

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE HISTORICAL BUILDING SAFETY BOARD (SHBSB)
REGARDING THE 2022 CALIFORNIA HISTORICAL BUILDING CODE (CHBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 8**

(SHBSB 01/21)

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.

Item 1

Chapter 8-1 Administration, Chapter 8-2 Definitions, Chapter 8-3 Use and Occupancy, Chapter 8-4 Fire Protection, Chapter 8-5 Means of Egress, Chapter 8-6 Accessibility, Chapter 8-7 Structural Regulations, Chapter 8-8 Archaic Materials and Methods of Construction, Chapter 8-9 Mechanical, Plumbing and Electrical Requirements, Chapter 8-10 Qualified Historical Districts, Sites and Open Spaces, and Appendix A.

The State Historical Building Safety Board proposes to adopt the 2022 California Historical Building Code, carrying forward existing provisions from the 2019 California Historical Building Code, without further amendment.

Health and Safety Code sections 18950-18961 authorize the State Historical Building Safety Board to develop alternative regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of qualified historical buildings or structures. These alternative standards and regulations are intended to facilitate the rehabilitation, restoration, or change of occupancy to preserve their original or restored architectural elements and features, to encourage energy conservation and cost-effective approach to preservation, and to provide for the safety of the building occupants.

This proposed regulatory action by the State Historical Building Safety Board will provide greater consistency and clarity for code users by adopting existing California provisions carried forward from the 2019 California Historical Building Code.

CAC Recommendation:

Not applicable.

Agency Response:

Not applicable.

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).

The SHBSB relied, in part, on the 2010 Americans with Disabilities Act Standards for Accessible Design and the International Existing Building Code.

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.

Health and Safety Code sections 18950-18961 authorize the SHBSB to develop alternative regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of qualified historical buildings or structures. This rulemaking carries forward the existing regulations promulgated by the SHBSB contained in the California Historical Building Code (Title 24, Part 8).

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 SHBSB has determined that no reasonable alternative considered by SHBSB or that has otherwise been identified and brought to the attention of SHBSB would be more effective in carrying out the purpose for which the action is proposed. The California Historical Building Code itself is an alternative to the regular code applicable for use in the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings or properties.

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 SHBSB has determined that no reasonable alternative considered by SHBSB or that has otherwise been identified and brought to the attention of SHBSB would be as effective as and less burdensome to private property and business owners than the proposed action. The California Historical Building Code itself is an alternative to the regular code applicable for use in the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings or properties.

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.

The California Historical Building Code is an alternative to the regular code applicable for use in the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings or properties.

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 SHBSB 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 SHBSB has determined that the proposed action has no effect.
- B.** The creation of new businesses or the elimination of existing businesses within the State of California.
The SHBSB has determined that the proposed action has no effect.
- C.** The expansion of businesses currently doing business within the State of California.
The SHBSB has determined that the proposed action has no effect.
- D.** The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.
The SHBSB has determined that the proposal establishes minimum requirements to safeguard the public health, safety and general welfare through access to persons with disabilities.

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.

This proposed regulation carries forward existing provisions from the 2019 California Historical Building Code without amendment. The SHBSB estimates that there will be no additional cost or savings with the adoption of this regulation.

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.

The proposed amendments to the California Historical Building Code do not duplicate or conflict with federal regulations.