

**FINAL EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION**

**REGARDING PROPOSED CHANGES TO THE
2016 CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

(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. (PART 1 – ADMINISTRATIVE CODE)

LEGEND FOR FINAL EXPRESS TERMS (combination of 45-day and 15-day changes)

1. For 45-day and 15-Day changes, existing California amendments or code language being modified appears in *italics*, with modified language underlined.
2. For 45-day and 15-Day changes, repealed text appears in ~~strikeout~~.
3. *[Information for the publisher/reader: All such language is bracketed and in red italics]*

EXPRESS TERMS

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

**ARTICLE 1
GENERAL**

ITEM 1.

1-101. Abbreviations.

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~~SHSB~~ SHBSB Identifies code provisions by the State Historical Building Safety Board

...

Authority: Government Code Section 11000, and Health and Safety Code Sections 18931 (f) and 18940.5.

Reference: Government Code Section 11000, and Health and Safety Code Sections 18931 (d) and 18940.5.

ITEM 2.

1-103. Definitions.

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APPEAL. An appeal to the Commission, as provided and limited by Health and Safety Code Sections 18945 through ~~19849~~ 18949, by any person adversely affected by the application of an existing building standard or administrative regulation in Title 24, by a state agency or local agency. ~~See Petition.~~

CHALLENGE. ~~A public comment received during a comment period and directed at a proposed change or a code advisory committee recommendation or the procedures followed by the Commission in proposing or adopting the action.~~

CODE CHANGE (proposed provision). ~~A proposed change to, or addition of, addition, amendment, repeal or adoption of a building standard as defined by Health and Safety Code Section 18909, or of an administrative regulation of Title 24.~~

CODE CHANGE SUBMITTAL (rulemaking file). ~~A proposed code change The rulemaking file submitted by a state proposing agency, which includes the proposed code change(s) or provision(s) for Title 24 and its justification, along with justification and all other required documents, submitted to the Commission by a proposing agency.~~

PETITION. A written submittal to the Commission by any ~~person~~ 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.

TITLE 24. The 24th title within the California Code of Regulations, also referred to as the California Building Standards Code. Title 24 of the California Code of Regulations is reserved for building standards and administrative regulations to implement building standards approved and published, or caused to be published, by the California Building Standards Commission.

...

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

Reference: Government Code 11000, and Health and Safety Code Sections 18927, 18929–18932, 18934, 18935, 18936, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6.

ITEM 3.

1-105. Use of Commission indicia.

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(c) The Executive Director, or ~~his or her~~ designee, shall provide a written response to requests received pursuant to ~~Subsection~~ subsection (b). Approvals of indicia usage may include limitations to a specific usage, type of document or material, and/or time frame. Denial of indicia

usage shall include the reasoning for the denial. The Commission shall consider reasonably corrected resubmittals.

...

Authority: Health and Safety Code Section 18931(f)

Reference: Health and Safety Code Section 18931(f)

ARTICLE 2 DUTIES AND RESPONSIBILITIES OF THE BUILDING STANDARDS COMMISSION, THE EXECUTIVE DIRECTOR, COMMISSION PERSONNEL AND RESOURCES

ITEM 4.

1-201. Duties.

...

(b) **Executive Director duties.** The Executive Director shall be the primary individual responsible for implementing the will of the Commission, and shall have the authority to:

1. Recommend to the Commission policies under which the office of the Commission will operate.
2. Interpret and implement the policies of the Commission.
3. Provide the administrative direction for the day-to-day work of the Commission.
4. Manage the technical and support staff of the Commission.
5. Represent the Commission ~~to~~ before the Legislature.
6. Review and approve or disapprove agencies' public notices for proposed building standards per Sections 11346.4 and 11346.5 of the Government Code.
7. Ensure that state agencies comply with ~~Section 18930 of the Health and Safety Code~~ Section 18930 and Sections 11342 through 11446 (as required) of the Government Code Section 11340 et seq. (as applicable), when adopting building standards, prior to submission to the Commission.
8. Negotiate and execute contractual agreements necessary to carry out the mission of the Commission.
9. Manage the Commission's appeal and petition process.
10. Represent the Commission to all levels of state and local government, and with the private sector.

11. Perform other duties as required by the Commission and state statute(s).

Authority: Health and Safety Code Section 18931.

Reference: Health and Safety Code Sections 18925 and 18931.

ITEM 5.

[Please remove the italicized language in subsections 1-203(c)(1-8) and (d)(1-4) below.]

1-203. Development of green building standards.

(a) The ~~commission~~Commission shall adopt, approve, codify, update and publish green building standards for occupancies that are not under the explicit authority of another state agency. The ~~commission~~Commission also may review and comment on proposals and proposed standards developed by other agencies in order to reduce or eliminate ambiguities or conflicts.

(b) A list of agencies with specific authority to ~~adopt or propose~~ and/or adopt building standards ~~to the commission~~ includes ~~are the list of agencies identified in Title 24, Part 2, the California Building Code, Chapter 1, Division 1, Section 1.1, et al.~~ The ~~commission~~Commission shall work with these agencies to coordinate the adoption of green building standards for residential and ~~non-residential~~ nonresidential occupancies.

(c) In developing green building standards, the ~~commission~~Commission shall consult with the state entities it finds to be appropriate for specific standards including, but not limited to, the following ~~State~~ state agencies:

1. ~~Department of Resource Recycling and Recovery.~~ Department of Resources Recycling and Recovery
2. ~~The California Energy Resources Conservation and Development Commission.~~ California Energy Commission
3. ~~The California Air Resources Board.~~ California Air Resources Board
4. ~~The California Department of Water Resources.~~ California Department of Water Resources
5. ~~The California Department of Transportation.~~ California Department of Transportation
6. ~~The California Department of General Services.~~ California Department of General Services
7. ~~The California Department of Public Health.~~ California Department of Public Health
8. ~~Office of State Fire Marshal.~~ Office of the State Fire Marshal

(d) The Commission also shall consult with representatives from each of the following:

1. ~~Environmental advocacy groups.~~ Environmental advocacy groups
2. ~~Interested local government and code enforcement entities.~~ Interested local government and code enforcement entities
3. ~~The building construction and design industry.~~ Building construction and design industries
4. ~~Interested public parties.~~ Interested public parties

(e) The ~~commission~~ Commission may consult with and seek input from the entities and representatives identified in ~~S~~subsections (c) and (d) either by written comment or in a meeting format and shall consider all input provided during the development of the green building standards which is relevant to specific standards. The ~~commission~~ Commission shall provide written responses to formal comments received during the public comment period for any proposed green building standards.

(f) See Section 1-404 for requirements concerning state agency participation in the development of green building standards.

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

Reference(s): Health and Safety Code Sections 18930.5, 18931.6, and 18931.7.

ITEM 6.

Section 1-211. Application for code advisory committee appointment.

~~(e)~~(a) **Application period.** When advertising a vacancy on a Code Advisory Committee, the Commission may establish an application period with a closing date and may, at its discretion, consider applications received after the closing date.

~~(a)~~(b) **Application required.** Persons desiring appointment to a position on a Code Advisory Committee must ~~take~~ submit the application to the Commission as required by this section. A separate application is required for each advertised vacancy on a Code Advisory Committee. The Commission will not maintain applications on file for future consideration.

~~(b)~~(c) **Application form.** For each Code Advisory Committee vacancy, a completed *Application for Code Advisory Committee Appointment*, form BSC-7, shall be submitted to the office of the Executive Director, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. The current address may be verified at the Commission's website: (www.bsc.ca.gov). The application form is available from the Commission or may be obtained on the Commission's website ~~under Forms and Templates~~ during an open Code Advisory Committee application period.

The application shall be accompanied by a resume and may be further supported by attachments including letters of support or recommendation and other materials demonstrating expertise and knowledge applicable to the Code Advisory Committee position.

~~(f)~~(d) **Application fee.** There is no application fee.

~~(d)~~(e) **Selection decision.** The Commission will consider applications and make selections based on qualifications applicable to the Code Advisory Committee vacancy. All decisions by the Commission regarding appointments to Code Advisory Committees are final and are not subject to appeal.

~~(e)~~(f) **Notice of appointment.** The Executive Director, or his or her designee, shall provide written notice to applicants selected by the Commission for appointment to a Code Advisory Committee. Written notice shall also be provided to all applicants not selected for appointment to a Code Advisory Committee.

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

Reference: Health and Safety Code Sections 18927, 18929, 18930.5, 18931 (f), 18934, 18936 and 18949.6.

ARTICLE 3 APPEALS AND PETITION PROCEDURES

ITEM 7.

1-301. Appeals and petitions.

(a) The public may submit appeals and petitions to the Commission as prescribed in this Article.

(b) Appeals and petitions concerning building standards that are not in effect at the time of submission will not be accepted by the Commission. An appeal or petition submitted on a proposed, approved and/or adopted building standard of Title 24, outside of its effective date, shall be considered invalid and returned to the submitter in accordance with this article.

(c) An appeal or petition, as defined in Section 1-103 of this chapter, is not the means to support or oppose a proposed, approved and/or adopted building standard for publication in Title 24, prior to its effective date. To provide comment on a proposed building standard, see Section 1-413 in this chapter.

[Existing language relocated from 1-303(d)] (d) The Commission may accept appeals relating to actions and decisions by state and local agencies to enforce building standards, but may only make recommendations for reconsideration. The Commission has no authority to overturn a decision by a state or local agency when the matter is within the jurisdiction of that state or local agency.

Authority: Health and Safety Code Sections 18931, 18945 and 18946.

Reference: Health and Safety Code Sections 18931, 18945 and 18946.

ITEM 8.

1-303. Scope of appeals and types of appellants.

Appeals to the Commission and the matters which can be appealed are as follows:

(a) An appeal may be submitted by any person adversely affected by the administration of building standards or administrative regulations of Title 24, or the enforcement or the lack of enforcement of Title 24, by any state agency as prescribed in Health and Safety Code Section 18945(a) and this article.

(b) An appeal may be submitted by any person adversely affected by the enforcement of Title 24 by a local enforcement agency, in the company of the local enforcement agency, as prescribed in Health and Safety Code Section 18945(b) and this article. ~~Such joint~~ Joint appeals must have statewide significance.

(c) An appeal may be filed by any person, including a state or local agency adversely affected by an apparent conflict, duplication or overlap of any current Title 24 provision, or any other matter of statewide significance relating to the application of Title 24.

~~*[Relocated to 1-301(d)]* (d) The Commission may accept appeals relating to actions and decisions by state and local agencies to enforce building standards, but may only make recommendations for reconsideration. The Commission has no authority to overturn a decision by a state or local agency when the matter is within the jurisdiction of that state or local agency.~~

~~(e)~~(d) When the basis of an appeal is the action of a state agency other than the Commission, the appellant must obtain a final determination from the state agency in question relating to the issue under appeal before the Commission will hear the appeal.

Exception: An apparent conflict, duplication or overlap in other available state appeals procedures or within the regulations or code.

Authority: Health and Safety Code Sections 18931, 18945, and 18946 ~~and 18949~~.

Reference: Health and Safety Code Sections 18931, 18945, and 18946 ~~and 18949~~.

ITEM 9.

1-305. Time limitations for appeals.

~~(a) Time limitations for appeals.~~ Appeals will be accepted by the Commission only within:

1. ~~Six~~ six (6) months of when the act, interpretation, decision or practice complained of occurred, ~~or,~~

2. ~~As determined by the~~

Exception: The Commission, at its discretion, may accept and act on an appeal when more than six (6) months have passed if special circumstances are found to exist.

Authority: Health and Safety Code Section 18931.

Reference: Health and Safety Code Sections 18931.

ITEM 10.

1-307. Appeal form and filing fee.

(a) An appeal shall be submitted using Appeal Form BSC-33, which is available on the Commission's website, or by contacting the Commission's office by telephone at (916) 263-0916, or by email (cbsc@dgs.ca.gov). The form contains instructions on providing the necessary information and the required documents, including but not limited to:

~~(a) The appeal shall be in writing and shall specifically set forth:~~

1. The specific regulation, rules, interpretation or decision of any state agency respecting the administration of any building standard being appealed.
2. The dates of any act, interpretation or decision of any state agency related to the complaint.
3. The nature of any act, interpretation or decision of any state agency related to the complaint.
4. The reasons for the appeal.
5. Documentation of the official action of the applicable state agency with respect to the agency's final determination on the issue.
6. Identification of witnesses, experts and other representatives of the appellant.

(b) The appeal shall be filed by mail with the Executive Director at: California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. The address should be confirmed at the Commission's website: (www.bsc.ca.gov).

(c) Filing Fee: Health and Safety Code Section 18949 requires the Commission to recover the cost of administrating appeals. Accordingly, a nonrefundable fee of \$450.00 shall ~~be~~ accompany the submitted ~~with the initial request for appeal form~~. In addition, any and all costs for an administrative law judge or costs related to a hearing before the appeals subcommittee will be the responsibility of the appellants.

Authority: Health and Safety Code Sections 18931 and 18945.

Reference: Health and Safety Code Sections 18931, ~~and~~ 18945 and 18949.

ITEM 11.

1-309. Receipt and processing appeals.

(a) Receipt of any appeal shall be acknowledged in writing by the Executive Director within ~~30-45~~ days of receipt, advising the appellant and ~~the any state or local agency party to the appeal,~~ of the acceptance or rejection of the appeal, as filed, ~~or the need for additional information to make a determination.~~ The reply shall also set forth the planned action of the Commission in response to ~~the application an accepted appeal,~~ together with reasons for the proposed actions.

(b) If the Executive Director determines that additional information is needed in order to process the appeal and make a determination, the Executive Director may request ~~such the~~ additional information in the written response required by subsection (a), and defer action on the appeal until ~~such the~~ additional information is received. If the Executive Director requests additional information, the appellant shall have 30 days from the date of the Executive Director's request ~~within which~~ to submit the information. If the requested information is not received within 30 days, the Executive Director may treat the appeal as having been abandoned or may, upon written notice to the appellant and any state or local agency a part of as a party to the appeal, process the appeal based on such the information as is available. Upon written request, the Executive Director may, for good cause, extend the 30-day period by one additional 30-day period.

(c) The Executive Director and ~~the Chair of the three-member~~ Commission's Appeals Committee, as appointed by the Chair of the Commission, shall, acting together, ~~recommend to the Commission determine~~ whether the appeal should be heard by the Appeals Committee ~~or~~, the full Commission, or by a hearing officer appointed by the Office of Administrative Hearings. ~~Suggested schedules for such hearings shall also be submitted. The recommendations shall be contained in the consent calendar of the next Commission meeting.~~

(d) The Executive Director shall, in writing, advise the appellant and any state or local agency a part of as a party to the appeal ~~in writing~~ within 15 days of the Commission's determination, and The written notice shall identify the hearing authority, procedures, and schedules to be followed for the scheduled hearing date, time and location.

Authority: Health and Safety Code Sections 18931 and 18945.

Reference: Health and Safety Code Sections 18931, 18945 and 18946.

ITEM 12.

1-311. Appeal Hearings for appeals Procedures.

(a) ~~If~~ When it is determined by the Commission pursuant to subsection 1-309(c), that the appeal shall be heard by the Commission's Appeals Committee, the following provisions shall apply:

- ~~1. Time and place of hearing as determined by the Commission shall be noticed to the appellant and any state agency a part of the appeal, within 15 days of its determination; date of said hearing shall be within 60 days of date of said notice.~~

- ~~21.~~ The Executive Director shall provide written notice of the date, time and location of hearing to interested parties, as provided in subsection 1-309(d), and may invite experts or other witnesses as necessary for the hearing.
 - ~~32.~~ The Appeals Committee shall not be bound by the rules of evidence or procedure applicable in the courts. Appellant, appellant's witnesses, and any other interested persons may present testimony, argument and/or documentary material concerning the matter(s) under consideration.
 - ~~43.~~ The Appeals Committee shall prepare its finding(s) and decision within 30 days after the appeal hearing.
 - ~~54.~~ The Executive Director shall, in writing, advise the appellant, and any state or local agency a part of as a party to the appeal, and the Commission, of the Appeals Committee decision within 15 days and shall advise the Commission from the date of the decision by memorandum at the next Commission meeting.
 - ~~65.~~ If-When an appeal is heard by the Appeals Committee, either party may request a reconsideration of the decision by the Commission. Said-The request must be submitted to the Executive Director in writing no less more than 30-45 days after the date the determination original decision by the Appeals Committee is made and shall be acted upon by the Commission no later than 60 days after said request is received.
 - ~~6.~~ Reconsideration by the Commission shall be conducted in accordance with subsection 1-311(b), and based upon the record of the appeal hearing and additional information or testimony that is specifically requested by the Commission. Notice of the determination of the Commission upon reconsideration shall be sent to all parties involved within 15 days of the action by the Commission.
- (b) ~~If-When it is determined an appeal hearing or reconsideration hearing is not delegated, or if to be conducted by the Commission elects to conduct the hearing, or if the appellant appeals a decision of the Appeals Committee to the Commission, the following procedure will be used provisions shall apply:~~
- ~~1.~~ Time and place of the hearing as determined by the Commission shall be noticed to the appellant and any state agency a part of the appeal within 15 days. The date of the hearing shall be within 60 days of date of notice. An appeal or request for reconsideration shall be acted on by the Commission during the next regularly scheduled public Commission meeting, or within 180 days, after the date the appeal or request for reconsideration is received by the Executive Director.
 2. The Executive Director shall provide written notice of the time, date and location of the hearing to interested parties and invite expert or other witnesses as necessary for the hearing. The notice shall be issued at least 15 days before the scheduled hearing.

3. The hearing shall be conducted ~~at a regularly scheduled or specially designated~~ according to the Commission's meeting, under its own rules, accepting evidence as it requires, and chaired by its regular Chairperson. Appellant and other interested parties may present relevant testimony, argument or documentary material as acceptable to the Commission ~~consistent with the requirements of Section 1-306(a)~~.
4. The Commission shall make a decision on the appeal at an open meeting thereof, provided that the matter may be continued or taken under advisement for decision at a later meeting of the Commission, or re-referred to the Appeals Committee for further consideration and report to the Commission. No Commissioner may cast a vote on the determination of an appeal unless the Commissioner was present at the hearing held for appeal.
5. Notwithstanding the foregoing, the appeal may be withdrawn at any time by the appellant upon written notice to the Executive Director. Upon withdrawal, no further proceedings as specified above shall take place. The withdrawal of the appeal shall be accepted with or without prejudice, as determined by the Commission.
6. The Executive Director shall, in writing, advise the appellant, and any state or local ~~agency a part of~~ as a party to the appeal, of the decision of the Commission within 15 days from the date of the official Commission decision ~~in the appeal~~.

(c) The Commission may elect to refer the appealing parties to a hearing officer appointed by the Office of Administrative Hearings as described in Health and Safety Code Section 18946.

(d) Action by the Commission on the appeal of a building standards issue within the authority of the Commission shall exhaust the administrative relief of the appellant.

Authority: Health and Safety Code Section 18931, 18945 and 18946.

Reference: Health and Safety Code Sections 18931, 18945 and 18946 and Government Code Section 13959.

ITEM 13.

1-313. Petitions.

(a) Any local governmental agency, firm or member of the public may petition either the Commission or the authoritative agency for the proposal, adoption, amendment or repeal of any building standard or administrative regulation in Title 24 of the California Code of Regulations.

(b) Petitions shall be submitted to the Commission using Petition Form BSC-30, available on the Commission's website (www.bsc.ca.gov). The form contains instructions as to the information to be provided and documents to accompany the petition form.

(c) Petitions shall be filed by mail with the Executive Director at: CALIFORNIA BUILDING STANDARDS COMMISSION, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. The address should be confirmed at the Commission's website (www.bsc.ca.gov).

~~(b)~~(d) The Commission may refer received petitions to the state agency, or multiple agencies, having specific jurisdiction for the subject of the adopted building standard or for the subject of the proposed building standard as proposed by the petitioner. A Except as provided in Section 1-329 of this chapter, a state agency receiving a petition referred by the Commission shall process the petition as required by this Article ~~article~~, including the reporting of actions and decisions by the agency to the Commission.

~~(e)~~(e) Petitions are not to be used to address matters relating to a currently proposed buildings standards or an adopted building standard prior to its effective date. Any concerns relating to currently proposed building standards should be brought forward during the public comment period designated for the proposed building standard.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

ITEM 14.

1-315. Criteria for petition.

A petition for the adoption, amendment or repeal of a state building standard must meet the following criteria:

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~~**Note:** The California Building Standards Commission provides a petition form available at the website <http://www.bsc.ca.gov/pubs/forms.aspx>.~~

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

ITEM 15.

1-317. Emergency petition.

(a) A petitioner may assert ~~that~~ the petition requires immediate action because there is potential imminent danger to ~~the~~ public health, safety or welfare. To substantiate the existence of ~~a~~ potential imminent danger, the petitioner must include in the petition a written description of the specific facts showing the need for immediate action.

(b) If the emergency petition is approved by the Commission and if the petition is accepted pursuant to this ~~Article~~ article, the proposing agency or adopting agency shall develop and/or adopt new or amended building standards necessary to satisfy the cause for the petition. The new or amended building standards shall be proposed and adopted as emergency regulations as permitted by Health and Safety Code Sections 18934.8 and 18937.

Authority: Health and Safety Code Sections 18931, 18934.8, 18937 and 18949.6.

Reference: Health and Safety Code Sections 18931, 18934.8, 18937 and 18949.6.

ITEM 16.

1-319. Petition processing by the Commission and agencies.

(a) Within 45 days after the date of receiving a petition, the Commission shall determine whether the petition meets the requirements of this article for petitions and provide the petitioner written notification on the Commission's determination and/or related action(s).

(b) If the Commission determines that the petition does not meet the requirements of this article for petitions, the petition shall be returned to the petitioner without action but with written notification including itemization of the missing or incomplete items. The Commission shall retain a copy of the petition being returned to the petitioner in accordance with subparagraph (f).

(c) If the Commission determines that the petition meets the requirements of this article for petitions and the subject matter of the petition is within the Commission's jurisdiction provided in statute, the Commission shall provide the petitioner written notification of the acceptance of the petition and planned action.

~~(d) The Commission shall act on the accepted petition during the next regularly scheduled code adoption cycle. by commencing a rulemaking process.~~

(d) If the Commission determines the subject matter of a petition is within the specific jurisdiction of another proposing or adopting agency, the Commission shall forward a the complete petitions to the appropriate proposing that agency or adopting agency having specific jurisdiction for the subject of the petition for its review and determination. The forwarded petition shall be accompanied by a copy of the Commission's written notification to the petitioner, which shall indicate the petition has been forwarded to the identified proposing or adopting agency having jurisdiction for its review and determination.

(e) Upon receipt of a petition forwarded by the Commission, The the proposing agency or adopting agency shall act in accordance with Section 1-321. have 45 days following receipt of the petition from the Commission to dispute the determination of completeness and/or the Commission's determination of jurisdiction. If the agency determines that the petition is incomplete, it shall, by the close of business on the 45th day following receipt of the petition, return the petition to the Commission, with an itemization of the missing or incomplete items, and If a proposing or adopting agency disagrees with the Commission's determination in forwarding a petition to its agency, and thus sends the forwarded petition back to the Commission, the Commission shall return the petition to the petitioner, without action, within 30 days of receiving the returned petition without action receipt of the petition returned by the proposing or adopting agency, in accordance with the procedures provided in this section above.

(f) The Commission shall maintain records relating to the submittal, status and disposition correspondence of petitions received by the Commission.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

ITEM 17.

1-321. Petition processing by agencies.

Upon ~~receiving receipt of~~ a petition ~~referred forwarded~~ by the Commission, or a petition received directly from a petitioner, the proposing agency or adopting agency shall be responsible for the following duties:

(a) If the proposing ~~agency~~ or adopting agency receives a forwarded petition from the Commission but disagrees with the Commission's determination that a petition is complete, or if the proposing ~~agency~~ or adopting agency believes the petition is in the jurisdiction of a different agency, the proposing ~~agency~~ or adopting agency shall notify the Commission in writing no more than within 45 days after the date of receiving a the petition. In notifying the Commission, the agency shall include an itemization of the missing or incomplete items and/or reasons why the petition is not within the proposing or adopting agency's authority as provided in statute.

(b) If the proposing ~~agency~~ or adopting agency determines that a received petition, which has not been forwarded by the Commission, received directly from the public does not meet the requirements of this article for petitions, the agency shall, within 45 days after the date of receiving the petition, provide the petitioner written notification of the determination with itemization of the missing or incomplete items. The agency shall provide the Commission a copy of the notification at the time the notification is sent to the petitioner.

(c) If the proposing agency or adopting agency determines that it has jurisdiction and that a received petition is complete, it shall take one of the following actions, communicating with the petitioner and Commission, within the noted time lines:

1. The agency may reject, accept or approve a petition in part and may grant ~~such~~ other relief or take ~~such~~ other action as it may determine to be warranted by the petition and shall notify the petitioner and Commission in writing of ~~such the~~ action.
2. If the agency denies the petition for cause pursuant to Section 1-323 of this article [~~Criteria for Denying denying a Public Petition petition for Cause~~], it shall do so in writing within 45 days after the date of receiving the petition from the petitioner, or the referral by the Commission.
3. If the agency accepts the petition, it shall notify the petitioner and Commission in writing within 45 days after the date of receiving the petition. For the purposes of this section, accepting the petition indicates that the agency believes the issue(s) merit(s) proceeding to ~~code the~~ development of a code change submittal as prescribed in this chapter.
4. If the approved petition contains an emergency clause, the agency shall also rule on the existence of an emergency, and if it concurs that an emergency exists, shall schedule code development and adoption procedures on an emergency basis.

Authority: Health and Safety Code Sections 18931, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6, ~~Statutes of 1990.~~

Reference: Health and Safety Code Section 18931 and 18949.6.

ITEM 18.

1-323. Criteria for denying a petition.

The Commission, or other proposing agency or adopting agency, whichever is processing a petition, may deny a petition for cause using at least one of the following criteria:

(a) The subject building standard is already scheduled for review at the next regular triennial or other scheduled adoption. To substantiate this criterion, the Commission or other agency shall include in its written denial a schedule for the planned review. Alternatively, the Commission or other agency may approve a petition but defer its implementation until the next scheduled adoption.

(b) The issues cited by the petitioner are factually incorrect. To substantiate this criterion, the Commission or other agency shall identify in its written denial the incorrect facts.

(c) The issues cited by the petitioner are not within the ~~State's~~ state's jurisdiction. To substantiate this criterion, the Commission or agency shall show in its written denial why the issues are outside its jurisdiction.

(d) The issues cited by the petitioner have been raised and answered through another petition or during the previous rulemaking. To substantiate this criterion, the Commission or agency shall include with its written denial a copy of the previous petition and its response or the pertinent rulemaking file information.

Note: If new facts or substantiating data, pertinent to a petition, are provided, this criterion shall not be grounds for denying a petition.

(e) Resolving the issues raised by the petitioner would compromise the agency's ability to carry out its legal mandate. To substantiate this criterion, the Commission or agency shall include with its denial the specific ways in which its legal mandate would be compromised.

(f) The building standard proposed by the petitioner would do any of the following:

~~(1) create~~ Create unnecessary hardship or expense;

~~(2) inappropriately~~ Inappropriately exclude materials, equipment or brands;

~~(3) include~~ Include only specific brands;

~~(4) conflict~~ Conflict with federal or state laws or regulations or existing building standards; ~~or the building standard is~~

~~(5) Be~~ Be otherwise without merit and public benefit.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

ITEM 19.

1-325. Reconsideration of denied petition.

(a) A petitioner may request reconsideration of any part or all of a decision of any proposing or adopting agency or the Commission on any denied petition.

(b) ~~Any such~~ The request shall be submitted in accordance with ~~these petition procedures and~~ the following:

1. Petition procedures of this article

~~2. shall include~~ Include the reason(s) ~~or reasons~~ why the decision to deny the petition should be reconsidered. ~~Such request for reconsideration must~~

~~3. be~~ is submitted to and received by the agency having authority that ~~denied the petition~~ no later than the close of business on the 60th days day after the date of the decision involved.

(c) The agency's or Commission's reconsideration of any matter relating to a petition shall be subject to the provisions of this article.

Authority: Health and Safety Code Sections 18931, 18945, and 18949.6.

Reference: Health and Safety Code Sections 18931, 18945, and 18949.6.

ITEM 20.

1-327. Reconsideration by the ~~commission~~ Commission.

(a) The Commission shall have no authority to reevaluate or reverse the decisions on petitions made by a proposing agency or adopting agency when the subject of the petition is within the specific jurisdiction of the proposing agency or adopting agency.

(b) Requests for the reconsideration of a decision by the ~~commission~~ Commission shall meet the requirements of Section 1-325 of this article.

(c) Should the Commission reverse its previous decision made on a petition, the petition shall be considered accepted and a rulemaking process shall begin as provided in this chapter.

Authority: Health and Safety Code Sections 18931, 18945, and 18949.6.

Reference: Health and Safety Code Sections 18931, 18945, and 18949.6.

ITEM 21.

1-329. Substitution of or supplementation by agency procedures.

(a) The provisions of this article pertaining to petitions shall not apply when an agency notifies the Commission that a petition process is mandated by specific statutes in addition to Government Code Sections 11340.6 and 11340.7, and/or that it has adopted its own regulations or procedures complying with Government Code Sections 11340.6 and 11340.7, and that it has notified the public of the existence of these statutes, regulations or procedures. Notification to the Commission shall consist of a written copy of ~~such~~ the statutes, regulations or procedures and a description of the methods used to make the public aware of their existence. Upon ~~such~~ receiving notification, the Commission shall exclude the agency from compliance with this ~~Article~~ article pertaining to ~~Petitions~~ petitions. If the Commission receives a petition pertaining to an

excluded agency's jurisdiction, the Commission shall forward the petition without undertaking any of the duties prescribed by this ~~Article~~ article pertaining to petitions directly to the agency and shall notify the petitioner of that fact.

(b) These regulations are not intended to be the sole means by which the proposing agency or adopting agencies and the interested public can raise, discuss and resolve issues pertaining to building standards. Agency procedures such as public participation meetings, advisory committees, written and verbal correspondence between members of the public and agency personnel, and other methods are considered alternatives that may be chosen by a member of the public instead of or in addition to the petition procedures described in this ~~Article~~ article.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

ITEM 22.

**ARTICLE 4
RULEMAKING FOR THE ADOPTION OF BUILDING STANDARDS ~~BY PROPOSING~~
AGENCIES**

ITEM 23.

1-403. Public participation.

(a) **[BOLD]Pre-cycle public participation.[BOLD]** Every state agency with authority to propose or adopt building standards shall develop proposed building standards in a manner to ensure public participation. Methods for ensuring public participation may include but are not limited to the following:

(~~a~~1.) Identify and maintain a listing of all interested groups or persons affected by building standards of the type within the jurisdiction of the agency.

(~~b~~2.) Prior to commencing the development of proposed building standards, notify all interested groups and persons that building standards are to be developed, and solicit suggestions and a means for participation.

(~~c~~3.) Conduct workshops to solicit input where the proposals are complex or large in number and cannot easily be reviewed during the comment period.

(~~d~~4.) Make available draft proposals to interested groups or persons expressing interest.

(~~e~~5.) Establish a procedure to provide interested groups or persons the opportunity to advise the agency of the impact of the proposed standards.

(b) **[BOLD]Written public comments.[BOLD]** The public may submit written comments in support or opposition to proposed building standards or proposed repeal of existing building standards. The written comment may be provided at a public meeting of a code advisory committee, and at any public meeting or hearing by the Commission conducted for the purpose of considering building standards published or proposed to be published in Title 24 of the

California Code of Regulations, and during any public comment period announced by an issued Notice of Proposed Action or agenda. See Section 1-413 for additional information.

(c) **[BOLD]**Oral public comments.**[BOLD]**The public may provide oral comment in support or opposition to proposed building standards and the proposed repeal of existing building standards during a public meeting of a code advisory committee, or during any public meeting or hearing of the Commission conducted for the purpose of considering building standards published or proposed to be published in Title 24, California Code of Regulations.

Authority: Health and Safety Code Sections 18929.1 and 18934.

Reference: Government Code Section 11346.45, Health and Safety Code Sections 18929.1 and 18934.

ITEM 24.

1-404. State agency participation for green building standards.

The ~~commission~~Commission and other state agencies that propose green building standards shall allow for input by other state agencies that have expertise in green building subject areas but do not have the statutory authority to propose green building standards. The process for making recommended changes to proposing state agencies shall align with an 18-month code adoption cycle (triennial or intervening) and the proposing state agency's rulemaking schedule as follows:

(a) Timing for submittal. The timing for receipt of recommended changes shall be determined by the state agency that has statutory authority to propose green building standards for a specific occupancy. Pursuant to ~~4-403(b)~~1-403(a)(2), prior to commencing the development of proposed building standards, proposing state agencies shall notify all interested parties that building standards are to be developed, and solicit suggestions and a means for participation.

...

(f) Rulemaking participation.

...

This may include, but is not limited to contributions and participation in pre-cycle workshops or focus group meetings, development of proposed express terms and statement of reasons, providing research or documentation needed to support the suggested changes and comply with the requirements of the initial statement of reasons, and the State of California Department of Finance Economic and Fiscal Impact Statement (Std. 399), code advisory committee presentations, and/or presenting the proposed code change before the ~~commission~~Commission.

...

Authority: Health and Safety Code Sections 18929.1, 18930.5 and 18934.

Reference: Government Code Section 11346.45, Health and Safety Code Sections 18929.1, 18930.5 and 18934.

ITEM 25.

1-411-405. State adopting agency hearing date approval.

~~State Adopting~~ adopting agencies planning to conduct hearings relative to building standards shall, prior to giving public notice, acquire the written approval of the Commission as to the date, time and place of the hearing(s). ~~Such~~ The approval may be in the form of the Commission's approval of the proposed Notice of Proposed Action submitted by an adopting agency, when the date, time and place for the hearing is included in the proposed Notice of Proposed Action.

Authority: Health and Safety Code Sections 18931 and 18935.

Reference: Health and Safety Code Sections 18931 and 18935.

ITEM 26.

1-405406. Commencement of rulemaking.

~~(a) The~~ In order to effectively administer the Triennial and Intervening Code Adoption Cycles, the Commission shall establish deadlines for state adopting agency and state proposing agency submittals of rulemaking files of adopted or proposed building standards for publication in Title 24, California Code of Regulations.

~~(b) The Commission shall notify a proposing agency state adopting agencies and state proposing agencies in writing of the deadlines for acceptance of code change submittals rulemaking files a minimum of 180 days prior to the deadline. A proposing agency state adopting agencies and state proposing agencies shall submit a code change submittal for the Commission's adoption rulemaking files as specified in this article to the Commission on or before the deadline for acceptance specified in the written notice.~~

Authority: Health and Safety Code Sections 18929.1 and 18930.

Reference: Health and Safety Code Sections 18930, 18931 and 18933.

ITEM 27.

Section 1-407. Initial Rulemaking rulemaking file approval submittals by a state proposing agency.

(a) ~~State Proposing~~ proposing agencies developing building standards, or administrative regulations to support building standards, to be published in Title 24, shall prepare a rulemaking file for submittal to the office of the Commission, which shall comply with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The Notice of Proposed Action required by this section shall be approved by the Commission prior to any official notice to conduct a hearing or comment period regarding the proposed rulemaking.

(b) File content. The initial rulemaking file submitted to the Commission shall include the following:

1. ~~A~~ One (1) original Building Standards Face Sheet (BSC-1), with ~~original~~ the wet

~~signature of a person authorized to certify documents on behalf of the submitting agency shall accompany all submittals to the Commission~~ the agency director or designee.

~~2. Two printed copies and one electronic file of the~~ One (1) copy of the Notice of Proposed Action. The electronic file shall be suitable for immediate placement on the Commission website for public viewing. The Notice of Proposed Action shall be complete except for the public comment period portion. The public comment period will be determined by the Commission staff.

~~3. One electronic file~~ Two (2) copies of the Initial Express Terms showing the proposed building standards or amendments to existing building standards in strikeout/underline format. The file shall be in a form suitable for immediate placement on the Commission website for public viewing. The language, including numbering and punctuation, of proposed new building standards or amendments to existing building standards shall be shown underlined. Proposed deletions of existing building standards shall be shown in strikeout type. Existing building standards to remain without amendment shall be shown without underlining or strikeout or other highlighting.

~~4. One electronic file~~ Two (2) copies of the Initial Statement of Reasons suitable for immediate placement on the Commission website for public viewing for proposing the adoption, amendment, or repeal of a regulation.

5. One (1) copy of the Department of Finance Economic and Fiscal Impact Statement (STD. 399). Wet signatures are not required on STD. 399 until final submittal of the rulemaking file.

6. Two (2) copies of the written Nine-Point Criteria Analysis substantiating compliance with Health and Safety Code Section 18930.

7. One (1) electronic file copy of each of the above documents listed under subsection 1-407(b), which shall be suitable for immediate placement on the Commission's website (www.bsc.ca.gov) for public viewing.

(c) Upon approval of the Notice of Proposed Action for building standards, the Executive Director will forward the approved Notice of Proposed Action to the Office of Administrative Law for the sole purpose of publication in the California Regulatory Notice Register before the start of the public comment period, and return an approved copy to the proposing agency. If a Notice of Proposed Action is found to be incomplete or incorrect by Commission staff, the Executive Director shall return it to the proposing agency within 10 days with a written listing of the found deficiencies to enable the agency to make corrections for resubmittal to the Commission.

~~(d1.)~~ Any Notice of Proposed Action not acted upon within 20 days by the Commission staff shall be considered automatically approved and may be published in the California Regulatory Notice Register.

Authority: Government Code Sections 11346 - 11348 and Health and Safety Code Sections 18930, 18931, and 18935.

Reference: Health and Safety Code Sections 18930, 18931 and 18935.

ITEM 28.

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 a ~~code change submittal~~ an initial rulemaking file, received on or before the deadline established under Section ~~405-406~~ of this article, to one or more code advisory committees specifically knowledgeable in the building standard being proposed ~~for change~~ and schedule the submittal for a noticed public hearing to ensure adequate opportunity for public participation and technical review.

(b) A state proposing agency responsible for developing an initial rulemaking file, shall attend the code advisory committee meeting to present its proposal, and be prepared to respond to committee comments and questions.

~~(bc)~~ **Code advisory committee reviews.** A code advisory committee shall conduct a public hearing to perform a technical review of all ~~code change submittals~~ initial rulemaking files assigned to it by the Commission. A code advisory committee meeting shall be scheduled by the Commission and shall be open to the public.

~~(ed)~~ **Code advisory committee meetings notice.** The location ~~and~~ date and time of a code advisory committee meeting shall be noticed by the Commission and conducted in accordance with ~~Government Code Sections 11120 through 11132~~, the Bagley-Keene Open Meeting Act (Gov. Code, §§ 11120 – 11132.).

~~(de)~~ **Code advisory committee recommendations.** A code advisory committee shall make a recommendation on each ~~code change submittal~~ proposed provision within the initial rulemaking file. A recommendation other than “approve” shall include a substantiating reason based on the Nine-Point Criteria in Health and Safety Code Section 18930. The recommendations to the Commission shall be based on one of the following and shall become part of the rulemaking file:

1. **Approve.** Approval of a proposed ~~code change provision~~ as submitted.
2. **Disapprove.** A proposed ~~code change provision~~ does not meet one or more specified criteria of Health and Safety Code Section 18930.
3. **Further study required.** A proposed ~~code change provision~~ has merit but does not meet one or more specified criteria of Health and Safety Code Section 18930. The proposed ~~code change provision~~ requires further study by the proposing agency. Upon further study, the proposing agency may resubmit the proposed provision for a comment period in the current cycle. The committee may recommend that the proposing agency

submit the proposed ~~code change~~ provision in the next code adoption cycle after further study.

4. **Approve as amended.** Approval as amended of a proposed provision, as suggested by the committee for organization, cross-referencing, clarity and editorial improvements or as amended and submitted for committee review by the agency. Modifications are justified in terms of Health and Safety Code Section 18930.

(ef) **Code advisory committee reports.** The code advisory committee report of recommendations to the Commission shall be made available to the public for review and comment and be included in the Commission's rulemaking file.

(g) State proposing agency action. State proposing agencies shall address each code advisory committee recommendation in the revised Initial Statement of Reasons by explaining what, if any action was taken or not taken, to address the recommendation.

Authority: Health and Safety Code Sections 18931 and 18935.

Reference: Health and Safety Code Sections 18931 and 18935.

ITEM 29.

1-411. Public comment rulemaking file submitted by a state proposing agency.

(a) Public comment periods, including 45-day and 15-day periods, shall be conducted according to Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) State proposing agencies shall submit rulemaking files to the Commission on or before the deadline established by the Commission, in preparation for the 45-day public comment period.

(c) File content. The rulemaking file shall include the following items.

1. One (1) copy of the Notice of Proposed Action.

2. Two (2) copies of the 45-Day Express Terms, including any amendments made to address code advisory committee recommendations.

3. Two (2) copies of the Initial Statement of Reasons, including explanations of any revisions suggested in the 45-Day Express Terms to address code advisory committee recommendations.

4. All other items required by Section 1-407 that have been amended since the initial rulemaking file was submitted for Code Advisory Committee review.

5. One (1) electronic file copy of each of each document submitted, which shall be suitable for immediate placements on the Commission's website (www.bsc.ca.gov) for public viewing.

(d) In coordination with the Commission, and with the Commission's approval of the submitted rulemaking file items, a state proposing agency shall perform the following to carry out the public comment periods:

1. Verify the rulemaking items submitted by the state proposing agency are posted and available to the public on the Commission's website (www.bsc.ca.gov).
2. Distribute the Notice of Proposed Action to the parties on record with the state proposing agency that have requested to receive proposed rulemaking documents.
3. Provide printed or electronic files of the rulemaking documents described in the Notice of Proposed Action, if requested.
4. Maintain all written public comments received during the public comment periods in preparation for developing the final rulemaking file for submittal to the Commission for adoption.
5. Public comments received by a state proposing agency shall be forwarded to the Commission.

(e) Coordinate with the Commission should it be necessary to conduct additional 45-day and/or 15-day public comment periods.

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, 18930, 18934 and 18935, and Government Code Section 11346 et seq.

ITEM 30.

1-413. Public written comments period and related actions.

(a) Anyone wishing to ~~contest~~ provide written or oral comment on a recommendation of the code advisory committee(s) and/or ~~comment~~ on a proposed ~~code change~~ building standard or the repeal of an existing building standard, may do so in accordance with this section. ~~submit a comment to the Commission during the written comment period established by the notice of proposed action.~~ The Commission, or state proposing agency shall consider public comments received during a public comment period announced by a Notice of Proposed Action.

(b) When no public hearing is scheduled as part of a public comment period, a public hearing may be requested. Upon written request received, no later than 15 days prior to the close of the ~~written public~~ comment period, a public hearing pursuant to Government Code Section 11346.8 shall be held by the Commission when the Commission is the proposing agency, or state proposing agency responsible for the proposal, to receive comment on the proposed ~~code changes~~ building standard or repeal of an existing building standard, its justification and/or code advisory committee recommendations. At the hearing at which time statements, arguments, or comments, either oral or in writing, or both, shall be permitted.

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

~~1-(d)~~ A challenge written or oral public comment submitted pursuant to this section shall refer to a specific objection or recommendation made by a code advisory committee to a proposed code change and on a proposed building standard or repeal of an existing building standard. The public comment shall clearly indicate what is being contested. The challenge shall specify the action desired: approve, disapprove, return for further study or approve as amended. A challenge shall specify a concise and include a substantiating reason for the challenge desired action based on the Nine-Point Criteria in Health and Safety Code Section 18930.

~~2-(e)~~ Following the close of the comment period and/or public hearing, the The Commission shall make available to the public upon request a record of written and oral comments received at the Commission office, or during code advisory committee meetings and meetings and hearings by the Commission, and during public comment periods, in regard to a proposed building standard or the proposed repeal of an existing building standard by the close of the written comment period and/or comments received at the public hearing.

~~3-(f)~~ The Commission and/or state proposing agency, whichever is appropriate, shall consider the comments received during a code advisory committee meeting and during a public comment period from the public pursuant to this section. Any Amendments to the proposed building standard or proposed repeal of an existing building standard as a result of the public comment and determinations shall be provided explained in the Final Statement of Reasons.

(g) Following all public comment periods for a proposed building standard or proposed repeal of an existing building standard, the Commission will conduct a public meeting to consider the approval or adoption of the proposal.

4. No new issues will be raised before the Commission that were not included in the record of comments.

5. Items not challenged but affected as a result of an action on another item may also be considered at the Commission meeting to eliminate conflict, duplication or overlap.

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, 18930, 18934 and 18935, and Government Code Section 11346 et seq.

ITEM 31.

1-419415. Final rulemaking file by state proposing agencies.

(a) After any hearings or and the close of all public comment periods a final rulemaking file shall be submitted to the Commission for approval, in a format as prescribed by the Commission with all rulemaking documents complete and ready for the Commission's public meeting to consider adoption. Each final rulemaking file shall include: be organized and indexed to identify the following items required for inclusion:

1. One (1) original Building Standards Face Sheet (BSC-1) with the ~~original wet~~

- ~~signature of a person authorized to certify documents on behalf of the submitting the agency director or designee.~~
- ~~2. Copies~~ One (1) copy of the ~~Public Notice of Proposed Action,~~
 3. One (1) copy of the Informative Digest;
 4. One (1) copy of the Initial Statement of Reasons and
 5. One (1) copy of the Final Express Terms to illustrate the final proposed building standards;
 - ~~3-6.~~ One (1) copy of the Finding of Emergency Statement (submitted only with Emergency Regulations). Also see Section 1-419 of this article.
 - ~~4. Copies~~ 7. One (1) copy of the Department of Finance Fiscal Impact Statement (Std. 399) containing all required wet signatures as appropriate, together with fiscal analysis prepared by the submitting Agency.
 - ~~5. Copies of the~~ 8. One (1) copy of the written transcript or recorded minutes of the any public hearings.
 - ~~6. Copies of exhibits~~ 9. One (1) copy of each exhibit submitted or written comment received at the any public hearing conducted by the agency and a transcript of any oral comments received.
 - ~~7. Copies of correspondence~~ 10. One (1) copy of each written comment received during public comment period.
 - ~~8. Copies of the~~ 11. One (1) copy of the Updated Informative Digest and Final Statement of Reasons and any studies, surveys or documents used to support the rationale for the proposed building standard(s).
 12. One (1) copy of the Updated Informative Digest
 - ~~9.~~ 13. One (1) Copies copy of the proposed standards with any post hearing changes indicated, and a memo attesting to the 15-day public availability period (if applicable).
 - ~~10. Agencies shall certify when the public comment period was closed, and that the submitted rulemaking is complete.~~
 14. One (1) original Certification of Close and Complete of the Rulemaking File with the wet signature of the agency director or designee
 - ~~11. An~~ 15. One (1) copy of the written Nine-Point Criteria analysis, which shall justify the approval of the building standard(s) in terms of the criteria as set forth in the State Building Standards Law, Part 2.5, Division 13, Section 18930, et seq., of the Health and Safety Code.
 - ~~12. Any referenced documentation relevant to the hearing as determined by the Executive Director of the Building Standards Commission.~~

13. ~~The number of copies of the proposed building standards packages to be forwarded to the Commission shall be determined by the Executive Director of the Building Standards Commission.~~
14. ~~All proposed building standards packages shall be indexed.~~
15. ~~If other than the Agency Director/ Chief signs a Face Sheet (BSC-1), a delegation order shall be attached to the Face Sheet.~~
16. One (1) copy of the Certification of Compliance, which is required to make emergency building standards permanent (submitted only with Emergency Regulations during certifying rulemaking). ~~If the building standards were filed as an emergency, a certification that the requirements of Government Code Section 11346.1 have been complied with.~~
17. One (1) electronic file copy of each of the above documents listed under this section. The electronic files shall be suitable for immediate placement on the Commission's website for public viewing.

(b) The proposed building standards shall be submitted in the strikeout/underline format. If the proposed building standards amend existing building standards, all deletions must be shown in strikeout type and all additions, including punctuation, must be underlined. The provisions of this section may be waived by the Executive Director through written notification to the adopting agency.

Authority: Health and Safety Code Section 18931(f).

Reference: Health and Safety Code Section 18931(f).

ITEM 32.

1-415417. Final actions by the ~~commission~~ Commission and proposing agency.

(a) Following the close of the public comment period, and any public hearing, the Commission shall take one of the following actions on each ~~item of the~~ received final rulemaking file proposing to adopt new, repeal, or amend building standards.

1. **Approve.** The Commission approves a proposed code change as submitted. The change is justified in terms of Health and Safety Code Section 18930.
2. **Disapprove.** The Commission disapproves a proposed code change as not justified in terms of Health and Safety Code Section 18930.
3. **Further study required.** The Commission finds that a proposed code change has merit but does not meet specified criteria of Health and Safety Code Section 18930. The change requires further study and justification by the proposing agency. The proposed code change may be submitted in a future code adoption cycle with further study and justification.

4. **Approve as amended.** The Commission approves a proposed code change as modified by the proposing agency director or written authorized representative. No modification shall be made that materially alters a requirement, right, responsibility, condition or prescription in the text made available to the public for comment in accordance with this chapter. The proposing agency shall justify the modification pursuant to Health and Safety Code Section 18930 in an amended justification consistent with the approval action submitted to the Commission within 15 days. Failure to submit the amended justification within that time is cause for disapproval.

(b) **Withdrawal.** A proposing agency may withdraw a proposed code change as determined appropriate at any time during the rulemaking process.

~~(c) The proposing agencies shall complete their respective documents for the rulemaking file as specified in Section 419.~~

Authority: Health and Safety Code Sections 18929.1, 18949.6 and 18931(f).

Reference: Health and Safety Code Sections 18927, 18929 through 18932, 18934, 18935, 18936, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6.

ITEM 33.

1-417419. Emergency building standards.

(a) Emergency building standards may be developed and acted on as provided in Health and Safety Code Sections 18937 through 18938 and other referenced or applicable provisions of the California Building Standards Law (HS. Code, § 18901 et seq.), Part 2.5, Division 13, Section 18930, et seq., of the Health and Safety Code, and the Administrative Procedure Act (Gov. Code, § 11340 et seq.). Emergency Building Standards shall be acted on within 30 days and shall not be effective until approved by the Building Standards Commission and filed with the Secretary of State.

(b) Rulemaking files for emergency building standard(s) submitted to the Commission for consideration prior to public hearing shall include each of the following:

1. An ~~One (1)~~ original signed Building Standards Face Sheet (BSC-1), with the wet signature of the agency director or designee.
2. The ~~Two (2)~~ copies of the Finding of Emergency satisfying requirements of Government Code Section 11346.1.
3. An analysis which shall justify the approval of the building standard(s) in terms of the criteria as set forth in the State Building Standards Law, Part 2.5, Division 13, Section 18930, et seq., of the Health and Safety Code.
4. The ~~Two (2)~~ copies of the Express Terms illustrating the proposed emergency building standards.

~~54. A delegation order if the Face Sheet (BSC-1) is signed by other than the Agency Director/Chief. Two (2) copies of the written Nine-Point Criteria Analysis substantiating compliance with Health and Safety Code Section 18930.~~

~~65. Any supporting documentation as determined by the Executive Director the proposed emergency building standards are based.~~

~~6. One (1) electronic file copy of each of the above documents listed under subsection 1-419(b). The electronic documents shall be suitable for immediate placement on the Commission's website for public viewing.~~

~~(c) The number of copies of proposed emergency building standards packages will be determined by the Executive Director. The Commission shall make a ruling on the state agency's Finding of Emergency as to its compliance with Government Code Section 11346.1. If the Finding of Emergency is approved, the Commission shall consider the proposed emergency building standard, and make a ruling to approve, disapprove, further study required, or approve as amended, consistent with Section 1-417(a) of this article.~~

~~(d) The Commission shall file approved emergency building standards with the Secretary of State at the earliest possible date following approval. Following the filing with the Secretary of State for an adopted emergency building standard, the Commission shall notify the affected state Agency agency in writing of the filing date of the emergency building standard.~~

~~(e) Agencies adopting emergency building standards following an Agency public hearing shall submit a rulemaking file as prescribed in this article. Following the initial adoption of emergency building standards and if determined appropriate, the state agency responsible for the emergency building standards shall proceed to complete the certifying rulemaking process to make the emergency building standards permanent within 180 days in accordance with Government Code Section 11346.1 and Health and Safety Code Section 18938. Rulemaking files submitted to the Commission for certifying rulemaking shall include all applicable documents required by Section 1-415 of this article.~~

~~(f) The Commission shall forward the required number of copies of the filing order to the Office of Administrative Law for the sole purpose of publication in the California Regulatory Notice Register.~~

Authority: Government Code Sections 11346.1 and 11346.5 and Health and Safety Code Section 18937.

Reference: Government Code Section 11346.1 and 11346.5 and Health and Safety Code Sections 18913, and 18937 and 18938.

ITEM 34.

1-420. State adopting agency submittals.

~~(a) All building standards and emergency building standards adopted by a state adopting agency must be approved by the Commission prior to codification pursuant to Health and Safety~~

Code Section 18930. The submitted rulemaking file for approval shall satisfy all applicable provisions of the Administrative Procedure Act (Gov. Code, § 11340 et seq.).

(b) The submitted rulemaking files for adopted building standards and emergency building standards shall comply with the applicable related provisions in Sections 1-407, 1-411, 1-415 and 1-419 of this article.

(c) A representative of the submitting state adopting agency shall be present at the Commission's public meeting that approval will be considered. The representative shall do the following:

1. Summarize the adopted building standards or emergency building standards.
2. Summarize the agency's activities to satisfy requirements for rulemaking.
3. Respond to any questions by the Commission.

Authority: Government Code Section 11346 et seq and Health and Safety Code Section 18930.

Reference: Government Code Section 11346 et seq and Health and Safety Code Section 18930.