary and related state amendments supporting or facilitating the incorporation of the model codes.
- (6) The building standards **are necessary to incorporate errata or emergency updates to the national model codes** specified in Section 18916, along with any necessary and related state amendments supporting or facilitating the incorporation of errata or emergency updates to the model codes.
- (7) The building standards under consideration **would take effect on or after January 1, 2032.**

Overview/Summary of sections in AB 130 that come from AB 306

Section 29 (about local amendments to the state code/reach codes)

- Amends Section 17958 of the Health & Safety Code
- What this section did prior to the AB130/306 amendments:
 - This section basically allows cities or counties to amend the Building Standards Code pursuant to Section 17922
- What the AB130/306 amendments did:
 - Limit the ability of cities or counties to amend the Building Standards with the Limitations to Reach Codes copied above

Section 30 (about local amendments to the state code/reach codes)

- Amends Section 17958.5 of the Health & Safety Code
- What this section did prior to the AB130/306 amendments:
 - This section basically says that, except as provided in Section 17922.6, cities can make reasonably necessary modifications, including the adoption of green building codes, to the requirements adopted pursuant to Section 17922 on the basis of local conditions, as long as find that those modifications are reasonably necessary because of local climatic, geological, or topographical conditions.
- What the AB130/306 amendments did:
 - Limit the ability of cities and counties to make these modifications, including green building codes between October 1, 2025 and June 1, 2031 unless one of the conditions laid out in the Limitations to Reach Codes (above) is met

Section 31 (about local amendments to the state code/reach codes)

- Amends Section 17958.7 of the Health & Safety Code
- What this section did prior to the AB130/306 amendments:
 - Requires a city or county to make an express finding that modifications to the Building Standards are reasonably necessary because of local climatic, geological, or topographical conditions.
 - A copy of the findings, together with the modifications, shall be filed with the Building Standards Commission, and shall not be come effective until filed with the BSC
 - The BSC may reject any modification if no finding was submitted
- What the AB130/306 amendments did:
 - Requires the BSC to reject a modification to the Building Standards filed by a city or county between October 1, 2025 and June 1, 2031 unless one of the conditions laid out in the Limitations to Reach Codes (above) is met
 - Says that the BSC can rely on a statement by the local agency relative to conditions 1-5
 - Says that the BSC, in consultation with HCD, shall review amendments adopted per condition 6 (amendments are related to administrative practices only)

Section 38 (about state Building Standards)

- Amends Section 18929.1 of the Health & Safety Code
- What this section did prior to the AB130/306 amendments:
 - Directs the BSC to receive proposed building standards from state agencies for consideration in an 18-month code adoption cycle
- What the AB130/306 amendments did:
 - States that this section shall not apply to any building standards affecting residential units, and proposed building standards affecting residential units shall not be “considered, approved or adopted” by the commission

unless one of the conditions laid out in the Limitations to State Codes (above) is met

Section 39 (about state Building Standards)

- Amends Section 18930 of the Health & Safety Code
- What this section did prior to the AB130/306 amendments:
 - Lays out the process and criteria for codification of building standards adopted or proposed by state agencies
- What the AB130/306 amendments did:
 - Says that between October 1, 2025 and June 1, 2031, this section shall not apply to any proposed building standards affecting residential units unless one of the conditions laid out in the Limitations to State Codes (above) is met

Section 40 (about dwelling units based on model homes)

- Amends Section 18938.5 of the Health & Safety Code
- What this section did prior to the AB130/306 amendments:
 - Basically says that a building permit is subject to the state Building Standards and local amendments that were in place at the time the building permit was submitted, with certain exceptions, such as a declared emergency or an expired or revoked permit
- What the AB130/306 amendments did:
 - Adds an exception that for dwelling units based on approved model home designs, the state and local building standards in effect at the time the model home is approved are the building standards that should be applied to any future home based on that model home for 10 years after that approval, unless the design substantially changes

Section 41 (about local amendments to the state code/reach codes)

- Amends Section 18941.5 of the Health and Safety Code
- What this section did prior to the AB130/306 amendments:
 - Says that the effective date of amendments, additions, and deletions to the Building Standards Code, “including, but not limited to, green building standards, adopted by a city, county, or city and county...” shall become effective 180 days after publication of the California Building Standards Code.
 - Also says that cities and counties can establish more restrictive building standards reasonably necessary because of local conditions upon making the required finding.
- What the AB130/306 amendments did:
 - Says that between October 1, 2025 and June 1, 2031, cities or counties shall not establish more restrictive building standards applicable to residential dwelling units unless one of the conditions in the Limitations to

Reach Codes (above) is met (but the list in this section doesn't include condition 6 that allows amendments for administrative practices)

Section 42 (limits types of amendments that can be adopted during the intervening cycle)

- Amends Section 18942 of the Health and Safety Code
- What this section did prior to the AB130/306 amendments:
 - Provides that the BSC publish the code every three years, and allows for supplements to the Building Standards to be published between those as necessary
- What the AB130/306 amendments did:
 - Limits changes adopted during the intervening period to:
 - Technical updates needed to support the adopted code
 - Emergency building standards
 - Amendments by the Fire Marshal within the WUI Code
 - Incorporation of errata or emergency updates to national codes
 - “Changes or modifications made pursuant to paragraph (6) of subdivision (b) of Section 17958, paragraph (6) of subdivision (c) of Section 17958.5, or paragraph (6) of subdivision (c) of Section 17958.7”
 - Changes need to align with minimum federal accessibility standards