

**INITIAL EXPRESS TERMS  
FOR PROPOSED BUILDING STANDARDS  
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION  
REGARDING THE 2019 CALIFORNIA ADMINISTRATIVE CODE,  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1  
(BSC 01/19)**

The State agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific (Government Code Section 11346.2(a)(1)).

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**LEGEND FOR EXPRESS TERMS (California only codes - Parts 1, 6, 8, 11, 12)**

1. Existing California amendments appear upright.
  2. Amended or new California amendments appear underlined.
  3. Repealed California language appears ~~upright and in strikeout~~.
  4. Ellipsis indicates existing text remains unchanged.
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**INITIAL EXPRESS TERMS**

**CHAPTER 1  
ADMINISTRATIVE REGULATIONS OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION  
ARTICLE 1  
GENERAL**

**ITEM 1.**

**Section 1-101. Abbreviations.** . . . (existing text remains unchanged)

**SL** Identifies code provisions by the State (begin underline) Librarian (end underline) (begin strikeout) ~~Library~~ (end strikeout)

. . . (existing text remains unchanged)

**ITEM 2.**

**Section 1-103. Definitions.** . . . (existing text remains unchanged)

**ADOPTING AGENCY (or state adopting agency).** . . . (existing text remains unchanged)

. . . (existing text remains unchanged)

**PETITION.** A written submittal to the Commission (begin underline) or a state adopting or proposing agency (end underline) by any local government agency, firm or member

of the public for the purpose of proposing a new building standard or administrative regulation in Title 24, or the amendment or repeal of an existing building standard or administrative regulation in Title 24 that is currently effective.

. . . (existing text remains unchanged)

**Authority:** Government Code Section 11000, and Health and Safety Code Sections 18929.1, 18931(f) and 18949.6.

**Reference:** Government Code Section 11000, and Health and Safety Code Sections 18927, 18929-18932, 18934, 18935, 18936, 18949.1, 18941.2, 18949.3, 18949.5 and 18949.6.

. . . (existing text remains unchanged)

### **ARTICLE 3 APPEALS AND PETITION PROCEDURES**

. . . (existing text remains unchanged)

#### **ITEM 3.**

##### **Section: 1-315. Criteria for petition.**

(a) . . . (existing text remains unchanged)

(b) The rationale for the petition must take the form of at least one of the following criteria:

1. A current building standard conflicts with pertinent statute(s) (begin underline) and/or regulation(s) (end underline). To substantiate this criterion, the petitioner must cite the subject building standard and the conflicting statute(s) (begin underline) and/or regulation(s) (end underline), and provide a clear written description of why the two are inconsistent.
2. . . . (existing text remains unchanged)
3. . . . (existing text remains unchanged)
4. . . . (existing text remains unchanged)
5. . . . (existing text remains unchanged)

**Authority:** Health and Safety Code Sections 18931 and 18949.6.

**Reference:** Health and Safety Code Sections 18931 and 18949.6.

## ARTICLE 4 RULEMAKING FOR THE ADOPTION OF BUILDING STANDARDS

. . . (existing text remains unchanged)

### ITEM 4.

(begin underline) **Section: 1-402. Coordinating council state agency membership and responsibilities.**

(a) State agencies having authority to propose or adopt building standards that are contemplating the development of building standards, emergency building standards, change without regulatory effect, or other regulations contained within other Titles of the California Code of Regulations necessitating the amendment or repeal of existing building standards or the development of new building standards, shall notify the executive director for the California Building Standards Commission in writing within 15 days of such contemplation. This written notification shall be provided prior to commencing any action, to include, drafting of the building standards or any rulemaking action subject to the provisions of this chapter, California Building Standards law or the Administrative Procedure Act.

(b) A state proposing or adopting agency that fails or neglects to notify the commission's executive director pursuant to subsection (a) of this section of its contemplating the development of building standards, emergency building standards, change without regulatory effect, or other regulations contained within other Titles of the California Code of Regulations necessitating the amendment or repeal of existing building standards or the development of new building standards, may be prohibited or postponed from submitting its proposed or adopted building standards. The commission's executive director shall make the determination based upon the commission's workload and ability to coordinate any necessary public meetings.

(c) The written notification to the executive director shall contain, but is not limited to, the nature of the proposal, the specific part or parts of Title 24 affected or other Title within the California Code of Regulations, and the state agency's planned date for submission of the proposed or adopted building standards to the commission. In the case of regulations adopted in other Titles of the California Code of Regulations necessitating the amendment of existing building standards or development of new building standards in Title 24, the state agency shall provide the expected effective date of the regulation(s).

(d) Where written notification was provided to the executive director pursuant to subsection (c) and the state agency subsequently determines that it will not pursue the development of building standards or the adoption of regulations in another Title within the California Code of Regulations within the current code adoption cycle, as emergency building standards, or as a change without regulatory effect, the state agency shall notify the executive director in writing within 15 days of that determination.

(e) Representative(s) appointed to the coordinating council by their director or other appointing authority as authorized by Health and Safety Code Section 18926, shall be knowledgeable of and have the background and ability to discuss their state agency's proposed rulemaking(s) in depth with the council members, interested parties and the public. Only a representative that has received their director's or other appointing authority's appointment, and the written authorization required by subsection (e) of this section was received by the commission may represent their state agency on the coordinating council.

(f) The appointment of representative(s) to the coordinating council requires written authorization signed by the appointing director or other appointing authority and shall be addressed to the commission's executive director. The written authorization shall clearly state that the appointment is being made to the commission's coordinating council and shall contain at a minimum:

1. The name of the state agency,
2. The effective date of the appointment,
3. Whether the representative is the primary representative or an alternate,
4. The appointed person(s) name, title, and contact information to include email, telephone and/or cell phone number(s) and an appropriate mailing address.

(g) When a previously appointed representative is no longer authorized by the state agency to represent that state agency on the coordinating council, the director or other appointing authority as authorized by Health and Safety Code Section 18926 shall notify the commission's executive director in writing within 30 days of that change.

When a new appointment is made by the director or other appointing authority as authorized by Health and Safety Code Section 18926 to replace the person(s) previously appointed, such appointment may be included in this notification providing all the information required by subsection (f) of this section is included in the notification.

(h) The location, date and time of a coordinating council meeting shall be noticed by the Commission and conducted in accordance with the Bagley-Keene Open Meeting Act (Gov. Code, §§ 11120-11132).

**Authority:** Health and Safety Code Sections 18929, 18929.1, 18930.5, 18931 and 18949.6.

**Reference:** Health and Safety Code Section 18926.

(end underline)

. . . (existing text remains unchanged)

## **ITEM 5.**

### **Section: 1-409. Code advisory committee review.**

- (a) Prior to conducting any hearing or public comment period as part of the rulemaking proceeding required by the Administrative Procedure Act, the Commission shall assign an initial rulemaking file, received on or before the deadline established under Section 1-406 (change 406 to 1-406) of this article, to one or more code advisory committees specifically knowledgeable in the building standard being proposed and schedule the submittal for a noticed public hearing to ensure adequate opportunity for public participation and technical review.
- (b) . . . (existing text remains unchanged)
- (c) . . . (existing text remains unchanged)
- (d) . . . (existing text remains unchanged)
- (e) . . . (existing text remains unchanged)
  - 1. . . . (existing text remains unchanged)
  - 2. . . . (existing text remains unchanged)
  - 3. . . . (existing text remains unchanged)
  - 4. . . . (existing text remains unchanged)
- (f) . . . (existing text remains unchanged)
- (g) . . . (existing text remains unchanged)

**Authority:** Health and Safety Code Sections 18931 and 18935.

**Reference:** Health and Safety Code Sections 18931 and 18935.

. . . (existing text remains unchanged)

## ITEM 6.

(begin underline) **Section: 1-412. 45-day statement of mailing notice.**

(a) State proposing and adopting agencies shall provide a written statement confirming that the state agency complied with the provisions of Government Code Section 11345.4(a)(1) through (4) regarding the mailing of notice of proposed action at least 45 days prior to public hearing and close of the public comment period. The statement shall include the date upon which the notice was mailed and shall be included with the final rulemaking file pursuant to Section 1-415.

(b) This section is not intended to require an agency to provide a copy of its mailing list to support the statement.

**Authority:** Government Code Section 11346 et seq. and Health and Safety Code

Sections 18929, 18929.1, 18930.5, 18931 and 18949.6.

Reference: Government Code Section 11346 et seq. and Health and Safety Code Sections 18929, 18929.1, 18930.5, 18931 and 18949.6.

(end underline)

## ITEM 7.

### Section: 1-413. Public comments and related actions.

(a) . . . (existing text remains unchanged)

(b) . . . (existing text remains unchanged)

(begin strikeout)

~~(c) The Commission provides a suggested public comment form at the Commission's website (www.bsc.ca.gov).~~ (end strikeout)

(begin strikeout) ~~(d)~~ (end strikeout) (begin underline) (c) (end underline)... (existing text remains unchanged)

(begin strikeout) ~~(e)~~ (end strikeout) (begin underline) (d) (end underline)... (existing text remains unchanged)

(begin strikeout) ~~(f)~~ (end strikeout) (begin underline) (e) (end underline)... (existing text remains unchanged)

(begin strikeout) ~~(g)~~ (end strikeout) (begin underline) (f) (end underline)... (existing text remains unchanged)

(begin underline) **Note:** The Commission provides a suggested public comment form at the [Commission's website](http://www.dgs.ca.gov/bsc) [www.dgs.ca.gov/bsc](http://www.dgs.ca.gov/bsc). (end underline)

**Authority:** Health and Safety Code Sections 18929.1, 18930, 18934 and 18935, and Government Code Section 11346 et seq.

**Reference:** Health and Safety Code Sections 18929.1, 18630, 18934, and 18935, and Government Code Section 11346 et seq.

## ITEM 8.

### Section: 1-415. Final rulemaking file by state proposing agencies.

(a) . . . (existing text remains unchanged)

1. . . . (existing text remains unchanged)

6. One (1) copy of the Finding of Emergency Statement (submitted only with Emergency (begin underline) Building Standards (end underline) (begin strikeout) ~~Regulations~~ (end strikeout)). Also see Section 1-419 of this article.

. . . (existing text remains unchanged)

10. One (1) copy of each written comment received during public comment period(s). (change period to periods) (begin underline) and a memo attesting to the 45-day public availability period (end underline).

. . . (existing text remains unchanged)

16. One (1) copy of the Certification of Compliance, which is required to make emergency building standards permanent (submitted only with Emergency (begin underline) Building Standards (end underline) (begin strikeout) ~~Regulations~~ (end strikeout) during certifying rulemaking).

. . . (existing text remains unchanged)

(b) . . . (existing text remains unchanged)

**Authority:** (begin underline) Government Code Section 11346 et seq. and (end underline) Health and Safety Code Sections (changing Section to Sections) 18931(f) (begin underline) and 18949.6 (end underline).

**Reference:** (begin underline) Government Code Section 11346 et seq. and (end underline) Health and Safety Code Sections (changing Section to Sections) 18931(f) (begin underline) and 18949.6 (end underline).

. . . (existing text remains unchanged)

## ARTICLE 5 CITY, COUNTY, AND CITY AND COUNTY BUILDING PERMIT FEES

. . . (existing text remains unchanged)

### ITEM 9.

#### Section: 1-507. Fee collection.

(a) Cities, counties, and cities and counties shall submit fees each quarter, commencing with the quarter beginning January 1 and ending March 31, 2009, due on the 15<sup>th</sup> day of the following month.

1. Each quarter, a city, county, and city and county shall submit a (begin underline) completed (end underline) Fee Report Form (BSC-2) and a check made

payable to the California Building Standards Commission, with the fees collected for that quarter.(begin underline) The check shall accompany the completed Fee Report Form (BSC-2). (end underline)

2. . . . (existing text remains unchanged)

3. . . . (existing text remains unchanged)

**Note:** The form templates are available at the (new web site added, begin underline) [Commission's website www.dgs.ca.gov/BSC/BSASRF---The-Building-Permit-Fee](http://www.dgs.ca.gov/BSC/BSASRF---The-Building-Permit-Fee) (end underline) (begin strikeout) [www.bsc.ca.gov/SB1473](http://www.bsc.ca.gov/SB1473) (end strikeout).

(b) The Commission shall deposit the moneys collected into the Building Standards Administration Special (begin underline) Revolving (end underline) Fund for use, upon appropriation, by the Commission, the Department, and the Office (begin strikeout) ~~for use~~ (end strikeout) as specified in Section 1-501.

**Authority:** Health and Safety Code Sections 18909(c), 18929, 18930.5, 18931, 18931.6, (begin strikeout) ~~and~~ (end strikeout) 18931.7 and 18949.6.

**Reference:** Health and Safety Code Sections 18930.5,18931.6 and 18931.7.

## ITEM 10.

### Section 1-509. Request for refund of fees.

(a) When a city, county or city and county determines (change determine to determines) that excess fees were paid in error due to a miscalculation, a written request for refund may be filed with the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. The request for refund shall be submitted with all the following:

1. . . . (existing text remains unchanged)

2. . . . (existing text remains unchanged)

3. . . . (existing text remains unchanged)

(b) . . . (existing text remains unchanged)

(c) . . . (existing text remains unchanged)

(begin underline)

**Authority:** Health and Safety Code Sections 18909(c), 18929, 18930.5, 18931, 18931.6, 18931.7 and 18949.6.

**Reference:** Health and Safety Code Sections 18930.5,18931.6 and 18931.7. (end underline)