

**NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
STATE FIRE MARSHAL
REGARDING THE 2019 CALIFORNIA FIRE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
(SFM 04/19)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the State Fire Marshal's (SFM) office proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 9. The State Fire Marshal is proposing building standards related to the 2019 intervening rulemaking code cycle.

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a) (17).

A public hearing has not been scheduled; however, written comments will be accepted from **April 24, 2020**, until **5:00 P.M. on June 8, 2020**.

Comments may be submitted to CBSC via:

[e-comments form](https://dgs.ca.gov/BSC/e-comments) dgs.ca.gov/BSC/e-comments

US Mail postmarked no later than **June 8, 2020**:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Michael Nearman, Deputy Executive Director

Written comments may also be emailed to CBSC@dgs.ca.gov.

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a) (18).

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The State Fire Marshal has proposed these building standards under the direct statutory authority to adopt, amend and or repeal rules and regulations for fire and life safety regulations.

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13113, 13113.5, 13114, 13143, 13132, 13132.7, 13132, 13133, 13135, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18928, 18949.2, 25500-25545, Education Code 17074.50, and Government Code Sections 51189. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 18928.

The proposed building standards are not within the exclusive jurisdiction of another agency.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws:

Health and Safety Code Section 13108 (a).

The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13113.

An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5.

The State Fire Marshal Shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114 (a).

The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132.

Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a

patient stating that such patient is an ambulatory or a non -ambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7.

Mandates fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133 (a).

The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135.

The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are non -ambulatory.

Health and Safety Code Section 13143.

Grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1 (a).

The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.6 (a).

The State Fire Marshal shall prepare and adopt regulations establishing

minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9 (a).

The State Fire Marshal shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13211.

The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 17921 (b).

The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928 (a).

Requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18949.2 (b).

The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

Health and Safety Code Section 18949.2 (c).

The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 9, 2019 California Fire Code with SFM amendments and additional building

standards relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to update the 2019 California Fire Code (California Code of Regulations, Title 24, Part 9) based upon updated information or recent actions of the SFM. This proposed action:

Repeal certain amendments to the 2018 International Building Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).

Adopt and implement additional necessary amendments to the 2019 California Fire Code that address inadequacies of the 2018 International Fire Code as they pertain to California laws.

Codify non-substantive editorial and formatting amendments to the 2019 California Fire Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The specific purpose of this rulemaking effort by the SFM is to act accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section in regards to the annual code adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2018 International Fire Code and published as the 2019 California Fire Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Fire Code, establish and or maintain minimum requirements for the prevention of fire and panic for the protection of life and property against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

Evaluation of Consistency

The proposed regulations are consistent with existing state regulations.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

Reference: Government Code Section 11346.5(a)(4).

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and building standards relating to the 2019 California Fire Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).

SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

Estimate: 0

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(7).

If the agency makes an initial determination that the adoption of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The determination shall include the following:

- A. Identification of the types of businesses that would be affected.
Business that build and operate escape rooms.
- B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action.
None
- C. SFM has made an initial determination that the adoption of this regulation may have a significant adverse economic impact on businesses, including the ability of California businesses to compete in other states. SFM has considered proposed alternatives that would lessen any adverse impact on business and invites you to submit proposals. Submissions may include the following considerations:

The establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses.

Consolidation or simplification of compliance and reporting requirements for businesses.

The use of performance standards rather than prescriptive standards.

Exemption or partial exemption from the regulatory requirements for businesses.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Reference: Government Code Section 11346.5(a) (11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

The SFM has assessed the proposed code changes and has determined that these changes would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Tall Wood Building (TWB)

The Tall Wood Building (TWB) proposed regulations do not mandate the use of the three new Type IV construction categories. The proposal only recognizes their use as a design option. Therefore, there is no cost increase to industry.

The use of mass timber possibly will deliver significant cost savings to construction due to the cost of materials, the period of project construction timelines and a possible reduction by 20% by on-site skilled labor.

Wildland Urban Interface workgroup (WUI)

The SFM Wildland Urban Interface workgroup (WUI) proposed regulations estimate an increase of approximately \$1,150 per structures that are built in the fire severity zone. The regulations have no fiscal impact for other structures.

The WUI proposal will require a cap sheet under roof assemblies that contain an airspace. The cost of the 72-pound cap sheet sells for an average of \$21.00 to \$25.00 per 100-foot roll. The cap sheet which is used to achieve a "Class A" assembly for several different roofing materials. Taking the high cost of \$25.00 a roll, this comes out to \$0.25 per square foot.

Installation of the cap sheet material would add about \$10.00 per roll or \$0.10 per foot cost. Total installation would be \$0.35 per foot or \$35.00 per square foot. A 1,500-square foot, one-story house would cost \$525.

The WUI workgroup proposal will require vents to be listed to ASTM E2886 for new structures that are built in the areas that have been identified as a Fire Severity Zone.

The cost for the vents would be \$20 to \$25 per vent. This would add an additional cost of approximately \$600 for a 2,000-square foot structure. This can vary based on the design of the structure's exterior venting.

The WUI workgroup proposal would require flashing installed at the wall and deck intersection; covering six inches above the deck on the wall. The cost of flashing is approximately .80 cents a foot. A 20-foot deck would add an additional \$16 in materials.

SFM Elevator Workgroup

The SFM elevator workgroup proposal will require venting for smoke, temperature and humidity control. The requirements for venting were previously in the 2012 model code, but were removed in the 2015 edition. There is a cost for the installation of venting. The cost is absorbed or neutral because the equipment manufacture listing requires the temperature and humidity standards to be met for their warranty.

The cost of forecasting for the venting at the beginning of construction is more cost effective than having to add the venting later to meet the equipment standards. This is also more effective than voiding the manufacturer's warranty. The workgroup found the overall cost neutral because of the offsetting factors.

The SFM elevator workgroup proposal for medical emergency elevators will allow different elevators to meet the requirements. The costs are unknown, because they are based on a designer's ability to utilize different elevator systems to meet the specific building design and function.

Escape rooms

The escape room regulations were approved for the ICC 2021 edition of model codes. The proposal is to adopt these regulations in California early before the triennial adoption. The ICC proposals did identify that there could be an increase in the cost of construction.

The main cost will be standalone special amusement areas that exceed the 1,000 square feet that intentionally confound the egress path. The regulations will provide a fire protection system and detection system. The code does allow temporary systems and alternate means to address the life safety issues upon approval of the fire official. The cost can vary greatly based on the size and the circumstances. It may add an additional cost that is minimum to several thousand dollars.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Reference: Government Code Section 11346.5(a) (10).

The SFM has assessed whether or not and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

The Tall Wood Building (TWB) proposals will create the opportunity for the increased use of mass timber. The use of mass timber can deliver significant cost savings. The cost of the materials is the same or higher. The time of construction at the site can be reduced by 20% and the on-site skilled labor is reduced. The regulations may create an increase in the demand for specialists, designers, and engineers in mass timber. They may also increase the demand for workers in manufacturing plants of mass timber if they are built in California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The Tall Wood Building proposals will create the opportunity for the increased use of mass timber. The use of mass timber can deliver significant cost savings. The cost of the materials is the same or higher. The time of construction at the site can be reduced by 20% and the on-site skilled labor is reduced. This may increase the mass timber manufactures, designers, and construction firms in California.

C. The expansion of businesses currently doing business within the State of California.

The Tall Wood Building proposals will create the opportunity for the increased use of mass timber. This may create the increased use of wood products. Inversely, this may create a reduction in the traditional use of concrete and steel in construction.

This is new to the industry and the expanded use of mass timber is unknown and difficult to calculate for the 18-month effective period of analysis. The manufacturing of the product is currently done in other states. According to, the Beck Group, as of 2018 there are five certified manufactures of Cross Laminated Timber (CLT) in the North America. This will provide the incentive to produce CLT in California, but it is unlikely to occur within the 18-month time frame. The proposals may create the opportunity for manufacturing to move into the state, but to what extent is unknown.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The SFM worked with various stakeholders to propose regulations that provide an acceptable level of fire and life safety. These proposals include standards for the protection from wildland fires; safety for the use and movement of hazardous materials; safe egress; protections for fire service personnel; worker and public safety in elevators

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).
The SFM did not identify and impact on housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a) (13).

The SFM has determined that no reasonable alternative considered by SFM or that

has otherwise been identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected on small business than the proposed action, or would be more cost-effective to affected small business and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a) (16) and 11346.5(a) (20).

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the [CBSC website](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

Reference: Government Code Section 11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the [CBSC website](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

Reference: Government Code Section 11346.5(a) (21).

SFM shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Primary Contact:

Gregory Andersen, Chief of Code Development
CAL FIRE, Office of the State Fire Marshal

(916) 568-2915
Greg.andersen@fire.ca.gov

Back up Contact:

Crystal Sujeski, Deputy State Fire Marshal III Specialist
Office of the State Fire Marshal, Code Development and Analysis Division
(916) 568-2916
Crystal.sujeski@fire.ca.gov