

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2022 CALIFORNIA EXISTING BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

(SFM 07/21)

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.

**CHAPTER 1
SCOPE AND ADMINISTRATION
DIVISION I
CALIFORNIA ADMINISTRATION**

Item 1-1

**Chapter 1, Scope and Administration, Division I, California Administration,
Section 1.1 General**

The SFM is proposing to maintain the adoption of those existing California provisions contained in Section 1.1 with the following modifications.

CAC Recommendation:

Approve

Agency Response:

Accept

Item 1-2

**Chapter 1, Scope and Administration, Division I, California Administration,
Section 1.1.1 Title**

The SFM is proposing to repeal the adoption by reference of the 2018 International Existing Building Code and incorporate and adopt by reference in its place the 2021 International Existing Building Code for application and effectiveness in the 2022 California Existing Building Code.

CAC Recommendation:

Approve

Agency Response:

Accept

Item 1-3

**Chapter 1, Scope and Administration, Division I, California Administration,
Section 1.11 Office of the State Fire Marshal**

The SFM is proposing to maintain the adoption of those existing California provisions contained in Section 1.11 with the following modifications.

CAC Recommendation:

Approve

Agency Response:

Accept

Item 1-4

**Chapter 1, Scope and Administration, Division I, California Administration,
Section 1.11.1 SFM—Office of the State Fire Marshal**

The SFM is proposing to correlate the administration language and update terminology with the other parts of Title 24 that is derived from Health and Safety Code. There is no regulatory change.

CAC Recommendation:

Approve

Agency Response:

Accept

Item 1-5

**Chapter 1, Scope and Administration, Division I, California Administration,
Section 1.11.1 SFM—Office of the State Fire Marshal**

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.

EXISTING LAW

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 13208 and 13146.

SPECIFIC PURPOSE AND RATIONALE

- 1. Problem being addressed:** With the passage of Senate Bill 85. Public resources: omnibus trailer bill. (2019-2020), the Office of the State Fire Marshal is required to provide clarifying language regarding Specified State Occupied Occupancies.
- 2. Anticipated benefits from this regulatory action:** This regulatory proposal benefits California and stakeholders by clarifying and updating the safety requirements for Specified State Occupied Occupancies.

Factual Basis/Rationale: The Office of the State Fire Marshal is required to clarify and define Specified State Occupied Occupancies as per Senate Bill 85. Public resources: omnibus trailer bill. (2019-2020).

CAC Recommendation:

Further Study

Agency Response:

Accept.

The SFM Fire and Life Safety Division held a workgroup to further improve on the purpose and intent of the proposed definition of Specified state occupied buildings.

Item 4 and Item 5 were discussed with the Department of Finance (DOF).

Item 4 addresses buildings that are leased by the state in the entirety (4 stories or less).

Item 5 addresses all other buildings. The State Fire Marshal should retain oversight for buildings that: 1) met a state occupancy threshold (potentially 75 percent or greater) and 2) had certain size and design specifications, the most important of which is an assembly (auditorium) occupancy greater than 5,000 square feet. The primary concern with these buildings being the egress requirements needed for assemblies of this size and the potential risk to life.

Item 6 was modified to address the State Fire Marshal's authority for spaces within a building that are leased by the state and have an occupancy use of a Group H or Group L.

Item 7 simplifies that the SFM will have the authority over state leased buildings with facilities housing state records or state artifacts or any combination of both.

Item 9 was added to align with the use of the term in the Health and Safety Code that California State institutions may include buildings and facilities that care for people with special needs. This can include but not limited to prisons, detention facilities, hospitals, and health facilities.

Item 1-6

**Chapter 1, Scope and Administration, Division I, California Administration,
Section 1.11.4.4 Fire Clearance Preinspection**

Section 1.11.4.4 and 1.11.4.5 are updated to meet the Health & Safety Code Section 13244. The statute was changes for the fees that are charges for inspections. These changes were made in other parts of Title 24, but Part 10 was missed. This will correlate with the other parts of Title 24.

CAC Recommendation:

Approve

Agency Response:

Accept

Item 1-7

**Chapter 1, Scope and Administration, Division I, California Administration,
Section 1.11.4.5 Care Facilities**

Section 1.11.4.4 and 1.11.4.5 are updated to meet the Health & Safety Code Section 13244. The statute was changes for the fees that are charges for inspections. These changes were made in other parts of Title 24, but Part 10 was missed. This will correlate with the other parts of Title 24.

CAC Recommendation:

Approve

Agency Response:

Accept

Item 1-8

**Chapter 1, Scope and Administration, Division I, California Administration,
Section 1.11.6 Certificate of Occupancy**

The SFM is proposing to correlate the requirements for certificate of occupancy with the regulations in the California Existing Building Code. This is an existing amendment that has not been maintained and overlooked in the California Existing Building Code for several editions. The California Existing Building Code is the appropriate part of the California Building Standards Code for the issuance of a certificate of occupancy from the authority having jurisdiction.

CAC Recommendation:

Approve

Agency Response:

Accept

Item 1-9

**Chapter 1, Scope and Administration, Division I, California Administration,
Section 1.11.11 Adopting Agency Identification**

Adding this section correlates with the other parts of Title 24. It establishes the adopting agency acronym as SFM for the Office of the State Fire Marshal as it will appear in the matrix tables.

CAC Recommendation:

Approve

Agency Response:

Accept

**CHAPTER 1
SCOPE AND ADMINISTRATION
DIVISION II
SCOPE AND ADMINISTRATION**

Item 1-10

Chapter 1, Scope and Administration, Division II, Scope and Administration

The SFM proposes to adopt selected sections of Chapter 1 of the 2021 IEBC as Chapter 1 Division II of the 2022 CEBC same as the previous Code Adoption Cycle. All existing California amendments shall continue without change.

CAC Recommendation:

Approve

Agency Response:

Accept

**CHAPTER 2
DEFINITIONS**

Item 2-1

Chapter 2, Definitions

The SFM proposes to adopt selected definitions in Chapter 2 of the 2021 IEBC same as the previous Code Adoption Cycle.

CAC Recommendation:

Approve

Agency Response:

Accept

**CHAPTER 3
PROVISIONS FOR ALL COMPLIANCE METHODS**

Item 3-1

Chapter 3, Provisions for All Compliance Methods

The SFM proposes to adopt only Sections 301.1 – 301.3.1, 302, 306.7.7, 307, 308, 313, 314, 315, and 316 in Chapter 3 and carry forward existing amendments with the following modifications.

CAC Recommendation:

Approve

Agency Response:

Accept

Item 3-2

Chapter 3, Provisions for All Compliance Methods, Section 306.7.7

The model code moved the section. This is an editorial update to correlate the section with the SFM amendment. There is no regulatory change.

CAC Recommendation:

Approve

Agency Response:

Accept

Item 3-3

Chapter 3, Section 308 Carbon Monoxide Detection, Sections 308.2 - 308.2.1

The model code moved the section. This is an editorial update to correlate the section with the SFM amendment. There is no regulatory change.

CAC Recommendation:

Approve

Agency Response:

Accept

CHAPTER 4

REPAIRS

Item 4-1 Chapter 4, Repairs

The SFM proposes to adopt only Sections 401.1, 401.2, 402, 403, 404 and 405.2.3.1 of Chapter 4 without amendment.

CAC Recommendation:

Approve

Agency Response:

Accept

CHAPTER 5 PRESCRIPTIVE COMPLIANCE METHOD

Item 5-1 Chapter 5, Prescriptive Compliance Method

The SFM proposes to only adopt sections 501.1.1 - 501.5.1, 503.14, 503.15, 503.17, 504, 505 and 506 of Chapter 5 with existing amendments and following modifications.

CAC Recommendation:

Approve

Agency Response:

Accept

Item 5-2 Chapter 5, Persecriptive Compliance Method, Section 501.4

The model code added section 501.3. This is an editorial change to renumber the SFM amendment. There is no regulatory change.

CAC Recommendation:

Approve.

Agency Response:

Accept. The Chapter reference in the California Fire Code for existing buildings is updated to Chapter 11 from Chapter 46. The correct Chapter reference is Chapter 11.

Item 5-3 Chapter 5, Persecriptive Compliance Method, Sections 501.5 - 501.5.1

The model code moved the section. This is an editorial update to correlate the section with the SFM amendment. There is no regulatory change.

CAC Recommendation:

Approve

Agency Response:

Accept

**CHAPTER 6
CLASSIFICATION OF WORK**

Item 6-1

Chapter 6, Classification of Work

The SFM proposes to not adopt Chapter 6.

CAC Recommendation:

Approve

Agency Response:

Accept

**CHAPTER 7
ALTERATIONS – LEVEL 1**

Item 7-1

Chapter 7, Alterations – Level 1

The SFM proposes to not adopt Chapter 7.

CAC Recommendation:

Approve

Agency Response:

Accept

**CHAPTER 8
ALTERATIONS – LEVEL 2**

Item 8-1

Chapter 8, Alterations – Level 2

The SFM proposes to not adopt Chapter 8.

CAC Recommendation:

Approve

Agency Response:

Accept

CHAPTER 9 ALTERATIONS – LEVEL 3

Item 9-1 Chapter 9, Alterations – Level 3

The SFM proposes to not adopt Chapter 9.

CAC Recommendation:

Approve

Agency Response:

Accept

CHAPTER 10 CHANGE OF OCCUPANCY

Item 10-1 Chapter 10, Change of Occupancy

The SFM proposes to not adopt Chapter 10.

CAC Recommendation:

Approve

Agency Response:

Accept

CHAPTER 11 ADDITIONS

Item 11-1 Chapter 11, Additions

The SFM proposes to not adopt Chapter 11.

CAC Recommendation:

Approve

Agency Response:

Accept

CHAPTER 12 HISTORIC BUILDINGS

Item 12-1 Chapter 12, Historic Buildings

The SFM proposes to not adopt Chapter 12.

CAC Recommendation:

Approve

Agency Response:

Accept

**CHAPTER 13
PERFORMANCE COMPLIANCE METHODS**

Item 13-1

Chapter 13, Performance Compliance Methods

The SFM proposes to not adopt Chapter 13.

CAC Recommendation:

Approve

Agency Response:

Accept

**CHAPTER 14
RELOCATED OR MOVED BUILDINGS**

Item 14-1

Chapter 14, Relocated or Moved Buildings

The SFM proposes to not adopt Chapter 14.

CAC Recommendation:

Approve

Agency Response:

Accept

**CHAPTER 15
CONSTRUCTION SAFEGUARDS**

Item 15-1

Chapter 15, Construction Safeguards

The SFM proposes to not adopt Chapter 15.

CAC Recommendation:

Approve

Agency Response:

Accept

CHAPTER 16 REFERENCED STANDARDS

Item 16-1 Chapter 16, Referenced Standards

The SFM proposes to adopt Chapter 16 with the following amendments.

CAC Recommendation:

Approve

Agency Response:

Accept

Item 16-2 Chapter 16, Referenced Standards, NFPA

The SFM is added the amendments to the adopted and referenced NFPA standards from the California Fire Code. This will correlate the regulations so the same information is found in both codes. There is no regulatory change.

CAC Recommendation:

Approve

Agency Response:

Accept

APPENDICES

Item 17-1 Appendices, Appendix A - D, and Resources A.

The SFM proposes to not adopt Appendix A – D and the Resource A.

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).

The SFM did not rely on any technical, theoretical, and empirical study, report, or similar documents outside of those contained in this rulemaking in proposing that CBSC adopt said model code as a reference standard for the placement of existing SFM regulatory amendments for the California Building Standards Codes.

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.

The SFM believes that the amendments to the model code and additional building standards proposed are offered in both a prescriptive and performance base. The nature and format of the model code adopted by reference allow for both methods, the following is a general overview of the model code proposed to be adopted by reference as well as state modifications:

This comprehensive existing building code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new system designs.

This code is founded on principles intended to establish provisions consistent with the scope of a building and fire code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to types or classes of materials, products or methods of construction.

The International Existing Building Code (IEBC) provisions provide many benefits, among which is the model code development process that offers an international forum for building and fire safety professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

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.

The SFM has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this code.

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.

The SFM has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this code.

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 SFM has determined that this proposed action will not have a significant adverse economic impact on business. Health and Safety Code Section 18928 requires the SFM, when proposing the adoption of a model code, national standard, or specification shall reference the most recent edition of the applicable model code, national standard, or specification. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

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 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 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 business 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 improve minimum existing 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.

The SFM does not anticipate any significant cost of compliance with the proposed building standards. The regulations are based on the model code. Health & Safety section 18928 requires that building standard be essentially the same as the most recent edition of the uniform industry codes. These regulations benefits are to have clear, concise, complete and update text of the regulations and standards.

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.

The SFM has determined that this proposed rulemaking action does not unnecessary duplicate or conflict with federal regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.