

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT
REGARDING THE 2025 CALIFORNIA EXISTING BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10
(DSA-SS 03/25)**

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 1 – ADMINISTRATION, Section 1.9 – DIVISION OF THE STATE ARCHITECT

Sections 1.9.2.1.2 and 1.9.2.2.2 – Code is updated to coordinate with DSA continued adoption of chapter 16 and selected definitions in chapter 2. These were first adopted by DSA with the 2022 CEBC during the 2021 triennial code adoption cycle. The changes documented here are simple coordinating corrections without a change in regulatory effect and comply with Health and Safety Code Section 18942(a)(2)(A).

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 2

Chapter 3 – PROVISIONS FOR ALL COMPLIANCE METHODS, Section 319 – SEISMIC CRITERIA SELECTION FOR EXISTING BUILDINGS

Section 319.2 – Code is updated to correct punctuation, implement editorial changes in the second paragraph, and maintain alignment with changes proposed by BSC, with whom DSA co-adopts this section.

DSA, in coordination with BSC, proposes editorial changes to clean up the language in Section 319.2. The publisher informed BSC during the 2024 triennial code adoption cycle codification that punctuation is not correct in this section. After further review, it was decided that the existing language is awkward and needs further modifications besides punctuation. This editorial proposal is necessary to improve the clarity of existing regulations and does not materially alter the substance or intent of the existing regulations.

CAC Recommendation:

Approve as Amended under criteria #6.

CAC recommended to add the words “, but not limited to,” after “including” to eliminate concern that the language may be interpreted to provide an exhaustive list of horizontal and vertical elements that participate in the structural response.

Agency Response:

Accept.

Express Terms have been revised as recommended by CAC.

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.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.2(b)(2) and 11346.3(b)(1)

The Division of the State Architect 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.

The Division of the State Architect did not identify any amended regulation that would lead to the creation or elimination of jobs.

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 nor elimination of existing businesses.

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 with 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.

The benefits of the regulations will clarify minimum building standards, which will provide clarity and regulatory consistency for the code user, thereby benefiting the welfare of residents, worker safety, and the state’s environment.

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).

There are no formal studies, reports, or documents to be identified as the basis for the proposed amendments.

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.

DSA did not identify nor determine any reasonable alternatives as the proposed changes are editorial in nature. The only alternative would be to leave the language as is, which would lead to keeping clunky and confusing language in the 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.

No alternatives were identified by DSA that would lessen any adverse impact on small businesses. Small businesses will not experience an adverse impact due to these amendments as the proposed changes are editorial in nature.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC 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 regulations proposed will have no overall cost impact on business, since they are equivalent to current requirements in the Code. DSA is making editorial changes with no intended change in regulatory effect.

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 editorial to provide clarity for the code user, and do not result in an increase to the cost of compliance in the application and implementation of the California Existing Building Code, since they are equivalent to current requirements.

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 regulations do not duplicate or conflict with federal regulations.