

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2019 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, VOL. 1 AND 2
(BSC 02/18)**

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) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

There were two changes made to the proposed regulations published during the 45-day public comment period to the final statement of reasons. The first item is related to Final Express Terms item #13 that addresses **Table 1607.1**, Col. B. The second item is related to Final Express Terms item #17 that addresses Section **2304.12.2.5**.

In its current triennial rulemaking process, BSC intended to repeal amendments within Table 1607.1 and Section 2304.12.2.5, to align with other amendments being repealed, permitting model code language from the 2018 IBC to carry forward. This oversight was identified after the closing of the 45-day comment period. In an effort to align with HCD and DSA, BSC had established that a 15-day comment period was needed to fully coordinate with the other agencies. This will properly bring this item into alignment with other related provisions, stemming from previous emergency regulatory actions, and expressed within this same package for triennial adoption.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

The California Building Standards Commission has determined that the proposed regulatory action would not impose a mandate on local agencies, or school districts. CBSC does not have authority to adopt regulations for school districts. The mandate

does not require reimbursement pursuant to Part 7 (commencing with §17500) of Division 4, Government Code.

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

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

CBSC did not receive any objections or recommendations regarding the proposed regulations. However, BSC did discover a discrepancy in the proposed changes related to Table 1607.1 and Section 2304.12.2.5 and therefore administered an additional 15-day public comment period from October 30, 2018 to November 14, 2018 to further seek public input related to the inclusion of these two items to prevent a conflict with model code text. No comments were received during the 15-day comment period.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information 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.

CBSC has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, be as effective as and less burdensome to affected private persons than the adopted regulation, or be more cost-effective to affected private persons and be equally as 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) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

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