PROPOSITION 39

• DSA collaborated with the California Energy Commission on Guidelines RE:
  • Triggers for Required DSA Review
    • Structural
    • Fire and Life Safety
    • Access
  • Structural Exemptions and Exceptions
  • Access Related Exemptions
Governig Document per SB 73:

Proposition 39: California Clean Energy Jobs Act-2013

Program Implementation Guidelines

Adopted by California Energy Commission
December 19, 2013
Certain eligible energy measures funded by Proposition 39 might be exempt or excluded from DSA review and approval for structural safety, depending on the scope of work and estimated construction cost. In addition, some eligible energy projects may not be required to include accessibility upgrades outside the scope of work area.

To help LEAs determine the various requirements for eligible energy measures, and possible exemptions, the DSA provides resources and guidelines on its website at:

Energy Efficiency Project Construction Compliance Requirements
Division of the State Architect (DSA)

LEAs are advised to consider DSA requirements early in their planning for Proposition 39-eligible energy projects and contact the appropriate DSA Regional Office with jurisdiction over the area in which the project is located.

http://www.dgs.ca.gov/dsa/AboutUs/contact.aspx.
STANDARD EXEMPTIONS

• DSA review and approval is not required for alteration or reconstruction projects:
  • When estimated construction cost is less than $40,268.17 (No design review by DSA is required)
  or
  • When estimated construction cost is between $40,268.17 and $161,072.67 and the Design Professional confirms that there is no Structural, Fire/Life Safety or Access work in the project.
California Code of Regulations, Title 24, Part 2 (the CBC) when alterations or additions are made to existing buildings. If the existing “path of travel” elements do not comply with current code provisions, upgrades are required to the area of the work and designated elements serving the area that is being altered. **Upgrades to the current “path of travel” are required as follows:**

- If cost of the project is <$143,303, then cost of compliance is limited to 20 percent of the adjusted construction cost.
- If the cost of the project is ≥$143,303, no limit to the cost of compliance.*

*If unreasonable hardship is determined by enforcing agency, there must be compliance by equivalent facilitation to the greatest extent possible. The cost of compliance shall not be <20 percent of adjusted construction cost.
CBC: 11B-202.4 EXCEPTIONS

- 11B-202.4 Path of Travel Requirements in Alterations, Additions and Structural Repairs. When alterations or additions are made to existing buildings... an accessible path of travel....shall be provided.

Exceptions:

- Projects consisting only of heating, ventilation, air conditioning, reroofing, electrical work not involving placement of switches and receptacles, cosmetic work that does not affect items regulated by this code, such as painting, equipment not considered to be a part of the architecture of the building or area, such as computer terminals and office equipment shall not be required to comply with 11B-202.4, unless they affect the usability of the building or facility.

- ALTERATION [DSA-AC] A change, addition or modification in construction, change in occupancy or use, or structural repair to an existing building or facility. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.
## ACCESS RELATED EXEMPTIONS

<table>
<thead>
<tr>
<th>No.</th>
<th>Project Type</th>
<th>Path of Travel Access Upgrades</th>
<th>Required?</th>
<th>Applicable 2013 Code Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Heating, ventilation and air conditioning</td>
<td></td>
<td>No</td>
<td>11B-202.4 Exceptions: 7</td>
</tr>
<tr>
<td>2</td>
<td>Reroofing with “cool” roof</td>
<td></td>
<td>No</td>
<td>11B-202.4 Exceptions: 7</td>
</tr>
<tr>
<td>3</td>
<td>Weatherization/caulking</td>
<td></td>
<td>No</td>
<td>2-202 Definitions “Alterations” and 11B-202.4 Exceptions: 7</td>
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<tr>
<td>4a</td>
<td>Window replacement (glazing only)</td>
<td></td>
<td>No</td>
<td>2-202 Definitions “Alterations” and 11B-202.4 Exceptions: 7</td>
</tr>
<tr>
<td>4b</td>
<td>Window replacement (frames and glazing)</td>
<td></td>
<td>Yes</td>
<td>2-202 Definitions “Alterations” and 11B-202.4</td>
</tr>
<tr>
<td>5a</td>
<td>Window shading devices—window screens (applied to glazing)</td>
<td></td>
<td>No</td>
<td>2-202 Definitions “Alterations” and 11B-202.4</td>
</tr>
</tbody>
</table>
## ACCESS RELATED EXEMPTIONS

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</thead>
<tbody>
<tr>
<td>5b</td>
<td>Window shading devices—solar shading devices requiring structural attachment</td>
<td>Yes\textsuperscript{vii}</td>
<td>2-202 Definitions “Alterations” and 11B-202.4</td>
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<tr>
<td>6</td>
<td>Energy Management Systems (EMS)</td>
<td>No\textsuperscript{viii}</td>
<td>2-202 Definitions “Alterations” and 11B-202.4 Exceptions: 7</td>
</tr>
<tr>
<td>7</td>
<td>Lighting upgrades—re-lamping, ballast replacements, fixture replacement</td>
<td>No\textsuperscript{ix}</td>
<td>2-202 Definitions “Alterations” and 11B-202.4 Exceptions: 7</td>
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<tr>
<td>8</td>
<td>Water-heating upgrades</td>
<td>No\textsuperscript{x}</td>
<td>2-202 Definitions “Alterations” and 11B-202.4 Exceptions: 7</td>
</tr>
<tr>
<td>9</td>
<td>Skylights</td>
<td>Yes\textsuperscript{xii}</td>
<td>2-202 Definitions “Alterations” and 11B-202.4</td>
</tr>
</tbody>
</table>
DISTRICT’S CHOICE:

- Utilize Exemptions/Exceptions and bypass DSA

or

- Obtain acknowledgment of Exemption/Exception compliance through DSA Over the Counter (OTC) Review
PARALLEL TRACKS

- Submit to CEC for energy plan review
- Meet with DSA for “over the counter” review
DSA PROP. 39 PROCESS
- Set Up Appointment
- All Submittals Electronic
- Download/Fill Out Template Form
- Meet with DSA Prop. 39 Team
- Pay Fee - Electronic Receipt Sent

CEC TRACK
- Energy Review and Approval

IMPLEMENTATION TRACK
- Implementation
- Construction
- Report
- Energy Savings

DSA TRACK
- Construction Review and Approval

Prop. 39 Project

CDE or CCCCO
- Funding
**DSA PROP. 39 PROCESS**
Tracks A through E – Electronic – No paper!

**STEP 1: Options A/B/C**
- Owner Chooses to Pursue Available Volunteer Paths
- Potential Risks Involved w/out DSA Review - Re: SS/FLS/AC
- Potential for Uncertainties - Access Lawsuits

**STEP 2: DSA Triage – Options D/E/F**

- **D:** OTC Review
  - Flat Fee
  - No ‘A#’ Issued
  - 2 Hrs. Max.
  - DSA Approval Letter Issued
  - Plans + Letter Into DSAbox
  - Corrections Noted w/ Bluebeam
  - Submit DSA 999 at Completion

- **E:** OTC Review
  - Standard % Fee
  - ‘A#’ Issued
  - 2 Hrs. Max.
  - Corrections Noted w/ Bluebeam
  - Inspection Card Issued - DSA 152

- **F:** Standard DSA Intake Submittal Process
  - ‘A#’ Issued
  - Expedited Plan Review Process
  - Standard % Fee
  - Inspection Card Issued - DSA 152

**STEP 1: Owner Must Choose!**
- **A:** DSA Exceptions/Exemptions
  - Owner Affidavit
  - DSA 999 at Completion

- **B:** < $39 K
  - No SS/FLS/AC
  - DSA 999 at Completion

- **C:** $39 K – $139 w/ DP Letter
  - No SS/FLS/AC
  - DSA 999 at Completion

**STEP 2: DSA Triage**

- **D:** OTC - No SS/FLS/AC
  - DSA 999 at Completion

- **E:** OTC - Minor SS/FLS/AC
  - ‘A#’ Issued

- **F:** Standard DSA Intake Submittal

**Approval and Inspection Card**
DSA Procedure for Proposition 39 Projects:

- Visit DSA website for information and instructions
- Contact Regional Office to request an OTC appointment
- Download and complete form DSA 7 from website
- Submit plans and form DSA 7 electronically to DSA
- Bring check for $400.00 to appointment
- If project complies with DSA Exemptions/Exceptions, DSA will issue a signed DSA Review Acknowledgement and place in Proposition 39 DSAbbox with plans
- At completion of construction, Project Inspector will submit DSA Form 999 into Proposition 39 DSAbbox
# Form DSA 7

## DSA

### APPLICATION FOR CONCURRENCE: PROJECT IS EXEMPT

The Division of the State Architect (DSA) reviews and approves plans for construction projects under its jurisdiction for Title 24 compliance. The scope of DSA's review depends on the facility type and the scope of the project. Certain types of projects, depending on scope, may be exempt from the requirement to be reviewed and approved by DSA.

### SCHOOL DISTRICT (or state agency)

<table>
<thead>
<tr>
<th>Name of District (or state facility):</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>School Campus County District School or Fusion Number:</td>
<td></td>
</tr>
<tr>
<td>Director of facilities (or appropriate contact):</td>
<td>Telephone Number</td>
</tr>
</tbody>
</table>

### APPLICANT

<table>
<thead>
<tr>
<th>Contact Name:</th>
<th>Date Submitted:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firm Name (if not the school district):</td>
<td>Telephone Number</td>
</tr>
<tr>
<td>Email:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>City: State: ZIP Code:</td>
</tr>
</tbody>
</table>

**Applicant's Statement of Responsibility:** I certify, under the penalty of perjury, that I am acting for the school district/state agency in the legal capacity of agent making this application. I further certify that, to the best of my knowledge, the information given on this application is true and correct.

**Applicant's Signature:**

Is this a Proposition 30 funded energy efficiency improvement project?  
- [ ] Yes  
- [ ] No

Brief description of the project scope (submittal of construction documents is also required):

### DSA USE ONLY

<table>
<thead>
<tr>
<th>Exempt Request No.:</th>
<th>File No.:</th>
<th>Date Received:</th>
<th>Fee Received:</th>
</tr>
</thead>
</table>

**DSA Assessment By**

Check the appropriate box:

- [ ] Project is exempt. (Does not require DSA approval. Project must fully comply with all applicable design, construction, and inspection provisions contained in California Code of Regulations, Title 24)
- [ ] Project is not exempt. DSA approval is required for:
  - [ ] Structural Safety
  - [ ] Fire & Life Safety
  - [ ] Accessibility
QUESTIONS?

Contact: DSA Regional Managers

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