



TOWN OF LOS GATOS

DUPLICATION OF PLANS—BUILDING RECORDS

CA HEALTH & SAFETY CODE – CHAPTER 10. BUILDING RECORDS

19850. The **building** department of every city or county shall maintain an official copy, which may be on microfilm or other type of photographic copy, of the plans of every **building**, during the life of the **building**, for which the department issued a **building** permit.

(Language omitted)

Except for plans of a common interest development as defined in Section 4100 or 6534 of the Civil **Code**, plans need not be filed for:

- (a) Single or multiple dwellings not more than two stories and basement in height.
- (b) Garages and other structures appurtenant to buildings described under subdivision (a).
- (c) Farm or ranch buildings
- (d) Any one-story **building** where the span between bearing walls does not exceed 25 feet. The exemption in this subdivision does not, however, apply to a steel frame or concrete **building**.

19851. (a) The official copy of the plans maintained by the **building** department of the city or county provided for under Section 19850 shall be open for inspection only on the premises of the **building** department as a public record. The copy may not be duplicated in whole or in part except (1) with the written permission, which permission shall not be unreasonably withheld as specified in subdivision (f), of the certified, licensed or registered professional or his or her successor, if any, who signed the original documents and the written permission of the original or current owner of the **building**, or, if the **building** is part of a common interest development, with the written permission of the board of directors or governing body of the association established to manage the common interest development, or (2) by order of a proper court or upon the request of any state agency.

(b) Any **building** department of a city or county, which is requested to duplicate the official copy of the plans maintained by the **building** department, shall request written permission to do so from the certified, licensed, or registered professional, or his or her successor, if any, who signed the original documents and from (1) the original or current owner of the **building** or (2), if the **building** is part of a common interest development, from the board of directors or other governing body of the association established to manage the common interest development.

(c) The **building** department shall also furnish the form of an affidavit to be completed and signed by the person requesting to duplicate the official copy of the plans, which contains provisions stating all of the following:

(1) That the copy of the plans shall only be used for the maintenance, operation, and use of the **building**.

(2) That drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.

(3) That subdivision (a) of Section 5536.25 of the Business and Professions **Code** states that a licensed architect who signs plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to, or use of, those plans,

specifications, reports, or documents where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed architect who originally signed the plans, specifications, reports, or documents, provided that the architectural service rendered by the architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.

(d) The request by the **building** department to a licensed, registered, or certified professional may be made by the **building** department sending a registered or certified letter to the licensed, registered, or certified professional requesting his or her permission to duplicate the official copy of the plans and sending with the registered or certified letter, a copy of the affidavit furnished by the **building** department which has been completed and signed by the person requesting to duplicate the official copy of the plans. The registered or certified letters shall be sent by the **building** department to the most recent address of the licensed, registered, or certified professional available from the California State Board of Architectural Examiners.

(e) The governing body of the city or county may establish a fee to be paid by any person who requests the **building** department of the city or county to duplicate the official copy of any plans pursuant to this section, in an amount which it determines is reasonably necessary to cover the costs of the **building** department pursuant to this section.

(f) The certified, licensed, or registered professional's refusal to permit the duplication of the plans is unreasonable if, upon request from the **building** department, the professional does either of the following:

(1) Fails to respond to the local **building** department within 30 days of receipt by the professional of the request. However, if the **building** department determines that professional is unavailable to respond within 30 days of receipt of the request due to serious illness, travel, or other extenuating circumstances, the time period shall be extended by the **building** department to allow the professional adequate time to respond, as determined to be appropriate to the individual circumstance, but not to exceed 60 days.

(2) Refuses to give his or her permission for the duplication of the plans after receiving the signed affidavit and registered or certified letter specified in subdivisions (c) and (d).

19852. The governing body of a county or city, including a charter city, may prescribe such fees as will pay the expenses incurred by the **building** department of such city or county in maintaining the official copy of the plans of buildings for which it has issued a **building** permit, but the fees shall not exceed the amount reasonably required by the **building** department in maintaining the official copy of the plans of buildings for which it has issued a **building** permit. The fees shall be imposed pursuant to Section 66016 of the Government **Code**.

19853. This chapter shall not apply to any **building** containing a bank, other financial institution, or public utility.