

A PUBLIC GUIDE TO THE BUILDING STANDARDS ADOPTION PROCESS

An explanation for the general public



July 2022
4th Edition



C A L I F O R N I A
BUILDING STANDARDS COMMISSION

Acknowledgements

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 Sasaki

Erick Mikiten

Elley Klausbruckner

Rajesh Patel

Peter Santillan

Juvilyn Alegre

Aaron Stockwell

Laura Rambin

Frank Ramirez

James Haskin

Executive Director, Mia Marvelli

Deputy Executive Director, Kevin Day

The California Building Standards Commission is a commission within
the Department of General Services

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

It's Your Building Department

Standards Adoption Process

Guide for Local Amendments of

Frequently Asked Questions

Building Standards

Glossary of Terms

Table of Contents

Introduction	1
CBSC Authority	1
The State Agencies	1
Code Adoption Actions	3
During a Triennial Code Adoption Cycle	3
During an Intervening Code Adoption Cycle	3
A Change Without Regulatory Effect (CWoRE)	3
Emergency Building Standards	4
Response to a Petition	4
The Rulemaking Process	4
Pre-cycle Preparation of Code Language	5
Public Comment Phase	6
Adoption/Approval of Proposed Building Standards	8
Publication of Building Standards	9
How to Participate	10
How to Make a Compelling Comment	11
Appendices	12

Introduction

This guidebook is provided by the California Building Standards Commission (CBSC) for the purpose of explaining the process by which building standards are developed and adopted, resulting in the publication of the California Building Standards Code, Title 24 of the California Code of Regulations (Title 24). Building standards are state regulations adopted or proposed by a variety of state agencies and approved by CBSC as authorized in state law; they apply to the design and construction of buildings and associated facilities throughout California. The process of adopting building standards involves multiple state agencies, rulemaking documents, public participation and public comment periods, hearings, meetings, and actions of CBSC that will be identified and explained herein. For more information, see CBSC's other guides and publications on the [Resources tab](#) of our website and view informational videos on our [Education and Outreach page](#).

CBSC Authority

State law known as the California Building Standards Law (Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901) establishes CBSC and governs how building standards are created with oversight by CBSC. The process of developing building standards, called rulemaking, is also governed by the [Administrative Procedure Act](#), located in the California Government Code (GOV). CBSC coordinates and oversees the rulemaking efforts of state agencies, including developing building standards proposals, conducting meetings and hearings, making decisions as to the adoption of building standards, and publishing the adopted building standards. CBSC is responsible for administering a code adoption process that is transparent to interested parties affected by building standards, ensuring the ability of the public to participate and provide input on proposed building standards. Visit the [About tab](#) on CBSC's website to learn about the commission's members and watch informational videos posted on the Education and Outreach featured link, including [About the California Building Standards Commission](#) and [About CBSC's Rulemaking Process](#). The Health and Safety Code and Government Code sections referenced herein can be accessed via the [California Legislative Information website](#).

The State Agencies

There are multiple state agencies involved in the process of creating California's building standards. State law establishes the area of authority for each of the agencies. For example:

- The Office of the State Fire Marshal is responsible for the development of building standards that provide for fire and life safety within assembly buildings, schools, residential buildings and numerous other occupancies.
- The Department of Housing and Community Development is responsible for the development of building standards for residential occupancies such as single-family dwellings, apartments, condominiums, dormitories, hotels and motels, and accessibility in privately funded multifamily dwellings.
- The Division of the State Architect is responsible for the development of building standards for public schools, essential service buildings, and accessibility in public accommodations, commercial facilities and public housing.

The responsibilities of the other involved state agencies are explained in the first chapter of most parts of Title 24 and in CBSC’s [Guide to Title 24](#).

Two types of state agencies are involved with creating building standards: proposing and adopting agencies.

State Proposing Agency: Must submit proposed building standards to CBSC for adoption. CBSC administers their rulemaking process by conducting public comment periods, hearings and meetings, and adopting the building standards at a public meeting.

State Adopting Agency: Has authority in state law to administer the rulemaking process, conduct its own hearings and public comment periods, and adopt building standards at a public meeting. The agency must submit adopted building standards to CBSC for approval of the adoption process and publication in Title 24. CBSC’s role is to verify compliance with state laws governing the rulemaking process.

Examples of state adopting and proposing agencies are:

State Proposing Agencies	State Adopting Agencies
Office of the State Fire Marshal	California Energy Commission
Department of Housing and Community Development	State Historical Building Safety Board
Division of the State Architect	State Lands Commission

Code Adoption Actions

The impetus for and process of adopting building standards happens several ways.

During a Triennial Code Adoption Cycle

As the name implies, a triennial cycle occurs at three-year intervals. State law requires a new edition of Title 24 every three years. The primary purpose of this cycle is to adopt and amend for California the most recent editions of national model codes, such as the International Building Code, National Electrical Code, Uniform Plumbing Code, and others. Model codes are created and published every three years by national code organizations using consensus processes. California-only codes—such as the California Green Building Standards Code, Part 11 of Title 24—are also updated and amended during this code adoption cycle. California’s triennial code adoption cycle requires approximately 18 months to complete, and results in a new edition of Title 24. Refer to the [Guide to Title 24](#) to learn which parts of Title 24 are based on model codes and which are California-only codes.

During an Intervening Code Adoption Cycle

An intervening cycle occurs midway between the triennial cycles. It results in additions and amendments to the current edition of Title 24. An intervening cycle, like the triennial cycle, takes about 18 months to complete. Replacement pages of affected sections in the current code are issued as “supplements.” Hard copies are printed on blue paper, and all supplements—whether printed or electronic—have the words “SUPPLEMENT – BLUE” at the bottom of each page, along with the effective date of the changes. Owners of electronic editions of Title 24 are notified when supplements are published and provided with information about how to access them. Owners of the code who register their purchase receive supplements automatically either in the mail or electronically. Additionally, after publication, supplements may be accessed and printed from CBSC’s or the publisher’s website.

A Change Without Regulatory Effect (CWoRE)

A CWoRE may occur at any time during either a triennial or intervening cycle. When a change has no effect on regulatory requirements, a current code provision may be amended without public input or hearings. A change without regulatory effect may include changing section numbering, making provisions comply with state law, or amending spelling and grammar. Updates are distributed in the same manner as supplements.

Emergency Building Standards

At any time, regardless of other ongoing code adoption activities, an emergency action may be taken to adopt new or amended building standards. State law restricts this authority to true and defined emergency conditions. For instance, in 2017 an emergency action was taken to adopt exterior elevated elements building standards in response to a balcony collapse in Berkeley, California. Emergency adoptions are rare. State law allows for the adoption of emergency building standards that become effective immediately upon adoption by CBSC and filing with the Secretary of State. Following adoption, the state agency responsible for the emergency building standards must then comply with all rulemaking requirements for public participation and comments, hearings, and final adoption. No emergency building standard may remain in effect for more than 180 days unless the necessary rulemaking actions are completed or CBSC readopts the emergency building standard. State law permits up to two readoptions, each for a period not to exceed 90 days. Generally, this allows for completion of the certifying rulemaking processes necessary to make the emergency building standard(s) permanent in Title 24. The regulated community is commonly notified of the effective date of emergency building standards by Information Bulletins issued by CBSC and other appropriate state agencies, and an emergency supplement is issued by the code publisher.

Response to a Petition

Any local governmental agency, firm or member of the public may submit a petition for the proposal, adoption, amendment or repeal of any building standard or administrative regulation in Title 24. Petitions must meet very specific criteria to be accepted for consideration by CBSC or another state agency having jurisdiction for the subject of the existing or proposed regulations. Petitions are not to be used as a method to make a public comment on currently proposed building standards or adopted standards prior to their effective date. Petitions are normally addressed during a triennial or intervening code adoption cycle, but sometimes will result in an emergency action. See the California Administrative Code, Part 1 of Title 24, Article 3, Sections 1-313 through 1-329 for detailed information regarding petitions.

The Rulemaking Process

The rulemaking process for triennial and intervening code adoption cycles includes numerous procedural activities: public meetings, analysis of code proposals, development of various documents, public participation and comment periods, and codification and publication of Title 24. Following are the major steps in the code adoption cycle process.

Pre-cycle Preparation of Code Language

Workshops. Meetings with public participation are conducted by various state agencies for preliminary development of building standards. Both state law and CBSC regulations require steps to ensure public participation in the code development process. Pre-cycle public workshops are conducted before the official start of a code adoption cycle and may be called workshops, focus groups, task forces, stakeholder meetings, or other designations. Regardless of the name, the purpose is to involve the public, explore the proposal, and gain feedback while developing regulatory language. Workshops are open to the public and are conducted individually by various state agencies and CBSC.

Initial Submittal to CBSC. Following the pre-cycle workshops, state proposing agencies submit their proposed building standards to CBSC in what is known as a rulemaking file. CBSC coordinates, assembles, and organizes the submittals from the various agencies and prepares the proposed building standards for the next step, which is to bring the proposals before the appropriate Code Advisory Committee (CAC).

Code Advisory Committee Meetings. As authorized by California Health and Safety Code (HSC) Section 18927, CBSC has established six CACs to review proposed building standards and make recommendations. CAC meetings are open to the public and comments regarding proposed building standards may be submitted to the committees in writing or at a meeting. CAC members are unpaid volunteers selected from the public, building professions, and related industries to provide diversity of expertise and knowledge. Each committee has a specific subject matter area within the codes to consider: The committees are:

- Accessibility (ACCESS)
- Building, Fire and Other (BFO)
- Health Facilities (HF)
- Green Building (GREEN)
- Plumbing, Electrical, Mechanical and Energy (PEME)
- Structural Design and Lateral Forces (SDLF)

The resulting CAC recommendations are then considered by the state proposing agencies and may result in changes to the proposed regulatory language. Visit the [About tab](#) on CBSC's website to learn more about CACs.

Note: Proposed amendments to building standards by a state adopting agency are not required to be reviewed by the CACs.

Public Comment Phase

After CAC review, the state proposing agencies consider CAC recommendations and may make amendments to their proposed building standards. The agencies then resubmit their rulemaking file(s) to CBSC. There are several documents required by state law that begin the official rulemaking process. The principal documents are:

- **Notice of Proposed Action (NOPA):** Announces a state agency's proposal to adopt or amend building standards for particular parts of Title 24 for the current code adoption cycle. NOPAs include information intended to inform the public of the application and scope of the proposal, its economic impact, how to obtain proposed regulatory language, and information about submitting public comments, scheduled hearings or requesting a hearing. The NOPA is also filed with the Office of Administrative Law (OAL) for publication in the California Regulatory Notice Register. The [California Regulatory Notice Register](#) is the repository for notices of all proposed regulatory actions by state agencies to adopt, amend, or repeal regulations contained in the California Code of Regulations. (See CBSC's [Glossary of Terms](#) and [Guide to Title 24](#) for more information.) After the NOPA is filed with OAL, CBSC will announce the first public comment period during which comments supporting or opposing the proposed building standards will be accepted.
- **Express Terms (ET):** The text of proposed building standards that clearly identifies any changes or additions to, or deletions from, Title 24. See Appendix C for a sample Express Terms.
- **Initial Statement of Reasons (ISOR):** Provides the rationale and need for each proposed building standard. See Appendix C for a sample ISOR.
- **Nine-Point Criteria Analysis:** Substantiates that the provisions of HSC Section 18930 are met. Details about the nine-point criteria are provided later in this guide.

Posting for Public Review. CBSC posts the NOPA, ET and ISOR for all proposing agencies on its website under the [Rulemaking tab](#). The first posting for public review is of the initial documents that are reviewed by the Code Advisory Committees (CAC), and they are therefore arranged by the CAC topics. Subsequent postings for public comment periods are also organized by CAC subject areas. Additionally, CBSC prepares and posts a Commission Action Matrix (CAM) that tracks agency actions in response to CAC recommendations provided during the pre-cycle phase. Each proposing agency will also post their own rulemaking documents on their agency's website. See Appendix D for a list of the state agencies that participate in the rulemaking process for Title 24.

As previously explained, state adopting agencies issue their own NOPAs, conduct their own comment periods and hearings, and adopt their building standards in a process outside of CBSC's oversight. State adopting agencies then submit the

adopted building standards to CBSC for approval of rulemaking proceedings and publication in Title 24.

Public Comment Periods. After the NOPA is filed with OAL and published in the California Regulatory Notice Register, and the NOPA, ET and ISOR are posted on the various state agency websites, a public comment period is announced via email to CBSC's and the involved agencies' mailing list subscribers. The minimum public comment period is 45 days. During this time, the public may submit written comments regarding the proposed building standards.

If a public comment results in an amendment to the proposed regulatory language, an additional public comment period may be required. Occasionally, multiple comment periods are necessary. If an amendment is non-substantial or solely grammatical in nature, no additional public comment period is required. Additionally:

- 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.
- Public comments may also influence an agency to withdraw proposed building standards in order to redraft them for consideration during a future code adoption cycle.

Posting Public Comments. Comments submitted during 45-day and 15-day public comment periods are listed on CBSC's website in association with the rulemaking documents for which the comments are intended. State law requires CBSC to only provide on its website documents that are accessible to persons with disabilities. Therefore, CBSC has developed an online [Public Comment Form](#) which will submit an accessible document that can be posted. The link to the form is provided on every CBSC public comment webpage during a code adoption cycle. See Appendix E for an image of the form. Comments received that are not accessible cannot be linked on the website, but will be listed and available to the public upon request.

Response to Public Comments. State agencies are required to consider all public comments and include an explanation of any action taken or not taken in response to the comments. The agency's rationale is provided in the Final Statement of Reasons (FSOR) submitted to CBSC in the final rulemaking file. Not all public comments will result in a change to the proposed building standard. Public comments and agency responses are also summarized in the Commission Action Matrix.

Adoption/Approval of Proposed Building Standards

After the close of all public comment periods and public hearings, each state agency prepares its final rulemaking file(s) for submittal to CBSC.

Public Meetings for Adoption/Approval. CBSC staff prepares the submitted final rulemaking files for public meetings during which the commissioners will consider adoption or approval of the proposed building standards from each of the state proposing and adopting agencies. The documents posted for public review prior to the meeting are:

- **Final Express Terms:** Actual code language showing new, changed, or repealed text.
- **Final Statement of Reasons:** Addresses public comments and provides the agency's explanation for changes made or not made.
- **Commission Action Matrices:** CAMs are separated into uncontested, challenged and withdrawn items for ease of commission review.
- **Updated Informative Digest:** Identifies whether there are changes to the informative digest section of the NOPA submitted at the beginning of the APA portion of the code adoption cycle.

Interested members of the public may attend the meetings and submit written comment and/or provide oral testimony. This does not necessarily mean there will be a change in the proposed building standard or that the commissioners will disapprove, return for further study, or approve as amended, a proposed or adopted building standard.

The Nine-point Criteria. Any action that the commissioners take is governed by state law, including HSC Section 18930(a), which is known as the Nine-point Criteria. The criteria of this section must be met for building standards to be approved, and the failure to meet any criteria is cause for the commission to take an action other than approve. Commenters who oppose a proposal should be prepared to provide the appropriate Nine-point Criteria reference. The criteria are:

1. The proposed building standards do not conflict with, overlap, or duplicate other building standards.
2. The proposed building standards are within the parameters established by enabling legislation and are 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 standards are 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 standards are 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 CBSC.
9. The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.

Building standards adopted or approved by the commissioners are filed with the Secretary of State, then prepared for codification and publication.

Publication of Building Standards

All adopted and approved building standards go through codification, which is the process of preparing the regulations for publication. Repealed language is removed, changes are incorporated, and new text is added, resulting in the code language that will be published in Title 24. The building standards in a new edition of the code, or in supplements from an intervening cycle, generally become effective and enforceable 180 days after publication. Other effective dates allowed by law are:

- Administrative regulations contained in the California Administrative Code, Part 1 of Title 24, become effective 30 days after filing with the Secretary of State.

- Any amendments to existing building standards providing a lesser standard, as determined by the commission, become effective 30 days after filing with the Secretary of State.
- Changes Without Regulatory Effect (CWoRE) become effective 30 days after filing with the Secretary of State.
- Emergency building standards become effective immediately upon filing with the Secretary of State, or at a later date, as determined by the state agency and approved by the commissioners.
- Emergency amendments made to model codes must be approved and adopted by the commission to be enforceable in California, and they become effective 60 days after adoption by the commission and filing with the Secretary of State.

Effective dates are generally easily remembered dates, such as January 1 or July 1. CBSC avoids multiple effective dates for a single code adoption cycle.

Appendix A illustrates the rulemaking process in a flow chart, with public participation opportunities shown in green ovals. Also, see Appendix B for a typical timeline of an adoption cycle.

How to Participate

State law and CBSC administrative regulations enable and encourage public participation in the rulemaking process. A state agency responsible for creating proposed building standards needs industry and general public feedback to ensure the proposals achieve the intended purpose and do not create unintended consequences. To participate effectively, the following actions are recommended:

- Subscribe to CBSC's mailing list to receive email notifications of proposed building standards, meetings, and rulemaking document availability. The subscription form is located on the [Rulemaking](#) and [Contact](#) tabs of CBSC's website.
- Subscribe to the mailing lists of individual state agencies that propose or adopt building standards of interest to receive notifications of proposals, pre-cycle workshops and meetings. See Appendix D for state agency contact information.
- Attend workshops conducted by the state agencies to provide input on building standards under development. Participation at this point in the process has the most impact because the draft standards are not yet official proposals and are subject to refinement, change or abandonment.
- Attend CBSC Code Advisory Committee (CAC) meetings conducted for the purpose of developing recommendations on proposed building standards. The committee members will discuss a proposal, call for public comment and then decide on a recommendation to approve, disapprove, return for further study, or

approve as amended. Participation during CAC meetings can have significant impact on code language development.

- Provide written comments during the announced public comment periods using CBSC's form discussed above. All public comments expressing support or disapproval of a proposal, or suggesting an alternative, must be considered and addressed by the appropriate state agency, and can impact the final code language presented to the commission for adoption. Comments submitted in an accessible format are linked on CBSC's website; non-accessible comments are shared upon request.
- Participate in CBSC meetings when adoption of building standards of interest is being considered. To address the commission in person, over the phone, or via a web meeting platform, follow the instructions provided by the meeting's chairperson and on the agenda. Written comments may also be submitted before the meeting within the timeframe announced in the agenda notice or in person at the public meeting. Comments may be in support of or opposition to a proposal, must provide reasoning in accordance with the Nine-point Criteria (if opposing), and should offer alternative or amendment language if applicable.

The [Calendars tab](#) of CBSC's website provides the tentative commission meeting dates for the code adoption cycle. At least 15 days prior to each meeting, CBSC emails and posts a Meeting Notice and Agenda that provides the meeting date, time, location or online meeting link, the agenda items to be addressed and other relevant information to help ensure public participation.

How to Make a Compelling Comment

Public comments in support of proposed regulations are encouraged and welcomed during public comment periods, and during CBSC public meetings. Many commenters may also desire to share opposition to or reservations about a certain building standard. For a public comment to compel a state agency or the commission to revise or reject a proposal, it must meet certain criteria. A simple statement of dislike or opposition to the proposal will not compel the state agency to make a change, nor prompt the commissioners to disapprove, return for further study, or approve as amended the building standard.

To achieve the desired outcome, a public comment should:

- **Be specific.** Specify the Title 24 part name and number, chapter, section number(s), proposing agency(ies) and other appropriate identifying information.
- **Identify the Nine-point Criteria.** HSC Section 18930(a) provides the nine criteria a new building standard must meet to be acceptable for adoption. A comment in

opposition to a building standard must include the applicable nine-point criteria section citation. CBSC's [online public comment form](#) shows HSC Section 18930(a) for easy reference.

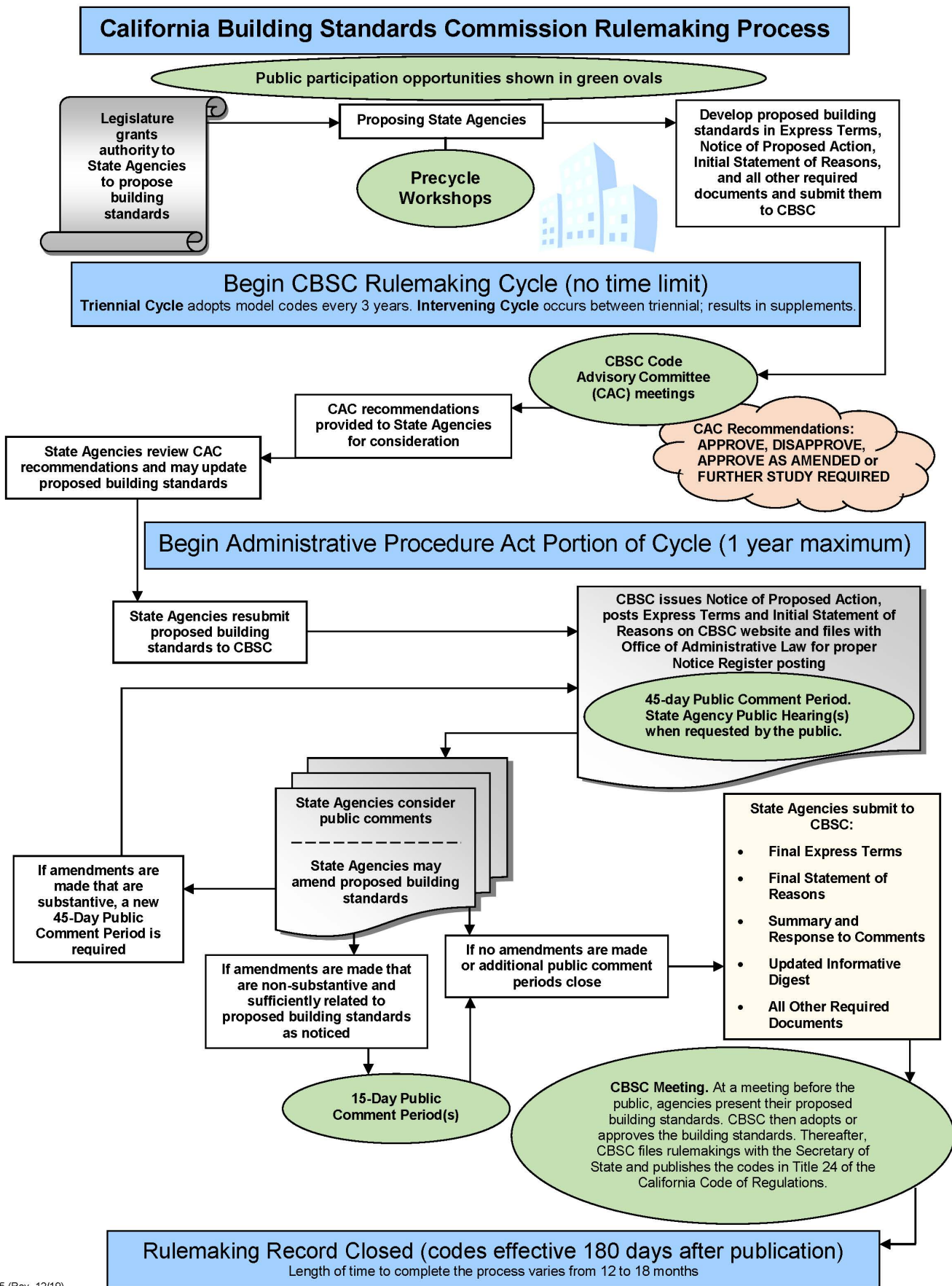
- **Provide a rationale.** Both support and opposition comments should include a specific reason or explanation for the position.
- **Provide an alternative.** Building standards are often proposed with the goal of correcting or preventing an issue or problem. Comments should recommend alternative solutions or different regulatory language that will accomplish that goal.

A public comment that provides a clear, complete and compelling position is more likely to result in the proposing state agency amending the proposal before proceeding further, or in the commissioners taking the requested action.

See Appendix E for an image of CBSC's Public Comment form (BSC-25) including the Nine-point Criteria (HSC 18930(a)).

Appendices

- A. California Building Standards Commission Rulemaking Process (Flowchart)
- B. California Building Standards Code Adoption Cycle (Timeline)
- C. Sample Express Terms and Initial Statement of Reasons
- D. California Agency Information Contact List
- E. Public Comment on Proposed Building Standards (BSC-25), including the Nine-point Criteria (HSC 18930(a))

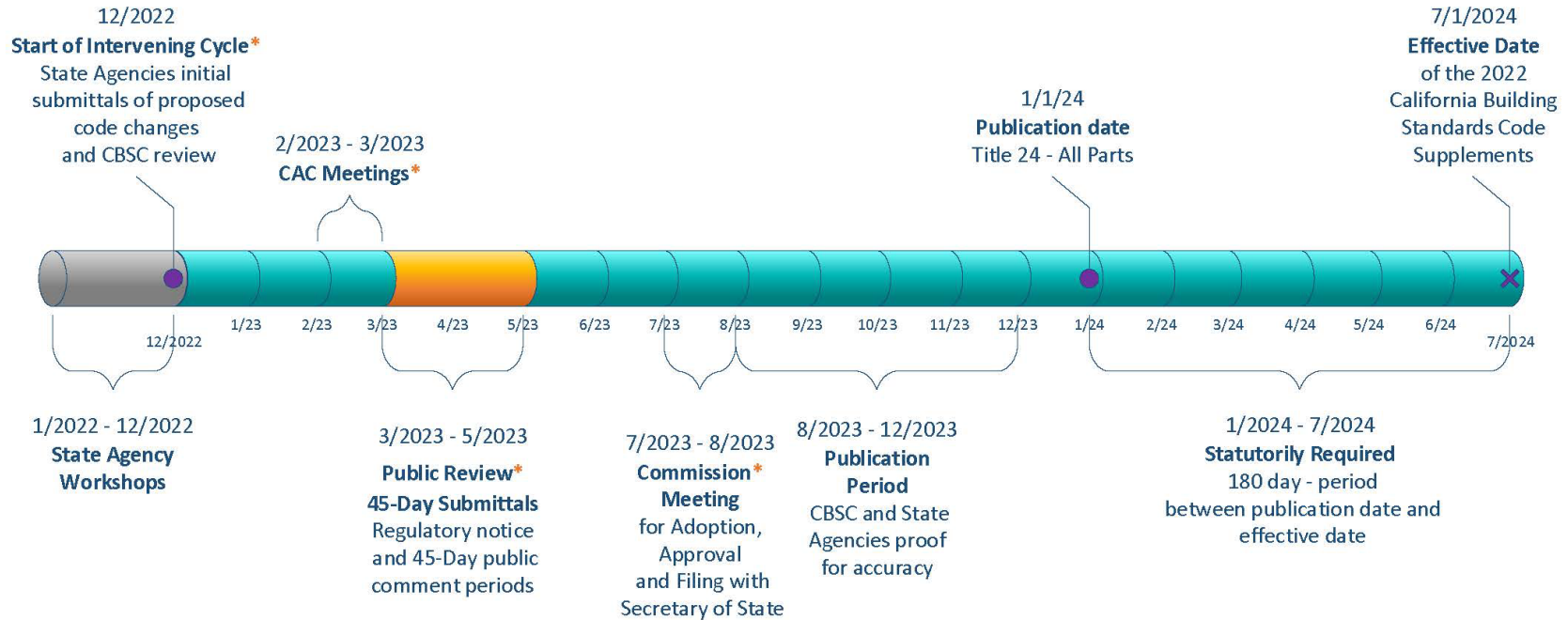




California Building Standards Commission

Amendments to the 2022 California Building Standards Code,
Title 24 Supplement July 1, 2024 Effective Date

2022 Intervening Code Adoption Cycle



Code Advisory Committees:

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

* Public Participation Opportunity

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

Rev. 02/2022
All dates are subject to change

**FINAL EXPRESS TERMS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

(BSC 03/21)

The State agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific (Government Code Section 11346.2(a)(1)).

If using assistive technology, please adjust your settings to recognize underline, strikeout and ellipsis.

LEGEND for EXPRESS TERMS (California only codes - Parts 1, 6, 8, 11, 12)

- Existing California amendments appear upright
- Amended or new California amendments appear underlined
- Repealed California language appears ~~upright and in strikeout~~
- Ellipsis (...) indicate existing text remains unchanged

FINAL EXPRESS TERMS

ITEM 1

Chapter 2, DEFINITIONS, Section 202 DEFINITIONS

AUTOMATIC LOAD MANAGEMENT SYSTEM (ALMS). A system designed to manage load across one or more electric vehicle supply equipment (EVSE) to share electrical capacity and/or automatically manage power at each connection point.

Notation:

Authority: Health & Safety Code Sections 18930.5 and 18941.10.

Reference(s): Health & Safety Code Sections 18930.5 and 18941.10.

ITEM 2

ELECTRIC VEHICLE (EV) CAPABLE SPACE. A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.

Notation:

Authority: Health & Safety Code Sections 18930.5 and 18941.10.

Reference(s): Health & Safety Code Sections 18930.5 and 18941.10.

ITEM 3

LOW ZERO-EMITTING AND FUEL HIGH EFFICIENT VEHICLES.

Eligible vehicles are limited to the following:

1. Zero emission vehicle (ZEV), enhanced advanced technology PZEV (enhanced AT ZEV) or transitional zero emission vehicles (TZEV) regulated under CCR, Title 13, Section 1962, including neighborhood electric vehicles (NEV), partial zero emission vehicle (PZEV), advanced technology PZEV (AT ZEV) or CNG fueled (original equipment manufacturer only) regulated under Health and Safety Code Section 43800 and CCR, Title 13, Sections 1961 and 1962.
2. High-efficiency vehicles, regulated by U.S. EPA, bearing a fuel economy and greenhouse gas rating of 9 or 10 as regulated under 40 CFR Section 600 Subpart D. High occupancy Vehicle (HOV) carpool lane stickers issued by the Department of Motor Vehicles.

Notation:

Authority: Health & Safety Code Sections 18930.5 and 18941.10.

Reference – Health & Safety Code Sections 18930.5 and 18941.10

ITEM 4

URINAL, HYBRID NONWATER URINAL WITH DRAIN CLEANSING ACTION. A nonwater urinal that conveys waste into the drainage system without the use of water for flushing and automatically performs a drain-cleansing action after a predetermined amount of time.

Notation:

Authority: Health & Safety Code Section 18930.5.

Reference(s): Health & Safety Code Section 18930.5.

ITEM 5

OFF-STREET LOADING SPACES. An area, other than a public street, public way, or other property (and exclusive of off-street parking spaces), permanently reserved or set aside for the loading or unloading of motor vehicles, including ways of ingress and egress and maneuvering areas. Whenever the term "loading space" is used, it shall, unless the context clearly requires otherwise, be construed as meaning off-street loading space. This excludes designated passenger loading/unloading.

Notation:

Authority: Health & Safety Code Sections 18930.5 and 18941.10.

Reference(s): Health & Safety Code Sections 18930.5 and 18941.10.

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11
(BSC 03/21)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

General purpose, problem, rationale and benefits: The California Building Standards Commission (BSC) proposes to amend the 2019 California Green Building Standards Code for inclusion in the 2022 California Green Building Standards Code, effective January 1, 2023.

Key amendments proposed during this code cycle include:

- New definition for Automatic Load Management Systems.
- New definition for Electric Vehicle (EV) capable spaces.
- Amend the definition for Low-emitting and fuel-efficient vehicles.
- Amend the definition for Nonwater urinal with drain cleansing action.
- New definition for Off-street load spaces.
- Repeal the requirement for Designated parking for clean air vehicles.
- Increase the EV capable space percentages and add a new requirement for installed Level 2 chargers for both mandatory and voluntary provisions.
- Add a new definition for Electric Vehicle (EV) charging-Medium-duty and Heavy-duty Vehicles [N].
- Relocate Thermal insulation and acoustical ceilings and wall panels from voluntary to mandatory.
- Amend the voluntary requirement for Designated parking for clean air vehicles.
- Amend Section A5.303.4.1 Nonwater urinal with drain cleansing action to align with the new proposed definition.
- Amend Section A5.504 to renumber voluntary Tier 2 into Tier 1 for Thermal insulation.
- Amend Division A5.6, Voluntary Tiers and CALGreen Verification Guidelines checklist affected by proposed mandatory and voluntary updates as shown in items 1 through 19.

The intent of the code continues to (1) reduce greenhouse gas (GHG) emissions from buildings, (2) promote environmentally responsible, cost-effective, healthier places to live and work and (3) reduce potable water consumption in buildings.

The proposed changes to the building standards with statewide application will lead to substantial environmental benefits through reduction of GHG emissions, criteria pollutants, and fossil fuel dependency leading to improved public health, and potentially result in significant cost savings (avoided costs) associated with future installation of EV charging stations at nonresidential buildings.

The proposed additions, amendments, and deletions to Chapters 2, 5 and Appendix A5, of Part 11, Title 24, California Code of Regulations, are being made to clarify, implement, and make specific requirements.

New amendments and existing amendments (some shown for context): Item numbers used to coordinate with the items listed in the Express Terms.

BSC conducted two CALGreen stakeholder workshops on January 7, 2021 and March 30, 2021, which were attended by state agencies, interested parties and stakeholder representatives such as the California Air Resources Board (CARB), California Energy Commission, Department of Housing and Community Development, California Department of Public Health, California Building Industry association, Electric Vehicle Charging Association, Tesla, Southern California Edison, Underwriters Laboratory, Energy Solutions, various local enforcing agencies, and private consultants. Based on testimony presented at the workshops and comments received from various stakeholders, BSC proposes to increase the existing EV percentages for EV capable spaces and the new requirements for the installation of electric vehicle charging equipment (EVSE) to create electric vehicle charging stations (EVCS) for both mandatory and voluntary measures. Then on April 28 and 29, 2021, BSC hosted a Green Building Code Advisory Committee (GREEN CAC) public meeting in which BSC staff presented the proposed EV code changes along with other BSC proposals to the committee members to obtain input.

The committee members provided valuable information and provided recommendations on the BSC proposed rulemaking package with a motion to Approve as Submitted for most rulemaking items. However, there were some proposed EV code changes that garnered a Further Study recommendation. As a result, additional coordination with various state agencies and subject matter experts was conducted and further modifications were made to the proposed EV language. The following items include specific rationale and agency responses to the CAC recommendations. These code items have been coordinated with other state agencies that are proposing similar amendments and are mostly based on the input gathered from the two workshops and the GREEN CAC meeting.

ITEM 1

CHAPTER 2, DEFINITION, AUTOMATIC LOAD MANAGEMENT SYSTEMS (ALMS)

BSC added a definition for AUTOMATIC LOAD MANAGEMENT SYSTEM (ALMS).

BSC is proposing a definition for Automatic Load Management System (ALMS) which is needed to allow for the use of energy savings systems to promote Electric Vehicle (EV) expansion. See Item 8 for the permitted use of an ALMS in the electric vehicle charging requirements in the mandatory and voluntary code sections. This definition is being coordinated with other state agencies that are also proposing similar amendments. The

proposed definition will add consistency for the various occupancies within the CALGreen code. The intent is to make the definition generic in nature to allow for the code section for ALMS to list the specific code requirements.

CAC Recommendation: Further Study (FS)

Agency Response: Accept. The GREEN CAC recommended a revised definition based on comments received by the California Energy Commission and other stakeholders during the GREEN CAC. After the GREEN CAC meeting, BSC coordinated with the Division of the State Architect (DSA), The Department of Housing and Community Development (HCD), and The California Air Resources Board (CARB) to revise the definition for consistency between the various occupancies under BSC, DSA, and HCD's authority.

ITEM 2

CHAPTER 2, DEFINITION, ELECTRIC VEHICLE (EV) CAPABLE SPACE

BSC added a definition for EV capable space.

BSC is proposing to adopt a new definition for EV capable space to clarify the term as used within CALGreen and in the EV charging industry. This definition refers to a space which has capability or infrastructure to facilitate future EV charging. See Item 8 for EV capable code language being proposed in the mandatory and voluntary applicable code sections. This proposed definition is being co-adopted with other state agencies DSA and HCD that are also proposing similar amendments. The proposed definition will add consistency for the various occupancies within the CALGreen code.

CAC Recommendation: Approve. The CAC recommended to coordinate with HCD and DSA on the definition for consistency.

Agency Response: Accept. BSC has coordinated and revised the definition with HCD and DSA to have one definition for EV capable spaces for the various occupancies under BSC, DSA and HCD's authority.

ITEM 3

CHAPTER 2, DEFINITION, LOW-EMITTING AND FUEL-EFFICIENT VEHICLES

BSC proposes to repeal the definition for LOW-EMITTING AND FUEL-EFFICIENT VEHICLES since the related code Sections 5.106.5.2 and A5.106.5.1 and related subsections for Clean air vehicles which mentions low-emitting and fuel-efficient is proposed for repeal. This amendment will maintain consistency within the CALGreen Code.

CAC Recommendation: Approve.

Agency Response: Disagree. BSC disagrees with the CAC recommendation since this definition will be needed for the voluntary code Section A5.106.5.1 Designated parking for clean air vehicles which BSC has decided to not repeal. See items 12 and 13 for more information. Upon further review this definition has been amended to reflect current laws and the title has been changed to Zero-emitting and high-efficient vehicles.

ITEM 4

CHAPTER 2, DEFINITION, NONWATER URINAL WITH DRAIN CLEANSING ACTION

BSC proposes to amend the title Urinal, Hybrid to NONWATER URINAL WITH DRAIN CLEANSING ACTION and amends the definition by adding the word “nonwater”. The new title and revised definition align with the name of the fixture as referenced in the 2021 Uniform Plumbing Code. This amendment will provide consistency between CALGreen and the Plumbing Code.

CAC Recommendation: Approve

Agency Response: Accept.

ITEM 5

CHAPTER 2, DEFINITIONS, OFF-STREET LOADING SPACES

BSC is proposing a new definition for off-street loading space. This definition is needed to align with the new proposed code language for EV charging for Medium-duty and Heavy-duty vehicles. See Item 9 for use of the term.

CAC Recommendation: Approve as amended.

Agency Response: Accept. BSC agrees with the CAC and has replaced “parking” with “loading”.

California Agency Information Contact List

Appendix D

The following state agencies may propose building standards for publication in Title 24. Request notice of such proposals from each agency of interest. See Sections 1.2 through 1.14 of the California Building Code (Part 2 of Title 24) for detailed information on the regulatory jurisdiction(s) of each state agency.

[Board of State and Community Corrections](#)

www.bscc.ca.gov (916) 445-5073
Local Adult and Juvenile Detention
Facility Standards

[California Building Standards Commission](#)

www.dgs.ca.gov/BSC (916) 263-0916
State Buildings including UC and CSU Buildings,
Parking Lot and Walkway Lighting,
Green Building Standards for Non-residential

[California Energy Commission](#)

www.energy.ca.gov **Energy Hotline**
(800) 772-3300
Outside of Ca (916) 654-5106
Building Efficiency Standards
Appliance Efficiency Standards
Compliance Manual/Forms

[California State Lands Commission](#)

www.slc.ca.gov (562) 499-6312
Marine Oil Terminal Standards

[California State Library](#)

www.library.ca.gov (916) 323-9843

Department of Consumer Affairs:

[Acupuncture Board](#)

www.acupuncture.ca.gov (916) 515-5200
Office Standards

[Board of Pharmacy](#)

www.pharmacy.ca.gov (916) 518-3100
Pharmacy Standards

[Bureau of Barbering and Cosmetology](#)

www.barbercosmo.ca.gov (800) 952-5210
Barber/Beauty Shop and College Standards

[Bureau of Household Goods and Services](#)

www.bhgs.dca.ca.gov (916) 999-2041
Insulation Testing Standards

[Structural Pest Control Board](#)

pestboard.ca.gov (800) 737-8188
Structural Standards

[Veterinary Medical Board](#)

www.vmb.ca.gov (916) 515-5220
Veterinary Hospital Standards

[Department of Food and Agriculture](#)

www.cdffa.ca.gov (916) 900-5004
Meat & Poultry Packing Plant Standards,
Collection Center Standards
(916) 900-5008
Dairy Standards

[Department of Housing & Community Development](#)

www.hcd.ca.gov Contact Center (800) 952-8356
Option 5 > Option 2
Residential—Hotels, Motels, Apartments, Single-
Family Dwellings, and Permanent Structures in
Mobilehome & Special Occupancy Parks
Option 5 > Option 3
Manufactured Housing & Commercial Modular
Option 5 > Option 4
Factory-Built Housing
Option 5 > Option 5
Employee Housing Standards
Northern CA—*Option 2 > Option 2 or 3*
Southern CA—*Option 2 > Option 4 or 5*
Mobilehome—Permits & Inspections

[Department of Public Health](#)

www.cdph.ca.gov (916) 558-1784
Organized Camps Standards
Public Swimming Pools Standards

[Department of Water Resources](#)

www.water.ca.gov (916) 651-7025
Recycled Water Building Standards

[Division of the State Architect \(DSA\)](#)

www.dgs.ca.gov/dsa (916) 445-8100

DSA Access Compliance, Fire and Life Safety, Structural Safety

Public Schools Standards
Essential Services Buildings Standards
Community College Standards

DSA State Historical Building Safety Board

Historical Rehabilitation, Preservation,
Restoration or Relocation Standards

[Office of Statewide Health Planning & Development](#)

oshpd.ca.gov (916) 440-8300
Hospital Standards, Skilled Nursing
Facility Standards & Clinic Standards

[Office of the State Fire Marshal](#)

osfm.fire.ca.gov (916) 568-3800
Code Development and Analysis
Fire Safety Standards

PUBLIC COMMENT on PROPOSED BUILDING STANDARDS

For Publication in Title 24, California Code of Regulations

Commenter Contact Information

Name:

Full Name

Date:

Representing

Name of Business

Mailing Address:

Number & Street

City

State

Zip Code:

Telephone #:

Email: *

Proposed Building Standard

Title 24 Part #: (select one)



Chapter, Section #: *

Proposing State Agency *

This comment is intended for review during: (select one) 45-Day Comment Period 15-Day Comment Period

Code Advisory Committee Commission Meeting

Your recommendation based on the criteria of Health and Safety Code Section 18930(a) below: (Select One)

Approve Disapprove Further Study Required Approve as Amended

In support of your recommendation above, provide the rationale based on the criteria of Health and Safety Code Section 18930(a) below. If you recommend anything other than approve, cite the criteria below. If you oppose a proposed building standard, offer a solution or alternative for the state agency to consider.

9 Point Criteria *

18930(A) 1



Submit

BUILDING STANDARDS NINE-POINT CRITERIA

Health and Safety Code Section 18930(a) reads:

(a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:

- (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.