

CALGreen Carbon Reduction Collaborative

Joint effort by the Division of the State Architect,
California Building Standards Commission and
Department of Housing and Community Development

WELCOME

September 8, 2022, 9:00 am – 12:00 pm

www.dgs.ca.gov/BSC/Rulemaking



Title 24 Code Rulemaking Procedures

The Administrative Procedure Act (APA) establishes rulemaking procedures and standards for state agencies in California. The requirements set forth in the APA are designed to provide the public with a meaningful opportunity to participate in the adoption of state regulations and to ensure that regulations are clear, necessary and legally valid. The APA is found in the California Government Code, section 11340 et seq.

Building Standards Law contains additional rulemaking procedures for the Title 24 regulatory process.

The California Administrative Code, Part 1 of Title 24 contains regulations for administering the Title 24 rulemaking process



Title 24 Code Rulemaking Documents

- **Face Sheet:** This form must accompany a rulemaking file submitted to CBSC. It includes the name and type of rulemaking, state agency authority and reference citations. It's filed with AOL for the 45-day public notice period and then filed with SoS when the rulemaking is approved by the CBSC.
- **Express Terms (ET):** The ET shows the proposed regulatory code changes in strikeout and underline format. A final version is submitted at the end of the rulemaking process, called a Final Express Terms (FET).
- **Nine-Point Criteria Analysis:** This document substantiates that the provisions of HSC Section 18930 were met and do not conflict with other building standards, are within the jurisdiction of state agency, interest of the public, are not unreasonable, arbitrary, unfair or capricious, the cost to the public is reasonable, are not unnecessary, ambiguous or vague, model codes are incorporated, the format is consistent, reviewed by the Office of the State Fire Marshal.



Title 24 Code Rulemaking Documents (cont.)

- **Notice of Proposed Action (NOPA):** The NOPA announces that regulatory code changes are proposed. It contains the 45-day public comment dates, how to submit a comment and where the proposed code changes may be viewed. NOPAs inform the public of the application and scope of the regulatory proposal. It also identifies any mandates on local agencies or school districts, and estimated cost or savings for state agencies, school districts, any significant statewide adverse economic impact on businesses or cost impact on private persons or businesses. Also effect of regulations on jobs and business such as creation, elimination, expansion and benefits to the health and welfare of California citizens. Finally, any cost of compliance that would impact housing.
- **Initial Statement of Reasons (ISOR):** The ISOR provides the rationale, problem and need for each proposed building standard code change, studies or reports relied upon, consideration of reasonable alternatives that would lessen any adverse impact on small businesses, evidence of no significant adverse impact on businesses. Also effect of regulations on jobs and business such as creation, elimination, expansion and benefits to the health and welfare of California citizens. Also, the estimated cost of compliance, estimated benefits and assumptions used.
- **Economic and Fiscal Impact, Form 399:** This is a Department of Finance form required for any proposed regulations. It contains an Economic Impact Statement section specific to cost/benefits to private sectors such as small business employees, jobs, individuals. The Fiscal Impact Statement section is specific to cost/benefits to state agencies, local government. It must be signed by the state agency fiscal officer and Agency Secretary. A Department of Finance signature is required if it's determined the regulations have a fiscal impact.



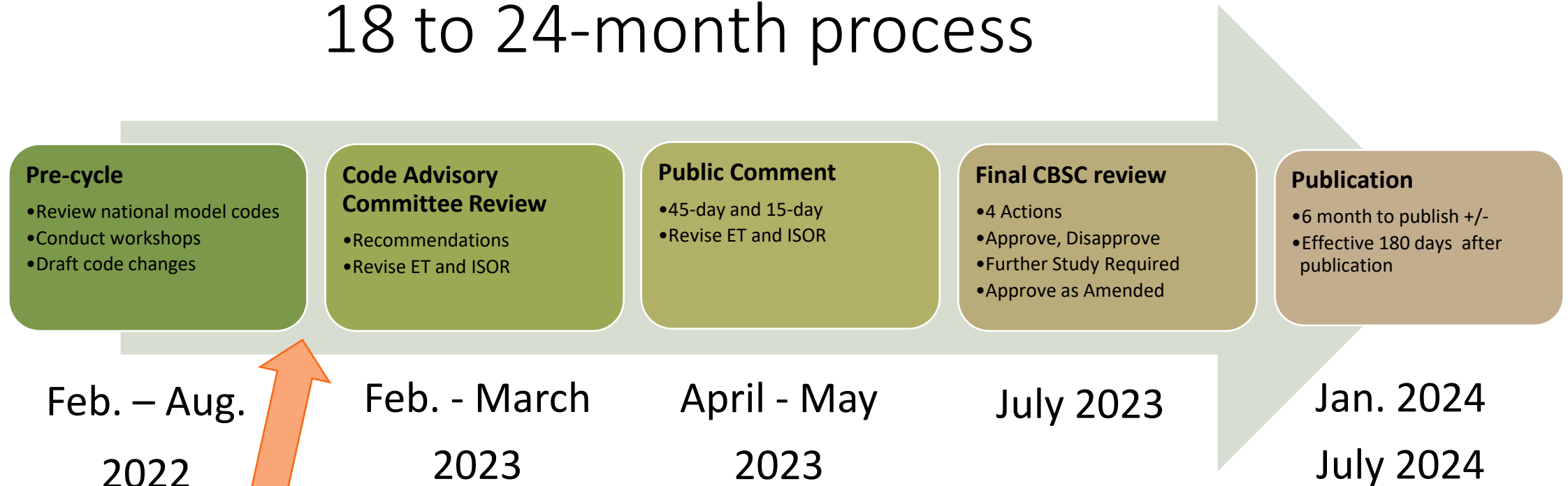
RULEMAKING NEXT STEPS

- Fine-tune and Express Terms, ISOR, NOPA, 399, Nine-point Criteria, etc.
- Coordinate language with the respective state agencies
- Department legal and fiscal review
- Agency review
- Submit to Department of Finance for review
- Submit to CBSC by December 1, 2022
- CBSC reviews for APA and Building Standards Law compliance
- CBSC prepares the material for Code Advisory Committee (CAC) public meetings early Spring 2023
 - [2022 Intervening Cycle \(ca.gov\)](https://www.ca.gov)
- 45-day Public Comment Period Spring 2023
- Commission action July 2023



Title 24 Code Development Process

18 to 24-month process

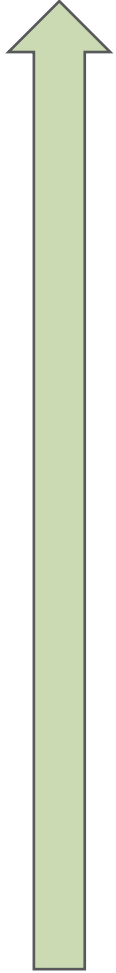


Dec. 1, 2022, Initial Submittals due to BSC



Limited input

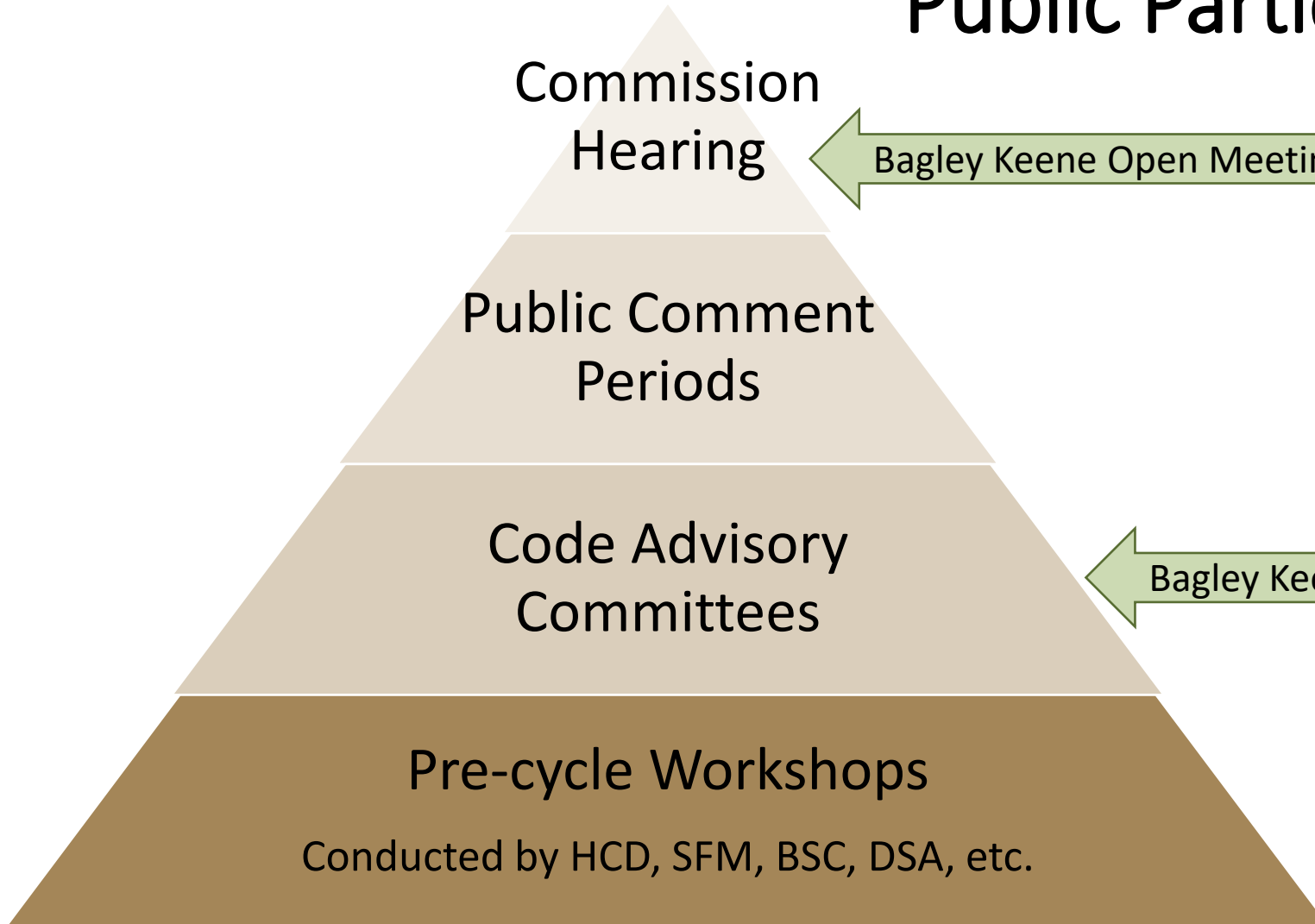
Administrative Procedures Act



Broad input



Public Participation



Commission Hearing

Bagley Keene Open Meeting Act

Public Comment Periods

Code Advisory Committees

Bagley Keene Open Meeting Act

Pre-cycle Workshops

Conducted by HCD, SFM, BSC, DSA, etc.



CCRC NEXT STEPS

- State agencies will reach out to the CCRC for support documentation
- State agencies may utilize the CCRC to assist with CAC recommendations
- Resume CCRC meeting Q-1 2023 to discuss next steps
 - education outreach
 - future code changes
 - other

