

BUILDING STANDARDS COMMISSION

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**Memorandum**

Date: November 20, 2017

To: Mia Marvelli, Executive Director
Department of General Services
California Building Standards Commission

From: Alexander Hunter, Associate Governmental Program Analyst
Department of General Services
California Building Standards Commission

SUBJECT: BSC 03/17 – CHANGE WITHOUT REGULATORY EFFECT – 2016 CALIFORNIA RESIDENTIAL CODE

The California Building Standards Commission (BSC) is proposing amendments to the 2016 California Residential Code, Appendix V, Sections AV100 through AV100.9. The amendment is a “change without regulatory effect” and is necessary to align with recent legislative changes pursuant to the enactment of SB 442 (Chapter 670, Statutes of 2017), which becomes effective January 1, 2018. This bill made amendments to the Swimming Pool Safety Act (HS. Code, §§ 115920 – 115929.)—which is required to be published in the California Code of Regulations, Title 24 pursuant to Health and Safety Code Section 18942(b). Among other changes, this bill does the following, which has necessitated the proposed change without regulatory effect:

- Increases the minimum number of specified drowning prevention safety features required for a swimming pool or spa at a private single-family home when a building permit is issued for the respective swimming pool or spa.
- Revises the characteristics of some of those safety features.
- Repeals a previous exemption to the requirements of the act for political subdivisions that adopt ordinances for swimming pools as specified.

BSC’s proposal also contains other related nonsubstantive and editorial corrections.

This proposed change meets the requirements of the Administrative Procedure Act, Building Standards Law, and the California Administrative Code, Section 1-421, Items 5 and 6, for a “change without regulatory effect,” which includes the following:

- Changing an “authority” or “reference” citation for a regulation, and
- Making a regulatory provision consistent with a changed California statute if both of the following conditions are met:
 - The regulatory provision is inconsistent with and superseded by the changed statute, and
 - The state adopting agency or state proposing agency has no discretion to adopt a change which differs in substance from the one chosen.

If you have any questions regarding this submittal, please contact me at (916) 263-5889 or alexander.hunter@dgs.ca.gov.

Enclosure