

ECONOMIC and FISCAL IMPACT STATEMENT, Amendments to the 2022 California Administrative Code, Part 1, Title 24, California Code of Regulations

ATTACHMENT A

Fiscal impact analysis for current 2020-2021 fiscal year and two subsequent fiscal years.

Attachment A applies to Express Terms and Initial Statement of Reasons items 2 through 5.

Fiscal Year Dates

2020-2021 Fiscal Year - July 1, 2020 - June 30, 2021

2021-2022 Fiscal Year - July 1, 2021 - June 30, 2022

2022-2023 Fiscal Year - July 1, 2022 - June 30, 2023

Rulemaking processes outline for 2020-2021 fiscal year and two subsequent fiscal years

The California Building Standards Commission (CBSC) administers the Title 24 rulemaking process by receiving, reviewing, and approving building standard regulations from various state agencies. CBSC also proposes building standards for various parts of Title 24. Title 24 is comprised of 13 parts ranging from Administrative Code (Part 1), Building Code (Part 2), Residential Code (Part 2.5), Electrical Code (Part 3) to Referenced Standards Code (Part 12).

At the beginning of the 2020-2021 Fiscal Year all the proposing agencies are working on content and accessibility of their initial rulemaking documents for the 2021 Triennial Code Cycle. After all the agencies submit their initial rulemaking files to CBSC, CBSC reviews the submittals for compliance with accessibility requirements mandated by Government Code section 11546.7(a) and starts working on Commission Action Matrices (CAM) in preparation for Code Advisory Committee (CAC) meetings. CBSC is required to post notice and agenda of each public meeting on the CBSC website, including CAMs and other accessible rulemaking documents submitted by proposing agencies. Six CAC meetings will be held in the period between end of March and middle of August, after which all the proposing agencies will work on their public comment rulemaking file submittals. After all the agencies submit their public comment rulemaking files to CBSC, CBSC reviews the submittals for compliance with accessibility requirements, files Notices of Proposed Action (NOPA) with the Office of Administrative Law (OAL) and posts CAMs and other accessible rulemaking documents submitted by proposing agencies on CBSC's website. After public review periods and during the final months of 2020-2021/beginning months of 2021-2022 fiscal years, all the agencies are working on incorporating public feedback into their proposals and preparing the documents for final rulemaking file submittal. After all the state agencies, including state adopting agencies, submit their final rulemaking files to CBSC, CBSC

reviews the submittals for compliance with accessibility requirements and posts them on the website in preparation for the California Building Standard Commission meeting.

Most of 2021-2022 fiscal year and beginning of 2022-2023 fiscal year all proposing agencies will work on the 2022 Intervening Code Adoption Cycle pre-cycle activities conducting workshops and working on content and accessibility of their initial rulemaking documents for this cycle. All the rulemaking activities performed by the state agencies during the 2021 Triennial Code Cycle will be repeated at 2022 Intervening Code Cycle during the 2022-2023 fiscal year but at a smaller scale as there are usually less Intervening cycle rulemaking proposals/submittals.

Survey

CBSC surveyed its staff and other state proposing and adopting agencies to get cost estimates of additional time spent on making rulemaking documentation comply with GOV section 11546.7(a) requirements. The survey questions are asked to help BSC analyze the cost and divide the estimated results into 3 main categories: time spent by CBSC staff on developing their own submittals, time spent by CBSC staff reviewing other state agencies submittals (including backcheck and communication with the agency), and time spent by other state agencies' staff on their submittals. One additional question was asked to estimate cost acquired during previous fiscal years on the state agency staff training, developing templates and checklists to make sure all documents achieve compliance with accessibility requirements.

Survey questions

1. How much time does it take to make your rulemaking submittal package accessible?
2. How much time does it take to check other state agency rulemaking submittals for accessibility?
3. How much time did it take to create document accessibility checklists, templates, and train your staff on document accessibility requirements?

Survey results

Based on the survey answers it was determined that CBSC staff spends roughly the same time on assuring accessibility of CBSC submittal documents and reviewing other state agency submittals for accessibility compliance. As this time varies greatly from submittal to submittal depending on its length and complexity, average numbers have been used in the typical CBSC rulemaking submittal package estimation below.

CBSC has also received survey responses from several other state agencies. The responses are provided below.

The time spent on document accessibility is expected to decrease as CBSC and other state agency staff become more experienced creating accessible documents.

Survey questions 1 (CBSC) and 2

Typical CBSC rulemaking submittal package estimation

Documents required to be posted on the CBSC website are listed below showing additional time spent by the staff to make sure all required documents are compliant

with accessibility requirements of Government Code Section 11546.7(a). The documents are grouped and titled with assigned Express Terms and Initial Statement of Reason item numbers.

Per estimations below, CBSC has determined that on average the staff spends **11 hours** to ensure all required documents in a CBSC submittal for each part of Title 24 during the whole rulemaking cycle are compliant with accessibility requirements.

Item 2: Initial rulemaking file submittal

- Notice of Proposed Action – 1 hour
- Initial Express Terms – 1 hour
- Initial Statement of Reasons – 1 hour
- Nine-Point Criteria Analysis – 0.5 hour

3.5 hours spent by CBSC staff to make sure all required initial rulemaking documents are compliant with accessibility requirements.

Item 3: Public comment rulemaking file submittal

- Notice of Proposed Action – 1 hour
- 45-Day Express Terms – 1 hour
- Initial Statement of Reasons – 1 hour
- Nine-Point Criteria Analysis – 0.5 hour

3.5 hours spent by CBSC staff to make sure all required public comment rulemaking documents are compliant with accessibility requirements.

Item 4: Final rulemaking file submittal

- Initial Statement of Reasons – 0 hours
- Final Express Terms – 1 hour
- Commission Action Matrices – 1 hour
- Final Statement of Reasons – 1 hour
- Updated Informative Digest – 0.5 hour
- Nine-Point Criteria Analysis – 0.5 hour

4 hours spent by CBSC staff to make sure all required final rulemaking documents are compliant with accessibility requirements.

Survey questions 1 and 3 (other state agencies)

Survey responses from several state agencies provided below.

Department of Housing and Community Development (HCD)

Response provided by: Jenna Kline

Staff Services Manager

Codes and Standards

Housing and Community Development

1. Below you will find time estimates for our first three regulation packages. I have not included any additional packages.

Pre-cycle activities

Focus Group Prep:

Title 24 Part	Time (in hours)
Part 3 (20 pages)	24
Part 4 (20 pages)	24
Part 5 (80 pages)	40

Initial BSC Submittal:

Title 24 Part	Time (in hours)
Part 3 (20 pages)	40
Part 4 (20 pages)	40
Part 5 (80 pages)	58+

During-cycle activities

CAC Information:

Title 24 Part	Time (in hours)
Part 3 (20 pages)	4
Part 4 (20 pages)	4
Part 5 (80 pages)	8

New 45-Day Template:

Title 24 Part	Time (in hours)
Part 3 (20 pages)	8
Part 4 (20 pages)	8
Part 5 (80 pages)	16

Comments and Responses:

Title 24 Part	Time (in hours)
Part 3 (20 pages)	5
Part 4 (20 pages)	5
Part 5 (80 pages)	10

Changes from Comments:

Title 24 Part	Time (in hours)
Part 3 (20 pages)	8
Part 4 (20 pages)	8
Part 5 (80 pages)	8

New and Final Template – Final BSC Submittal (including review prep):

Title 24 Part	Time (in hours)
Part 3 (20 pages)	40
Part 4 (20 pages)	40
Part 5 (80 pages)	60

3. Accessibility training time: 3 staff 4 hours for 5 days = 60 hours total

Office of Statewide Health Planning and Development (OSHPD)

Response provided by: Lori K. Campbell

Legislative Analyst | Technical Discipline Coordinator
Office of Statewide Health Planning and Development

1&3. “Based on the 2019 Intervening Code Cycle, OSHPD FDD Building Standards Unit staff spent approximately \$10,450 on seven parts of the California Building Standards Code with Part 1, Part 2-Volume 1, Part 2-Volume 2, Part 3, Part 4, Part 5, and Part 10. This included the accessibility compliance for the Initial, 45-Day, and Final Submittals; many times, we provided multiple submittals due to template modifications, accessibility issues, or code language changes.

The added time and cost for accessibility of the rulemaking packages is not necessarily a budget absorbable item as it takes our limited staff away from their other duties with hospital and healthcare facility building code writing, public and industry questions, interface and coordination with other State Agencies, regulatory processes, etc. OSHPD FDD BSU does not have dedicated IT staff to assist with the additional CBSC requests for the rulemaking packages and is currently providing those services within our unit. Also, due to the highly technical nature of our code change proposals, it is more complicated to make these items accessible. OSHPD FDD BSU contemplated hiring an individual staff member for accessibility as this was taking so much of our time.”

California Energy Commission (CEC)

Response provided by: Peter Strait

Supervisor, Standards Development, Building Standards Office
California Energy Commission

1. This cycle accessible docs are easy.
3. On average, each of our staff received 1-2 hours of formal training in accessibility, with a small number of staff also attending day-long courses (taking a “train the trainers” approach). For our standards development staff and contributing senior engineers, this would represent about 40-60 hours of training total (depending on how many staff received the longer training; I think the longer estimate would be safe to assume). I’ve found that any file where we’re starting from scratch is fairly easy to keep accessible simply by following basic guidelines (e.g., don’t use repeated tabs and returns to create white space, use the right fonts, keep tables simple, add basic alt text to images, avoid using colored text, etc.). Converting our existing files took an enormous, months-long lift by a strike team of staff and was not cheap.

California Air Resources Board (CARB)

Response provided by: Farhad Navaei

Senior Project Manager
Office of Information Services | Project Management Office
California Air Resources Board

1. The effort to make documents accessible depends on the documents' size and complexity—the more complex tables, formulas, charts, and images, the more challenging it is to comply with accessibility requirements. We suggest the authors simplifying the documents to make it easier for people with disabilities to navigate

and read. If authors create new documents with appropriate tools and accessibility in mind, it would be much easier and faster to assure accessibility. Making an accessible document should take 20% or less of the time of creating it. If it takes more time than that, the authors may need to consult an expert to revisit their procedure.

3. CARB had a contract with California Department of Rehabilitation (DOR) to train the staff. We set up 3 classes in late 2019. We are now using the online classes provided by California Department of Technology (CDT) on exceptional occasions. We also provide technical support services and online training offered by our vendors. We also communicate with all the staffers involved in the document accessibility requirements every week to answer their questions and share their experience and knowledge.

Survey question 3

CBSC spent \$600 on DOR accessibility training (\$200 per person, 3/6/18 – 8/8/18) during 2018 Fiscal Year. CBSC staff spent approximately 890 hours developing new accessible templates, accessibility checklists, training, and developing materials and trainings for other agencies staff on new accessibility requirements during 2018-2020 Fiscal Years.

Other agencies spent varied amounts of time on training their staff and developing new standards. Results are provided above.

Survey results analysis

Category 1: Time spent by CBSC staff developing CBSC submittals

CBSC will have submittals for 9 parts of Title 24 in the 2021 Triennial Code Cycle. It is estimated that CBSC is going to have submittals for 4 parts of Title 24 in the 2022 Intervening cycle. The estimated number is based on the data provided in Table 1 below (average number of all the parts of Title 24 that CBSC prepared submittals for through 2019-2006 intervening cycles).

Per survey results provided above, CBSC staff will spend $(9+4) \times 11h = 143$ hours on accessibility requirements developing CBSC submittals during 2021, 2022 and 2023 fiscal years.

Table 1. CBSC rulemaking submittals per year

	2021	2019	2018	2016	2015	2013	2012	2010	2009	2007	2006
Number of Title 24 parts that CBSC prepared submittals for	9	4	8	4	7	5	7	6	8	3	4

Category 2: Time spent by CBSC staff reviewing submittals from other state agencies

CBSC will receive 45 rulemaking submittals from various state agencies (each agency will submit several parts) of Title 24 in the 2021 Triennial Code Cycle. CBSC estimates it will receive 20 rulemaking submittals from the various state agencies during the 2022 Intervening Code Adoption Cycle. The estimate is based on the data provided in Table 2 below (average number of Title 24 rulemakings that CBSC received from 2019-2006 code cycles).

Per survey results provided above, CBSC staff will spend approximately $(45 + 20) \times 11h = 715 \text{ hours}$ reviewing submittals from other state agencies during the 2020-2021, 2021-2022 and 2022-2023 fiscal years.

Table 2. State agency rulemaking submittals

Agency	2021	2019	2018	2016	2015	2013	2012	2010	2009	2007	2006
CA		0	0	0	0	0	0	0	5	2	5
CDPH		0	1	1	0	1	1	1	4	1	5
DSA AC+SS		1+4	1+8	1+5	3+8	1+2	2+6	2+3	4+6	1+2	7+6
HCD		8	7	3	7	5	8	3	7	3	6
OSHPD		7	7	5	6	4	6	6	8	7	5
SFM		4	8	4	7	3	7	4	7	3	6
Adopting agencies		1	1	2							
Total number of Title 24 parts per year	45	25	35	21	31	16	30	19	48	21	49

Category 3: Time spent by other state agency staff creating their submittals

Please see [Survey questions 1 and 3 \(other state agencies\)](#)

Category 4: Time spent during previous fiscal years

Please see [Survey question 3](#) and [Survey questions 1 and 3 \(other state agencies\)](#)