

**NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2019 CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
(BSC 01/18)**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1. The CBSC is proposing building standards related to the 2019 California Administrative Code (California Code Regulations, Title 24, Part 1).

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 7, 2018**, until **5:00 PM** on **October 22, 2018**. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Mia Marvelli, Executive Director

Written Comments may be E-mailed to CBSC@dgs.ca.gov.

Any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Government Code Sections 11000 and 11340 et seq. and Health and Safety Code Sections 18909, 18929, 18929.1, 18930, 18930.5, 18931, 18934, 18934.8, 18935, 18937, 18942, 18945, 18946, 18949, 18949.1, 18941.2, 18949.3, 18949.5, and 18949.6.

The purpose of these building standards is to implement, interpret, or make specific the provisions of Government Code Sections 11000 and 11340 et seq. and Health and Safety Code Sections 18926, 18927, 18929-18932, 18934, 18934.8, 18935, 18936, 18937, 18938, 18945, 18946, 18949, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws

Government Code Section 11000 defines commissions and other referenced departments as “state agencies.”

Government Code Section 11346.1 allows for regulations to be adopted on an emergency basis within defined parameters and holds that emergency building regulations be filed with CBSC and not with the Office of Administrative Law (OAL).

Government Code Section 11346.5 establishes requirements for public notices of proposed regulatory adoption, including economic impact statements, statements of potential impact on California businesses, effect on housing costs, and where and how to obtain copies of the proposed regulations.

Health and Safety Code Section 18909 defines what is and is not a building standard.

Health and Safety Code Section 18925 provides for CBSC to appoint an Executive Director with defined responsibilities.

Health and Safety Code Section 18926 sets forth CBSC authority and state agency responsibilities relative to the duties of the Coordinating Council, and state agencies comprising the Coordinating Council.

Health and Safety Code Section 18927 permits CBSC to appoint advisory panels composed of volunteers from professions most likely to be knowledgeable in and affected by building standards, to advise CBSC.

Health and Safety Code Section 18928 authorizes CBSC to adopt the most recent editions of the model codes, national standards or specifications within one year of publication.

Health and Safety Code Section 18928.1 sets forth that CBSC shall incorporate text of the model codes, applicable national standards or published specifications, in whole or in part, only by reference, with appropriate additions or deletions in a publication agreement between the commission and the model code organizations.

Health and Safety Code Sections 18929 – 18932 outline the duties of CBSC in its review of building standards proposed by state agencies; criteria to be used for acceptance; authority of CBSC to propose green building standards where no other agency has authority or expertise; procedural duties of CBSC; reimbursement by state

agencies for review and development of building standards; establishment of a local fee on building permits to be used by CBSC and other specific state agencies in the development, adoption, publication, and updating of green building standards and training of local building officials; authorization for CBSC to accept grants, gifts, donations, bequests or other funding to perform its duties; the code identifies the state agencies having lawful authority for administration of the building standards; and the code content and authority of CBSC for its format.

Health and Safety Code Section 18934 sets forth a mandate that authorizes CBSC to adopt and the commission adopt regulations establishing procedures to ensure public participation in the development of building standards and regulations.

Health and Safety Code Section 18934.5 authorizes CBSC to adopt and publish building standards applicable to state buildings, including state university buildings and, to the extent permitted by law, University of California buildings.

Health and Safety Code Section 18934.8 authorizes CBSC to adopt and publish emergency building standards caused by model code amendments adopted on an emergency basis by the code publisher.

Health and Safety Code Section 18935 provides for CBSC authority to review and approve proposing and adopting agency notices and initial statements of reasons; publish notices with the Office of Administrative Law; coordinate hearings held by adopting agencies.

Health and Safety Code Section 18936 sets forth CBSC responsibilities for delivery of notices of meetings within a specified time and, at a minimum, to whom these notices are to be sent.

Health and Safety Code Section 18937 provides CBSC with authority to act on emergency building standards with specific conditions being met for filing and a timeframe.

Health and Safety Code Section 18938 sets forth that model codes as referenced in the California Building Standards Code, Title 24, CCR shall apply to all occupancies throughout the state and shall become effective 180 days after publication or a later date as established by the commission.

Health and Safety Code 18942 requires CBSC to publish, or cause to be published, editions of the code in its entirety once in every three years and supplements as necessary during the intervening period.

Health and Safety Code Section 18945 sets forth CBSC appeals responsibilities and the regulated public's right to appeal if adversely affected by the application of building standards by a state agency or local agency.

Health and Safety Code Section 18946 sets forth CBSC appeal hearing requirements to include designating hearing committees, officers or the commission itself.

Health and Safety Code Section 18949 authorizes CBSC to develop a schedule of fees to pay for the costs associated with processing and conducting appeals hearings.

Health and Safety Code Section 18949.1 through 18949.5 transferred authority to adopt, or review and approve building standards to CBSC for specific state agencies.

Health and Safety Code 18949.6 requires CBSC to adopt procedural regulations for the adoption of building standards and administrative regulations; the adoption process is required to facilitate the triennial adoption of model codes; and, requires the procedural regulations allow for public review of proposed building standards and administrative regulations.

Summary of Existing Regulations

Chapter 1 of the 2016 California Administrative Code (California Code Regulations, Title 24, Part 1, Chapter 1) contains regulations that explain the various responsibilities and functions of CBSC addressing the development, adoption and publication of building standards in Title 24, California Code of Regulations. It also includes requirements for state proposing agencies and state adopting agencies involved in the development of building standards.

Summary of Effect

The Initial Statement of Reasons (ISOR) provides a complete description of the proposed building standards effect.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to the CBSC proposed action.

Policy Statement Overview

The proposed additions, amendments, and deletions to Chapter 1 of the 2019 California Administrative Code address necessary procedures relative to clarity and consistency within the regulations pertaining to reference statutes. The proposals are purposed to assist the public and state proposing agencies and state adopting agencies with the requirements and processes regarding rulemaking, enforcement, Commission actions on proposed or adopted building standards, appeals and petitions. Renumbering may be necessary in order to accommodate new provisions necessitating separate numbering for organizational reasons to include sequence of rulemaking proceedings.

Evaluation of consistency

CBSC has determined that the proposed administrative regulations are not inconsistent or incompatible with existing state regulations.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

Reference: Government Code Section 11346.5(a)(4).

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).

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

CBSC does not have authority to impose building standards or regulations on school districts. Further, the proposed regulatory actions are administrative in nature and would not enact a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399).

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

Estimate: Any additional expenditure resulting from this proposed action would be minor and absorbable within the existing budget and resources of CBSC.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code, Section 11346.5, (a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

CBSC Statement

CBSC has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

CBSC Statement

CBSC has determined that there are no obtainable facts, evidence, documents, testimony, or other evidence upon which CBSC relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public may submit information, facts, or documents either supporting CBSC's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Reference: Government Code Section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

CBSC Statement

The provision of Government Code Section 11346.3(d) is not applicable. No report is required for the adoption/amendment/repeal of these proposed administrative regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

CBSC Statement

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

Reference: Government Code Section 11346.5(a)(10).

The California Building Standards Commission 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.

CBSC Statement

These regulations will not affect the creation or cause the elimination of jobs within the State of California.

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

CBSC Statement

These regulations will not affect the creation or the elimination of existing business within the State of California.

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

CBSC Statement

These regulations will not affect the expansion of businesses currently doing business within the State of California. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

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

CBSC Statement

The proposed regulations will update, clarify and improve the administrative regulations in the California Administrative Code, which will provide increased protection of public health and safety, worker safety, and the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

CBSC has determined that this proposal would not have a significant effect on housing costs. CBSC does not have authority to impose building standards or regulations affecting housing. Further, the proposed regulatory actions are administrative in nature and would not enact a mandate affecting housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

CBSC has determine that no reasonable alternative considered by CBSC or that has otherwise been identified and brought to the attention of CBSC would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Reference: Government Code Section 11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

Reference: Government Code Section 11346.5(a)(21).

CBSC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Gary Fabian, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No.: (916) 263-0916
E-mail: gary.fabian@dgs.ca.gov

**PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING
STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Brandon Estes, Associate Construction Analyst
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
E-mail: brandon.estes@dgs.ca.gov

Designated Back-Up Contact Person

Michael L. Nearman, Deputy Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
E-mail: Michael.Nearman@dgs.ca.gov