

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (BSC)**

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

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

(Government Code Section 11346.9(a)(1).)

For Items 1 - 12, 14 - 32, and 34 of the Final Express Terms, there were no changes made to the proposed regulations published during the 45-day public comment period to the final statement of reasons.

For Items 13 and 33 of the Final Express Terms, the BSC is relying on the Initial Statement of Reasons regarding specific adoptions, amendments, or repeals to CCR, Title 24, Part 1 except for the following amended sections, to which sufficiently related changes were proposed during a 15-day public comment period:

- **Section 1-313. Petitions.** In response to its own comment during the 45-day public comment period, the BSC removed the ambiguous language that was unclear and could have misled the code user into thinking it was possible to submit a petition by telephone or email. The suggested change provides clarity to the code user with no intended change in regulatory effect (based on criteria 6).
- **Section 1-419. Emergency building standards.** In response to its own comment during the 45-day public comment period, the BSC is removing specific references to a state "proposing" agency so the section is more inclusive of both proposing and adopting agencies developing emergency building standards. The language initially proposed during the 45-day comment period did not align with existing law addressing the development of emergency building standards. Specifically, the language proposed solely addressed emergency building standard requirements for state proposing agencies and not state adopting agencies. Pursuant to Health and Safety Code Section 18937, prior to emergency building standards becoming effective upon the BSC filing with the Secretary of State, the BSC commissioners must first concur with the adopting agency's finding of emergency required by Sections 11346.1 and 11346.5 of the Government Code and that the adopting agency has adopted the emergency standard in compliance with Section 11346.1 of the Government Code.

Additionally, the BSC made a nonsubstantive editorial amendment to subsection 1-419(b)(2) and replaced the plural reference to "Sections" with a singular reference to "Section."

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Government Code Section 11346.9(a)(2).)

The BSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

(Government Code Section 11346.9(a)(3).)

Public Comments received during the 45-Day public comment period (April 28, 2017 – June 12, 2017)

Regarding Items 1 – 12 and 14 – 34 of the Final Express Terms: The BSC did not receive any objections or recommendations regarding the proposed regulations for Items 1 – 12 and 14 – 34.

Regarding Item 13 of the Final Express Terms:

The following is a summary of the comment the BSC received on Item 13 during the 45-day public comment period as well as the BSC's explanation for how changes were made in response to the comment, and reasons for making no changes, as specified:

Commenter: Alexander M. Hunter, California Building Standards Commission

Recommend: Approve as Amended

1. Section 1-313. Petitions. — Suggest the removal of ambiguous language proposed during the 45-day comment period in subsection 1-313(b) of the California Administrative Code (Cal. Code Regs., Title 24, Part 1).

Agency Response: The BSC has accept its own comment and incorporated the suggested change into its final express terms. This modified language was noticed and published during a 15-day public comment period beginning June 22, 2017 and ending July 7, 2017. The modifications provide clarity to the code user with no intended change in regulatory effect (based on criteria 6).

Public Comments received during the 15-Day public comment period (June 22, 2017 – July 7, 2017)

Regarding Items 13 and 33: The BSC did not receive any comments during the 15-Day public comment period.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4))

The BSC has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES: (Government Code Section 11346.9(a)(5))

There were no proposed alternatives. The BSC has determined that the proposed regulations will have no adverse impact on small businesses.