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

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

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Introduction and Purpose

The California Building Standards Commission (CBSC) has developed this guide to assist state agencies responsible for preparing rulemaking documents that propose building standards for publication in the California Code of Regulations (CCR), Title 24, California Building Standards Code.

Adherence to these guidelines and the referenced state laws and regulations will help ensure adoption or approval by CBSC and streamline the work CBSC’s staff must perform to prepare the documents for CBSC’s website, Code Advisory Committees, CBSC public meetings to consider approval or adoption, and the publication process.

Additionally, consistency among rulemaking documents created by different agencies will assist CBSC and interested public.

Note: For those new to the rulemaking process, it may be helpful to review our Glossary of Terms, also available on our website www.dgs.ca.gov/bsc.

Application

These guidelines apply to a rulemaking file for proposed building standards, including but not limited to the Notice of Proposed Action (NOPA), Express Terms (ET), Initial Statement of Reasons (ISOR), the Final Statement of Reasons (FSOR), and other CBSC required forms. These are rulemaking documents developed by a state agency for submittal to CBSC for public review, hearing, 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.

Related State Laws and Regulations

The following state laws and regulations relate to the rulemaking process and should be studied before attempting to propose building standards.
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) in the Government Code.

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

State Regulations

- CBSC has adopted regulations regarding rulemaking in CCR, Title 24, Part 1, California Administrative Code, Chapter 1, Article 4 commencing with Section 1-401. Article 4 includes requirements for developing and submitting rulemaking documents to CBSC for public review and publication.

  **Note:** The acronym CBSCR will be used in place of the title California Code of Regulations, Title 24, Part 1, California Administrative Code, Chapter 1, adopted by the Building Standards Commission.

State adopting agencies and state proposing agencies are subject to other state laws providing authority for developing, or a mandate to develop, building standards.

  **Note:** See Appendix 1, Rulemaking References, for a list of state laws and regulations by rulemaking subject matter.

Authority of the California Building Standards Commission

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

- Approves NOPAs, ISORs and hearing dates proposed by state adopting agencies.
- Conducts meetings of the Coordinating Council established by HSC 18926 (see the About tab on our website for more information).
- Conducts Code Advisory Committee meetings.
- Makes proposed building standards available to the public and encourages public participation.
- Conducts public meetings to consider proposed or adopted building standards.
- Approves or adopts building standards.
- Arranges for the inclusion of approved and adopted building standards for publication in Title 24 and makes the building standards available to the public.

State Adopting and Proposing Agencies

Do you know if your state agency is an adopting or proposing agency? It is very important to understand the difference. It governs how your rulemaking project will be conducted. In short, state proposing agencies must submit proposed building standards to CBSC. CBSC then oversees the public comment period(s), and the public meetings to consider building standards where the commissioners will adopt, disapprove, return for further study or approve as amended the proposed building standards. Examples of state proposing agencies include the Department of Housing and Community Development (HCD), Division of the State Architect (DSA) and the Office of the State Fire Marshal (SFM).

A state adopting agency has authority to develop and conduct its own public comment periods and hearings to adopt its proposed building standards. In HSC Section 18935, CBSC is charged with reviewing and approving state adopting agencies’ NOPAs and ISORs, and submitting the NOPAs to the Office of Administrative Law (OAL) for inclusion in the California Notice Registry. Their adoptions must be submitted to CBSC for approval and publication in Title 24. CBSC’s authority to approve adoptions by state adopting agencies is limited to verifying that the adoption process was carried out in compliance with the HSC and APA. Examples of state adopting agencies include the California Energy Commission (CEC), State Historical Building Safety Board (SHBSB), Board of State and Community Corrections (BSCC), Department of Food and Agriculture (AGR) and the Department of Water Resources (DWR).
References:

- CBSCR Section 1-103 (Definitions)
- HSC Section 18930(b)
- HSC Sections 18949.1 through 18949.7

Hearing Date Approval

HSC Section 18935(b) and CBSCR Section 1-405 require a state adopting agency to obtain CBSC’s approval of the date, time and location for a public meeting in advance of conducting one regarding building standards. This requirement is needed to assure public participation by eliminating conflicting state agency public meeting dates. This may be accomplished by the state adopting agency submitting a proposed NOPA listing the tentative public meeting date, time and location to CBSC for review and approval as required by HSC Section 18935(a).

**Note:** This requirement applies only to state adopting agencies and not state proposing agencies.

18-Month Code Adoption Cycle

There are two different code adoption cycles for adopting building standards. HSC Section 18929.1 requires that CBSC receive proposed building standards for consideration in 18-month code adoption cycles. These cycles are called triennial and intervening code adoption cycles.

**Triennial Code Adoption Cycle:** As the term implies, the Triennial Code Adoption Cycle occurs at three-year intervals. The primary purpose is to adopt the latest editions of the model codes referenced in HSC Sections 17922, 18934.7, 18938 and 18938.3 which are published on a three-year cycle by the private code development organizations: International Code Council (ICC), International Association of Plumbing and Mechanical Officials (IAPMO), and National Fire Protection Association (NFPA). Model codes are used as the basis for Parts 2, 2.5, 3, 4, 5, 9 and 10 of Title 24. The requirement in HSC Section 18942 is for 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:** The Intervening Code Adoption 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 (on blue-colored paper) to add new pages or replace existing pages of Title 24.

References:

- HSC Sections 17922, 18928, 18929, 18929.1 and 18942

**Historical Note.** State legislation of 2010 (AB 1693, Chapter 145 of the Statutes of 2010) amended the California Building Standards Law (HSC Sections 18929.1, 18934.8 and 18942) to eliminate the Annual Code Adoption Cycle. Prior to this legislation, two annual code adoption cycles could occur between each triennial code adoption cycle. This legislation was in recognition that the time required to complete a code adoption cycle was generally more than one year. Thus, CBSC was starting a new cycle before the previous cycle was completed. This meant that at times CBSC was administering two separate code adoption cycles simultaneously. The above legislation created one Intervening Code Adoption Cycle to occur between triennial cycles.

**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 CBSCR Section 1-406, and it establishes a
date by which CBSC will accept and include proposed building standards and amendments for the subject cycle. The announcement also is 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 actually starting the rulemaking as provided for in HSC Section 18926(b)(2). Additionally, APA Section 11346.1 (b) provides strict conditions for emergency adoptions.

References:

- HSC Sections 18913, 18937, 18938 and 18942
- Government Code Sections 11346.1 and 11346.5 within the APA, with references to other provisions of the APA
- CBSCR Section 1-419

**Model Code Emergency Amendments:** When a private code organization adopts an emergency amendment to a model code that is currently adopted as the basis for a part of Title 24, 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.

Reference:

- HSC Section 18934.8 for details and time frames that are substantially different than for other rulemakings

**Change Without Regulatory Effect (CWoRE):** CBSCR 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 a part of a triennial or intervening code adoption cycle.

The type of regulatory change allowed under this section must be limited to editorial corrections and amendments that do not create new requirements for the public. See CBSCR Section 1-421(c) for the complete listing of matters that may be performed under this authority.

Reference:

- CBSCR Section 1-421

Resources and Training

Following are several sources for information, training and assistance that may be helpful when developing building standards and participating in the adoption cycle process.

**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.

*Note:* For a general timeline showing events over the triennial and intervening code adoption cycles, see Appendix 2.

**Websites:** The following websites are referenced herein and may provide information and assistance when creating proposed building standards.

- Office of Administrative Law [www.oal.ca.gov/](http://www.oal.ca.gov/)
- California Buildings Standards Commission [www.dgs.ca.gov/bsc](http://www.dgs.ca.gov/bsc)

**Office of Administrative Law (OAL) Authority and 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 regarding the rulemaking
process and documents on its website. If you are new to the process of rulemaking, you will benefit by reading the educational materials available at the OAL website. Additionally, they offer a three-day training course on “California Rulemaking Law under the Administrative Procedure Act.”

**Educational Documents:** CBSC’s website provides educational materials that were developed with a focus on educating the public and local government agencies, but they will also be informative to state agency personnel learning about Title 24 and preparing to proposing building standards. The following documents and more are available on the website.

- **Guide to Title 24:** Provides detailed information and illustrations about Title 24, how it is used and applies and who is involved in its production and maintenance. This is an excellent must-read reference document for persons not already familiar with Title 24.
- **A Public Guide to the Building Standards Adoption Process:** An educational publication for the general public that explains the process by which building standards are developed and adopted.
- **Glossary of Terms:** Definitions and explanations of the many names, terms and phrases used in state laws and regulations related to creating, adopting and publishing building standards.
- **Frequently Asked Questions:** This document provides answers to and explanations of the frequently asked questions about Title 24, rulemaking, and matters relating to the development and use of Title 24.

**Rulemaking Documents and Format**

For each new regulatory project, contact CBSC for current forms, templates and checklists. Do not use any documents saved from previous rulemaking projects. CBSC rulemaking forms, templates and checklists are updated as needed to include new mandated requirements.

**Forms, Templates and Checklists:**

1. **Forms:** The forms listed below are available from CBSC and are required when developing a rulemaking file.
Building Standards Notice/Submission Face Sheet (Form BSC-1): This form must accompany a rulemaking file submitted to CBSC. It also serves to guide the development of the rulemaking file, and CBSC uses this form to verify that all requirements for a received rulemaking file are satisfied.

Economic and Fiscal Impact Statement (Form 399): This form is available from CBSC and from a number of other sources, including the Department of Finance and OAL. The form may be completed online 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 your final rulemaking, it must include the signatures of the agency secretary and the Department of Finance. There is more information about this form later in this guidebook.

2. Templates: State agencies should use the templates provided by CBSC to meet the submittal and content requirements for each step of the rulemaking process: initial submittal, 45-Day public comment period(s), final submittal, emergency rulemaking and CWoREs. Use of the templates ensures that your documents follow a consistent format acceptable to CBSC.

3. Checklists: The checklists are used by CBSC staff to review received rulemaking files to determine compliance with the APA and Article 4 of CBSC regulations in the CBSCR. 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 your agency submittal.

Note: Should any of the templates, checklists or forms conflict with the requirements of the 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’s office at 916-263-0916, or via email to cbsc@dgs.ca.gov.
**Software**: Written rulemaking documents that are not created using CBSC forms or templates shall be created and readable in Microsoft (MS) Word, or the current state provided word-processing software.

**Note**: To assist persons with disabilities who use screen reader software, it may be necessary to convert rulemaking documents to additional formats such as PDF, MS Word versions other than the current version, or a screen reader version (SRV).

**Previous Rulemaking Examples**: CBSC’s website has postings of rulemaking documents from previous code adoption cycles, emergency rulemakings and CWoREs that were developed by the various state agencies. The documents may be used for reference only.

**Note**: Please use current CBSC provided templates to create new rulemaking documents. Do not use previously submitted rulemaking documents as templates.

CBSC updates its rulemaking forms, templates and checklists regularly. Using outdated, inaccurate or incomplete rulemaking documents may result in a rejected rulemaking. Contact CBSC for current forms, templates and checklists at the beginning of a rulemaking cycle, any time help is needed with the development of your rulemaking file, or when contemplating an emergency or CWoRE rulemaking.

**Rulemaking Development (Pre-cycle Public Participation)**

To begin a project to propose building standards, 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 required by HSC Sections 18929.1 and 18934. The requirements are addressed in CBSCR Section 1-403.

**Step One – Draft the Express Terms.** Be sure you have reviewed available information at the OAL and CBSC websites for creating Express Terms.

**Workshops**: This step documents efforts to include public participation. Be sure to maintain a record of any meetings with the public, regulated industry, associations, and/or governmental agencies where the development of proposed building
standards were discussed. Keep a roster of attendees, agendas, and recordings or a written record of the discussions and any conclusions. The record of public participation should be referenced in and made an attachment to the Initial Statement of Reasons.

Reference:

- CBSCR Section 1-403.

**Step Two – Create the Initial Express Terms.** Using input from and discussion with interested persons during the workshop(s), develop your Initial Express Terms for submittal to CBSC and the Office of the State Fire Marshal (SFM).

**Step Three – 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) - requirement of the nine-point criteria

**Step Four – Create the Initial Statement of Reasons (ISOR).** This document must provide the public with the rationale for each proposed amendment, deletion or additional requirement, on a section by section basis, including subsections.

**Step Five – Create the Notice of Proposed Action (NOPA).** For state proposing agencies, required information about the public meeting may be left blank until after CBSC review. CBSC will establish the date and location for a public meeting to consider the proposed building standard. The information will be placed on the NOPA once the public meeting information is known.

State adopting agencies may include the public meeting information in the NOPA. The NOPA must be submitted to CBSC for approval of the hearing date, time and location.

Reference:
Step Six – Complete Required Forms. Complete the following forms for submittal to CBSC.

1. Building Standards Notice/Submission Face Sheet (Form BSC-1). This form must accompany a rulemaking file submitted to CBSC. It also serves to guide the development of the rulemaking file. CBSC uses this form to verify that requirements for a received rulemaking file are satisfied.

2. Economic and Fiscal Impact Statement (Form 399). For the initial rulemaking submittal pursuant to CBSCR Section 1-407, Form 399 does not require the signatures of the proposing agency’s secretary and the Department of Finance.

Note: The rulemaking file submitted to CBSC must include an unsigned Form 399, to be replaced by a signed original Form 399 later in the code adoption cycle. The rulemaking proposal will not be approved at CBSC’s public meeting unless the file contains a completed Form 399 containing all required wet signatures as appropriate.

Questions regarding Form 399 requirements must be directed to the Department of Finance.

Initial Rulemaking File Submittal

State Proposing Agencies. Submit the rulemaking file prepared during the pre-cycle phase to CBSC as required by CBSCR 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 assure file completion during development, and may include a copy in the rulemaking file submitted to CBSC.

Deliverables to CBSC:

- One original Face Sheet (BSC-1) with wet signature.
- One copy of the Notice of Proposed Action (NOPA) (BSC TP-100).
- Two copies of the Initial Express Terms (BSC TP-121).
- Two copies of the Initial Statement of Reasons (ISOR) (BSC TP-106).
• One copy of the Economic and Fiscal Impact Statement (Form 399).
• Two copies of the Nine-Point Criteria Analysis (BSC TP-109) including SFM written approval, if promoting fire and panic safety building standards as determined by the SFM.
• One electronic file copy of each of the above documents suitable for immediate placement on the CBSC website.
• Notice Review Checklist (BSC CL-9) used by CBSC staff (optional).

Note: The deliverables must be provided to CBSC on a compact disk or thumb drive/flash drive in both MS Word and PDF file formats, in addition to original hard copies.

State Adopting Agencies. HSC Section 18935 charges CBSC with reviewing and approving state agencies' NOPAs and ISORs, and submitting the NOPAs to OAL for inclusion in the California Notice Registry. Once building standards have been adopted, submit the entire rulemaking file to CBSC. The adoption will be placed on the agenda for the next CBSC public meeting to be considered for approval as meeting the requirements of the HSC, CBSCR and APA for rulemaking.

Note: Appendix 3, Deliverable Documents During the Rulemaking Process, identifies the required documents at the different stages of the rulemaking process.

Code Advisory Committee Meetings

The Code Advisory Committees (CAC) provide expert technical review of proposed building standards and provide recommendations to CBSC and state proposing agencies. This process only applies to state proposing agencies and not state adopting agencies. For a brief description of each CAC and the appointed members visit the CBSC website under the About tab.

CBSC schedules CAC meetings and prepares the rulemaking documents for review after the submittals are received from the state proposing agencies. Each proposing agency responsible for developing an initial rulemaking shall, pursuant to CBSCR Section 1-409, attend the CAC meeting at which the proposing agency’s rulemaking is
being considered. The proposing agency should be prepared to present its proposed rulemaking, 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 and address each recommendation within the revised ISOR pursuant to CBSCR Section 1-409(g). CAC comments and recommendations are not binding. If a state agency chooses not to accept a CAC recommendation to amend the proposed Initial Express Terms, the state agency should be prepared to respond to questions from CBSC during the public meeting to consider adoption. The revised ISOR must explain action taken on each CAC recommendation, including when no action is taken.

If the Initial Express Terms document is amended to address accepted CAC comments, the amendments must be explained in the revised ISOR and the express terms format will remain in standard underline and strikeout format.

Revised rulemaking documents are to be resubmitted to CBSC prior to the initial 45-Day public comment period.

**Public Comment Rulemaking File Submittal**

Subsequent to 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 deadline established by commission staff in preparation for the initial 45-Day public comment period. See CBSCR Section 1-411.

**Deliverables to CBSC:**

- One copy of the Notice of Proposed Action (NOPA) (BSC TP-100).
- Two copies of the 45-Day Express Terms (ET) (BSC TP-103) revised to incorporate any amendments to address CAC recommendations.
- Two copies of the Initial Statement of Reasons (ISOR) (BSC TP-106) including explanations of any revisions to address CAC recommendations.
- All other items required by CBSCR 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.

**Note:** The deliverables must be provided to CBSC on a compact disk (CD) or thumb drive/flash drive in both MS Word and PDF file formats, in addition to original hard copies.

**Initial Public Comment Period (45-Day)**

Proposed building standards must be made available to the public for a minimum of 45 days prior to adoption as required by Government Code 11346.4. CBSC is responsible for scheduling the initial 45-Day public comment period. The state proposing agencies must submit to CBSC the rulemaking documents which will be made available to the public for comment. CBSC will post the rulemaking documents on CBSC’s website, and will provide hard copies upon request. The state proposing agencies must also make the rulemaking documents available to the public on their website. CBSC is also responsible for collecting the public comments and distributing them to the appropriate state agencies.

**Additional Public Comment Periods**

State agencies must consider all 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. However, the proposed building standards as amended must be provided to the public for a subsequent public comment period as follows.

• If the amendment to the proposed building standard is nonsubstantial or solely grammatical in nature, or is sufficiently related to the original text provided to the public, the amended proposed building standard shall be made available to the public for at least 15 days. Reference GC 11346.8(c). Use the 15-Day Express Terms template (BSC TP-104) available from CBSC. The template reflects amended or repealed 15-Day language to appear in *italics and double underline* and *double strikeout*.

• If the amendment does not meet the requirement stated above based on Government Code (GC) Section 11346.8(c), then the amended proposed building standard must be made available to the public for comment for no less than 15 days.
than 45 days. Use the 15-Day Express Terms template provided on the CBSC website (BSC TP-104), and change the title to “45-Day”. which reflects amended or repealed 15-Day language to appear in *italics* and *double underline* and *double strikeout*. For this purpose, replace the 15-Day part of the title with “45-Day” as the functionality is the same.

Reference:
- GC 11346.8(c)

The amended Express Terms document provided to the public for additional review need only contain the provision that is amended.

Any written comments received regarding the change must be responded to in the Final Statement of Reasons (FSOR) required by GC 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-Day or 45-Day language in strikeout and underline format. Use the Final Express Terms template (FET) (BSC TP-105) available from CBSC for this purpose.

Use the Final Rulemaking File Review Checklist (BSC CL-3) as a reference. This checklist is used by CBSC staff to determine if the final rulemaking file is complete. All deliverable rulemaking documents must be provided to CBSC by the established due date to allow time to prepare for the CBSC public meeting to consider approval or adoption of the proposed building standards. Refer to CBSCR Section 1-415 for the complete listing of all documents required. Some documents are not included in the list; such as documents applicable to emergency building standard rulemaking.

**Deliverables to CBSC:**

- Index or Table of Contents of each item in the submittal to CBSC.
- One original Building Standards Face Sheet (BSC-1) with wet signatures.
- One copy of the Notice of Proposed Action (NOPA) (BSC TP-100).
- One copy of the Informative Digest (part of the NOPA).
- One copy of the Initial Statement of Reasons (ISOR) (BSC TP-106).
• One copy of the Final Express Terms (FET) (BSC TP-105) with the text of the final proposed building standard(s) for adoption.
• Economic and Fiscal Impact Statement (Form 399), with all appropriate wet signatures and fiscal analysis prepared by the submitting agency.
• One copy of the written transcript(s) or recorded minutes of any public hearing(s).
• One copy of each exhibit submitted or written comment received at any public hearing conducted by the agency and transcripts of any oral comments received.
• One copy of each written comment received during public comment period(s).
• One copy of the Final Statement of Reasons (FSOR) (BSC TP-107); including any studies, surveys or documents used to support the rationale for the proposed building standard(s).
• One copy of the Updated Informative Digest (BSC TP-108).
• If applicable, one copy of the proposed standards with any post-hearing changes indicated, and a memo attesting to the 15-Day public availability period (BSC TP-112) (See G.C. Section 11347.1).
• One copy of the signed Certification of Close and Complete of the Rulemaking File (BSC TP-111) with wet signature.
• One copy of the Nine-Point Criteria Analysis (BSC TP-109) 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.

**Note**: The deliverables must be provided to CBSC on a compact disk or thumb drive/flash drive in both MS Word and PDF file formats, in addition to original hard copies.

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

- In all Express Terms, be sure all authority and reference citations are complete and accurate.
- Update the footer information on all templates as appropriate for the final submittal.
- Assemble the submittal file in an orderly manner. An orderly file will reduce the potential for errors during the process of preparing for CBSC’s public meeting and subsequent filing of adopted building standards with the Secretary of State.

Public Meeting for Adoption/Approval

State Proposing Agencies: At CBSC’s public meeting to consider adoption, each state proposing agency will be called to present its proposed building standards orally before CBSC’s commissioners. State agency staff must be prepared to 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 comments and questions from CBSC’s commissioners about CAC recommendations and public comments. The commissioners will need assurances that all public input has been considered. At the conclusion of your presentation, request that the commissioners approve the proposal(s). At that point, CBSC’s chairperson will call for public comment. Be prepared to address the public comments if asked by CBSC’s commissioners.

State Adopting Agencies: CBSC’s authority in the California Building Standards Law (HSC, Division 13, Part 2.5) is limited to verifying compliance with the rulemaking process. The adopting agency’s oral presentation, delivered by the adopting agency staff, should include a description of the steps taken to comply with the rulemaking requirements, 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 the order to repeal building standards, the new or amended building standards must be
published for inclusion in the appropriate parts of Title 24. This action is called codification.

**Codification:** CBSC assembles a codified document for the publisher which is a blend of the approved Final Express Terms and model code and/or California amendments. At the publisher, editors and typesetters merge the new text into the appropriate part of Title 24, and then send proofs back to CBSC for review by the agencies.

When CBSC receives the proofs, adopting and proposing agency staff representatives are contacted and advised that the proofs are available and a review time is scheduled. At this point in the process, time is critical and the agencies must act promptly to complete the review of each proof.

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

**Forms of Publication:**

1. **New editions:** A triennial code adoption cycle results in the publication of a new edition of Title 24 (in new binders) to include the adoption of new editions of the model codes with necessary California amendments. The code pages are printed on white paper.

2. **Supplements to current edition:** When the current edition of Title 24 is amended by CBSC adoption and approval (see criteria below), a supplement is published. A supplement is printed on blue-colored paper for insertion into the current edition of Title 24 and occurs for all of the following:
   - When new building standards are added.
   - When the current building standards are amended by either an intervening code adoption cycle action or by a CWoRE pursuant to CBSCR Section 1-421, or by an emergency adoption pursuant to CBSCR Section 1-419.
   - 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 building standards and maintain the continuity of the remaining building standards.
3. **Errata to current editions**: When the current edition of Title 24 is amended by the correction of a nonsubstantive printing error or omission, an erratum is published and printed on buff-colored paper for inclusion in Title 24.

**The Publishers**

- **International Code Council (ICC)** – Parts 2, 2.5, 9 & 10 (based on model codes with California amendments) and Parts 1, 6, 8, 11 & 12 (California codes)
- **National Fire Protection Association (NFPA/BNi Books)** – Part 3 (based on model code with California amendments)
- **International Association of Plumbing and Mechanical Officials (IAPMO)** – Parts 4 & 5 (based on model codes with California amendments)

**In Conclusion**

CBSC administers and oversees the rulemaking process for building standards which results in the publication of Title 24. Questions about the rulemaking process should be directed to CBSC during any stage of the development of new building standards by state proposing and adopting agencies. Please also visit CBSC’s website [www.dgs.ca.gov/bsc](http://www.dgs.ca.gov/bsc) for guidance materials and FAQs.

We hope this guidebook has been helpful, and would appreciate receiving your comments and suggestions on how it or any of our other guides and educational material might be improved. You can email us at cbsc@dgs.ca.gov or send by mail to California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA, 95833.

**Appendices**

- **Appendix 1.** Rulemaking References
- **Appendix 2.** California Building Standards Code Adoption Cycles
- **Appendix 3.** Deliverable Documents During the Rulemaking Process
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CBSCR, means the California Building Standards Commission regulations in California Code of Regulations, Title 24, Part 1, Chapter 1.
Notes:
1. New model code adoption in triennial cycle only. Must be adopted or proposed for adoption within one year of publication date (Ref: Health and Safety Code, Section 18928).
2. CBSC means California Building Standards Commission.
3. CAC means Code Advisory Committees.
4. Errata issuance may occur at any time as needed to correct errors in the published code.
5. Intervening cycle produces supplement to the triennial published code.
6. Cycles repeat indefinitely.
*Emergency and Change Without Regulatory Effect (CWoRE) adoptions may occur at any time as needed.