

GLOSSARY OF TERMS

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

**Triennial &
Intervening
Cycles**

**Effective
Date**

**Rulemaking
File**

Adoption

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Glossary of Terms

There are many words, terms, names and phrases associated with the California Building Standards Code and the work to propose, adopt, approve, publish and enforce it. This document will explain many of those words, names and phrases. In many cases while defining one word it is necessary to use another word that also needs an explanation. In these cases, we have italicized words that are defined elsewhere in this document.

We have provided references to state laws where a definition or related information is available. Access state laws at the [California Legislative Information website](http://www.leginfo.ca.gov/faces/codes) at www.leginfo.ca.gov/faces/codes.

There are also references to materials available at the [California Building Standards Commission \(CBSC\) website](http://www.dgs.ca.gov/bsc) at www.dgs.ca.gov/bsc.

Administrative Procedure Act (APA): The name given to the portion of 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 cetera)* which governs the process for adopting *building standards for publication* in Title 24, *California Code of Regulations*, makes reference to several requirements of the APA.

Adoption or Adopt (Adopted): Adoption or adopt means, with respect to the procedure for promulgation of a building standard, the final act of a state agency that has the legislative authority and responsibility to take proposed building standards to public hearing. In short, the term refers to the official ruling of the *California Building Standards Commission* to *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): Approval means, with respect to the procedure for promulgation of a building standard, the action of approval by the *California Building Standards*

Commission. Until there is approval of the standard by the commission, it shall be a proposed *building standard* or regulation.

Bagley-Keene Open Meeting Act: This Act, located in the *Government Code*, generally requires state boards and commissions to publicly notice its meetings, prepare agendas, accept public testimony and conduct its meetings in public unless specifically authorized by the Act to meet in closed session.

Note: The Department of Consumer Affairs (DCA) – Legal Affairs Division published a guidebook titled “Guide to The Bagley-Keene Open Meeting Act” and that is available on the [DCA website](#) at www.dca.ca.gov/publications/bagleykeene_meetingact.pdf. Please note that this guide may or may not have been updated with changes to the law. We recommend verifying these provisions of the *Government Code* at the [California Legislative Information website](#) at leginfo.legislature.ca.gov/faces/home and select the California Law tab. The applicable sections of *Government Code* are [11120 through 11132](#).

Building Standards: The legal definition of building standard is provided in *Health and Safety Code* Section 18909. In short, a building standard is 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.

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 is not to be confused with Part 1 of *Title 24* which has the same name.

California Amendment: Sometimes called a state amendment. It is an amendment, 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* and determined necessary to implement a requirement of state or federal law or regulations that are not provided in the *adopted*

model code, or to remove conflicts in *model codes* 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 within an *adopted model code*. 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* font print in the code text of *Title 24*. There are exceptions to the use of italic font print, however. Some model codes also use *italic* font print for special notes and identifiers.

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 *building standards* in 13 parts (within 11 binders) published by the *California Building Standards Commission*. The *building standards* in the California Building Standards Code are *state regulations* developed by various state agencies within the executive branch of state government. State laws require various state agencies to develop *building standards* for specific types of buildings, building equipment and features.

Note: Part 7 of *Title 24* is currently vacant. Part 7 previously contained the elevator safety construction 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 California Building Standards Commission operates under the authority established by *Health and Safety Code*, Division 13, Part 2.5, known as *California Building Standards Law*. The abbreviation CBSC or BSC is often used to identify the *California Building Standards Commission*. CBSC is comprised of a total of 11 commissioners. Of these members, 10 are appointed as commissioners by the governor and are subject to the California Senate's approval. Each seat is designated for a specific profession or area of interest as prescribed by *Health and Safety Code* Section 18921. The Secretary of Government Operations

agency is designated to serve as the commission chair as prescribed by Health and Safety Code Section 18922 and completes the 11 membered commission.

California Building Standards Law: This name refers to 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 published by CBSC, and how the provisions apply.

California Code of Regulations: The name of the official regulations promulgated by the agencies of the executive branch of state government for the purpose of implementing, interpreting and carrying out the intent of state law. The *California Code of Regulations* is divided into 28 separate titles, Title 1, 2, 3,...24.... etc. Each title is given a name as well. The abbreviation CCR is often used to identify the *California Code of Regulations*. The CCR is available online at the website of the [Office of the Administrative Law](http://www.oal.ca.gov) at www.oal.ca.gov.

California Regulatory Notice Register: A state government publication containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend, or repeal regulations contained in the *California Code of Regulations*. This document is available on the Office of Administrative Law's [Regulatory Notice Register website](http://oal.ca.gov/publications/notice_register) 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: Commonly understood to be a building standard developed by the *state proposing agency* or *state adopting 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* as are *California Amendments* discussed above. The contents of these parts are developed by the *state proposing agencies* or *state adopting agencies* and are commonly referred to as California Standards. Upright font print is used in Parts 1, 6, 8,11 and 12 and no italic text is used to indicate a *California Amendment*.

Change Without Regulatory Effect (CWoRE): Is 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 but is not limited to, 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 the structure, syntax, cross-reference, grammar or punctuation, or changing authority or reference. When *adopted* or *approved* by the *California Building Standards Commission*, the change becomes effective 30 days after filing with the Secretary of State.

Civil Code: One of the 29 codes that make up California state law enacted through California's legislative process. There are provisions in the Civil Code that establish *civil penalties* for violations of *Title 24* relating to accessibility.

Civil Penalty: A civil penalty results from a civil trial, resulting in 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 that alleges a violation of law that provides for the award of a civil penalty when violated. 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(s): Commonly abbreviated as 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 standing 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 written comments to *CBSC* on proposed *building standards* for *Title 24*. The comments are advisory and are not binding on the *CBSC commissioners* or state proposing agencies. The members of the committees are selected by the commissioners at the onset of each *triennial code adoption cycle* for their expertise and for a balance of interests. The names of the current members of the code advisory committees are available on *CBSC's* website.

Note: Ad-hoc code advisory committees may be established by *CBSC* on an as-needed basis.

Coordinating Council: A council of representatives of *state proposing agencies* and *state adopting agencies* established and staffed according to *Health and Safety Code* Section 18926. The membership of 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 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 Commission (Energy Commission), and the Director of the Department of General Services. The primary purpose for the coordinating council is 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 of 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 more often by the local district attorney. An arrest and trial is included in the due process to determine guilt. If guilt is established, the judge of the court 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 violation of some provisions of *Title 24*.

Effective Date: The date a *building standard* in *Title 24* becomes effective. This 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 *CBSC commissioners*. See *Publication Date* and *Publication*.

Emergency Building Standards: The *Health and Safety Code* authorizes the *California Building Standards Commission* (CBSC) to adopt emergency building standards when a situation develops that requires an immediate regulatory solution in order to preserve the health and safety or general welfare of the public. Emergency building standards differ from those building standards *adopted* through an *intervening* or *triennial code adoption cycle* because the emergency building standard becomes effective immediately upon *approval* by *CBSC* and filing with the Secretary of State, or at any future effective date established by the *CBSC commissioners*. 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*, and a *public hearing*, when so requested. That process is much like the normal *adoption* process, except that the process takes place after the *approval* of the emergency building standards. Emergency building standards *adoption for Title 24* is not a common event.

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 *California Code of Regulations, Title 24, California Building Standards Code, Part 1, California Administrative Code, Chapter 1, Section 1-419*.

Enjoin, Injunction or Injunctive Relief: A person who is enjoined has been ordered in an injunction issued by a court to stop an unlawful practice. An injunction is an order of the appropriate court directing a person, firm or entity to stop a practice that violates a law, or a regulation implementing law. Some laws allow the State Attorney General, local district attorney, or a firm, entity or person to seek an injunction to enjoin a firm,

entity or person believed to be violating a law. There are state laws establishing authority to enjoin a person violating specific provisions of *Title 24*.

Errata: A correction page or pages to *Title 24* without regulatory effect. Issued to correct a typing or printing error made in the code language. It is printed on buff-colored paper to distinguish errata from a *supplement*. Purchasers of *Title 24* are provided a registration card or online registration to complete and submit to the publisher in order to receive issued errata.

Express Terms: This is a document in a *rulemaking file* that proposes the *adoption* or amendment of a *state regulation* including a *building standard*. It provides the public with the proposed code language. Generally, proposed new language is illustrated with underlining (proposal) and language proposed for repeal is struck through (strikeout). A legend is provided within the document. 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: This is a document in a *rulemaking file* that is developed after *public hearings* or a *paper hearing*. It is an update to the *Initial Statement of Reasons* and explains actions taken as a result of public comments. Often the originally proposed regulatory language is amended based on public comments and the final statement of reasons will explain that action. It will also explain why some public comments did not result in a change to the proposed regulatory language that is *approved* or *adopted*.

Government Code: One of the 29 codes that make up California state law enacted through California's 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: One of the 29 codes that make up California state law enacted through California's legislative process. The *Health and Safety Code* contains in excess of 130,000 sections organized into divisions, parts, and chapters, in that order. Divisions 12 and 13 contain provisions regarding the design and construction of buildings, including *California Building Standards Law*.

Initial Statement of Reasons: This is a document in a *rulemaking file* that provides a rationale of the need for each proposed *building standard* or amendment to existing *building standards*, generally section by section.

Intervening Code Adoption Cycle: This refers to the process to adopt new provisions and amendments to the *Title 24* edition currently in use. The cycle occurs at an 18-month interval between *triennial code adoption cycles*. The California *Building Standards Commission* establishes the opening and closing date of each cycle. The intervening code adoption cycle is used to incorporate new requirements of state law, improve the code clarity, and correct substantive errors and omissions. The *adopted* or *approved* changes are published for insertion into the current edition of Title 24. These new pages are called *supplements* and are printed on blue paper.

Note: Prior to January 1, 2011, there was an *annual code adoption cycle* each year between the *triennial code adoption cycles*. Assembly Bill 1693 Statutes of 2010 amended the *Health and Safety Code* so that there is only one code adoption cycle between the *triennial code adoption cycles*.

Matrix Adoption Tables: Tables generally placed at the beginning of a *Title 24* chapter to identify code sections that are *adopted* or *adopted with amendment*, or an *adopted California Amendment* section. 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. Learn how to use the matrix adoption tables in our Guide to Title 24 available on CBSC's website.

Model Code: A definition is provided in *Health and Safety Code* Section 18916. A model code is commonly understood to mean the codes published by the various private code development organizations such as the International Association of Plumbing and Mechanical Officials, International Code Council, National Fire Protection Association, and others.

Note: See *Health and Safety Code* Sections 17922, 18916 and 18938.3 for information about the use of model codes in the development of *Title 24*.

Nine Point Criteria: This refers to required criteria for proposed *building standards* provided in *Health and Safety Code* Section 18930. 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: This is a document in a *rulemaking file* that provides a brief explanation of a building standard proposal, how to obtain the *Express Terms*

and related documents, how to comment on proposals, and the date, time and location of any *public hearing*.

Part: *Title 24* is divided into 13 parts. These are Parts 1, 2, 2.5, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

Note: As previously stated, Part 7 of *Title 24* is presently vacant.

Paper Hearing: This is an unofficial term that is commonly understood to mean there is no *public hearing* scheduled by the *state proposing agency* or *state adopting agency* for a proposed regulatory action. The *notice of proposed action* will state that a *public hearing* is not planned, but that a *public hearing* will be held if requested by the public within the specified timeframe. Not having a *public hearing* is a cost savings to the public. Comments regarding the proposed regulatory action must be submitted in writing.

Public Hearing: A public hearing by a state agency to consider a proposed *adoption* of a *building standard*. 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*. In the case of *Title 24* proposals, the date, time and location of a hearing are provided on CBSC's website and in the issued *Notice of Proposed Action*. At a public hearing, the public may provide oral testimony regarding the proposed *building standard*. Written comments may also be submitted without oral testimony.

Public Review or Public Comment Period: Generally, is a minimum 45-day period for the public to comment on proposed regulations. The period follows the issuance of *the Notice of Proposed Action, Express Terms* and *Initial Statement of Reasons*. A *public hearing* generally occurs during the public comment period or shortly after the close of the public comment period. The comment period may be no less than 45 days, if needed, a 15-day or additional 45-day public review period may follow the issuance of a new *Express Terms* document, to allow the public's review of amendments to the original proposed language as a result of public comment. The length of the additional public comment period will depend on the substance of the changes made after the initial public comments. Oral and/or written comments by the

public become part of the official record of the regulatory action. Oral and written comments may be submitted during a *public hearing* held by a state agency.

Publication Date and Publication: In relation to *Title 24 building standards*, it is the official date established by the *California Building Standards Commission (CBSC)*, when *adopted building standards* are in print form and available to the public. It is not the *effective date*, which is no less than 180 days from the publication date, or a later date set by the *CBSC* commissioners. It can be said that the publication date starts the 180-day clock counting down to the *effective date* of the new code provisions.

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* helping to ensure compliance with the new *California Building Standards Code*. The exceptions to this rule include *adopted emergency building standards*, which are effective immediately upon filing with the Secretary of State, and administrative regulations *adopted* into the *California Administrative Code (California Code of Regulations, Title 24, Part 1)* which are effective 30 days after filing with the Secretary of State, and changes without regulatory effect (CWoRE) which also are effective 30 days after filing with the Secretary of State.

Rulemaking File: Refers to the documents required by state law when proposing the *adoption* or *approval* of a *state regulation*, including a *building standard*. The rulemaking file creates an official record of the process, actions taken and the public's involvement. The rulemaking file is required to be available for *public review*. It includes the *Notice of Proposed Action*, *Express Terms*, *Initial Statement of Reasons*, and *Final Statement of Reasons*, transcriptions 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: A state adopting agency has authority to develop and conduct its own *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
- State Historical Building Safety Board
- Board of State and Community Corrections
- Department of Food and Agriculture
- State Librarian
- State Lands Commission
- California State Water Resources Control Board – Division of Drinking Water
(See *Health and Safety Code* Section 116880)
- Department of Water Resources

State Agency Abbreviations or Acronyms: The *state adopting agency* and *state proposing agency* acronyms identify the state agency adopting or proposing a *model code* provision or a *California amendment* for a specific building occupancy, feature or equipment. The acronyms are shown in code text and in the *matrix adoption tables*. See our Guide to Title 24 for more information about state agency acronyms and how they identify the application of *Title 24* provisions. It is available at CBSC’s website.

State Proposing Agency: The state proposing agencies have authority to develop and propose *building standards* to *California Building Standards Commission (CBSC)*. CBSC conducts the *public comment period(s)* and certain public meetings, and adopts the proposed *building standards* for *publication* in *Title 24*. The state proposing agencies are:

- Building Standards Commission
- Department of Housing and Community Development
- Division of the State Architect
- Office of the State Fire Marshal
- Office of Statewide Health Planning and Development
- Department of Consumer Affairs (and various boards therein)
- California Department of Public Health

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 and carrying out the intent of state law. The Office of the State Fire Marshal, Division of the State Architect and the Department of Housing and Community Development are examples of state agencies that are charged by state law with the responsibility to develop state regulations that are *building standards* for *Title 24*. The *building standards* in *Title 24* are state regulations. For the purposes of our discussion about *Title 24*, the terms state regulations and *building standards* are synonymous.

Statute: A statute is a written law passed by a legislature generally at the state or federal level. Statutes set forth general intentions of law that courts apply to specific situations. Statutes are enacted to prescribe conduct, define crimes, create lesser governmental bodies, appropriate public monies, and in general to promote the public good and welfare. A statute may forbid a certain act, direct a certain act, make a declaration, or set forth governmental mechanisms to aid society. And in the case of the State of California, most often is enacted into law by signature of the governor.

Supplement: A page or pages containing the results of a *California Building Standards Commission (CBSC)* approved addition, amendment or repeal of building standards to an existing *Part of Title 24*. This includes rulemakings in an *intervening code adoption cycle*, *emergency building standards* and changes without regulatory effect (CWoRE). When *CBSC* publishes a recently adopted revision or addition to a current edition of a *part of Title 24*, replacement code pages are issued in the form of a supplement printed on blue paper. A supplement may be one or more pages in length as needed to provide replacement pages for a *part of Title 24*. Every page of the code with a change or addition is replaced in its entirety. A separate supplement is issued for each separate *part of Title 24* that is affected by the *approval* or *adoption* of *building standards*. Purchasers of *Title 24* are provided with a registration card or online registration to complete and submit to the publisher in order to receive supplements when they are published.

Title 24: The 24th title within the *California Code of Regulations*. Title 24 is reserved for *state regulations* that are *building standards* published by the *California Building Standards Commission*. Title 24 is given the name *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: This refers to the code adoption cycle that occurs on a three-year interval to adopt a new edition of Title 24 based on new editions of model codes. The availability of new editions of the model codes initiates this process on dates established by the California Building Standards Commission resulting in the publication of a new California Building Standards Code. Otherwise, the process is similar to an intervening code adoption cycle.