

Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

**1-317. Emergency petition.**

(a) A petitioner may assert that the petition requires immediate action because there is imminent danger to the public health, safety or welfare. To substantiate the existence of a potential danger, the petitioner must include in the petition a written description of the specific facts showing the need for immediate action.

(b) If the emergency petition is approved by the Commission and if the petition is accepted pursuant to this Article, the proposing agency or adopting agency shall develop and/or adopt new or amended building standards necessary to satisfy the cause for the petition. The new or amended building standards shall be proposed and adopted as emergency regulations as permitted by Health and Safety Code Sections 18934.8 and 18937.

**Authority:** Health and Safety Code Sections 18931 and 18949.6.

**Reference:** Health and Safety Code Sections 18931 and 18949.6.

**HISTORY:**

1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Section 1-803, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

**1-319. Petition processing by the Commission and agencies.**

(a) Within 45 days after receiving a petition, the Commission shall determine whether the petition meets the requirements of this article for petitions and provide the petitioner written notification.

(b) If the Commission determines that the petition does not meet the requirements of this article for petitions, the petition shall be returned to the petitioner without action but with written notification including itemization of the missing or incomplete items.

(c) If the Commission determines that the petition meets the requirements of this article for petitions, the Commission shall provide the petitioner notification of the acceptance of the petition and planned action.

(d) The Commission shall act on the accepted petition by commencing a rulemaking process, or shall forward a complete petitions to the appropriate proposing agency or adopting agency having specific jurisdiction for the subject of the petition.

(e) The proposing agency or adopting agency shall have 45 days following receipt of the petition from the Commission to dispute the determination of completeness and/or the Commission's determination of jurisdiction. If the agency determines that the petition is incomplete, it shall, by the close of business on the 45th day following receipt of the petition, return the petition to the Commission, with an itemization of the missing or incomplete items, and the Commission shall return the petition to the petitioner within 30 days of receiving the returned petition without action in accordance with the procedures provided in subparagraph (b) above.

(f) The Commission shall maintain records relating to the submittal and disposition of petitions received by the Commission.

**Authority:** Health and Safety Code Sections 18931 and 18949.6.

**Reference:** Health and Safety Code Sections 18931 and 18949.6.

**HISTORY:**

1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Section 1-804, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

**1-321. Petition processing by agencies.** Upon receiving a petition referred by the Commission, or a petition received directly from a petitioner, the proposing agency or adopting agency shall be responsible for the following duties:

(a) If the proposing agency or adopting agency disagrees with the Commission's determination that a petition is complete, or if the proposing agency or adopting agency believes the petition is in the jurisdiction of a different agency, the proposing agency or adopting agency shall notify the Commission no more than 45 days after receiving a petition.

(b) If the proposing agency or adopting agency determines that a petition received directly from the public does not meet the requirements of this article for petitions, the agency shall provide the petitioner written notification of the determination with itemization of the missing or incomplete items. The agency shall provide the Commission a copy of the notification.

(c) If the proposing agency or adopting agency determines that it has jurisdiction and that a received petition is complete, it shall take one of the following actions, communicating with the petitioner and Commission, within the noted time lines:

1. The agency may reject, accept or approve a petition in part and may grant such other relief or take such other action as it may determine to be warranted by the petition and shall notify the petitioner and Commission in writing of such action.
2. If the agency denies the petition for cause pursuant to Section 1-323 of this article [Criteria for Denying a Public Petition for Cause], it shall do so in writing within 45 days after the date of receiving the petition from the petitioner, or the referral by the Commission.
3. If the agency accepts the petition, it shall notify the petitioner and Commission in writing within 45 days after the date of receiving the petition. For the purposes of this section, accepting the petition indicates that the agency believes the issue(s) merit proceeding to code development as prescribed in this chapter.
4. If the approved petition contains an emergency clause, the agency shall also rule on the existence of an emergency, and if it concurs that an emergency exists, shall schedule code development and adoption procedures on an emergency basis.

**Authority:** Health and Safety Code Sections 18931, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6, Statutes of 1990.

**Reference:** Health and Safety Code Section 18931 and 18949.6.

**HISTORY:**

1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Section 1-805, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.