

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT (DSA-SS AND DSA-SS/CC)
REGARDING THE 2022 CALIFORNIA ADMINISTRATIVE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
(DSA-SS/CC 02/22)**

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.

ITEM 1

Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 1: GENERAL PROVISIONS and ARTICLE 2: DEFINITIONS

Section 4-310 – Minor editorial clarification regarding the nature of structures sheltering buses and minor mechanical equipment.

Sections 4-310 and 4-314 – Recently enacted Education Code sections 17283.5 and 81050.5, added by AB 306 (Stats. 2021, Ch. 49, Section 1, eff. Jan. 1, 2022) exclude any buildings used as a personal residence by a teacher or employee of a school district from compliance with the Field Act.

CAC Recommendation:

Approve

Agency Response:

Accept. A suggestion was made by the CAC prior to the “Accept” vote to consider an “editorial” change of the word “family” to “families” in 4-314. DSA considered this suggestion but ultimately did not modify the proposal because the language as proposed is consistent with the statutes driving the need for this proposal; Ed Code 17283.5 and 81050.5 utilize the term “...teacher’s or employee’s family...”

ITEM 2

Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 3: APPROVAL OF DRAWINGS AND SPECIFICATIONS

Section 4-316 – Proposal is withdrawn. Current amendment language continues unchanged.

Section 4-317 – Correcting a typo which appears to have first occurred in 2013 California Administrative Code.

CAC Recommendation:

Approve.

Agency Response:

Withdraw proposal for 4-316. Accept CAC approval of proposal for 4-317.

ITEM 3

Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 4: FEES

Section 4-326 – Previous language erroneously limits retainer and hourly fees to rehabilitations that convert nonconforming buildings to school use. However, Section 4-306 requires the same fee structure for the rehabilitation of existing school buildings (e.g., as might be triggered by Section 4-309(c)).

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 4

Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 5: CERTIFICATION OF CONSTRUCTION

Section 4-330 – DSA approves plans and specifications for a school project in accordance with California Administrative Code 4-315, not individual buildings as occurs for most municipalities issuing building permits. The proposed modification provides consistency with this broader understanding.

Section 4-333 – Reference pointer became incorrect commencing with the 2013 CBC. Striking incorrect reference without replacement to make the reference generalized since geotechnical engineer verified report requirements are noted in CBC Sections 1705A.6.1 and 1813A.2 #9.

Section 4-333.1 – Clarified the allowed substitutions and their limitations based on the frequency of incorrect interpretation of requirements by project inspector examination applicants. Other minor editorial changes are made. No net regulatory change.

Section 4-335(d)5 – For consistency with California Education Code Sections 17315 and 81147 and CBC Sections 1703A.4, 1703A.6, 1704A.2.4, and 1704A.5, adding DSA to the list of entities to receive test reports without the need for DSA requesting such, leading to repealing the previous language associated with DSA requests.

Section 4-335(f)4.A – For consistency with California Education Code Sections 17315 and 81147 and CBC Sections 1703A.6, 1704A.2.4, and 1704A.5, adding DSA to the list of

entities to receive special inspection reports without need for DSA requesting such reports, leading to repealing the previous language associated with DSA requests.

Section 4-336(c)7 – Clarifying the extent of quality assurance program completion after which the engineering manager of the laboratory of record is to submit a verified report.

CAC Recommendation:

Approve. For Section 4-333.1, commented to capitalize “C” in the added word “class” as well as consider adding ‘mass timber’ to the list of acceptable qualifying special inspector experience for the project inspector certification examination applicants.

Agency Response:

Accept CAC approval of proposal for 4-330, 4-333, 4-335, 4-336. Disagree with CAC approval of proposal for 4-333.1. The CAC voted to approve the proposal. However, before the vote was taken, some editorial suggestions for Section 4-333.1 were offered for DSA consideration; commented to capitalize “C” in the added word “class” as well as consider adding ‘mass timber’ to the list of acceptable qualifying special inspector experience for the project inspector certification examination applicants. The proposal now includes the suggested capitalizations and inclusion of ‘mass timber’ to the list of acceptable qualifying special inspector experience.

ITEM 5

Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 6: DUTIES UNDER THE ACT

Section 4-341(f) – Proposal is withdrawn. Current amendment language continues unchanged.

CAC Recommendation:

Approve.

Agency Response:

Withdraw.

ITEM 6

Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 9: STATE ADVISORY BOARD TO THE DIVISION OF THE STATE ARCHITECT FOR THE FIELD ACT

Section 4-355 is repealed in order to remove conflict with DSA practice for collaborative outreach. The language in 4-355 regarding an advisory board is permissive, not mandatory: “...The State Architect *may* appoint...”. Also, there is no statutory requirement under the Field Act for DSA to create an advisory board. DSA has authority to promulgate regulations that govern the design and construction of school buildings. To have those regulations contain detailed information as to how DSA conducts outreach is not appropriate or necessary. DSA has established the Public School Construction Collaborative (PSCC) to represent stakeholders, promote safety and excellence of public building construction, and advise on issues related to the design and construction of public

buildings under DSA's jurisdiction. The PSCC is governed by a charter which is reviewed and confirmed by the members at the beginning of each cycle. To permit greatest flexibility in how outreach is conducted, guidance regarding the structure and operations of the PSCC is most appropriately contained within that charter and not regulations. Therefore, we propose Section 4-355 be repealed.

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).

These administrative regulations are applicable to Parts 2, 3, 4, 5, 8, 10, 11 and 12 of Title 24, California Code of Regulations. No other technical reports or studies were used in the development of these proposed amendments.

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 proposed amendments do not contain any mandates for specific technologies or equipment or prescriptive standards.

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 Division of the State Architect did not identify nor determine any reasonable alternatives to the proposed administrative regulations.

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.

There will be no adverse impact on small business.

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.

No significant adverse impact on business was determined and no other documents or evidence was determined applicable to the proposed provisions.

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 Division of the State Architect 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.
The Division of the State Architect did not identify any amended regulation that would lead to 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.
The Division of the State Architect did not identify any amended regulation that would lead to the creation of new businesses or the elimination of existing businesses within the State of California.
- C.** The expansion of businesses currently doing business within the State of California.
The Division of the State Architect did not identify any amended regulation that would lead to 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.
Part 1, California Administrative Code is the administrative regulations for application of the California Building code, implementation of construction testing and inspection programs, and certification of construction for the safety and protection of life and property of public K-14 school buildings in compliance with the California Education Code and state-owned or state-leased essential service buildings in compliance with the California Health and Safety Code. The benefits of the regulations provide clarity to the California Administrative Code.

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 proposed changes to the regulations are primarily editorial to provide clarity or to align with statutory changes, and do not result in an increase to the cost of compliance in the

application and implementation of the California Administrative Code or California Building Code.

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.

These proposed administrative regulations do not duplicate or conflict with federal regulations.