

**NOTICE OF PROPOSED ACTION  
TO BUILDING STANDARDS OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION  
REGARDING THE 2022 CALIFORNIA EXISTING BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

**(BSC 09/21)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of CBSC proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 10. The CBSC is proposing building standards related to 2022 California Existing 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 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. 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 Health and Safety Code Sections 16601, 18928, 18929, 18930.5, 18934.5, 18934.7, 18940.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Government Code Section 14617; Health and Safety Code Sections 16600, 18928, 18928.1, 18929, 18930, 18934.5, 18938.5, 18938.6, 18941.6.

The California Building Standards Commission is proposing this regulatory action based on Government Code Section 14617; Health and Safety Code Sections 16600, 18928, 18930.5, 18934.5, 18934.7, 18938.5, 18938.6, 18940.5.

## INFORMATIVE DIGEST

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

### Summary of Existing Laws

**Government Code Section 14617** authorize BSC 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 (HSC) 16600** authorizes BSC and the Division of the State Architect to develop building seismic retrofit guidelines for existing state buildings.

**HSC 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.

**HSC Section 18928** authorizes CBSC to adopt the most recent editions of the model codes, national standards or specifications within one year of publication.

**HSC Section 18928.1** sets forth that CBSC shall incorporate text of the model codes, applicable national standards or published specifications, in whole or in part, only by reference, with appropriate additions or deletions in a publication agreement between the commission and the model code organizations.

**HSC Sections 18929** outlines the adoption of administrative regulations applying to implementation of enforcement of building standards; publication, certain Housing and Community Development Department regulations exempted.

**HSC Section 18930** establishes approval or adoption of building standards; analysis and criteria; review consideration; factual determinations (AKA Nine-Point Criteria).

**HSC 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.

**HSC Section 18934.5** authorizes CBSC to adopt and publish building standards applicable to state buildings, including state university buildings and, to the extent permitted by law, University of California buildings.

**HSC Section 18934.7** mandates the commission adopt by reference the building standards of Appendix Chapter 1 of the International Existing Building Code for Building Conservation for publication in the California Building Standards Code, except for buildings subject to building standards adopted pursuant to Part 1.5 (commencing with Section 17910).

**HSC Section 18938.5** sets forth 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.

**HSC Section 18938.6** sets forth 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. A permittee may request an extension of a permit. The building official may grant, in writing, one or more extensions of time for periods of not more than 180 days per extension. The permittee shall request an extension pursuant to this subdivision in writing and demonstrate justifiable cause for the extension.

**HSC Section 18940.5** sets forth that agencies that propose green building standards for inclusion in the California Green Building Standards Code (Part 11, Title 24) to the extent feasible, reference or reprint green building standards in other parts of Title 24. For purposes of compliance with this section, the republication of the provisions of Part 11 of Title 24 of the California Code of Regulations in other parts of Title 24 of the California Code of Regulations shall not be considered duplication in violation of paragraph (1) of subdivision (a) of Section 18930.

**HSC Section 18941.6** requires local jurisdiction to follow Appendix Chapter 1 of the IEBC with regular updates thereafter.

### **Summary of Existing Regulations**

The existing 2019 California Existing Building Code (CEBC) is Part 10 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The 2019 CEBC incorporates, by adoption by the California Building Standards Commission, the 2018 IEBC of the International Code Council (ICC), with amendments for state-owned buildings and buildings constructed by the University of California and California State Universities. This notice of proposed action reflects CBSC's repeal of the 2019 CEBC and adoption by reference the 2021 IEBC, with California amendments, published as the 2022 CEBC and effective January 1, 2023.

### **Summary of Effect**

This proposed action will make effective the 2021 IEBC of ICC, with necessary amendments to state-owned buildings and to all occupancies identified pursuant to Health and Safety Code Section 18938, 180 days after the publication of the 2022 triennial edition of the California Existing Building Code (CEBC). This proposed

action by CBSC will also make the 2019 CEBC inoperative for state-owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of the CEBC.

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

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

### **Policy Statement Overview**

This proposed adoption of the most current edition of the IEBC makes it applicable to state-owned building projects, or any person seeking a building permit at the local level, the most current edition of the IEBC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the IEBC provides an up-to-date reference document for existing buildings to be repaired, relocated, altered, added to, or otherwise modified under the next triennial edition of the California Existing Building Code.

### **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).

BSC 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).

BSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. BSC does not have authority to propose building standards for schools. HSC Section 18928 requires the CBSC to adopt the most current edition of the model codes. HSC Section 18938(b) makes applicable the most current edition of the model existing building code to all occupancies throughout the State of California as prescribed.

## **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.

BSC 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.

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.

Regarding the proposal to continue not to adopt IEBC Chapters 6-11 and 13, BSC has surveyed all proposing agencies and conducted a Code Adoption Committee meeting on April 16, 2021, which was attended by all proposing state agencies, interested parties and American Institute of Architects (AIA) representatives. Based on feedback from the meeting and subsequent conversations between BSC, Department of Housing and Community Development (HCD) and the Office of the State Fire Marshal (SFM), it has been determined that additional research and stakeholder outreach should be conducted during the 2022 Intervening Code Adoption Cycle to ensure adopted or printed IEBC chapters for inclusion in the California Existing Building Code (CEBC) do not conflict with Health and Safety Code 18930 nine-point criteria, and other California statutes and regulations.

### **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.

No report is required for the adoption of these proposed regulations.

### **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:

BSC 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 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 OF STANDARDS THAT WOULD IMPACT HOUSING**

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

BSC has determined there would be no cost to comply with these proposed building standards. CBSC does not have authority to impose building standards or regulations applicable to housing.

## **CONSIDERATION OF ALTERNATIVES**

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

BSC has determined that no reasonable alternative considered by BSC or that has otherwise been identified and brought to the attention of BSC 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](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](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 Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

### **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) 263-0916  
[Irina.Brauzman@dgs.ca.gov](mailto:Irina.Brauzman@dgs.ca.gov)

Back up Contact:

Timothy O'Malley, Architectural Associate  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
[Timothy.OMalley@dgs.ca.gov](mailto:Timothy.OMalley@dgs.ca.gov)