

**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 03/22)**

Notice is hereby given that the California Building Standards Commission (BSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 10. BSC 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 **April 7, 2023**, until midnight on **May 22, 2023**.

Comments may be submitted to the Commission via:

[e-Comment form](https://dgs.ca.gov/BSC/e-comments): dgs.ca.gov/BSC/e-comments

US Mail postmarked no later than **May 22, 2023**:

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via the Commission'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 written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by the Commission 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, the Commission 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 the Commission adopts, amends, or repeals the regulation(s). The Commission 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).

BSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18931, 18932 and 18934.5.

The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 18930, 18931, 18932, 18934.5 and 18934.7.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code (HSC) Section 18930 requires building standards adopted or proposed by state agencies be submitted to the Commission for approval or adoption prior to codification and establishes the analysis, criteria, review considerations, and factual determinations for the approval or adoption of building standards (9-Point Criteria).

HSC Section 18931 establishes the duties of the Commission to review and approve, return for amendment, or reject the building standards adopted by state agencies; codify and publish the adopted and approved standards; resolve conflict; ensure consistency; hear appeals and adopt procedural regulations to administer these duties.

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

HSC Section 18934.5 authorizes BSC to adopt, approve, codify, and publish building standards for the design and construction of state buildings, including California State University buildings and, to the extent permitted by law, University of California buildings, where no state agency has the authority to adopt building standards applicable to state buildings.

HSC Section 18934.7 mandates BSC to adopt the building standards of Appendix Chapter 1 of the International Existing Building Code (IEBC) for publication by reference in the California Building Standards Code. Buildings subject to building standards adopted pursuant to Part 1.5 of HSC are exempt.

Summary of Existing Regulations

The existing 2022 California Existing Building Code (CEBC) is Part 10 of the California Code of Regulations, Title 24. The 2022 CEBC is based on the 2021 IEBC of the International Code Council, with amendments for state buildings, including California State University and University of California buildings promulgated by the California Building Standards Commission.

Summary of Effect

The proposed action will amend the current 2022 edition of CEBC which is based on the most recent edition of the 2021 IEBC. The proposed action will:

- Make editorial changes to currently adopted amendments to improve clarity.

- Make editorial amendments to model code language in the 2021 IEBC Chapters 6 through 11 and 13, which is not currently printed in the 2022 CEBC, to resolve conflicts with existing California laws or regulations.
- Once filed with Secretary of State, the proposed amendments be codified and published by January 1, 2024, and become effective July 1, 2024.

Comparable Federal Statute or Regulations

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

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with existing state laws and regulations by resolving conflict, duplication, and overlap in building standards in the code. The amendments are editorial to provide clarity and regulatory consistency for the code user.

Evaluation of Consistency

BSC has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. The amendments are proposed to provide regulatory consistency for the code user.

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).

There are no other matters prescribed by statute applicable to BSC, 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.

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: The proposed regulations will have no mandated cost or savings to any state agency, local agency, or school district.

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.

BSC 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 relied upon to support its initial determination of no effect.

BSC is making editorial amendments with no intended change in regulatory effect. The amendments are to provide clarifications and eliminate conflicts with existing building standards. No other facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect.

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.

The proposed regulatory action does not require a report by any business or agency, so BSC has not made a finding of necessity for public's health, safety or welfare.

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).

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 of new businesses 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 clarify minimum building standards and eliminate conflicts with existing building standards, which will provide clarity and regulatory consistency for the code user and allow more flexibility in the regulations encouraging the reuse of existing buildings, thereby benefitting the state's environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

BSC has determined that this proposal would not have a significant effect on housing costs. BSC 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 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.

There were no reasonable alternatives available to BSC as the proposed changes are editorial in nature and consistent with interested party input. BSC participated in the SFM CEBC workgroup to discuss possible adoption of IEBC compliance paths for inclusion in the 2022 CEBC. The proposed amendments are a result of the findings from the workgroup meetings.

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 [Commission website](https://dgs.ca.gov/BSC): 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 [Commission website](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

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

The Commission 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. The statement shall note that providing the accessible description of proposed changes may require extending the period of public comment for the proposed action.

THE COMMISSION 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:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE 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:

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

Back up Contact:

Brandon Estes, Associate Construction Analyst
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