

**NOTICE OF PROPOSED ACTION
TO 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)

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 2. The CBSC is proposing building standards related to the 2022 California Building Code, (California Code of Regulations, Title 24, Part 2).

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 3, 2021, until midnight on October 18, 2021.

Comments may be submitted to CBSC via:

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

US Mail postmarked no later than October 18, 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. 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).

CBSC proposes to adopt these building standards under the authority granted by Government Code Sections 14617 and Health and Safety Code Sections 18930, 18934.5, 18938.5(b)(2)(B), 18942(a) and 18942(b). The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 16600, 16601, 18928, 18928.1, 18930.5, 18331, 18932(c), 18934.5, 18938, 18938(b), 18938.3, 18940.5, 18941.8, 18942 and 18949.

The CBSC is proposing this regulatory action based on Health and Safety Code Sections 16600, 16601, 18928, 18928.1, 18930.5, 18331, 18932(c), 18934.5, 18938, 18938(b), 18938.3, 18940.5, 18941.8, 18942 and 18949.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Government Code Section 11346 et seq. establishes the specified statutes of Article 5 to which CBSC is required to comply as specified in Health and Safety Code Section 18929.

Government Code Section 14617 shall adopt regulations to establish a standard of lighting for parking lots at the University of California, California State University, and California Community Colleges.

Health and Safety Code Section 16600 authorizes CBSC to develop and adopt building seismic retrofit guidelines for state buildings, including those owned by the University of California and by the California State University.

Health and Safety Code Section 16601 authorizes CBSC to review and approve the seismic retrofit building standards as developed by the State Architect and the State Building Standards Commission pursuant to Section 16600.

Health and Safety Code Section 18928 authorizes CBSC to adopt the most recent edition of model code, national standard, or specification.

Health and Safety Code Section 18928.1 sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency,

within one (1) year after the date of publication of the model code, national standard, or specification.

Health and Safety Code Section 18930 sets forth the analysis, review considerations, and factual determinations for the approval or adoption of building standards (9-point criteria).

Health and Safety Code Section 18930.5 grants CBSC the authority, if no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, to adopt, approve, codify, update, and publish green building standards for those occupancies.

Health and Safety Code Section 18931 establishes the duties of the commission regarding review and approval, return for amendment with recommended changes, or reject the building standard; codify and publish the approved standards; resolve conflict; ensure consistency; hear appeals and adopt administrative procedures.

Health and Safety Code 18932(c) establishes the contents and format of the building standards code.

Health and Safety Code Section 18934.5 sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

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 Section 18938.3 authorizes CBSC to adopt and publish the most recent editions of the model codes.

Health and Safety Code Section 18938.5 establishes the validity of permit; 12-month time period for permit extension.

Health and Safety Code Section 18938.6 establishes the validity of permits and the 180-day time period for permit extension that may be granted by the building official, as specified.

Health and Safety Code Section 18940.5 sets forth that agencies which propose green building standards for inclusion in the California Green Building Standards Code to the extent feasible, reference or reprint green building standards in other parts of Title 24.

Summary of Existing Regulations

The California Building Code, Part 2 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2021 International Building Code (IBC), with California amendments, effective on January 1, 2023.

The purpose of the California Building Code is to establish minimum building standards to safeguard public welfare for local jurisdictions within the state of California and for state buildings and buildings constructed by the University of California and California State Universities. It contains references to other codes, such as the fire code, mechanical code, and plumbing code that are adopted for use in California.

Summary of Effect

CBSC is mandated to adopt the most current editions of the model codes. This proposed action by BSC will make effective the 2021 IBC for occupancies pursuant to Health and Safety Code Section 18934.5, 180 days after publication of the next triennial edition of the California Building Code. This proposed action will also:

- Repeal the 2018 IBC and adopt the 2021 IBC.
- Repeal all 2019 amendments related to mass timber, including cross-laminated timber (CLT), originating from International Code Council's (ICC) Tall Wood Building proposal, and adopt the 2021 IBC language without change.
- Correlate references to model codes that California does not adopt with those that California proposes for adoption.
- A thorough description of the amendment effects may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

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

Policy Statement Overview

The objective of these proposed additions and changes to the California Building Code are to comply with Executive Order B-52-18 by providing standards by which buildings of specified construction types must comply in order to ensure the health, safety, and welfare of the public within specified jurisdictions

Evaluation of Consistency

The proposed regulation is 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).

The California Building Standards Commission 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.

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: Any additional expenditure resulting from this proposed action will be minimal and will be absorbed within the existing budget and resources.

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 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 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 CBSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928 and 18934.5. This rulemaking adopts the IBC with minor editorial changes and no intended change in regulatory effect.

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

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

The CBSC has determined that no report is required for this regulation.

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 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 BSC 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 jobs within the State of California.

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

This regulation will not affect the creation or elimination of existing businesses within 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 OF STANDARDS THAT WOULD IMPACT HOUSING

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

The CBSC has determined this proposal would not have a significant effect on housing costs. CBSC does not have authority to impose building standards or regulations affecting housing.

CONSIDERATION OF ALTERNATIVES

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

CBSC has determined 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. In addition, no reasonable alternative considered by CBSC or that has otherwise been identified and brought to the attention of CBSC 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](http://dgs.ca.gov/BSC): 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](http://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

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:

Michael Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916
E-mail 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:

Irina Brauzman, Associate Architect
California Building Standards Commission

2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No.: (916) 263-5159
Irina.Brauzman@dgs.ca.gov

Back up Contact:

Brandon Estes, Associate Construction Analyst
California Building Standards Commission
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