

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2022 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

(BSC 05/21)

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.

The California Building Standards Commission (BSC) proposes to repeal the adoption of the 2019 California Building Code (CBC), which is based on the 2018 International Building Code (IBC). BSC proposes to adopt the 2021 IBC, the most recent edition of the model code, for codification and effectiveness into the 2022 edition of the CBC. This action is to meet the requirements of Health and Safety Code (H&SC) Section 18928 assuring adoption of the most recent edition of model code within one year of its publication. In addition, H&SC Section 18934.5 assures that the commission shall adopt, approve, codify, and publish building standards for those occupancies under BSC's authority. These actions meet criteria (3), in the public interest, and (7), incorporation of model codes, of H&SC Section 18930(a).

BSC proposes to bring forward existing amendments from the 2019 California Building Code for inclusion in the 2022 California Building Code, unless specifically modified below.

**2022 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS | TITLE 24, PART 2, VOLUME 1 OF 2**

ITEM 1

Chapter 1 – Division 1 SCOPE AND ADMINISTRATION

Section 1.1 GENERAL and Section 1.2 BUILDING STANDARDS COMMISSION

BSC proposes to amend *Chapter 1, Division 1, Section 1.1.1 Title* of the code to update the year edition of the model code edition.

BSC proposes to update the year of the model code being adopted in this cycle to meet statutory obligation to adopt the latest edition of model code within one year of publication, and to correctly identify the year of the model code incorporated into the 2022 California Building Code. This proposed action will clarify the model code edition of the building

standards code intended for publication as the 2022 California Building Code, Part 2, Title 24.

(The remaining sections within *Chapter 1, Division I*, and are to remain the same and are being brought forward without modification)

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 2

Chapter 1 – Division II SCOPE AND ADMINISTRATION

Section 105.5.1 Expiration

BSC proposes to amend Section 105.5 Expiration, by adding a subsection to address recent statutory requirements in Assembly Bill 2913 (AB 2913) (Chapter 655, Statutes of 2018), which became operative January 1, 2019, and amended Health and Safety Code (HSC) Section 18938.5(b)(2)(B) and added HSC Section 18938.6 to Building Standards Law.

BSC proposes regulations changing the exception relative to the permit expiration time period from 180 days to 12 months. The legislation also added HSC Section 18938.6 to provide that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance; the exception being where the permittee has abandoned the work authorized by the permit. Furthermore, this new law authorizes the permittee to request extension of the permit, and the building official may grant in writing one or more extensions in increments not exceeding 180 days. According to the Assembly Bill 2913 fact sheet, “many local jurisdictions have adopted administrative provisions allowing for one or more extensions, there is a lack of uniformity throughout the state regarding availability and length of time associated with local permit extensions. The inconsistency in this area contributes to a situation that is not helpful in addressing the housing shortages experienced throughout the state. Additionally, California has been confronted with numerous natural disasters resulting in the complete destruction of over 8,000 structures. The push to rebuild these structures has placed significant, unplanned strain on local capabilities. Issues related to insurance payouts, infrastructure and utility repairs and access to needed materials and labor have created an additional burden that is impacting areas far beyond those devastated disaster areas. The stage is set for a very long build-out process. Any one of these issues can result in an untended delay in the construction process which could easily take years to resolve, a period well beyond the 180 days currently allocated for a building permit. This is now an issue of statewide concern,

HSC Section 18938.5, subdivision (B), states that, “*A permit that is subsequently deemed expired because the building or work authorized by the permit is not commenced within 12 months from the date of the permit or the permittee has*

abandoned the work authorized by the permit.”

The amended law authorizes a permittee to request and the building official to grant, in writing, one or more extensions of time for periods of not more than 180 days per extension. The amended law authorizes the permittee to request the extension in writing and demonstrate justifiable cause for the extension.

HSC section 18938.6, subdivision (a) states that, “Every permit shall remain valid for purposes of this part if the work on the site authorized by that permit is commenced within 12 months after its issuance, unless the permittee has abandoned the work authorized by the permit.”

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 3

Chapter 1 - Division II SCOPE AND ADMINISTRATION

Section 110.3.12 Type IV-A, IV-B, and IV-C connection protection Inspection

During the 2019 Intervening Code Adoption Cycle the California Building Standards Commission (BSC) adopted the provisions affecting mass timber, including cross-laminated timber (CLT), originating from the 2021 International Code Council’s (ICC) Tall Wood Building proposal. The proposal has been approved by ICC committee in the 2019 Group B structural provisions and it was adopted into the 2021 International Building Code (IBC). The early adoption of the 2021 ICC regulations was in response to Executive Order B-52-18.

During the 2021 Triennial Code Adoption Cycle and due to the incorporation of these sections into the 2021 IBC, BSC proposes to repeal the tall wood amendments and adopt the 2021 IBC regulations. Therefore, the Building Standards Commission (BSC) is repealing the amended Section 110.3.12 regarding mass timber and cross-laminated timber and adopting Section 110.3.5 of the 2021 IBC language unamended. ICC’s changes sub-divide Type IV construction into Types IV-A, IV-B and IV-C, which, amongst other provisions, provide varying allowances of height and area of structures. The ICC provisions also include requirements for fire protection and special inspection of the mass timber. There is no change in regulatory affect and no new fiscal impact.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 4

Chapter 2 – DEFINITIONS

Section 202 DEFINITIONS (MASS TIMBER and WALL, LOAD-BEARING)

BSC proposes to adopt Chapter 2 DEFINITIONS of the 2021 IBC without change and as described in ITEM 3, MASS TIMBER and WALL, LOAD-BEARING definitions were co-adopted by the BSC with the SFM and DSA during the 2019 Intervening Code Cycle. BSC is repealing these two definitions and adopting the 2021 IBC definitions unamended. No fiscal impact will result from the repeal of these definitions.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 5

Chapter 3 - OCCUPANCY CLASSIFICATION AND USE

Chapter 4 - SPECIAL DETAILED REQUIREMENTS BASED ON OCCUPANCY AND USE

Chapter 5 - GENERAL BUILDING HEIGHTS AND AREAS

Chapter 6 - TYPES OF CONSTRUCTION

Chapter 7 - FIRE AND SMOKE PROTECTION FEATURES

BSC proposes to repeal the 2018 IBC chapters and adopt the 2021 IBC. BSC is proposing to adopt these chapters as part of the model code adoption for inclusion into the 2022 California Building Code without amendment. This action will ensure the adoption of the most recent edition of these chapters making them available for Californians' use throughout the state.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 6

Chapter 8 - INTERIOR FINISHES

Section 801 SCOPE

BSC proposes to repeal the 2018 IBC chapters and adopt the 2021 IBC. BSC is proposing to adopt Chapter 8 as part of the model code adoption for inclusion into the 2022 California Building Code and to bring forward an existing amendment to Section 801.1. This action ensures that the most recent edition of Chapter 8, as part of the model code adoption, is included to improve the health and safety for Californians' use throughout the state.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 7

Chapter 9 - FIRE PROTECTION AND LIFE SAFETY SYSTEMS

Chapter 10 - MEANS OF EGRESS

BSC proposes to repeal the 2018 IBC chapters and adopt the 2021 IBC. BSC is proposing to adopt these chapters as part of the model code adoption for inclusion into the 2022 California Building Code without amendment. By adopting these model code chapters BSC is providing the most recent edition of these model code chapters for publication into the 2022 California Building Code, Part 2, Title 24. This action will ensure the adoption of the most recent edition of these chapters making them available for Californians' use throughout the state.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 8

Chapter 11 - ACCESSIBILITY

BSC is proposing to NOT adopt this chapter as part of the model code adoption. Accessibility provisions are already promulgated by the agencies that have statutory authority to write the accessibility regulations within Title 24. The Department of Housing and Community Development promulgates the access provisions for housing and places them into Chapter 11A within the CBC, and the Division of the State Architect – Access Compliance promulgates the Chapter 11B access provisions within the CBC. By NOT adopting this model code chapter, BSC is avoiding a conflict that would be created between the model code Chapter 11 and state generated Chapters 11A and 11B.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 9

Chapter 12 - INTERIOR ENVIRONMENT

Section 1204.6 *Light pollution reduction* and 1204.7 *Campus lighting...*

BSC proposes to repeal the 2018 IBC chapters and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code and to bring forward existing amendments without change. This proposed action will clarify the model code chapter of the building standards code intended for publication as the 2022 California Building Code, Part 2, Title 24 and to renumber the existing amendments to align with the new model code format. By adopting the most recent edition of this model code chapter BSC is making available the latest update for the interior environment to improve the health and safety for Californians' use throughout the state.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 10

Chapter 13 - ENERGY EFFICIENCY

BSC is proposing to NOT adopt this chapter as part of the model code adoption. Energy efficiency provisions are already promulgated by the agency that has statutory authority to write the energy efficiency regulations within Title 24. The California Energy Commission promulgates the energy provisions for all occupancies and places them into Part 6 of Title 24, California Energy Code. By NOT adopting this model code chapter BSC will avoid a conflict between the model code chapter for energy efficiency provisions, and those proposed and adopted by the California Energy Commission which has statutory authority to promulgate the energy efficiency provisions in the State of California within Part 6 of Title 24.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 11

Chapter 14 - EXTERIOR WALLS

Section 1402.2.1

BSC proposes to repeal the 2018 IBC chapters and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code and bring forward existing amendment without change. This proposed action will clarify the model code chapter of the building standards code intended

for publication as the 2022 California Building Code, Part 2, Title 24 and bring forward without change the CALGreen reference to Division 5.4 for additional compliance requirements for exterior wall construction. This action will ensure the adoption of the most recent edition of these chapters making them available for Californians' use throughout the state and maintaining accurate references to other pertinent standards within the CALGreen code.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 12

Chapter 15 - ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

Section 1511.9 (previously 1510.7.2) Photovoltaic (PV) panel systems

BSC proposes to repeal the 2018 IBC chapters and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code. Also, due to the amendment of new Section 1509 and Table 1509.2, the model code renumbered Sections 1509.1 to 1511.6 accordingly. Furthermore, since section 1510.7.2 has been removed from model code, BSC proposes to co-adopt the DSA amendment to Section 1511.9 (previously 1510.7.2) and repeal BSC's *Exception*. This proposal provides pointers to new sections that were added to ASCE 7 (13.6.12, 29.4.3 and 29.4.4) which provide direction regarding seismic and wind design requirements for Rooftop solar panels. This proposal also reinstates the wind force requirements and BSC amendment (exception) clarifying the effective wind area on solar panels and modules that we are eliminating in this cycle. This proposal allows DSA to enforce code and industry standards where appropriate for the type of anchorage specified on construction documents. The adoption of this section is to clarify the effective wind area shall be based on the definition in ASCE 7, not area of a single frame. The adjustments are to nomenclature and to update UL standards to align with similar adjustments done in the 2021 IBC for BIPVs (Section 1507.17.5) and PV shingles (Section 1507.16.6). The repeal of the *Exception* is due to its redundant content with the content added in Section 1511.9.1 *Installation*. By adopting this model code chapter BSC is providing the most recent edition of this model code chapter for publication into the 2022 California Building Code, Part 2, Title 24. There is no change in regulatory affect and no new fiscal impact.

CAC Recommendation:

Approve.

Agency Response:

Accept.

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ITEM 13

Chapter 16 - STRUCTURAL DESIGN

Section 1613.1.2 State-owned buildings and 1613.1.3 Existing state buildings

BSC proposes to repeal the 2018 IBC chapters and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code and bring forward existing amendment without change. By adopting this model code chapter BSC is including this chapter as part of the 2019 California Building Code, Part 2, Title 24 and by proposing this amendment it will remove a conflict in terms between BSC law and the building code regulations. This action will ensure the adoption of the most recent edition of these chapters making them available for Californians' use throughout the state.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 14

Chapter 17 - SPECIAL INSPECTIONS AND TESTS

Section 1704.2.3 Statement of special inspections.

Section 1704.6.1 Item 6 (Withdrawn)

Section 1704.6.2 (Withdrawn)

Section 1705.5.3, 1705.5.7, 1705.11.1, 1705.11.2, 1705.12.2, 1705.12.3, 1705.20

Section 1707.1 General

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. Similar to ITEM 3, BSC is repealing the amendments to Sections 1705.5.7, 1705.11.1, 1705.11.2, 1705.12.2, 1705.12.3, 1705.20 approved during the 2019 Intervening Code Adoption cycle, and adopt the 2021 IBC sections unamended.

The Code Advisory Committee (CAC) recommended further study of sections 1704.6.1 # 6, and 1704.6.2, with comment that the provisions should remain in Part 10. BSC has accepted the recommendation and removed the proposed relocation from the Express Terms, which has been revised to reflect renumbering of these sections as required to coordinate with the proposed deletion of the parent section, which was approved by the CAC.

CAC Recommendation:

Approve all items except Sections 1704.6.1 #6 and 1704.6.2 (sub-items BSC 05/21-14-2 and BSC 05/21-14-3), which were recommended for Further Study.

Agency Response:

Accept recommendations for all items. In response to the Further Study recommendation and the comment that the sections should remain in Part 10, BSC has Withdrawn these two sub-items and removed the proposed relocation.

ITEM 15

Chapter 18 - SOILS AND FOUNDATIONS

Section 1810.3.10.4 Seismic reinforcement

BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code, Part 2, Title 24 without new amendment, bringing forward existing amendments related to Seismic reinforcement without further change.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 16

Chapter 19 – CONCRETE

Section 1905.1.2 ACI 318, 1905.1.3 ACI 318, and 1905.1.8

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code, Part 2, Title 24 without new amendment, bring forward existing amendment related to Concrete and revise the 2013 AISI S100 reference to align with the 2018 AISI S100 in Section 1905.1.8 ACI 318.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 17

Chapter 20 - ALUMINUM

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code, Part 2, Title 24 without new amendment, bring forward existing amendment related to Aluminum without change.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 18

Chapter 21 – MASONRY

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code, Part 2, Title 24 without new amendment, bring forward existing amendment related to Masonry without change.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 19

Chapter 22 – STEEL

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code, Part 2, Title 24 without new amendment, bring forward existing amendment related to Steel without change.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 20

Chapter 23 – WOOD

Section 2304.10.1.2 Connection fire resistance rating

Section 2304.11.3 Floors

Section 2304.11.4 Roof decks

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. Similar to ITEM 3, BSC is repealing the amendments to Sections 2304.10.1.2, 2304.11.3 and 2304.11.4 approved during the 2019 Intervening Code Adoption cycle and is adopting the 2021 IBC sections unamended. Furthermore, due to model code renumbering the reference in Sections 2304.11.3 and 2304.11.4 changes from Section 602.4.4.4 to 602.4.4.3.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 21

Chapter 24 - GLASS AND GLAZING

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code, Part 2, Title 24 without new amendment, bring forward existing amendment related to Glass and Glazing without change.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 22

Chapter 25 - GYPSUM BOARD, GYPSUM PANEL PRODUCTS AND PLASTER

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code, Part 2, Title 24 without new amendment, bring forward existing amendment related to Gypsum Board, Gypsum Panel Products and Plaster without change.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 23

Chapter 26 - PLASTIC

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code, Part 2, Title 24 without new amendment, bring forward existing amendment related to Plastic without change.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 24

Chapter 27 – ELECTRICAL

Chapter 28 - MECHANICAL SYSTEMS

Chapter 29 - PLUMBING SYSTEMS

BSC is proposing NOT to adopt these chapters as part of the model code adoption. The state of California adopts the electrical, mechanical, and plumbing provisions from other model codes published. The electrical provisions are published by the National Fire Protection Association, which publishes the National Electrical Code, and the International Association of Plumbing and Mechanical Officials (IAPMO), which publishes the Uniform Mechanical and Plumbing codes, which are adopted as Part 3, Part 4 and Part 5 respectively as parts of Title 24. By NOT adopting this model code chapter, BSC is avoiding potential conflicts with other model codes that contain these required provisions.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 25

Chapter 30 - ELEVATORS AND CONVEYING SYSTEMS

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code, Part 2, Title 24 without new amendment, bring forward existing amendment related to Elevators and Conveying Systems without change.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 26

Chapter 31 - SPECIAL CONSTRUCTION

Section 3102.3 Type of construction.

Section 3102.6.1.1 Membrane.

Section 3109.2 California swimming pool safety act (statewide)

Sections 3102.3 Type of Construction and Section 3102.6.1.1. Membrane: BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. Similar to ITEM 3, BSC is repealing the amendments to Sections 3102.3 and 3102.6.1 approved during the 2019 Intervening Code Adoption cycle and is adopting the 2021 IBC sections unamended. There is no change in regulatory affect and no new fiscal impact.

Sections 3109.1 and 3109.2: HSC Section 18942 directs the California Building Standards Commission to reprint The Swimming Pool Safety Act (the Act) into Part 2.5 of Title 24. BSC also reprints the Act in CBC Chapter 31 for convenience to enforcement agencies and the regulated community. Legislation, SB 442 (Chapter 670, Statutes of 2017) updated the swimming pool safety act. Therefore, in 2017 BSC adopted the new swimming pool safety act provisions, by way of a Change Without Regulatory Effect (CWoRE). This action made the provisions within Chapter 31 for swimming pool safety current for the maximum safety standards required in law. Secondly, Health and Safety Code, Article 2.5, The Swimming Pool Safety Act, Section 115927 was amended in 2019; therefore, BSC is proposing to make changes to Section 3109.2, Subsection 115927 and match the language found within the legislation.

Finally, BSC is proposing to bring forward the existing amendment to the Note to Section 3109.2. This note was approved during the CWoRE adoption in 2017, but missed during codification, and then added in the 2019 supplement. There is no change in regulatory affect and no new fiscal impact.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 27

Chapter 32 - ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code without amendment. BSC is providing the most recent edition of this model code chapter for publication into the 2022 California Building Code, Part 2, Title 24.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 28

Chapter 33 - SAFEGUARDS DURING CONSTRUCTION

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2022 California Building Code, Part 2, Title 24 without new amendment, bring forward existing amendments.

BSC is providing the most recent edition of this model code chapter for publication into the 2022 California Building Code, Part 2, Title 24.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 29

Chapter 35 - REFERENCED STANDARDS

Section ASTM, APA

BSC proposes to repeal the 2018 IBC chapter and adopt the 2021 IBC. Similar to ITEM 3, BSC is repealing the amendments to Sections ASTM, APA approved during the 2019 Intervening Code Adoption cycle and is adopting the 2021 IBC sections unamended. There is no change in regulatory affect and no new fiscal impact.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 30

Appendix Chapters A, B, C, D, E, F, G, H, I, J, K, L, M, N and O

BSC is proposing NOT to adopt Appendix Chapters A, B, C, D, E, F, G, H, I, J, K, L, M, N and O as part of the model code adoption. However, these appendices are published into the 2019 CBC. Additionally, BSC will not reprint Appendix Chapter E from the 2021 IBC as that would cause a conflict with the accessibility provisions already included in Chapters 11A and 11B. By NOT adopting these appendix model code chapters, and NOT printing Appendix Chapter E, BSC is avoiding potential conflicts with other model code chapters adopted for use in Title 24 that contain similar provisions. Additionally, by printing these appendix chapters, the local jurisdictions throughout the state can incorporate these appendices by ordinance as needed.

CAC Recommendation:

Approve.

Agency Response:

Accept.

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).

There was no technical, theoretical, or empirical study, report, or similar documents used as the basis for the proposed amendments to the 2022 California 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.

BSC is statutorily required to adopt by reference model building codes, which contain prescriptive standards. Prescriptive standards provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensure compliance with minimum health, safety and welfare standards for owners, occupants, and guests.

Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency.

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.

There were no reasonable alternatives available to BSC. BSC is required by statute to adopt model codes by reference in the California Building Standards Law (Health and Safety Code, Section 18901 et seq.).

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.

No alternatives were identified that would lessen any adverse impact on small business. Adoption of the latest edition of the model code is mandated by Health and Safety Code Section 18928.

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 Building Standards Commission (BSC) did not identify any facts, evidence, documents, testimony, or other substantiation to make an initial determination of significant adverse economic impact on businesses. BSC has determined that this regulatory action would not have a significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

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 California Building Standards Commission has assessed whether and to what extent this proposal will affect the following:

- A.** The creation or elimination of jobs within the State of California.
This regulation will not affect the creation or 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.
This regulation will not affect the creation or elimination of existing businesses within the State of California.
- C.** The expansion of businesses currently doing business within the State of California.
This regulation will not affect 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.
These regulations will update and clarify minimum building standards, which will provide increased protection of public health and safety, worker safety and the environment.

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.

BSC did not identify any costs to comply with the proposed amendments. The amendments provide clarity and regulatory consistency for the code user.

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.

There are no federal regulations concerning state agency adoption and amendment of model codes. Those provisions are found in Health and Safety Code Sections 18928 and 18929.1.