

**NOTICE OF PROPOSED ACTION  
TO 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)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of State Historical Building Safety Board proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 8. The SHBSB is proposing building standards related to the 2022 California Historical Building Code.

**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 24, 2021**, until midnight on **November 8, 2021**.

Comments may be submitted to CBSC via:

[e-Comment form](https://dgs.ca.gov/BSC/e-comments): [dgs.ca.gov/BSC/e-comments](https://dgs.ca.gov/BSC/e-comments)

US Mail postmarked no later than **November 8, 2021**:

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

Note: Only comments received in an accessible format will be viewable via [CBSC's website](https://dgs.ca.gov/BSC): [dgs.ca.gov/BSC](https://dgs.ca.gov/BSC). Use the e-Comment form to ensure accessibility.

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 CBSC 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 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).

SHBSB proposes to adopt these building standards under the authority granted by Health and Safety Code sections 18958 and 18959.5.

The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code sections 18950-18961.

## **INFORMATIVE DIGEST**

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

### **Summary of Existing Laws**

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. 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.

The SHBSB is composed of qualified experts in their respective fields who represent various state and local public agencies, design professionals, and building and preservation-oriented organizations. The SHBSB acts as a consultant to the State Architect and to other applicable state agencies for purposes of the California Historical Building Code. The SHBSB also acts as a review body to state and local agencies with respect to interpretations of the California Historical Building Code, as well as on matters of administration and enforcement of the California Historical Building Code.

All state agencies that enforce and administer approvals, variances, or appeals procedures or decisions affecting the preservation or safety of the historical aspects of qualified historical buildings or structures shall use the alternative provisions of the California Historical Building Code. These state agencies must consult with the SHBSB to obtain its review prior to undertaking action or making decisions on variances or appeals that affect qualified historical buildings or structures.

### **Summary of Existing Regulations**

Existing regulations promulgated by the SHBSB are contained in the California Historical Building Code (Title 24, Part 8). These regulations provide means for the preservation of the historical value of qualified historical buildings or structures and, concurrently, provide reasonable safety from fire, seismic forces or other hazards for occupants of these buildings or structures, and provide reasonable availability to and usability by, persons with disabilities. These regulations require enforcing agencies to accept reasonably equivalent alternatives to the regular code when

dealing with qualified historical buildings or structures. A qualified historical building or structure is any structure or property, collection of structures, and their related sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction.

### **Summary of Effect**

The proposed action would update the California Code of Regulations, Title 24, Part 8, California Historical Building Code by adopting existing California provisions carried forward from the 2019 California Historical Building Code (CHBC) and incorporated into the 2022 CHBC.

### **Comparable Federal Statute or Regulations**

There are no comparable federal statutes or alternative building regulations applicable to qualified historical buildings or structures.

### **Policy Statement Overview**

The California Historical Building Code contains 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.

### **Evaluation of Consistency**

There are no inconsistent or incompatible regulations proposed.

## **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).

There are no other matters prescribed by statute applicable to the SHBSB, or to any specific regulation or class of regulations.

## **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

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

The SHBSB has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts. The California Historical Building Code contains alternative building regulations that may be used by local agencies or school districts when work is being done at qualified historical buildings or structures.

## **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.

- 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: Potential savings to state agencies is unknown.

### **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.

The SHBSB has made an initial determination that the ADOPTION of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

### **DECLARATION OF EVIDENCE**

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

In making 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.

The alternative regulations of the California Historical Building Code may be applied by private property and business owners when work is being done at qualified historical buildings or structures. Applying the alternative regulations may result in a cost savings.

### **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.

N/A

### **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:

The SHBSB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The alternative regulations of the California Historical Building Code may be applied by private property and business owners when work is being done at qualified historical buildings or structures. Applying the alternative regulations may result in a cost savings.

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

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

The State Historical Building Safety Board (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 OF STANDARDS THAT WOULD IMPACT HOUSING**

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

The SHBSB has determined that the proposal establishes minimum requirements to safeguard the public health, safety and general welfare through access to housing in qualified historical buildings for persons with disabilities.

## **CONSIDERATION OF ALTERNATIVES**

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

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 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 [CBSC website](https://dgs.ca.gov/BSC): [dgs.ca.gov/BSC](https://dgs.ca.gov/BSC).

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 [CBSC website](https://dgs.ca.gov/BSC): [dgs.ca.gov/BSC](https://dgs.ca.gov/BSC).

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

The SHBSB 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:

Michael L. Nearman  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
(916) 263-0916

[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@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:

Primary Contact:

Derek M. Shaw, Executive Director  
State Historical Building Safety Board  
Division of the State Architect - Headquarters  
(916) 324-7178

[Derek.Shaw@dgs.ca.gov](mailto:Derek.Shaw@dgs.ca.gov)

Back up Contact:

Debbie Wong, Senior Architect  
Division of the State Architect - Headquarters  
(916) 327-5410

[Debbie.Wong@dgs.ca.gov](mailto:Debbie.Wong@dgs.ca.gov)