GLOSSARY OF TERMS

Definitions and explanations of the many words, names and phrases associated with the California Building Standards Code, Title 24, California Code of Regulations

	Code Adoption Cycle		
California Amendment		Effective Date	
	Rulemaking File		
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CALIFORNIABUILDINGSTANDARDSCOMMISSION

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Governor Gavin Newsom

Secretary of the Government Operations Agency, Amy Tong Director of the Department of General Services, Ana Lasso

Members of the California Building Standards Commission

Chair, Secretary Amy Tong Vice Chair, Rajesh Patel

Commissioners:

Kent SasakiErick MikitenElley KlausbrucknerRajesh PatelPeter SantillanJuvilyn AlegreAaron StockwellLaura RambinFrank RamirezJames Haskin

Executive Director, Mia Marvelli Deputy Executive Director, Kevin Day

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Please submit comments and suggestions for improvements or additions to this publication to <u>cbsc@dgs.ca.gov</u> or mail to California Building Standards Commission Mia Marvelli, Executive Director 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833

Some of CBSC's publications available on the website's Resources page:

Guide to Title 24 It's Your Building Department Guide for Local Amendments of Building Standards Public Guide to the Building Standards Adoption Process Frequently Asked Questions Glossary of Terms

Glossary of Terms

There are many words, terms, names and phrases associated with the California Building Standards Code, Title 24 of the California Code of Regulations (Title 24), and the work to propose, adopt, approve, publish and enforce it. In many cases one word's definition may include other words that also need an explanation. In these cases, we have italicized words that are defined elsewhere in this glossary.

State laws referenced herein can be accessed at the <u>California Legislative Information</u> <u>website</u> at leginfo.legislature.ca.gov/faces/home.xhtml.

Administrative Procedure Act (APA): State law in California Government Code, Title 2, Chapters 3.5, 4 and 5, commencing with Section 11340. This body of law establishes procedures for state agencies, including the process for the adoption of regulations. The *California Building Standards Law (Health and Safety* Code Section 18901, et seq), which governs the process for adopting *building standards* for *publication* in Title 24, *California Code of Regulations*, refers to several requirements of the APA.

Adoption or Adopt (Adopted): With respect to the procedure for promulgation of a building standard, means the final act of a *state adopting agency* that has the legislative authority and responsibility to administer the *rulemaking* process up to adoption. For *state proposing agencies*, the term refers to the official ruling of the *California Building Standards Commission* to adopt and *approve* a proposed building standard for publication in Title 24 of the California Code of Regulations. A code provision that has been adopted may not yet be published or effective. See the definitions for *publication date and publication* and *effective date*.

Approval (Approve): With respect to the procedure for promulgation of a building standard, the action of approval by the *California Building Standards Commission*.

Bagley-Keene Open Meeting Act: Generally requires state boards and commissions to publicly notice meetings, prepare agendas, accept public testimony and conduct meetings in public unless specifically authorized by the Act to meet in closed session. See Government Code, Title 2, Division 3, Part 1, Chapter 1, Article 9, Sections 11120 – 11133.

Building Standards: A *state regulation* placed in Title 24 of the *California Code of Regulations* when *adopted* or *approved* by the *California Building Standards Commission*. Building standards establish requirements for the design and construction of buildings and related facilities and equipment, and may include administrative requirements that implement or enforce building standards. See *Health and Safety Code* Section 18909.

California Administrative Code: The former name of the *California Code of Regulations*. This name was changed by legislation in 1992, but the name continues in some official documents. This should not be confused with Part 1 of *Title 24* that currently has the same name.

California Amendment: Sometimes called a state amendment, it is a change, deletion or addition to the language of an *adopted model code* in *Title 24* of the *California Code of Regulations*. A California amendment is developed by a *state adopting agency* or *state proposing agency* as deemed necessary to implement a requirement of a state or federal law or regulation that is not provided in the *adopted model code*, or to remove *model code* language that conflicts with state or federal laws or regulations, or another *adopted model code*.

Further, a California amendment may be in the form of completely new code language. For example, Chapters 7A, 11A, 11B and 31F of the *California Building Code* (Part 2 of Title 24) are California amendments in their entirety. California amendments are identified by italic type style in the code text of parts of *Title 24* based on *model codes*. There are exceptions to the use of italic text, because some model codes also use italics for special notes and identifiers. The code user should refer to the *Matrix Adoption Table* to verify the meaning of italicized text.

California Building Standards Code: The name established by *Health and Safety Code* Section 18902 for *Title 24* of the *California Code of Regulations*. *Title 24* contains *adopted model codes* and *state regulations* developed by various state agencies within the executive branch of state government and consists of 13 named "parts" including the California Building Code, California Residential Code, California Energy Code and more.

Note: Part 7 is currently vacant. It previously contained elevator construction safety requirements which are now located in Title 8 of the *California Code of Regulations*.

California Building Standards Commission (CBSC): The state government entity designated by *statute* to oversee the development of *building standards* and to *publish*, or cause to be published, the *California Building Standards Code* in *Title 24* of the *California Code of Regulations*. The abbreviations CBSC and BSC are both used to identify the *California Building Standards Commission* in different circumstances; specifically, BSC is the acronym used to identify the Building Standards Commission when it acts as a *state proposing agency*. CBSC is used for all other purposes. CBSC operates under the authority established by *Health and Safety Code*, Division 13, Part 2.5, known as *California Building Standards Law*, and is comprised of 11 commissioners. Ten are appointed by the governor and subject to the California senate's approval. Each seat is designated for a specific area of expertise as prescribed by *Health and Safety Code* Section 18921. The 11th member is the secretary of Government Operations (or the secretary's representative) who serves as the commission chair as prescribed by *Health and Safety Code* Section 18922.

California Building Standards Law: The body of state law within *Health and Safety Code* Division 13, Part 2.5, commencing with Section 18901. The provisions of Part 2.5 govern the work and responsibilities of the *California Building Standards Commission* (CBSC) and how the *building standards* in *Title 24* are *adopted* and *approved* and caused to be published by CBSC, and how the provisions apply.

California Code of Regulations (CCR): Official regulations promulgated by the agencies of the executive branch of state government for the purpose of implementing, interpreting, clarifying and making specific the intent of state and federal laws. The *California Code of Regulations* is divided into 28 titles with names that indicate their subject matter. The CCR can be accessed at the website of the <u>Office of the Administrative Law</u> at oal.ca.gov.

California Regulatory Notice Register: A state government publication containing notices of proposed actions by state agencies to adopt, amend, or repeal regulations contained in the *California Code of Regulations*. The register is available on the Office of Administrative Law's <u>Regulatory Notice Register website</u> at oal.ca.gov/publications/notice_register. When building standards for *Title 24* are proposed, a notice is placed in the California Regulatory Notice Register in addition to being available on the *California Building Standards Commission*'s website.

California Standard: A building standard developed by a *state adopting* or *proposing agency* that is not an amendment to a *model code* provision. Parts 1, 6, 8,11 and 12 of Title 24 are not based on a *model code*. The regulations within these parts are California standards that are developed by *state adopting* and *proposing agencies* and upright type style is used throughout those parts of *Title 24*.

Change Without Regulatory Effect (CWoRE): A change to the provisions of *Title 24* that does not impose any new requirement for the design or construction of buildings and associated structures and equipment. A change without regulatory effect may include renumbering or reordering of sections; deletion of a regulatory provision for which statutory or constitutional authority was repealed or was held invalid in a judgement; revising structure, syntax, cross-reference, grammar or punctuation; or changing authority or reference information. When *adopted* or *approved* by the *California Building Standards Commission*, a CWoRE becomes effective 30 days after filing with the Secretary of State.

Civil Code (CIV): One of the 29 codes that make up California state law enacted through the legislative process. There are provisions in the Civil Code that establish *civil penalties* for violations of regulations within *Title 24* relating to accessibility, among others.

Civil Penalty: A civil penalty results from a civil trial, and is an order of the court to pay monetary penalties to a governmental entity, firm or the individual bringing the civil action. There is no arrest warrant, arrest or criminal record. A civil suit is filed with the court having jurisdiction and alleges a violation of law that provides for the award of a civil penalty. A civil trial is conducted to determine if the person named in the civil suit is in fact violating the law and is therefore liable to pay civil penalties.

Code Adoption Cycle: See *Triennial Code Adoption Cycle* and *Intervening Code Adoption Cycle*.

Code Advisory Committee (CAC): *Health and Safety Code* Section 18927 authorizes the *California Building Standards Commission* (CBSC) to establish advisory panels (or

committees) of experts and the general public to assist CBSC in carrying out its responsibilities. Six code advisory committees have been established:

- Accessibility
- Building, Fire and Other
- Green Building
- Health Facilities
- Plumbing, Electrical, Mechanical and Energy
- Structural Design/Lateral Forces

These committees meet at the request of CBSC to review and provide comments on *proposed building standards* for *Title 24*. The comments are advisory and are not binding to the *CBSC commissioners* or *state proposing agencies*. Committee membership is reconstituted for each *triennial code adoption cycle*, and members are selected by the commissioners for their expertise and for a balance of interests. If necessary during an *intervening cycle*, ad hoc code advisory committees may be established by CBSC. The names and positions of current members are available on <u>CBSC's CAC webpage</u> at dgs.ca.gov/BSC/About/Code-Advisory-Committees.

Coordinating Council: A council of representatives from *state adopting* and *proposing agencies* established according to *Health and Safety Code* Section 18926. The council consists of the executive director for the *California Building Standards Commission*, who serves as chairperson, and representatives appointed by the director of the Department of Public Health, the director of the Department of Health Care Access and Information (formerly the Office of Statewide Health Planning and Development), the director of the Department of Housing and Community Development, the State Fire Marshal, the executive director of the State Energy Resources Conservation and Development Of General Services (for the Division of the State Architect and State Historical Building Safety Board). The primary purposes of the coordinating council are to:

- Ensure coordination between the agencies in the proposal of building standards
- Assist in the development of building standards
- Resolve conflicting building standards

Criminal Penalty: A criminal penalty is the result of a conviction for a crime punishable by imprisonment or a monetary fine, or both. Criminal penalties are categorized as an infraction (least serious), misdemeanor (less serious than felony), or a felony (most serious). Except for infractions, an arrest warrant is issued by the State Attorney General or local district attorney. An arrest and trial are included in the due process to determine guilt. If guilt is established, the judge determines the penalty as provided by law. A criminal record is established for the person(s) found guilty. There are state laws establishing misdemeanor penalties for violations of some provisions in *Title 24*.

Effective Date: The effective date for *building standards* in *Title 24* may be no sooner than 180 days following the *publication date* unless the building standard is administrative, an *emergency building standard* or *change without regulatory effect* (CWoRE). Both the *publication date* and the *effective date* are established by the *California Building Standards Commission*. See *Publication Date and Publication*.

This minimum period of 180 days provides the building industry, design professionals, contractors, local government planners, building officials, plan reviewers and building inspectors the opportunity to become familiar with the new *building standards* in *Title 24*, helping to ensure compliance. Exceptions to this rule include *adopted emergency building standards*, which are effective immediately upon filing with the Secretary of State, administrative regulations *adopted* into the *California Administrative Code* (Title 24, Part 1) and *changes without regulatory effect* (CWoRE) that are effective 30 days after filing with the Secretary of State.

Emergency Building Standards: The *Health and Safety Code* authorizes the *California Building Standards Commission* (CBSC) to adopt emergency building standards when a situation requires an immediate regulatory solution to preserve the health and safety or general welfare of the public. Emergency building standards become effective immediately upon *approval* by *CBSC* and filing with the Secretary of State, or at any future effective date established by *CBSC*. Emergency building standards are effective for up to 180 days and can be readopted for no more than two 90-day periods under specific circumstances. For emergency building standards to become permanent in *Title 24, CBSC* must provide the public a *Notice of Proposed Action, Express Terms* and *Initial Statement of Reasons*, and conduct a 45-day *public comment period*, or a *public hearing* (if requested). This is much like the normal *adoption* process, except that it takes place after the *approval* of the emergency building standards. The adoption and approval of emergency building standards is rare.

For additional information regarding emergency building standards refer to *Health and Safety Code* Sections 18937 and 18938(d), *Government Code* Sections 11346.1 and 11349.6 and the California Administrative Code, Title 24, Part 1, Chapter 1, Section 1-419.

Errata: Page(s) issued to correct a typing or printing error in *Title 24* code language. Errata are non-substantive and result in no change in regulatory effect. They are printed on buff-colored paper to distinguish from the original publication or *supplements*. Owners of an edition of Title 24 who register their purchase will automatically receive printed errata or notification of an update to their electronic version.

Express Terms (ET): The document in a *rulemaking file* that contains the text of *proposed building standards* that clearly identifies any changes or additions to, or deletions from, *Title 24*. Proposed additions to regulatory text appear as underlined text and proposed deletions appear in strikeout format. A legend is provided at the beginning of each Express Terms document so the reader can understand the intent of the proposed code changes. See

definitions for the other parts of a *rulemaking file*: *Notice of Proposed Action*, *Initial Statement of Reasons* and *Final Statement of Reasons*.

Final Statement of Reasons (FSOR): The document in a final *rulemaking file* that is developed after *public comment periods* and/or *hearings*. It updates the *Initial Statement of Reasons* and explains actions taken or not taken in response to *public comments*. All *public comments* must be addressed by the state agency in the FSOR, whether or not a change was made to the initial code proposal.

Government Code (GOV): One of the 29 codes that make up California state law enacted through the legislative process. Requirements for building accessibility are found in Sections 12955.1 et. seq. and 4450 et. seq. of the Government Code.

Health and Safety Code (HSC): One of the 29 codes that make up California state law enacted through the legislative process. The HSC contains over 130,000 sections organized into divisions, parts, and chapters. Divisions 12 and 13 contain provisions regarding the design and construction of buildings, and Division 13 includes the *California Building Standards Law* in Part 2.5, commencing with Section 18901.

Initial Statement of Reasons (ISOR): The document in a *rulemaking file* that explains the reasons the agency is making the proposed regulatory changes to *Title 24*. This statement includes an explanation of the problem being addressed, the purpose of the proposed regulation, the rationale, and estimated benefits of the proposed changes. An ISOR also includes the estimated cost of compliance and the related assumptions used to determine the estimates.

Intervening Code Adoption Cycle: The process to adopt new provisions and amendments to the current edition of *Title 24* occurs at 18-month intervals between *triennial code adoption cycles*. The *California Building Standards Commission* establishes the opening and closing dates of each code adoption cycle. The purpose of the intervening code adoption cycle is to, among other things, incorporate new requirements of state law, improve code clarity, and correct substantive errors and omissions. The *adopted* or *approved* changes, called *supplements*, are printed on blue paper for insertion into the current edition of *Title 24*. Owners of an edition of *Title 24* who register their purchase will automatically receive printed supplements or notification of an update to their electronic version.

Local Jurisdiction: A city, county or town in California that is required by law to enforce *Title 24*. A local jurisdiction may also amend building standards to make them more restrictive because of local climatic, geological or topographical conditions and, in the case of CALGreen, environmental conditions. These local amendments are also known as *ordinances*.

Matrix Adoption Tables: Placed at the beginning of a *Title 24* chapter to identify state agencies, model code sections that are *adopted* or *adopted with amendment*, and *adopted*

California Amendment sections. These tables are non-regulatory and are provided to assist the code user. Not all provisions of *Title 24* apply to all types of buildings, thus the matrix adoption tables help identify the application of each section.

Model Codes: The codes published by the various private code development organizations such as the International Association of Plumbing and Mechanical Officials, International Code Council or National Fire Protection Association. California is required by law to adopt certain model codes as the basis of parts of Title 24. See *Health and Safety Code* Sections 17922, 18916 and 18938.3.

Nine Point Criteria: Required criteria for proposed *building standards* as provided in *Health and Safety Code* Section 18930(a). The nine points are:

(1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

(2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.

(3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.

(4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

(5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

(6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.

(7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

(A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.

(B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.

(8) The format of the proposed building standards is consistent with that adopted by the commission.

(9) The proposed building standard, if it promotes fire and panic safety, as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

Notice of Proposed Action (NOPA): The document in a *rulemaking file* that provides an explanation of a *building standard* proposal including findings, determinations, statutory authority and the law(s) being implemented; how to obtain the *Express Terms* and related documents; how to comment on proposals; and the time, placed and nature of any proceedings related to the *proposed building standard(s)*.

Occupancy: As it relates to *building standards*, means the formal designation of the primary purpose of a building, structure or portion thereof. Structures shall be classified into one or more of the occupancy groups listed in Chapter 3 of the California Building Code (Part 2 of Title 24). Types of occupancies include residential, business, institutional and places of assembly.

Ordinance: Regulations of a city, county or town that may contain amendments to *Title 24*, making the *building standards* more restrictive due to local climatic, geological or topographical conditions and, in the case of CALGreen, environmental conditions. Also known as local amendments. Visit <u>CBSC's Ordinance webpage</u> at https://www.dgs.ca.gov/BSC/Codes/Local-Amendments-to-Building-Standards---Ordinances to learn more.

Part: *Title 24* is divided into 13 parts:

- Part 1 California Administrative Code
- Part 2 California Building Code, Volumes 1 and 2
- Part 2.5 California Residential Code
- Part 3 California Electrical Code
- Part 4 California Mechanical Code
- Part 5 California Plumbing Code
- Part 6 California Energy Code
- Part 7 currently vacant
- Part 8 California Historical Building Code
- Part 9 California Fire Code
- Part 10 California Existing Building Code
- Part 11 California Green Building Standards Code (CALGreen)
- Part 12 California Referenced Standards Code

Proposed Building Standard: An *amendment* to *model code* or new *California standard* that has not yet been *adopted* or *approved* by the *California Building Standards Commission*. Proposed building standards must go through the *rulemaking* process prior to being published in *Title 24*.

Public Comment Period or Public Review: A minimum 45-day period for the public to comment on proposed regulations. The period follows issuance of the *Notice of Proposed Action, Express Terms* and *Initial Statement of Reasons*. A *public hearing* may occur during or shortly after a public comment period. If needed, an additional 15- or 45-day public review period may follow to allow public review of amendments to the original proposed language in an *Express Terms* made as a result of comment period depends on the substance of the changes made after the initial public comments. Oral and written comments by the public become part of the official record of the regulatory action. Historically, a public comment period may have been referred to as a paper hearing.

Public Hearing: An in-person or virtual meeting held by a state agency that occurs during a *public comment period* to consider proposed *building standards*. Hearings must be open to the public and are subject to the requirements of *Government Code* Sections 11120 – 11132, known as the *Bagley-Keene Open Meeting Act*. For *California Building Standards Commission* hearings, the date, time and location are provided on CBSC's website and in a *Notice of Proposed Action*. At a public hearing, individuals may provide oral or written testimony regarding proposed *building standards*. Public hearings are rarely held due to the convenience of submitting public comments electronically.

Publication Date and Publication: The official date established by the *California Building Standards Commission (CBSC)* when *Title 24* is made available to the public in printed and electronic formats. The publication date starts the 180-day countdown to the *effective date* of the new code provisions.

Rulemaking File: The documents required by state law when proposing the *adoption* or *approval* of *state regulations*, including *building standards*. The rulemaking file is the official record of the process, actions taken and the public's involvement, and is required to be available for public review. It includes the *Notice of Proposed Action, Express Terms, Initial Statement of Reasons, Final Statement of Reasons*, transcripts or recordings of *public hearings*, and all received *public comments*. The *California Building Standards Commission* maintains a *rulemaking* file for each *adoption* or *approval* of building standards.

State Adopting Agency: Has authority to develop its own rulemaking files, conduct *public comment periods* and *hearings*, and to *adopt* its proposed *building standards*. Its adoptions must be submitted to the *California Building Standards Commission* for *approval* and *publication* in *Title 24*. The *CBSC commissioners'* authority to *approve adoptions* by state adopting agencies is limited to verifying that the *adoption* process was carried out in compliance with the requirements of state law. The state adopting agencies are:

- California Energy Commission (CEC)
- State Historical Building Safety Board (SHBSB)
- Board of State and Community Corrections (BSCC)
- Department of Food and Agriculture (AGR)

- State Librarian (SL)
- State Lands Commission (SLC)
- California State Water Resources Control Board Division of Drinking Water (See *Health and Safety Code* Section 116880)
- Department of Water Resources (DWR)

State Agency Abbreviations or Acronyms: The *state adopting* and *proposing agency* acronyms identify the state agency adopting or amending *model code* provisions, or proposing *California amendments* or *California standards*. Acronyms are made up of initials from all or part of the state agency's name and are shown in code text and *matrix adoption tables*. For example, the Department of Housing and Community Development's acronym is HCD, while the Office of the State Fire Marshal's is SFM. See Sections 1.2 through 1.14 in Chapter 1, Division 1 of each part of Title 24 and CBSC's <u>Guide to Title 24</u> for more information about state agency acronyms.

State Proposing Agency: Given authority in state law to develop and propose *building standards* to the *California Building Standards Commission (CBSC). CBSC* conducts the *public comment period(s)* and *public hearings*, receives and distributes *public comments*, and *adopts* and *approves* the proposed *building standards* for *publication* in *Title 24*. The state proposing agencies are:

- Building Standards Commission (BSC)
- Department of Housing and Community Development (HCD)
- Division of the State Architect (DSA)
- Office of the State Fire Marshal (SFM)
- Department of Health Care Access and Information (HCAI, formerly the Office of Statewide Health Planning and Development (OSHPD))
- Department of Consumer Affairs (and various boards therein) (CA)
- California Department of Public Health (DPH)

State Regulations: The contents of the *California Code of Regulations*, Title 1 through Title 28, promulgated by agencies of the executive branch of state government for the purpose of implementing, interpreting, clarifying and making specific the intent of state law. The *building standards* in *Title 24* are state regulations.

Statute: A specific statement of law enacted by the legislative branch of a government (and usually signed into law by the governor) that prescribes conduct, defines crimes, appropriates public monies, and promotes the public good and welfare, among many other purposes. Statutes are often implemented, interpreted, clarified and made specific via the development of regulations such as building standards.

Supplement: Approved additions, amendments or repeals of building standards within an existing edition of *Title 24*. Supplements are the result of rulemaking actions taken during an *intervening code adoption cycle*, and can also be *emergency building standards* or

changes without regulatory effect (CWoRE). A supplement may be one or more pages in length as needed to provide replacement pages for a current edition of *Title 24*. Supplements are printed on blue paper and issued by the publisher. Purchasers of *Title 24* are provided with the opportunity to register their purchase with the publisher in order to receive supplements when they are issued.

Title 24: The 24th title within the *California Code of Regulations* is reserved for *state regulations* that are *building standards*. Title 24 is named the *California Building Standards Code* by *Health and Safety Code* Section 18902, and is sometimes referred to as the State Building Standards Code.

Triennial Code Adoption Cycle: The code adoption cycle that occurs every three years to develop and adopt a new edition of Title 24 based on new editions of *model codes*, which are published triennially by the model code organizations. CBSC and other state agencies must begin the process to adopt model codes within one year of their publication. The *California Building Standards Commission* establishes the opening and closing dates of each code adoption cycle. See Health and Safety Code Section 18928(b).