

**NOTICE OF 45-DAY PUBLIC COMMENT FOR PROPOSED ACTION  
TO BUILDING STANDARDS OF THE STATE FIRE MARSHAL  
REGARDING THE 2022 CALIFORNIA ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

**(SFM 03/21)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1. The SFM is proposing building standards related to 2021 Triennial rulemaking code cycle.

**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/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 Health and Safety Code 18949.2. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 13108, 13143, 13145, 13146, 13211, 16022.5, 17921, 18949.2, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204.

The State Fire Marshal is proposing this regulatory action based on Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13143, 13143.2, 13143.6, 13145, 13146, 13210, 13211, 16022.5, 17921, 18949.2, Government Code Section 51189, Public Education Code 17074.50.

## **INFORMATIVE DIGEST**

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

### **Summary of Existing Laws**

#### **Health and Safety Code Section 13108 (a).**

The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

#### **Health and Safety Code Section 13108.5.**

(a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.

#### **Health and Safety Code Section 13113.**

An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

#### **Health and Safety Code Section 13113.5.**

The State Fire Marshal Shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

#### **Health and Safety Code Section 13114 (a).**

The State Fire Marshal shall adopt regulations and standards to control the quality

and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

**Health and Safety Code Section 13132.**

Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a non-ambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

**Health and Safety Code Section 13143.**

Grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

**Health and Safety Code Section 13143.2.**

The State Fire Marshal shall enforce building standards published in the California Building Standards Code and those other rules and regulations adopted by the State Fire Marshal for the provision of structural fire safety and fire-resistant exits in multiple-story structures existing on January 1, 1975, let for human habitation, including, and limited to, apartment houses, hotels, and motels wherein rooms used for sleeping are let above the ground floor.

**Health and Safety Code Section 13143.6 (a).**

The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

**Health and Safety Code Section 13145.**

The State Fire Marshal, the chief of any city, county, or city and county fire

department or district providing fire protection services, or a Designated Campus Fire Marshal, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

**Health and Safety Code Section 13146.**

- (a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:
- (1) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:
- (A) The chief of the fire authority of the city, county, or city and county, or the chief's authorized representative.
- (B) The chief building official of the city, county, or city and county, or the official's authorized representative.

**Health and Safety Code Section 13210.**

- (a) "Existing high-rise structure" means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.
- (b) "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250.
- (c) "New high-rise structure" means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

**Health and Safety Code Section 13211.**

The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

**Health and Safety Code Section 16022.5.**

Following completion of construction of a state-owned or state-occupied essential services building, the State Fire Marshal may conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.

**Health and Safety Code Section 17921 (b).**

The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by

a local fire agency of each single-family dwelling prior to its occupancy.

**Health and Safety Code Section 18949.2 (b).**

The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

**Government Code Section 51176 through 51179.**

The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials are able to identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

**Government Code Section 51189.**

No later than January 31, 2020, the State Fire Marshal, in consultation with the director and the Director of Housing and Community Development, shall, pursuant to Section 18930 of the Health and Safety Code, recommend updated building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures, based on information learned from the 2017 wildfire season

**Public Education Code 17074.50.**

(a) On and after July 1, 2002, all new construction projects submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection, alarm, and sprinkler system as set forth in Section 17074.52 and approved by the State Fire Marshal.

**Public Resources Code 4201 through 4204**

The purpose of this article is to provide for the classification of lands within state responsibility areas in accordance with the severity of fire hazard present for the purpose of identifying measures to be taken to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

**Summary of Existing Regulations**

The SFM currently has administrative provisions in Chapter 1 Division I in Parts 2, 3, 4, 5, 9, and 10 of Title 24.

### **Summary of Effect**

The general purpose of this proposed action is principally intended to adopt the 2022 California Administrative Code (California Code of Regulations, Title 24, Part 1) based upon updated information or recent actions of the SFM. This proposed action:

Adopt and implement additional necessary amendments to the 2022 California Administrative Code.

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

The SFM has determined that there are no comparable federal regulations or statutes addressing the fire and life safety requirements as presented in this notice.

### **Policy Statement Overview**

The specific purpose of this rulemaking effort by the SFM is to act in accordance with Health and Safety Code section 13108, which requires the State Fire Marshal to define State Specified Buildings.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in and published as the 2022 California Administrative Code.

Pursuant to Health and Safety Code Sections (HSC) § 13108, the State Fire Marshal shall enforce regulations and standards and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

The State Fire Marshal is required as per passed in Senate Bill 85. Public resources: omnibus trailer bill. (2019-2020) to provide clarifying language regarding Specified State Occupied Occupancies. The regulations adopted by the State Fire Marshal will meet the intent of Health and Safety Code Sections 13108 and 13146.

### **Evaluation of Consistency**

The proposed regulations are consistent 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 SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and building standards relating to the 2022 California Administrative Code.

## **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).

SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or 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: 0

## **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/amendment/repeal 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.

SFM 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 SFM affirms that this rulemaking action complies specifically with the mandates of HSC Sections 13143, 18949.2(b), 18949(c) and the mandates of the statutory authority of the SFM.

Therefore, the SFM's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states is supported by the actions taken by the State Legislations bill SB 85 of 2019. The Committee on Budget and Fiscal Review held on June 11, 2019 found that Office of the State Fire Marshal - Fire and Life Safety – Clarifies that a fee may be charged by various state and local entities for enforcement of building standards adopted by the State Fire Marshal relating to fire and panic safety and other regulations. Makes various other changes to define and clarify the Fire Life and Safety Division's mission and responsibilities.

## **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.

N/A

### **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:

SFM 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 SFM has assessed whether or not and to what extent this proposal will affect the following:

**A. The creation or elimination of jobs within the State of California.**

These regulations will not affect the creation, or cause the 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.**

These regulations will not affect the creation or the elimination of existing business within the State of California.

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

These regulations 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 clarify specified state 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 SFM did not identify any impact on housing.

### **CONSIDERATION OF ALTERNATIVES**

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

SFM has determined that no reasonable alternative considered by SFM or that has otherwise been identified and brought to the attention of SFM 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, or 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).

SFM 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:

Greg Andersen, Division Chief  
CALFIRE / Office of the State Fire Marshal  
Code Development and Analysis Division  
916-568-2915  
[Greg.andersen@fire.ca.gov](mailto:Greg.andersen@fire.ca.gov)

Back up Contact:

Crystal Sujeski, Deputy State Fire Marshal III Specialist  
CALFIRE / Office of the State Fire Marshal

Code development and Analysis Division  
916-568-2916  
[Crystal.sujeski@fire.ca.gov](mailto:Crystal.sujeski@fire.ca.gov)