

**NOTICE OF PROPOSED ACTION  
TO BUILDING STANDARDS OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION  
REGARDING THE 2021 CALIFORNIA RESIDENTIAL CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5**

**(BSC 06/21)**

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 2.5. The CBSC is proposing building standards related to the 2022 California Residential Code, (California Code of Regulations, Title 24, Part 2.5).

**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](https://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](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 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 18931, 18932(c), 18938.5(b)(2)(B), 18935.6(a)(b) and 18942(b). The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 16601, 18938.5, 18938.6, 18942, 115920, 115921, 115922, 115923, 115924, 115925, 115926, 115927, 115928 and 115929.

The CBSC is proposing this regulatory action based on Health and Safety Code Sections 18938.5, 18938.6, 115920, 18942, 115921, 115922, 115923, 115924, 115925, 115926, 115927, 115928 and 115929.

## **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.

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 Section 18932** establishes the contents and format of the building standards code.

**Health and Safety Code Section 18938.5** states that only those building standards approved by the commission, and that are effective at the local level at the time an application for a building permit is submitted, shall apply to the plans and specifications for, and to the construction performed under, that building permit.

**Health and Safety Code Section 18938.6** establishes the validity of permit; 12-month time period for permit extension.

**Health and Safety Code Section 18942** requires the commission publish the text of Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104, within the requirements for single-family residential occupancies contained in Part 2.5 of Title 24 of the California Code of Regulations.

**Health and Safety Code Section 115921** provides definitions related to the Swimming Pool Safety Act.

**Health and Safety Code Section 115922** establishes the requirement of a new swimming pool to be equipped with two safety features when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home.

**Health and Safety Code Section 115923** establishes the required characteristics for a swimming pool enclosure.

**Health and Safety Code Section 115924** requires the contractor to provide approved pool safety information for consumers to download

**Health and Safety Code Section 115928** establishes that whenever a building permit is issued for the construction of a new swimming pool or spa, the pool or spa shall meet certain requirements.

**Health and Safety Code Section 115929** encourages a private entity, in consultation with the Epidemiology and Prevention for Injury Control Branch of the department, to produce an informative brochure or booklet, for consumer use, explaining the child drowning hazards of possible safety measures for, and appropriate drowning hazard prevention measures for, home swimming pools and spas, and to donate the document to the department.

### **Summary of Existing Regulations**

The 2019 California Building Standards Code, Title 24, California Residential Code (CRC), Part 2.5, adopted by reference the 2018 International Residential Code with California amendments, became effective on January 1, 2020.

- Require permits to be based on building standards approved by the CBSC and in effect at the time of permit application.
- Require building permits to be obtained prior to the construction or alteration of buildings.
- Address local authority to enforce and provide a reference to the State Housing Law related to several actions available for enforcing unsafe buildings and structures.
- Appendix V reprints the Swimming Pool Safety Act found in Health and Safety Code 115920-115929.

### **Summary of Effect**

This proposed action by CBSC will make effective amendments to the 2021 IRC for occupancies pursuant to Health and Safety Code Section 18934.5, 180 days after publication of the next triennial edition of the California Building Standards Code. This proposed action will also:

Amend administrative permitting expiration information of the 2021 IRC.

HSC Section 18942 directs the California Building Standards Commission

to reprint The Swimming Pool Safety Act (the Act) into Title 24.

### **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 amendments to the California Residential Code are to comply with AB 2913 (Chapter 655, Statutes of 2018) and Health and Safety Code 115920-115929 to ensure the health, safety, and welfare of the public within specified jurisdictions

### **Evaluation of Consistency**

BSC has determined that the proposed regulations are 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 (CBSC) 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 amendment 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 amendment 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.

CBSC did not rely on any evidence to make this determination. The proposed amendments reprint existing California law.

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

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

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**

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 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).

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. CBSC does not have the authority to promulgate building standards for 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 or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by BSC or that has otherwise been identified and brought to the attention of BSC 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](http://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](http://dgs.ca.gov/BSC).

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

BSC 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, Deputy Executive Director  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
E-mail: [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 or technical aspects of the proposed changes to the building standards should be addressed to:

Primary Contact:

Veronica Turdean, Architectural Associate  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0353  
E-mail: [Veronica.Turdean@dgs.ca.gov](mailto:Veronica.Turdean@dgs.ca.gov)

Back up Contact:

Michael L. Nearman, Deputy Executive Director  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
E-mail: [Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)