

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2025 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(SFM 01/25)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

The SFM has not added any data (including technical, theoretical, or empirical studies, reports, or similar documents relied upon) that would necessitate an update of the information contained in the Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The text with proposed changes was made available to the public for a 45-day comment period from April 3, 2026, until May 18, 2026. Public comments specific to SFM proposals,

as well as additional comments not tied to a specific proposal, were received during this period. Please see below.

ITEM 1

Chapter 2 Definitions, Section 202 General definitions

SUB-ITEM 1-2

CHILD CARE CENTER; CHILD-CARE HOME, FAMILY; CHILD-CARE HOME, LARGE FAMILY; CHILD-CARE HOME, SMALL FAMILY; DAY-CARE, ADULT

WITHDRAWN

Commenter(s) and Recommendation:

Shanice Orum, Assistant Deputy Director, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services.

Recommendation: The commenter requests changes in the definitions of Child-Care Home, Large Family, and Child-Care Home, Small Family, including adding a reference to California Health and Safety Code 1597.44 and replacing "A home which provides" with "A provider's own home which is licensed to provide".

K. Laigo, Child Care Law Center

Recommendations: Approve as Amended or Further Study Required.

T. Jordan, Stanislaus County Office of Education

M. Cottrill, Head Start California

Recommendations: The commenter suggests changing "nine to 14 children" to "up to 12 or 14 children" in the large family child-care home definition.

Agency Response:

The State Fire Marshal (SFM) appreciates the concerns expressed by the comments and has WITHDRAWN the proposal.

SUB-ITEMS 1-3 through 1-10

Combustible Liquid; Flammable Liquid; Corrosive; Cryogenic Fluid; Explosive; Flammable Gas; Flammable Solid; Highly-Toxic; Toxic

WITHDRAWN

Commenter(s) and Recommendation:

A. Sulkanen, Fire Prevention Services

C. Anderson, City of Fremont Fire Department

M. Hall, California Fire Prevention Officers, Northern Division

B. Raymer, California Building Industry Association, California Apartment Association, California Business Properties Association, Building Owners & Managers Association

Recommendation: Approve.

The commenter expresses general support for the proposed regulations.

Agency Response:

The SFM appreciates the support. The SFM has WITHDRAWN the proposal and will continue development of the proposed amendments for consideration in the next triennial code adoption cycle.

SUB-ITEM 1-11

Infant

WITHDRAWN

Commenter(s) and Recommendation:

T. Jordan, Stanislaus County Office of Education

M. Cottrill, Head Start California

Recommendation: Approve

Agency Response:

The State Fire Marshal (SFM) appreciates the support for approval. The SFM has WITHDRAWN the proposal.

SUB-ITEMS 1-13 through 1-18

Organic Peroxide; Oxidizer; Oxidizing Gas; Pyrophoric; Unstable (Reactive); Water-Reactive

WITHDRAWN

Commenter(s) and Recommendation:

A. Sulkanen, Fire Prevention Services

C. Anderson, City of Fremont Fire Department

M. Hall, California Fire Prevention Officers, Northern Division

The comment supports the proposal.

Agency Response:

The SFM appreciates the support. The SFM has WITHDRAWN the proposal and will continue development of the proposed amendments for consideration in the next triennial code adoption cycle.

ITEM 2

Chapter 3 Occupancy Classification and Use

SUB-ITEM 2-1

Section 305.2 Group E, child-care facilities and subsections

WITHDRAWN

Commenter(s) and Recommendation:

T. Jordan, Stanislaus County Office of Education

M. Cottrill, Head Start California

Recommendation: Approve

K. Laigo, Child Care Law Center

Recommendation: The commenter requests that the agency explicitly clarify whether the Group E and Group I-4 requirements apply to family childcare homes. If these requirements apply to family childcare homes, the commenter requests to clearly explain under which circumstances Group E and Group I-4 classifications apply to large family childcare homes

S. Orum, Department of Social Services (CDSS)

Recommendation: The commenter requests changes to align Part 2 and Part 9 regulations, along with other changes to clarify and simplify the requirements.

Agency Response:

The State Fire Marshal (SFM) appreciates the concerns expressed by the comment and has WITHDRAWN the proposal. The SFM will continue to provide education on the application and intent of existing code provisions.

SUB-ITEM 2-2

Section 308.5 Institutional Group I-4, day care and child care facilities and subsections

WITHDRAWN

Commenter(s) and Recommendation:

T. Jordan, Stanislaus County Office of Education

M. Cottrill, Head Start California

Recommendation: Approve

K. Laigo, Child Care Law Center

Recommendation: The commenter requests to explicitly clarify if Group E and Group I-4 requirements apply or do not apply to family childcare homes. If these requirements apply to family childcare homes, the commenter requests to clearly explain under which circumstances Group E and Group I-4 classifications apply to large family childcare homes.

S. Orum, Department of Social Services (CDSS)

Recommendation: The commenter recommends evaluating the use of “custodial care” since different terminology and standards are used in other parts of the code and for licensing purposes, adding “authorized representative” after “parents or guardians” to align with child care terminology, clarifying statements about CDSS licensing, and other recommendations.

Agency Response:

The State Fire Marshal (SFM) appreciates the concerns expressed by the comment and has WITHDRAWN the proposal.

SUB-ITEM 5-1

Section 915.2 Locations.

WITHDRAWN

Commenter(s) and Recommendation:

B. Raymer, California Building Industry Association, California Apartment Association, California Business Properties Association, Building Owners & Managers Association

Recommendation: The commenter generally supports the proposed regulations.

Agency Response:

The State Fire Marshal appreciates the support. The SFM has decided to WITHDRAW this proposal and will continue to work with the amendment co-adoptors on developing the proposed amendment for consideration in the next triennial code adoption cycle.

SUB-ITEM 6-1

Section 1010.2.1 Delayed Egress

WITHDRAWN

Commenter(s) and Recommendation:

K. Baker, Self

Recommendation: The commenter expressed concern regarding Group R-2 or Group R-3 occupancies for Large Family Child-Care Homes, being told that door hardware, gate hardware, or child-safety hardware is considered delayed-egress or egress-control hardware. Section 1010.2.12 may be interpreted to require automatic sprinklers and approved smoke detection before that hardware is allowed. The commenter suggests the following:

- Clarify applicability of the requirements for Large Family Child-Care Home operating in a Group R-2 or Group R-3 occupancy versus in a Group E or Group I facility.
- Clarify the available alternatives for residential providers to install sprinklers such as exit count, exit access, side-yard egress, gate hardware, or the type of child-safety hardware being used.
- Clarify whether the proposed language is intended to change the existing requirements for Large Family Child Care Homes or simply correct and coordinate existing code language.

S. Orum, Department of Social Services (CDSS)

Recommendation: The commenter requests clarification on the implementation costs and operational impacts of the proposed change.

Agency Response:

The State Fire Marshal (SFM) appreciates the concern expressed by the comment and has WITHDRAWN the proposal.

SUB-ITEM 6-2

Table 1006.3.4(1) Stories and occupiable roofs with one exit or access to one exit for R-2 and R-3 occupancies

[SFM proposes to carry forward the existing amendment to this table footnote a, which was erroneously omitted during the printing of the code.]

Commenter(s) and Recommendation:

K. Baker, Self

The Commenter expressed concern regarding applicable fire and life-safety requirements for Large Family Child-Care Homes being uniformly enforced based on the proposed footnote a to connect certain single-exit conditions for Group R-2 and Group R-3 buildings with automatic sprinkler systems under other Chapter 9 sections and rescue and emergency escape and rescue openings under Section 1031. The commenter suggests the following:

- Clarify the available alternatives if the concern is that a Large Family Child-Care Home in a Group R-2 or Group R-3 occupancy does not qualify for the single-exit condition in Table 1006.3.4(1). A second compliant exit, second exit-access path, or other code-compliant egress arrangement may be able to resolve the issue without requiring automatic sprinklers.
- Clearly distinguish between an exit or exit path that is unlawfully blocked and a residential gate, latch, alarm, or child-safety measure that can be opened by an adult during an emergency but prevents young children from leaving unsupervised during normal operations.

Agency Response:

The SFM proposal is correcting a printing error and is correlating the requirements to be the same as they are printed in the California Building Code.

COMMENTS THAT ARE NOT ASSOCIATED WITH A PROPOSED ITEM

Commenter(s) and Recommendations:

J. Fridolfs, Early Childhood Services, Napa County Office of Education
J. Gladstone, Beth El Nursery School
C. Mullendore, Destiny School
C. Vaughn, Montessori School of Sonoma
C. Edwards, Self
J. Meyer, Head Start/State Preschool Program
A. Dutton, Old Firehouse School
J. Buhl, Old Firehouse School
J. Haus, Old Firehouse School
S. Bakhtiari, Beverly Glen Playgroup
K. Gillespie, Kellie's Academy for Kids Child Development Center
K Acosta, Children's Resource and Referral of Santa Barbara County
K. Graesch, California Child-Care Resource and Referral Network
F. Danon North, Sunrise Montessori School
E. Lubensky, Community Resources for Children
A. Walker, First Five

Summary of Comments and Recommendations:

The commenters listed above submitted general comments aligned closely with an online posted document published on April 24, 2026, by Californians for Quality Early Learning (CQEL) providing the following recommendations associated with requirements for childcare facilities:

- Propose clearer definitions and occupancy classification requirements that are more closely aligned with how child-care centers operate.
- Consider more flexible structural standards or "grandfathering" clauses and compliance pathways for existing child-care facilities compared to requirements for new construction.
- Recognize existing safety practices and operational measures required by licensing standards of other agencies and programs when evaluating new building standard requirements.
- Examine the financial impact of the proposed regulations, especially on retrofit and occupancy reclassification costs for small and community child-care providers.

Commenter(s) and Recommendations:

C. Broesamle, Learn-Engage-Advocate-Partner
L. Lander Goodman, Learn-Engage-Advocate-Partner
A. Fernandez Mendoza, California Children's Academy
D. Buchanan, Educational Enrichment Systems, Inc.
C. Krimston, Educational Enrichment Systems, Inc.

S. Salazar, Educational Enrichment Systems, Inc.
W. Santacruz, Educational Enrichment Systems, Inc.
A. Polancic, Educational Enrichment Systems, Inc.
P. Volden, Educational Enrichment Systems, Inc.
J. Sanbonmatsu, Valley View Children's Center
K. Herron, Early Childhood Discovery Centers
V. Denero, Every Child California

Summary of Comments and Recommendations:

The commenters listed above submitted almost identical general comment expressing the following concerns associated with requirements for childcare facilities:

- Prohibitive Costs of "Change of Occupancy" Requirements
- Inconsistent Local Enforcement regarding "Nonambulatory" Status
- Impact on Child Care Capacity and Access

The commenters advocate for more flexible amendments similar to those explored in Assembly Bill 176.

Commenter(s) and Recommendations:

T. Jordan, Stanislaus County Office of Education
M. Cottrill, Head Start California

Summary of Comments and Recommendations:

The commenters also noted that additional recommendations made by the workgroup were not included in the proposal. The commenters request that the workgroup's full recommendations be considered. The full recommendations are included in the comment.

Commenter(s) and Recommendations:

K. Spanos, First Five Alameda County
S. Masur, Low Income Investment Fund

Summary of Comments and Recommendations:

The commenters request that the Child-care Center Workgroup's full recommendations, including alternative protection measures and proposed changes to Chapter 1 and 4 of Title 24 be considered. See T. Jordan and M. Cottrill comments for the full list of recommendations.

Commenter(s) and Recommendations:

K. Laigo, Child Care Law Center

Summary of Comments and Recommendations:

The commenter also recommends relocating Section 907.2.11.2.2 Group I-4 occupancies if the I-4 requirements do not apply to family child-care homes and expresses concern regarding lack of clarity in applicable fire and life-safety requirements published in Title 24 and their inconsistent enforcement.

Commenter(s) and Recommendations:

S. Orum, Department of Social Services (CDSS)

Summary of Comments and Recommendations:

The commenter also requests changes in sections not included in the current SFM proposal. The changes are requested in Sections 308.5.1 and 436.1.1.

Agency Response

The State Fire Marshal (SFM) appreciates the concerns expressed in the comments. The comments don't directly apply to a specific proposal.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information 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 adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

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.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

N/A