

**INITIAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS  
AND DSA-SS/CC)  
REGARDING THE 2019 CALIFORNIA ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1  
(DSA-SS/CC 01/18)**

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

**STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS**

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

**Section 4-228(b):**

This proposal revises the current regulation to align with Health and Safety (H&S) Code Section 16016 by repealing the provision that a contract shall not be let or monies shall not be spent for construction of essential services buildings prior to DSA approval, and revising to state that no construction or fabrication shall commence prior to DSA approval. Previous provision aligned with Education Code and not the Essential Services Buildings Seismic Safety Act of 1986 in the H&S Code.

Per the comments from the August 8th and 9th Structural Design and Lateral Forces Code Advisory Committee (SDLF CAC), DSA performed an editorial change eliminating unnecessary and confusing words.

**Section 4-238:**

Providing clarifying language for SI report submission requirements. DSA requires reports be submitted to certain individuals within certain time frames.

**Section 4-239(a):**

Providing clarifying language for test report submission requirements. DSA requires reports be submitted to certain individuals within certain time frames.

**Section 4-302(a):**

This proposal is an editorial update to add reference to Part 10 into the General Conditions, Scope section since Chapter 34 Existing Buildings, Part 2, was relocated into Part 10 during the 2016 CBC code cycle.

**Section 4-306:**

DSA proposes to add requirement for when an addition is designed to higher gravity and/or lateral loads than the existing building, then a stand-alone means of egress shall be provided in the addition.

Section 4-309(a):

This proposal updates the section reference in Part 10, CEBC, in which the chapter was renumbered.

Section 4-309(c)2C:

Editorial, code section reference updated due to change in Part 2.

Section 4-314:

Editorial updates.

Section 4-315(a):

2. This proposal updates the cost threshold to correlate with revision to the 2016 Intervening CBC, effective August 17, 2017, which was updated to comply with Statutes of 2016 (Senate Bill 826 – Leno, Budget Act of 2016), effective June 27, 2016..

Section 4-321:

DSA proposes revisions to the fee schedule to match AB 111, 2017 Budget Bill, which was effective June 27, 2017.

Section 4-324:

DSA proposes revisions to the examples and explanations of fee computation to correspond to Section 4-321.

Section 4-333.1:

DSA proposes to substantially modify project inspector eligibility criteria to:

1. Improve the availability of qualified individuals as inspectors to school districts, and
2. Provide better alignment with similar programs, such as that of the Office of Statewide Health Planning and Development (OSHPD), and
3. Address inconsistencies in some of the current qualification options discovered through statistical analysis of examination scores.

DSA proposed changes are summarized, as follows:

- Combine the Class 3 and 4 examinations into one Class 3 examination, thereby reducing the number of examinations. DSA has found the number of Class 4 applicants does not support the cost of maintaining a Class 4 examination. The Class 3 qualification criteria has been modified correspondingly to incorporate appropriate Class 4 criteria. Per SDLF CAC comment, DSA made changes to maintain the Class 4 definition which clarifies that Class 4 inspectors may continue to practice, while still removing examinations for new applicants.
- Remove the minimum age restriction since the proposed experience qualifications implicitly address maturity requirements.

- Recognize additional legitimate qualifications, including California registered design professionals and various experience combinations not currently accepted, but consistent with appropriate criteria to provide inspections of DSA regulated construction.
- Allow applicants for Class 2 and 3 to sit for examinations prior to meeting all the qualification requirements to become certified. However, certification is not obtained until all qualifications are met.
- Provide explicit requirements for examinee conduct, both during and after the examination administration. Consequences of violating examination policies are also noted to deter actions which may compromise examination integrity..

Section 4-333.1, (a) Item 6, (b) Item 5, and (c) Item 2:

Removed qualification language is relocated to apply generally to all classification options, with additional modifications. Various modifications made since the Class 4 exam will no longer be administered, and to bring consistency between other requirements.

Per SDLF CAC comment, DSA reformatted proposed changes to clarify qualification exceptions and substitution allowances for the three project inspector classifications.

Section 4-333.1, after itemized list in (c):

Addition to recognize current methods frequently used for communication by DSA to inspectors.

Section 4-341(d)1:

Providing clarifying language to ensure continuous inspection can be provided by project inspectors applying for project approval.

Section 4-352(b):

Providing clarifying language to reference the sections which specify the reporting requirements for each document type that are to be submitted to DSA throughout construction.

Per SDLF CAC comment, DSA performed an editorial change eliminating parenthesis.

## **TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS**

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

These administrative regulations are applicable to Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12 of Title 24, California Code of Regulations. No technical reports or studies were used in the development of these proposed amendments.

## **STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS**

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

The proposed amendments do not contain any mandates for specific technologies or equipment or prescriptive standards.

### **CONSIDERATION OF REASONABLE ALTERNATIVES**

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

The Division of the State Architect did not identify any reasonable alternatives to the proposed administrative regulations that would lessen adverse impact on small business.

### **REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

The Division of the State Architect did not identify any reasonable alternatives to the proposed administrative regulations that would lessen adverse impact on small business.

### **FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS**

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

No adverse effect on business was determined and no other documents are required, with the exception that Section 4-321: Fee Schedule 11 was modified to align with the 2017 Budget Bill (effective June 27, 2017), and will increase school district fees (including state schools) paid to DSA approximately \$15,029,347 per year as further described in "ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS" below.

### **ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

**A.** The creation or elimination of jobs within the State of California.

The Division of the State Architect did not identify any amended regulation that would lead to the creation or elimination of jobs.

**B.** The creation of new businesses or the elimination of existing businesses within the State of California.

The Division of the State Architect did not identify any amended regulation that would lead to elimination of existing businesses.

- C.** The expansion of businesses currently doing business within the State of California.

The Division of the State Architect did not identify any amended regulation that would lead to the expansion of businesses currently doing business with the State of California.

- D.** The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

Part 1, California Administrative Code is the administrative regulations for application of the California Building Code, implementation of construction testing and inspection programs, and certification of construction for the protection of life and property of public K-14 school buildings in compliance with the California Education Code and state-owned or state-leased essential services buildings in compliance with the California Health and Safety Code.

## **ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS**

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

The proposed changes to the regulations are editorial to provide clarity, and do not result in an increase to the cost of compliance in the application and implementation of the California Administrative Code or California Building Code, with the following exception:

Section 4-321: Fee Schedule 11 will increase project filing fees paid to DSA approximately \$27,000,000 per year for structural safety plan review and construction oversight. The current filing fee, based upon Sections 17300 and 81133 of the California Education Code, is 1.25 percent for the first \$1,000,000 of the estimated cost of construction plus 1.0 percent for estimated costs above \$1,000,000. This fee increase will raise the multiplier for estimated costs above \$1,000,000 to the highest amount allowed in the California Education Code from 0.6 percent to 1.0 percent. This fee change was made to bring the regulations in alignment with statutes associated with the 2017 Budget Bill (effective June 27, 2017). The fee increase will allow DSA to cover operational costs to maintain services mandated by the Field Act (Sections 17280 and 81130) to ensure public safety and protection of property of California's public schools and community colleges.

## **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B)

The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

DSA is not affiliated with the EPA, Resources Agency, or OSFM; however, these proposed administrative regulations do not duplicate or conflict with federal regulations.