

GUIDE FOR CREATING PROPOSED BUILDING STANDARDS

For state agencies developing building standards to be submitted to
CBSC for publication in Title 24, California Code of Regulations



Sept. 2023
6th Edition



C A L I F O R N I A
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Frank Ramirez

James Haskin

Executive Director, Mia Marvelli

Deputy Executive Director, Kevin Day

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Visit [our website](http://dgs.ca.gov/BSC) at dgs.ca.gov/BSC

Please submit comments and suggestions for improvements or additions to this publication to cbsc@dgs.ca.gov

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

Public Guide to the Building

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Standards Adoption Process

Guide for Local Amendments of

Frequently Asked Questions

Building Standards

Glossary of Terms

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Introduction and Purpose

The California Building Standards Commission (CBSC) is responsible for administering the rulemaking process which results in the publication of the California Building Standards Code, Title 24 of the California Code of Regulations (CCR), known as Title 24. CBSC has developed this guide to assist state agency representatives who are responsible for preparing rulemaking documents that contain proposed building standards for inclusion in Title 24.

Adherence to these guidelines, as well as the state laws and regulations referenced herein, will streamline the work that CBSC's staff must perform to prepare documents for posting on CBSC's website, review by code advisory committees, consideration during public comment periods, presentation to the commissioners at public meetings for review and approval, and finally the publication process.

For state agency representatives who are new to the rulemaking process, or who want a refresher, CBSC offers a rulemaking training session before each code adoption cycle. Agency staff who work on rulemaking should also review CBSC's educational materials, including a video [About the CBSC Rulemaking Process](#) located on the Education and Outreach page of our website, and the *Glossary of Terms* available on our website's [Resources page](#). Questions that arise during the rulemaking process can be directed to CBSC at cbsc@dgs.ca.gov or (916) 263-0916.

Application

These guidelines apply to a state agency's development of a rulemaking file for proposed building standards, which includes the Notice of Proposed Action (NOPA), Express Terms (ET), Initial Statement of Reasons (ISOR), Final Statement of Reasons (FSOR), and other required rulemaking documents submitted to CBSC for public review, hearings, adoption, approval and publication in Title 24.

Building standards as defined in Health and Safety Code Section 18909 must be located in Title 24 and no other title of the CCR, unless specifically authorized by other state law.

The California Building Standards Code has 13 parts divided by subject matter:

- Part 1 California Administrative Code
- Part 2 California Building Code, Volumes 1 and 2, based on the International Building Code
- Part 2.5 California Residential Code, based on the International Residential Code
- Part 3 California Electrical Code, based on the National Electrical Code
- Part 4 California Mechanical Code, based on the Uniform Mechanical Code
- Part 5 California Plumbing Code, based on the Uniform Plumbing Code

- Part 6 California Energy Code
- Part 7 currently vacant
- Part 8 California Historical Building Code
- Part 9 California Fire Code, based on the International Fire Code
- Part 10 California Existing Building Code, based on the International Existing Building Code
- Part 11 California Green Building Standards Code, also known as CALGreen
- Part 12 California Referenced Standards Code

State Laws and Regulations

The following state laws and regulations relate to the rulemaking process and should be read and understood before attempting to create proposed building standards. See Appendix A, Rulemaking References, for a list of state laws and regulations by rulemaking subject matter.

State Law

California Building Standards Law (CBSL) is in the California Health and Safety Code (HSC) Division 13, Part 2.5, commencing with Section 18901. This body of state law governs the activities of CBSC, state adopting and proposing agencies, and the rulemaking process. HSC Sections 18928 through 18938 establish requirements for the development and adoption of building standards under the review authority of CBSC. Several sections reference provisions of the Administrative Procedure Act (APA).

The APA is in Government Code (GOV) Division 3, Part 1, Chapter 3.5, commencing with Section 11340. Whenever the CBSL references provisions within the APA, such as HSC Sections 18930 and 18935, those referenced provisions apply to the building standards rulemaking process.

State Regulations

CBSC has adopted regulations regarding rulemaking in the California Administrative Code, Part 1 of Title 24, Chapter 1, Article 4. These regulations include requirements for developing and submitting rulemaking documents to CBSC for public review and consideration by the commission.

State adopting and proposing agencies are subject to other state laws governing their activities, the rulemaking process and providing authority for developing, or mandates to develop, building standards.

Authority of the California Building Standards Commission

The authority and mandates for CBSC are found in California Building Standards Law. Any building standard developed by a state agency must be submitted to CBSC for adoption or approval and subsequent publication in Title 24 per HSC Section 18930(a) and GOV Section 11343(f). In carrying out its responsibilities, CBSC performs these functions and activities:

- Reviews and approves NOPAs, ISORs and hearing dates proposed by state adopting agencies
- Administers the rulemaking process for state proposing agencies
- Makes proposed building standards of state proposing agencies available to the public and encourages public participation
- Conducts meetings of the Coordinating Council established by HSC 18926 (see the [About tab](#) on CBSC's website for more information)
- Conducts Code Advisory Committee meetings (see the [About tab](#) on CBSC's website for more information)
- Acts as a state proposing agency for limited occupancies and applications, such as non-residential green building standards
- Conducts public meetings to consider proposed or adopted building standards
- Takes action on proposed building standards: approve, disapprove, further study required, or approve as amended
- Arranges for publication of approved and adopted building standards in Title 24 and makes the building standards available to the public

State Adopting and Proposing Agencies

It is important to know the difference between state adopting and proposing agencies because they conduct their rulemaking process differently. In short, **state proposing agencies** must submit proposed building standards to CBSC, which then administers the code adoption process for the agencies. Examples of state proposing agencies include the Department of Housing and Community Development (HCD), the Division of the State Architect (DSA) and the Office of the State Fire Marshal (SFM).

A **state adopting agency** has authority to develop rulemaking files, as well as conduct its own public comment periods and hearings to adopt proposed building standards. In HSC Section 18935, CBSC is charged with reviewing and approving state adopting agencies' NOPAs and ISORs, approving their hearing dates, and submitting the NOPAs to the Office of Administrative Law (OAL) for inclusion in the California Regulatory Notice Register. After the rulemaking process is complete, adopted building standards must be submitted to CBSC for approval and publication in Title 24. *CBSC's authority to approve building standards adopted by state adopting agencies is limited to verifying that the process was*

carried out in compliance with the HSC and APA. Examples of state adopting agencies include the California Energy Commission (CEC), the State Historical Building Safety Board (SHBSB) and the State Lands Commission (SLC).

References:

- California Administrative Code Section 1-103 (Definitions)
- GOV Sections 11346 through 11348
- HSC Section 18930(b)
- HSC Sections 18949.1 through 18949.7

Hearing Date Approval

When reviewing and approving a state adopting agency's NOPA in accordance with HSC Section 18935(a), CBSC will verify that their hearing date does not conflict with any other agency's hearing(s). Hearings by adopting agencies cannot be conducted unless the time and place has been approved in writing by the commission prior to issuing a public notice of the hearing. This ensures that the public can participate in all hearings of interest relative to proposed building standards.

References:

- California Administrative Code Section 1-405
- HSC Section 18935(b)

18-Month Code Adoption Cycle

In accordance with HSC Section 18929.1, there are two different code adoption cycles for adopting building standards—the triennial and intervening cycles—that occur at 18-month intervals.

Triennial Code Adoption Cycle: As the term implies, the triennial cycle occurs every three years. During this cycle, the latest editions of the model codes referenced in HSC Sections 17922, 18916, 18934.7, 18938 and 18938.3 are adopted. Model codes are published every three years by private code development organizations—the International Code Council (ICC), International Association of Plumbing and Mechanical Officials (IAPMO), and National Fire Protection Association (NFPA)—and are used as the basis for Parts 2, 2.5, 3, 4, 5, 9 and 10 of Title 24. HSC Section 18942 requires CBSC to publish a new edition of the California Building Standards Code, Title 24, every three years.

HSC Section 18928(a) requires that when a model code or national standard is to be adopted, the most recent edition shall be adopted.

HSC Section 18928(b) requires state proposing and adopting agencies to propose the adoption of the most recent editions of the model codes within one year of their publication. Should a state adopting agency fail to propose adoption, CBSC will adopt the model code(s) on behalf of the state agency as provided for in HSC 18928(c).

HSC Section 17922(b) (HSC Division 13, Part 1.5, known as the State Housing Law) is applicable to residential occupancies and establishes that the most recent editions of the identified model codes will be effective within one year of their publication date even if the state agency fails to adopt the model codes via regulatory action.

Intervening Code Adoption Cycle: This cycle is required by HSC Sections 18929.1 and 18942 to occur between the triennial cycles and is to result in new or amended building standards, or the repeal of existing building standards, in the current edition of Title 24. The amendments are published in the form of supplement pages (printed on blue paper) to add new pages or replace existing pages of Title 24.

Cycle Start Dates: CBSC issues a written announcement addressed to the director, chief, or other appropriate managing position of each state adopting and proposing agency at least 180 days before a triennial or intervening code adoption cycle. The written announcement is a requirement of California Administrative Code Section 1-406, and it establishes a date by which CBSC will accept proposed building standards and amendments for the upcoming cycle. The announcement is also provided to the designated state agency representatives of CBSC's Coordinating Council.

Emergencies and Other Rulemakings

Emergency Building Standards: Emergency building standards may be proposed at any time, or may be incorporated in an existing triennial or intervening code adoption cycle. There are additional and specific requirements for proposed emergency building standards. An agency contemplating emergency building standards shall communicate with CBSC before commencing with the emergency rulemaking (HSC Section 18926(b)(2)). Additionally, APA Section 11346.1(b) provides strict conditions and procedures for emergency adoptions.

References:

- HSC Sections 18913, 18937, 18938 and 18942
- GOV Sections 11346.1 and 11349.6 within the APA, with references to other provisions of the APA
- California Administrative Code Section 1-419

Model Code Emergency Amendments: When a private code organization adopts an emergency amendment to a model code that is currently adopted by CBSC, that amendment has no effect until adopted by CBSC. HSC Section 18934.8 authorizes CBSC to conduct an emergency rulemaking to adopt the emergency model code amendment. This rulemaking may be separate from a triennial or intervening code adoption cycle and may have timeframes that are substantially different than other rulemakings.

Change Without Regulatory Effect (CWoRE): California Administrative Code Section 1-421 was adopted by CBSC to allow the commission and the state adopting and proposing agencies to make editorial corrections and revisions to current provisions of

Title 24 without a full public comment period and complete rulemaking file. A change without regulatory effect may be undertaken at any time and does not need to coincide with or be part of a triennial or intervening code adoption cycle.

The type of regulatory change allowed under this section is limited to editorial corrections and amendments that do not create new requirements for the public. See California Administrative Code Section 1-421(c) for the complete list of actions that may be performed under this authority.

Resources and Training

Although CBSC staff are available to assist with an agency's rulemaking activities, it is highly recommended that agency staff prepare for an upcoming code adoption cycle by utilizing available resources and training:

Office of Administrative Law (OAL) Training: Most titles of the California Code of Regulations are subject to the requirements and approval of OAL. However, building standards for publication in Title 24 are subject to oversight and approval by CBSC. OAL provides educational information and documents regarding the rulemaking process on its [training website](http://oal.ca.gov/training): oal.ca.gov/training. Specifically, the three-day rulemaking training course for state agency personnel is beneficial for those new to the rulemaking process.

Accessibility Training: It is highly recommended that agency staff attend training in creating accessible documents provided by the following departments:

[California Department of Technology](http://cdt.ca.gov/workforce-development/course-schedule/): cdt.ca.gov/workforce-development/course-schedule/
[California Department of Rehabilitation](http://dor.ca.gov/Home/DasTrainings): dor.ca.gov/Home/DasTrainings

Documents submitted to CBSC that are not accessible will be returned to the submitting agency for remediation.

CBSC Training, Guidebooks and Videos

Training

- **Rulemaking Training:** Prior to the start of a code adoption cycle, agency personnel can attend rulemaking training offered by CBSC that is specific to the building standards adoption process for Title 24.

Guidebooks (dgs.ca.gov/BSC/Resources)

- **Guide to Title 24:** Provides detailed information about Title 24, how it is used, how regulations are applied, and who is involved in its production and maintenance. This is an excellent reference document for persons not already familiar with Title 24.
- **A Public Guide to the Building Standards Adoption Process:** Created for the general public to explain the process by which building standards are developed and adopted.

- **Glossary of Terms:** Definitions and explanations of the many names, terms and phrases related to creating, adopting and publishing building standards.
- **Frequently Asked Questions:** Provides answers to, and explanations of, frequently asked questions about Title 24, rulemaking, and matters related to the development and use of Title 24.

Videos ([dgs.ca.gov/BSC/Education and Outreach](https://dgs.ca.gov/BSC/Education%20and%20Outreach))

- [About CBSC](#): Explains the makeup of the commission, its staff, purpose and duties.
- [About Title 24](#): Covers the parts of Title 24 and the state agencies that have authority to amend the regulations for different occupancies.
- [About the Rulemaking Process](#): Provides an overview of the rulemaking process.
- [2022 Rulemaking Training recording](#): A recording of a full rulemaking training class presented by CBSC in 2022 that includes some document accessibility information ([dgs.ca.gov/BSC/Resources/Guidebooks on Rulemaking](https://dgs.ca.gov/BSC/Resources/Guidebooks%20on%20Rulemaking)).

CBSC's Code Adoption Cycle Timeline: Once a code adoption cycle has been planned by CBSC, a timeline identifying the cycle events is made available on CBSC's website under the [Rulemaking tab](#). The timeline shows critical dates, including the planned dates for Code Advisory Committee (CAC) meetings, public comment periods, CBSC public meetings, and publication and effective dates. See Appendix B.

CBSC's Rulemaking Process Flowchart: A graphic depiction of the rulemaking process that is repeated for both triennial and intervening code adoption cycles. See Appendix D.

Rulemaking Documents and Format

For each new rulemaking cycle, agency representatives must use the current forms, templates and checklists provided by CBSC. *Do not reuse any documents saved from previous rulemaking cycles.* CBSC rulemaking forms, templates and checklists are updated regularly to include any new mandated requirements and are formatted to meet the accessibility requirements detailed below.

Forms, Templates and Checklists

Forms: These forms will be provided by CBSC and are required when developing a rulemaking file:

Building Standards Notice/Submission Face Sheet (Form BSC-1): Must accompany a submitted rulemaking file and is provided to the Office of Administrative Law with the Notice of Proposed Action, and later to the Secretary of State after adoption or approval of building standards.

Economic and Fiscal Impact Statement (Form 399): Also available from the Department of Finance and OAL. The form may be completed electronically and then printed for review and approval. There are references to the State Administrative Manual (SAM) and state laws that must be consulted. When completed for submittal to CBSC as part of a final rulemaking, it must include the signatures of the department/agency's fiscal officer, the agency's secretary, and, under certain circumstances, the Department of Finance. There is more information about this form later in this guidebook.

Templates: State agencies shall use the templates provided by CBSC to assist with meeting the content and accessibility requirements for each step of the rulemaking process: initial submittal, public comment period(s), final submittal, emergency rulemaking and CWoREs. Use of the current templates helps ensure that rulemaking documents follow a consistent format and are acceptable to CBSC.

Checklists: Checklists are used by CBSC staff to review received rulemaking files to determine compliance with the APA and Article 4 of the California Administrative Code. A proposing agency may use the checklists to verify that all requirements are satisfied before submitting a rulemaking file to CBSC. There is no requirement to include a copy of the checklists with a rulemaking file. The checklists are provided to assist with the development and final assembly of an agency's submittal.

Accessibility: All rulemaking documents submitted for posting on CBSC's website shall comply with the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criterion. (See GOV Section 11546.7(a) and California Administrative Code, Chapter 1, Article 4, Sections 1-407, 1-411 and 1-415). Documents that do not meet the requirements will be returned to the agency for remediation. It is highly recommended that agency representatives obtain training in creating accessible documents, as CBSC staff are not able to remediate other agencies' rulemaking documents.

Previous Rulemaking Examples: CBSC's website hosts rulemaking documents that were developed by the various state agencies for previous code adoption cycles, emergency rulemakings and CWoREs. The documents may be used for reference only. *Do not use previously submitted rulemaking documents as templates.* Using an expired template will result in a document being returned to the submitting agency.

Should any CBSC templates, checklists or forms conflict with the requirements of laws or regulations referenced herein or otherwise applicable to the adoption of building standards, the laws or regulations shall prevail. Please report such conflicts to CBSC at 916-263-0916 or cbsc@dgs.ca.gov.

Rulemaking Development (Pre-cycle)

To propose building standards for inclusion in Title 24, follow the steps provided in this section and be sure to read and follow all cited references.

This first phase of rulemaking is referred to as “Pre-cycle.” Pre-cycle public participation is mandated by HSC Sections 18929.1 and 18934, and the requirements are detailed in California Administrative Code Section 1-403.

Step One – Draft the Express Terms and Hold Workshops

Draft Express Terms: Review GOV Section 11346.2, which explains basic requirements for drafting express term language, and adhere to the legends on CBSC’s rulemaking document templates. When filling in templates, only add text in the available fields and do not overwrite template text and headings that have been formatted to meet accessibility standards. See Appendix E for a quick reference of rulemaking dos and don’ts.

Hold Workshops: Workshops are the first opportunity for public review of the draft Express Terms. Be sure to maintain a record of all meetings with the public, regulated industries, associations and/or governmental agencies where the development of proposed building standards is discussed. Keep rosters of attendees, agendas, and recordings or written records of the discussions and any conclusions. The record of public participation should be referenced in, and provided as an attachment to, the Initial Statement of Reasons.

Step Two – Create the Initial Express Terms (ET). Using input from discussions with interested parties during the workshop(s), develop the Initial Express Terms for submittal to CBSC and the Office of the State Fire Marshal (SFM). Express terms should contain only new amendments and incidental existing code text for context. Amendments that were approved in a previous rulemaking cycle should not be resubmitted to the commission for adoption or approval in subsequent cycles.

Step Three – Create the Initial Statement of Reasons (ISOR). This document must provide the public and commissioners with a thorough rationale for each proposed amendment, deletion or additional requirement within the Express Terms, on a section-by-section basis, including subsections.

Step Four – Create the Notice of Proposed Action (NOPA). For state proposing agencies, information about the public comment period or meeting may be left blank for the initial submittal. The information will be added to the NOPA by CBSC once the public comment period or meeting dates are determined.

State adopting agencies shall include the public comment period or meeting information in the NOPA, which then must be submitted to CBSC for approval of the hearing date, time, and location, and filing with OAL.

References:

- HSC Sections 18935
- California Administrative Code Section 1-405

Step Five – Complete Required Forms

1. **Building Standards Notice/Submission Face Sheet (Form BSC-1).** This form must accompany a rulemaking file submitted to CBSC.
2. **Economic and Fiscal Impact Statement (Form 399).** For the initial rulemaking submittal pursuant to California Administrative Code Section 1-407, Form 399 does not need to have the required signatures. CBSC staff will compare information provided in the form with information provided in the NOPA and ISOR to make sure it is consistent. A signed Form 399 must be submitted later in the code adoption cycle and is required for approval of proposed building standards at a CBSC public meeting.

Step Six – State Fire Marshal Approval. Submit a copy of the Initial Express Terms to the State Fire Marshal and request a letter for the rulemaking file stating either:

1. The State Fire Marshal reviewed the proposed building standard(s) and found no fire and panic safety related requirements, or
2. The State Fire Marshal reviewed the proposed building standard(s) and approves of provisions relating to fire and panic safety.

Reference: HSC Section 18930(a)(9)

Note: This step can be performed later in the cycle as the approval letter from the State Fire Marshal is required to be included with the final rulemaking file submittal only.

Initial Rulemaking File Submittal (Begin Code Adoption Cycle)

State Proposing Agencies. Submit the initial rulemaking file to CBSC as required by California Administrative Code Section 1-407. Use the Notice Review Checklist (BSC CL-9) available from CBSC as a reference. This checklist is used by CBSC staff to determine if the received rulemaking file is complete and ready to advance in the process. A proposing agency may also complete this checklist to ensure file completion during development. Appendix C, Deliverable Documents During the Rulemaking Process, also identifies the required documents at different stages of the rulemaking process.

Deliverables to CBSC

- Face Sheet (BSC-1) with appropriate signature and a check in the “Notice of Proposed Action” box
- Notice of Proposed Action (NOPA)
- Initial Express Terms (IET)
- Initial Statement of Reasons (ISOR)
- Economic and Fiscal Impact Statement (Form 399)
- Nine-Point Criteria Analysis with a statement about pending review by the State Fire Marshal for determination whether the proposed building standards promote fire and panic safety.

- One electronic file copy of each document submitted, suitable for immediate placement on CBSC’s website (California Administrative Code Section 1-407(b)7)

Note: The deliverables must be provided to CBSC as hard copies and on a compact disk or thumb/flash drive as Word and/or PDF files meeting California’s accessibility standards (GOV Sections 7405, 11135 and 11546.7).

State Adopting Agencies do not need to submit any “initial” documents unless they want to participate in Code Advisory Committee review. See [Public Comment Rulemaking File Submittal](#) below.

Code Advisory Committee Meetings

Code Advisory Committees (CAC) provide expert technical review of proposed building standards and give specific recommendations to CBSC and state proposing agencies. These recommendations are defined in the California Administrative Code as approve, disapprove, further study required or approve as amended. CACs review submittals of all state proposing agencies. Some state adopting agencies may also choose to submit their proposed building standards to a CAC for review. If this occurs, CACs are not required to give official recommendations, and adopting agencies are not required to address recommendations, if any. For a list of committees and the appointed members, visit CBSC’s [About Us](#) webpage.

CBSC schedules CAC meetings and prepares the rulemaking documents for review and posting to CBSC’s rulemaking website. Pursuant to California Administrative Code Section 1-409, the appropriate representative(s) from each proposing agency shall attend the CAC meeting to present the proposed building standards and address comments and questions from CAC members and the public.

Following the CAC meetings, each state proposing agency must consider all CAC comments and recommendations, then address each recommendation in a revised ISOR pursuant to California Administrative Code Section 1-409(g). CAC comments and recommendations are not binding; if a state agency chooses not to accept a CAC recommendation, the revised ISOR must explain why it was not accepted. If the Initial Express Terms document is amended to address accepted CAC comments, the amendments must be explained in the revised ISOR. The table below outlines possible agency actions and responses to CAC recommendations.

Agency Response Matrix

| CAC Action | Agency Action | Agency Response | ISOR Explanation |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------|
| Approve | No changes to the ET | Accept | None |
| | Changes to the ET | Disagree | What changes have been made and why |
| | Withdraw the Item | Withdraw | Not required, but encouraged |
| Disapprove | Keep the item in the ET with or without CAC suggestions | Disagree | Provide strong argument for disagreement or changes |
| | Remove the item from ET | Withdraw | None |
| Approve as Amended | Change the ET per CAC recommendations | Accept | Provide overview of what changes have been made |
| | No changes to the ET or changes that differ from CAC recommendation | Disagree | Provide strong argument for disagreement or changes |
| | Withdraw the item The whole item must be withdrawn; partial withdrawal such as part of a definition or only some language from an amendment cannot be done | Withdraw | Not required, but encouraged |
| Further Study | Changes to the ET per CAC recommendations | Accept | What changes have been made and why |
| | No changes to the ET or changes that differ from CAC recommendation | Disagree | Provide strong argument for disagreement or changes |
| | Withdraw the item | Withdraw | Not required, but encouraged |

Revised rulemaking documents are to be submitted to CBSC prior to the initial 45-day public comment period. CBSC staff will establish a due date to provide time for analysis and document remediation by the submitting agency, if necessary.

Public Comment Rulemaking File Submittal (APA Portion of Cycle)

After the CAC meetings and prior to the initial 45-day public comment period, each state proposing agency must submit its revised rulemaking files to CBSC on or before the established deadline. See California Administrative Code Section 1-411.

Deliverables to CBSC

- Notice of Proposed Action (NOPA)
- 45-day Express Terms (ET) revised to incorporate any amendments resulting from CAC recommendations
- Initial Statement of Reasons (ISOR) including explanations of any revisions to address CAC recommendations

- Economic and Fiscal Impact Statement (Form 399) approved and signed by the agency fiscal officer and the agency secretary (or highest ranking official in the agency, if no secretary). Signatures are required before submittal to OAL for publication in the California Regulatory Notice Register (reference SAM Section 6614).
- All other items required by California Administrative Code Section 1-407 if they were amended since the initial rulemaking file submittal
- One electronic file copy of each document submitted, suitable for immediate placement on CBSC's website (California Administrative Code Section 1-411(c)5)

Note: The deliverables must be provided to CBSC as hard copies and on a CD or thumb/flash drive as Word and/or PDF files meeting California's accessibility standards (GOV Sections 7405, 11135 and 11546.7).

State Adopting Agencies. While state adopting agencies administer their own public comment periods, HSC Section 18935 charges CBSC with reviewing and approving state agencies' hearing dates, NOPAs and ISORs, and submitting the NOPAs to OAL for inclusion in the California Regulatory Notice Register. Also see California Administrative Code Sections 1-405 and 1-420.

Initial Public Comment Period (45-day)

As required by GOV Section 11346.4, proposed building standards must be made available to the public for a minimum of 45 days prior to adoption. CBSC is responsible for scheduling the initial 45-day public comment period for submittals from state proposing agencies. CBSC posts the downloadable rulemaking documents on its website and sends an email blast to registered interested parties. Hard copies can be provided upon request.

State proposing agencies must also make rulemaking documents available to the public on their website. CBSC is responsible for collecting the public comments and distributing them to the appropriate state agencies. As a courtesy, CBSC posts public comments that are submitted in an accessible format on its rulemaking web page. Public comments that are not posted may be requested from CBSC.

Any public comments received during a 45-day comment period must be considered and responded to in the Final Statement of Reasons (FSOR) as required by GOV Section 11346.9.

Additional Public Comment Periods

After consideration of public comments received during the initial 45-day public comment period, the state agency may amend its proposed building standard based on a public comment. If an amendment is non-substantial or solely grammatical in nature, no additional public comment period is required. Further requirements of GOV Section 11346.8(c) are:

- If an amendment is substantial and sufficiently related to the original text provided to the public, the amended language shall be made available to the public for at least 15 days.
- If the amendment is substantial and not sufficiently related to the original text, then the amended language must be made available to the public for no less than 45 days.

Agencies shall use the “Additional 15- or 45-day Express Terms” template (BSC TP-104) available from CBSC. The template legend outlines how changes to the original proposal are to be shown: double underline for new text; ~~double-strikeout~~ for deleted text. ONLY changes to the original proposal should be shown in the new ET, along with any existing language necessary for clarity. The template also contains fields to provide the rationale for each item, so a separate Statement of Reasons is not needed.

Any public comments received regarding the change(s) presented in an additional 15- or 45-day comment period must be responded to in the Final Statement of Reasons (FSOR) as required by GOV Section 11346.9.

Final Rulemaking File Submittal

Upon completion of the public comment period(s), state agencies must update the Express Terms to reflect the final proposed language, including any additional 15- or 45-day language.

All deliverable rulemaking documents must be provided to CBSC by the established due date to allow time to prepare for the commission meeting to consider approval of the proposed building standards. Refer to California Administrative Code Section 1-415 for the complete list of all documents required and use CBSC’s Final Rulemaking File Review Checklist (BSC CL-3). Some documents, such as those required for an emergency rulemaking, are not included in the list below.

Deliverables to CBSC

- Index or Table of Contents of each item in the submittal and the signed Certification of Close and Complete of the Rulemaking File (GOV 11347.3(b)12)
- Face Sheet with appropriate signature and a check in the “Regular Rulemaking” box
- Notice of Proposed Action (NOPA) (which includes Informative Digest)
- Initial Statement of Reasons (ISOR)
- Final Express Terms (FET) with the text of the final proposed building standard(s) for adoption
- Economic and Fiscal Impact Statement (Form 399) with appropriate signatures and fiscal analysis prepared by the submitting agency
- Written transcript(s) or recorded minutes of any public hearing(s) conducted as part of the initial 45-day, or any additional 15- or 45-day, public comment period(s)

- A copy of each exhibit submitted or written comments received at any public hearing conducted by the agency as part of the initial 45-day, or any additional 15- or 45-day, public comment periods, and transcripts of any oral comments received
- A copy of each written comment received during public comment period(s)
- Final Statement of Reasons (FSOR), including any studies, surveys or documents used to support the rationale for the proposed building standard(s)
- One copy of the Updated Informative Digest (UID)
- If applicable, one copy of the proposed standards with any changes made after public comment period(s) indicated, and a memo attesting to any additional public comment period(s). See GOV Section 11347.1.
- Nine-Point Criteria Analysis with the letter from the SFM required by HSC 18930(a)(9)
- One electronic file copy of each document submitted, suitable for immediate placement on CBSC's website (California Administrative Code Section 1-415(a)18)

Note: The deliverables must be provided to CBSC as hard copies and on a compact disk or thumb/flash drive as Word and/or PDF files meeting California's accessibility standards (GOV Sections 7405, 11135 and 11546.7).

CBSC will use the state agencies' final submittal documents to prepare rulemaking files for the commissioners to review and consider the proposed building standards for adoption at a CBSC public meeting. Each state proposing agency is responsible for ensuring the completeness of its rulemaking file(s).

State Adopting Agencies

Once building standards have been adopted, submit the entire rulemaking file to CBSC per California Administrative Code Section 1-420(c). The adoption will be placed on the agenda for the next CBSC public meeting to be considered for approval as having met the rulemaking requirements of the HSC, APA and the California Administrative Code (Part 1 of Title 24).

Reminders

- Ensure all authority and reference citations are complete and accurate within the Express Terms, NOPA and Face Sheet, and are relevant to each specific item. Copying and pasting the same authority and reference citations for all proposed amendments on the Express Terms may result in rejection. For example, an authority and reference citation that is relevant to fire and life safety shall not be used as an authority and reference for graywater.
- Update the footer information on all templates as appropriate for each submittal phase of the cycle.

- Assemble submittal files in an orderly manner.
 - An orderly file will reduce the potential for errors during the process of preparing for code advisory committee review, public comment periods, CBSC’s public meetings and subsequent filing of adopted building standards with the Secretary of State.

Public Meeting for Adoption/Approval

State Proposing Agencies: At CBSC’s public meetings where adoption of proposals will be considered, each state proposing agency will be called to orally present its proposed building standards before CBSC’s commissioners. State agency staff shall provide an overview of the agency’s work relating to the proposed building standards, including workshops, legislative mandates, and/or the problem(s) being addressed by the proposed building standard(s). Agency staff should be prepared to respond to questions from CBSC’s commissioners about CAC recommendations and public comments. The commissioners will need assurance that all public input has been considered. At the conclusion of the presentation, the representative should request that the commissioners approve the proposal(s). Additionally, CBSC’s chairperson will call for public comment which may also need to be addressed by the agency representative(s).

State Adopting Agencies: CBSC’s authority in California Building Standards Law (HSC, Division 13, Part 2.5) is limited to verifying compliance with the rulemaking process. The adopting agency representative’s oral presentation should include a description of the steps taken to comply with rulemaking requirements in the HSC and APA, hearings conducted, and the attention given to public comments.

Codification and Publication Process

Following CBSC adoption and approval of new or amended building standards, or a repeal of building standards, the new, amended or repealed building standards must be published for inclusion in or deletion from the appropriate parts of Title 24. This action is called codification.

Codification: CBSC staff insert proposed amendments from the final express terms into a combined baseline model code (which includes existing California amendments carried forward) or California-only code text to develop a codified document to be sent to the publisher. At the publisher, editors and typesetters place the codified text into the appropriate part of Title 24, and then send proofs back to CBSC for review by the contributing state agencies.

When CBSC receives the proofs, adopting and proposing agency staff representatives are notified and a review time is scheduled. Agencies must act promptly to complete the review of each proof in order to meet publishing deadlines.

After agency review is complete, the proofs are returned to the publishers to be published in print or electronically and made available for purchase.

Forms of Publication

New edition: A triennial code adoption cycle results in the publication of a new edition of Title 24 (in new binders*) and includes the adoption of new editions of model codes with necessary California amendments in Parts 2, 2.5, 3, 4, 5, 9 and 10, and amendments to the California-only regulations in Parts 1, 6, 8, 11 and 12. The code pages are printed on white paper.

Supplements to current edition: When the current edition of Title 24 is amended, a supplement is published. Supplements are printed* on blue paper for insertion into the current edition of Title 24 and may occur for any of the following:

- When new building standards are added.
- When current building standards are amended by an intervening code adoption cycle action, a CWoRE or an emergency adoption.
- When provisions in the current edition of Title 24 are repealed, the page or pages containing the repealed building standards, and possibly the adjacent pages impacted by the repeal, must be re-published in order to remove the repealed language and maintain the continuity of the remaining building standards.

Change Without Regulatory Effect: Also printed on blue paper, a change without regulatory effect (CWoRE) is a change to the provisions of Title 24 that does not impose any new requirements for the design or construction of buildings and associated structures and equipment (California Administrative Code Section 1-421(c)). CWoREs can include the repeal of building standards due to the repeal of statutory authority, or because of a legal judgement, or occur to revise the code's structure, cross-references, or authority and reference citations.

Errata to current editions: When the current edition of Title 24 is amended by the correction of a non-substantive printing error or omission, an erratum is published and printed on buff-colored paper for inclusion in Title 24.

* **Electronic versions of the codes:** The different publishers (below) have different methods for updating their electronic versions of Title 24. Basically, owners are notified of changes and the publication of code updates, and are advised how to access new editions, supplements, CWoREs and errata.

The Three Publishers

[International Code Council \(ICC\)](#) – Parts 2, 2.5, 9 and 10 (based on model codes with California amendments) and Parts 1, 6, 8, 11 and 12 (California codes)

[National Fire Protection Association \(NFPA\)](#) – Part 3 (based on model code with California amendments)

[International Association of Plumbing and Mechanical Officials \(IAPMO\)](#) – Parts 4 and 5 (based on model codes with California amendments)

Appendices

Appendix A. Rulemaking References

Appendix B. California Building Standards Code Adoption Cycle

Appendix C. Deliverable Documents During the Rulemaking Process

Appendix D. Rulemaking Process Flow Chart

Appendix E. Rulemaking document “Dos and Don’ts” cheat sheet

Rulemaking Code Section References Within This Guide:

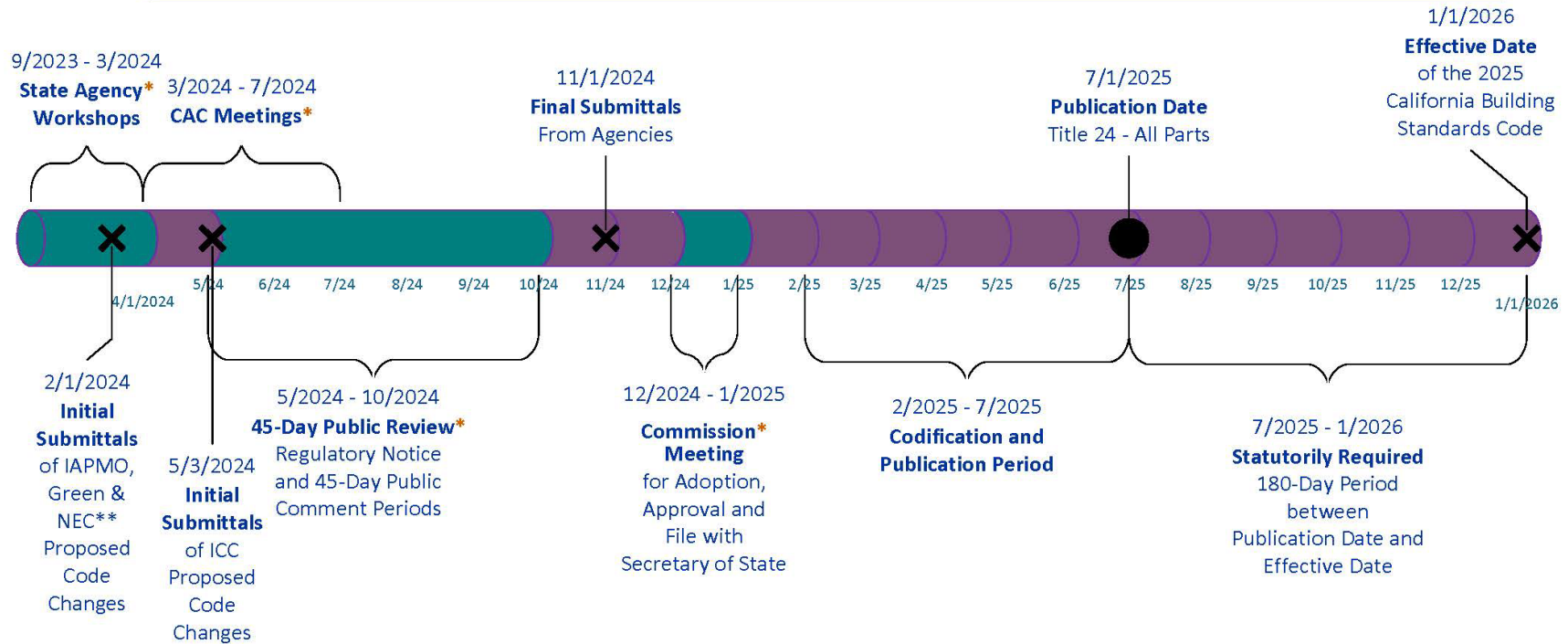
| Subject | Government Code | Health & Safety Code | California Administrative Code, Part 1, Title 24 |
|-----------------------------------------------------------------------|---------------------------------|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Notice of Proposed Action (NOPA) | 11346.4, 11346.5 | 18935, 18936 | 1-407, 1-411, 1-415 |
| Express Terms (ET) | 11346.2, 18943.8(c) | | 1-407, 1-411, 1-415 |
| Initial Statement of Reasons (ISOR) | 11346.2 | | 1-407, 1-411, 1-415 |
| Final Statement of Reasons (FSOR) | 11346.9, 11347.1 | | 1-415 |
| Economic & Fiscal Impact (399) | 11346.3, 11346.5 | | 1-407, 1-415 |
| Updated Informative Digest | 11346.9 | | 1-415 |
| Certification of Close and Complete | 11347.3(b)12 | | 1-415 |
| Nine-point Criteria | | 18930 | 1-407, 1-415 |
| State Fire Marshal Approval | | 18930 | 1-415 |
| CBSC Jurisdiction, Oversight, Adoption, Approval, Format & Publishing | 11343(f) | 18909, 18930, 18931, 18932, 18933, 18934.5, 18934.9, 18935, 18938, 18940, 18941, 18942, 18949.1 – 18949.7 | 1-417 |
| General Rulemaking Process (cycles, hearings, meetings, etc.) | 11349, 11349.1 | 18929.1, 18930, 18931, 18934.8, 18935, 18936, 18938, 18942, 18949.1 – 18949.7 | Chapter 1, Article 4 |
| Public and Industry Involvement | 11346, 11346.45, 11346.4 | 18934, 18929.1 | 1-403 |
| Hearing Date Approval by CBSC | | 18935 | 1-405, 1-413 |
| Adopting Agencies | | 18930(b), 18935(a), 18949.4 | |
| Coordinating Council | | 18926 | |
| Code Advisory Committee | | 18927 | 1-409, 1-413 |
| Model Code Inclusion/Adoption | | 17922, 18916, 18928, 18928.1, 18930, 18934.7, 18934.8, 18938.3, 18941.6 | |
| Emergency Regulations | 11346.1, 11349.6 | 18913, 18926(b)(2), 18934.8, 18937, 18938, 18942 | 1-419 |
| Change Without Regulatory Effect | | | 1-421 |
| Code Effective Dates | 11346.1 | 18934.8, 18938, 18938.5, 18941.5 | |
| Rulemaking File Maintenance | 11347.3, 11348, 11349.2 | | 1-407, 1-411, 1-415 |
| Accessibility of Documents | 11546.7(a), 7405, 11135 | | 1-407, 1-411, 1-415 |



California Building Standards Commission

2025 California Building Standards Code, Title 24
Effective January 1, 2026

2024 Triennial Code Adoption Cycle



Code Advisory Committees (CAC):

- ACCESS – Accessibility
- BFO – Building, Fire & Other
- GREEN – Green Building
- HF – Health Facilities
- PEME – Plumbing, Electrical, Mechanical & Energy
- SDLF – Structural Design/Lateral Forces

Model Code Publishers:

- ICC – International Code Council
- IAPMO – International Association of Plumbing and Mechanical Officials
- NFPA – National Fire Protection Association
- **NEC resubmittal if necessary

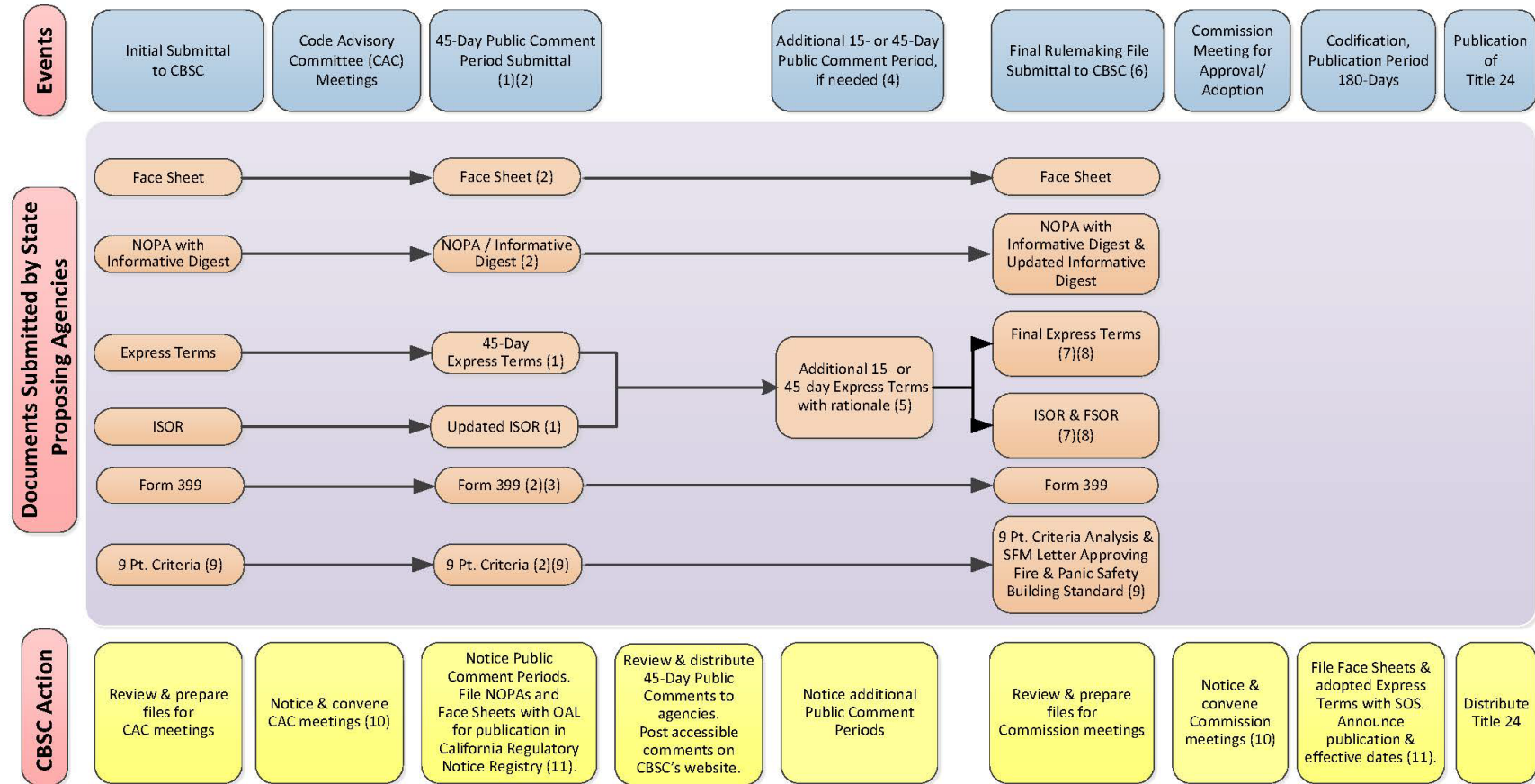
* Public Participation Opportunity

dgs.ca.gov/BSC
(916) 263-0916

Rev. 09/2023
All dates are subject to change

Deliverable Documents During the Rulemaking Process

State Proposing Agencies

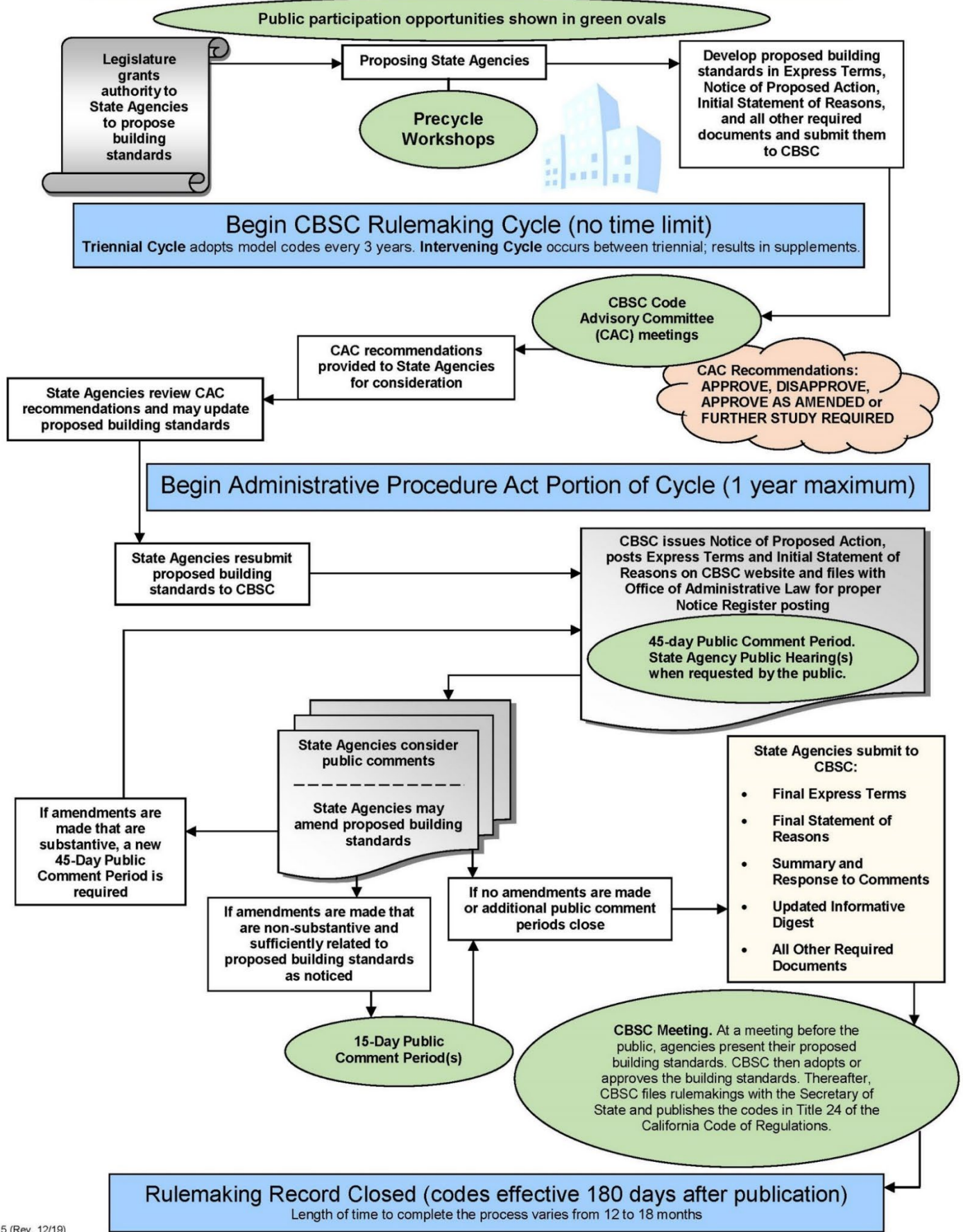


NOTES:

- (1) Amend ET and update ISOR to address all CAC comments and recommendations.
- (2) Required only if amended since the initial submittal per Title 24, Part 1, Sec. 1-411.
- (3) Must be signed by agency fiscal officer & agency secretary/highest official before filing NOPA with OAL.
- (4) If an amendment is substantive and NOT sufficiently related to original proposal, a 45-day public comment period is required. An amendment that is substantive and sufficiently related requires a 15-day public comment period. No additional public comment period is required for non-substantive, sufficiently related revisions. See GOV 11346.8(c).
- (5) Should contain only new amendments to proposed language. Follow template legend.

- (6) See Title 24, Part 1, Section 1-415 for a full list of items required.
- (7) Address all public comments in the FSOR and amended ET, if suggestions accepted. Make public comments part of the rulemaking file.
- (8) See GOV 11346.9 and Title 24, Part 1, Section 1-415.
- (9) See HSC 18930(a)(1) through (9).
- (10) CBSC technical staff prepare Commission Action Matrices and Staff Reports for use at meetings of the commission and its committees.
- (11) OAL = Office of Administrative Law. SOS = Secretary of State.

California Building Standards Commission Rulemaking Process



Dos and Don'ts for Successfully Submitting Rulemaking Documents

Adhering to these requirements will result in successfully submitting rulemaking documents to California Building Standards Commission (CBSC) and reduce the likelihood of documents being returned for remediation.

Do:

1. Use the most recent version of rulemaking templates provided by CBSC. Only enter text or information in appropriate fields (see Don't #2 below).
2. Resolve and remove all internal agency comments.
3. Resolve all edits and turn off Track Changes in Word.
4. Be sure that item numbers on the Express Terms and the Statement of Reasons align.
5. Use ellipsis (...) for text that is not proposed for change.
6. Make authority and reference citations relevant and specific to each proposed amendment.
7. Make authority and reference citations match in the Express Terms, Notice of Proposed Action and Face Sheet.
8. Provide thorough rationales in the Statement of Reasons. Ensure that somebody who is not a subject matter expert can understand why amendments are proposed.
9. Provide appropriate responses and explanations to Code Advisory Committee actions.
10. Respond to every public comment received, even comments submitted by your agency, only in the "Objections" section of the Final Statement of Reasons (FSOR) (see Don't #7 below).
11. Change the footer date if the document has been changed.
12. Submit fully accessible documents. All text, tables, images and lists must meet the current Web Content Accessibility Guidelines (WCAG) Level AA requirements. The Microsoft Word accessibility checker alone does not ensure compliance with state-required document accessibility standards. Refer to your Department of Rehabilitation, California Department of Technology or internal accessibility training for more information. Any amount of inaccessibility will result in documents being returned.

Don't:

1. Use rulemaking documents/templates from a previous cycle.
2. Alter a CBSC template in any manner, other than adding required text in the form fields provided or editing the footer.
3. Amend the Express Terms legend.
4. Use highlight or shading on text to convey meaning or emphasis.
5. Show text that is not proposed for change, other than minimal text needed to understand the context. Show existing amendments being carried forward, including continued strikethrough/deletion of model code text.
6. Copy and paste authority and reference citations for all proposed amendments (see Do #6 above).
7. Use FSOR section "Updates to the ISOR" to list all the changes that happened in the ET and/or duplicate comments received during public comment periods.
8. Change footer date if the document has not been changed.
9. Rely on CBSC staff to provide accessibility training or an extensive list of inaccessible elements if a document is returned.