



## Land Use Services Department Building and Safety Division

# BUILDING APPEALS BOARD

## Informational Sheet

### **WHAT IS AN APPEAL?**

An appeal is a request for the Building Appeals Board to review decisions of the Building Official in which it's believed the conclusion reached was inappropriate. Orders, decisions, or determination of the Building Official can be appealed.

### **WHAT ISSUES CAN BE CONSIDERED IN AN APPEAL?**

An application for appeal is based on a claim that the true intent of the California Building Code, and other regulations governing the use, maintenance, and change of occupancy, have been incorrectly interpreted, the provisions of the California Building Code does not fully apply, or an equally good or better form of construction is proposed. The Building Appeals Board may consider appeals of any building-related order, decision, or determination made by the Building Official. The Building Appeals Board also functions as the "local appeals board" and "housing appeals board" as specified in California Health and Safety Code §§ 17920.5 and 17920.6.

### **WHO CAN APPEAL A DECISION OR DETERMINATION?**

Any involved person may appeal an order, decision, or determination made by the Building Official.

### **WHERE IS AN APPEAL FILED?**

All appeals made to the Buildings Appeal Board must be filed with the County of San Bernardino's Land Use Services Department – Building and Safety Division.

### **WHAT IS THE FILING FEE FOR A BUILDING APPEAL?**

The filing fee for an appeal is \$1,331.00, which is refundable if the appeal is granted.

### **WHAT IS REQUIRED TO FILE AN APPEAL?**

All appeals to the Building Appeals Board must be filed on an official "Building Appeals Application" form. These forms are available at the Land Use Services Department. The application form must be completely filled out and clearly state those issues or portion of the order, decision, or determination being appealed since the Building Appeals Board will consider **only those issues or portions which were raised on the application form**. Once an appeal is accepted for filing, additional issues cannot be raised after this time or at the hearing.



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### **WHAT IS A “STATEMENT OF GROUNDS”?**

The appeal application form includes a section entitled “Statement of Grounds for Appeal”. The statement of grounds is the appellant’s opportunity to state the reason(s) why the order, decision or determination is being appealed and all material facts the appellant believes support his or her contention that the order, decision or determination of the Building Official was inappropriately decided.

### **WHAT HAPPENS AFTER THE APPEAL IS FILED?**

Once a complete appeal is accepted for filing, a hearing is scheduled. The appellant will be notified of the date, time, and place of the hearing by mail at least ten days prior to the date of the hearing. A staff report will be submitted to the Building Appeals Board and made available to the appellant prior to the hearing. The staff report provides information on the appeal and the decision or determination being appealed and may include a recommended action and proposed decision in a form that may be adopted by the Board. The hearing on the appeal is then held.

### **WHAT HAPPENS DURING THE APPEAL HEARING?**

The Building Appeals Board conducts a public hearing on the appeal to consider all relevant evidence, including, but not limited to, oral and written evidence offered from each party. The order of proceedings starts with the County’s presentation of evidence and followed by the appellant. Appeal hearing procedures are outlined on the appeal application and are subject to change.

Following the parties presentation of evidence and public comment on the item, the Board of Appeals will then deliberate and render a decision to either affirm, overrule, or modify any Building Official order, decision or determination. A motion is not valid unless it receives a concurring vote of the majority of the total number of Board members who heard the appeal. The ruling then becomes final upon service of the written decision on the parties.

### **WHERE TO FILE:**

San Bernardino County Land Use Services Department  
Building and Safety Division  
385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0187

### **LOBBY HOURS:**

8:00 a.m. to 4:30 p.m.  
Monday through Friday