# INITIAL STATEMENT OF REASONS FOR PROPOSED BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT (DSA-SS AND DSA-CC) REGARDING THE 2021 CALIFORNIA ADMINISTRATIVE CODE

# CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

# STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

## Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), ARTICLE 1: ESSENTIAL SERVICES BUILDINGS

**Section 4-207** – Definition is clarified to provide a pointer reference to a continuing amendment in the California Existing Building Code (Part 10) that defines a quantifiable measure of “major alterations” relative to seismic safety regulations. This clarification is intended to promote more consistent implementation and enforcement of the continuing regulation.

## Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 1: GENERAL PROVISIONS

**Section 4-309(c).2** – Editorial revision of the work “modifications” to “work” for clarity by the consistent use of terminology. Though not defined in section 4-314, “modifications” can more easily be misunderstood to mean “alteration”, whereas the regulation applies also to addition and reconstruction as stated in the preceding parent sections.

**Section 4-309(c).2.B** – Exception is repealed because it does not add value to the regulations, is inconsistent with the definition of “rehabilitation” in the regulations, and has resulted in confusion among stakeholders. Rehabilitation as defined in Section 4-314 includes “the evaluation and resulting retrofit”. The condition described in the exception is when the evaluation component of the rehabilitation demonstrates that the retrofit component is not required. In this case, the rehabilitation is still required to produce the evaluation that substantiates the retrofit is not needed.

**Section 4-309(d)** – Section reference to the California Existing Building Code (Part 10) corrected.

**Section 4-309(e)** – Title is added to section for consistency with other alphabetic subsections in this section. Reference pointer added to coordinate with proposed adoption on repair regulations in the California Existing Building Code (Part 10).

## Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 5: CERTIFICATION OF CONSTRUCTION

**Section 4-330** - Proposal clarifies the intent of the provision that construction commence on all school buildings within an approved project within four years or the approval is void for those school buildings which have not yet commenced construction. Given this proposed four year rule, extensions no longer apply.

## Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 5: CERTIFICATION OF CONSTRUCTION

**Section 4-333(b)5.A, 4-333(b)7, and 4-333(d)4** – Proposal revises references to and repeals concepts now covered in new Article 10.

## Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1, ARTICLE 5 CERTIFICATION OF CONSTRUCTION

**Section 4-333.1** – Relocated to Article 10, Sections 4-360.1, 4-361.1.1, 4-362, 4-363, and 4-364 and modified to clarify and consolidate inspector certification, discipline, appeals, and reinstatement requirements.

## Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1, ARTICLE 5 CERTIFICATION OF CONSTRUCTION

**Section 4-335(a)** – Revise references to new Article 11.

**Section 4-335(f)** – Relocated statement dealing with exam administration fees to 4-362 and modified.

**Section 4-335(f)2** – Relocated stricken portion to 4-365(a)2.b and modified. Added further language to reference applicable new Articles.

## Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1, ARTICLE 5 CERTIFICATION OF CONSTRUCTION

**Section 4-335.1** – Modified section title to reflect content. Relocations of many sections to new Article 11, Sections 4-370 and 4-371 to clarify and consolidate laboratory acceptance, discipline, appeals, and reinstatement requirements.

**Section 4-335.1(a)** – Relocated portions references to new Article 11, Section 4-370(a), (e) and (f) and modified.

**Section 4-335.1(b)1** – Relocated to 4-370(c) and modified and reorganized.

**Section 4-335.1(b)2** – Renumbered due to previous section being relocated. Relocated stricken portions to 4-370(d) and modified to clarify requirements and reference to relocated information.

**Section 4-335.1(b)2F** – Added item to indicate requirement for lab manager to ensure certain criminals are not allowed at school construction sites.

**Section 4-335.1(b)5** – Renumbered to previous section being relocated. Relocated stricken portion to Section 4-370(e).

**Section 4-335.1(b)7** – Clarifying requirements and referencing to new Section 4-370.

**Section 4-335.1(b)9** – Relocated to Section 4-370(g).

**Section 4-335.1(c)** – Relocated to Section 4-370(a) and (f) and modified.

**Section 4-335.1(d)** – Relocated to Section 4-370(b) and modified.

## Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1, ARTICLE 5 CERTIFICATION OF CONSTRUCTION

**Section 4-342(b)6** – Clarified deviations are to be submitted to the school board along with others previously listed.

**Section 4-342(b)8 and (c)** – Relocating various portions and revising text accordingly.

**Section 4-342(c)1** – Relocated to 4-365(a)1.D and modified for context in the new section.

**Section 4-342(c)2** – Relocated to 4-365(c) and modified for context in the new section.

**Section 4-342(d)** - Though repealed, concepts included in new Section 4-366.

**Section 4-342(e)** - Though repealed, concepts included in new Section 4-366(c).

**Section 4-342(f)** – Relocated to 4-368 and modified.

**Section 4-342(g)** – Most sub-items relocated to new Article 10, Section 4-366 and 4-367 and modified. Most topics for those sub-items not relocated are included in the same sections.

**Section 4-342(g)2** – Relocated to 4-366(c) and modified.

**Section 4-342(g)3** – Relocated to 4-366(c) and (e) and modified.

**Section 4-342(g)4** – Relocated to 4-367(b) and modified.

**Section 4-342(g)7** – Relocated to 4-367(d) and modified.

**Section 4-342(g)8** – Relocated to 4-367(e) and modified.

## Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1, ARTICLE 10: INSPECTOR CERTIFICATION

This new article consolidates and clarifies inspector certification, discipline, appeals, and reinstatement requirements. Within this new article are several sections containing relocated provisions noted above, often with further modifications, while others are new, but consistent with DSA’s Certified Access Specialist (CASp) program.

**Section 4-360 and 4-361 and related subsections for each** – These broadly cover inspector certification, noting required examinations and eligibility criteria to sit for examinations for DSA project inspectors and those special inspectors DSA certifies. Most content is relocated from previous sections, with some minor reorganization. Clarifications of past language and updated references are provided.

**Section 4-362** – Identifies fees associated with examinations.

**Section 4-363** – Provides explicit requirements already applicable for issuance and maintenance of inspector certifications. Several relocated stricken portions from earlier sections are included and further modified to clarify requirements.

**Section 4-364** – Includes previous and expands upon ethical behavior requirements for inspectors and others taking DSA inspector certification examinations.

**Section 4-365** – Clarifies grounds for DSA taking action against inspectors and those taking examinations, often based on existing statutory requirements not commonly referenced in most DSA program regulations.

**Section 4-366** – Clarifies the nature of action DSA can take against inspectors and those taking examinations.

**Section 4-367** – Clarifies appeals process, expanding on previous content on this topic.

**Section 4-368** – Clarifies and expands upon criteria for reinstatement.

**Section 4-369** – Identifies reinstatement process.

## Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1, ARTICLE 11: LABORATORY ACCEPTANCE

This new article consolidates and clarifies laboratory acceptance, discipline, appeals, and reinstatement requirements. Within this new article are several sections containing relocated provisions noted above, often with further modifications, while others are new, but consistent with DSA’s CASp program.

**Section 4-370** – Covers the laboratory evaluation and acceptance process, mostly with relocated content from Section 4-335 and 4-335.1, which is further modified to clarify requirements.

**Section 4-371** – Clarifies grounds for DSA taking action against labs, often based on existing regulatory requirements that are proposed for relocation and modification as shown.

**Section 4-372** – Clarifies the nature of action DSA can take against labs.

**Section 4-373** – Clarifies appeals process.

**Section 4-374** – Clarifies criteria for reinstatement.

**Section 4-375** – Identifies reinstatement process.

## Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 3: SUSTAINABLE CONSTRUCTION OF PUBLIC SCHOOLS AND COMMUNITY COLLEGES OUTDOOR WATER USE

4-508. Plans, specifications and other data.

Repeal language requiring fee payment; DSA has eliminated the fee requirement related to the submission of the required landscape documentation.

4-509. Application for self-certified drawings and specification.

DSA revised its procedure in 2019 regarding submission of landscape plans for modifications, rehabilitations, and new construction of landscape areas at public K-12 schools and community colleges. The revisions include the elimination of a fee for review of landscape plans and revisions to the self-certification form to include a the provision that periodic site observations during construction will occur to ensure the landscape planting and irrigation work is completed in accordance with the requirements of the CALGreen Section 5.304 requirements for outdoor water use adopted by DSA-SS. This singular form is in lieu of two separate self-certification documents; one for certification that the design complies, and one for certification that the construction complies. DSA determined that the self-certification forms that were to be submitted at the close of construction were difficult to track for projects and determined that streamlining the process was necessary to combine both certifications into one document which is required at plan submittal.

4-510. Fees.

Section is repealed; DSA has eliminated the fee requirement related to the submission of the required landscape documentation.