

**NOTICE OF PROPOSED CHANGES  
TO  
BUILDING STANDARDS  
OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)**

**REGARDING THE PROPOSED CHANGES TO  
ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

**AMEND CHAPTER 1 OF PART 1**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24. CBSC is proposing building standards related to amendments, reformatting, and new regulations for the 2010 California Administrative Code, CCR, Title 24, Part 1.

**PUBLIC COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from July 15, 2011 until 5:00 PM on August 29, 2011.

Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5 (a) 17, 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.

**POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

Following the public comment period, the 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 California Building Standards Commission proposes to adopt these building standards under the authority granted in Health and Safety Code 18909, 18929, 18929.1, 18930, 18930.5, 18931, 18931(f), 18931.8, 18935, 18938, and 18949.6.

The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 18909, 18929 through 18932, 18935, 18938, and 18949.6.

**INFORMATIVE DIGEST**

Summary of Existing Laws

Health and Safety Code 18909 defines what is, and what is not, a building standard.

Health and Safety Code 18929 through 18932 outline the duties of CBSC in its review of building standards proposed by state agencies; criteria to be used for acceptance; authority of CBSC to propose green building standards where no other agency has authority; procedural authorities and duties of CBSC; reimbursement by state agencies for review and development of building standards; establishment of a local fee on building permits to be used by CBSC and other agencies in the development and training of building standards, primarily green building standards; permission for CBSC to accept grants and gifts to perform its duties; and content of the code and authority of CBSC for its format.

Health and Safety Code 18935 requires that state agencies proposing to adopt building standards meet requirements, for public noticing and hearings, of California Government Code, Division 3, Part 1, Chapter 3.5, beginning with Section 11340, known as the Administrative Procedure Act (APA); and that CBSC shall submit agency notices to OAL for the purpose of publication in the California Regulatory Notice Register.

Health and Safety Code 18938 provides for statewide application of the California Building Standards Code as published by the California Building Standards Commission on certain effective dates for building, administrative and emergency standards.

Health and Safety Code 18949.6 requires CBSC to adopt regulations for the procedure for adopting building standards and administrative regulations that apply to implementation or enforcement of building standards. Regulations shall facilitate adoption of model building codes and shall allow for compliance with the APA.

#### Summary of Existing Regulations

Chapter 1 of Part 1 contains the administrative regulations of CBSC in ten articles, describing duties and procedures to be followed in implementation of California Building Standards Law. While some changes have been made in the last few years to reflect changes in the law, overall the regulations have not been updated in some time.

#### Summary of Effect

The proposed standards are submitted in a concurrent code adoption cycle with proposals to streamline and update the format and content of CBSC's administrative regulations, which are out of date and do not reflect current practices. It adds a section to Article 1, General, to regulate the use of indicia by CBSC to identify publications and other properties.

#### Comparable Federal Statute or Regulations

CBSC is not aware of an existing comparable federal statute or regulation.

#### Policy Statement Overview

The proposed regulations are intended to govern the use and permission to use current CBSC indicia which have been developed for published versions of codes, educational materials and properties yet to be identified, and of future indicia not yet developed.

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

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

### **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

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

### **ESTIMATE OF COST OR SAVINGS**

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

### **INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**

The CBSC has made an initial determination that the adoption/amendment/repeal) of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. The proposed regulations protect the public affected by building standards, including businesses, from potential illegitimate publications or claims attributed to CBSC.

### **DECLARATION OF EVIDENCE**

CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action over and above the Initial Statement of Reasons and the Economic and Fiscal Impact Statement which are part of this rulemaking.

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

CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

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

- The creation or elimination of jobs within the State of California.  
These regulations will not affect the creation of or elimination of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.  
These regulations will not affect the creation of or elimination of new businesses within the State of California
- The expansion of businesses currently doing business with the State of California.  
These regulations will not affect the expansion of businesses currently doing business within the State of California.

**INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS**

CBSC has made an initial determination that this proposal will have no effect on housing costs.

**CONSIDERATION OF ALTERNATIVES**

CBSC has made an initial determination that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF RULEMAKING DOCUMENTS**

All of 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 California Building Standards Commission website:

[http://www.bsc.ca.gov/prpsd\\_chngs/pc\\_10\\_annual\\_cycle.htm](http://www.bsc.ca.gov/prpsd_chngs/pc_10_annual_cycle.htm)

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 California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS**

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

**Jim McGowan, [Jim.McGowan@dgs.ca.gov](mailto:Jim.McGowan@dgs.ca.gov)**

**CBSC 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:

**Jane Taylor, [jane.taylor@dgs.ca.gov](mailto:jane.taylor@dgs.ca.gov)**

**2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833**

**Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959**