

**FINDING OF EMERGENCY  
OF THE  
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS)**

**REGARDING THE 2010 CALIFORNIA ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

**CHAPTER 4 – GROUP 1  
SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS**

The adoption of these regulations is necessary for the immediate preservation of the public peace, health and safety or general welfare, as follows:

This submission of the emergency regulations that allow DSA to issue a certification attesting that school construction was in accordance with the minimum requirements established by the current building codes and DSA approved plans and specifications are necessary for the immediate and general welfare of the state.

The adoption of these code change amendments is required in order to outline appropriate requirements to enable certification and close out process of school buildings. An unacceptably large backlog and growing number of newly completed school construction projects are being closed and occupied, without certification. Project certification by the DSA ensures a building project has been completed in accordance with the requirements as to the safety of design and construction pursuant to Education Code Sections 17280-17316 and 81130-81147. The emergency regulations will make it possible to ensure that a higher percentage of public school construction projects are able to be certified effectively and timely by DSA.

**AUTHORITY AND REFERENCE**

The California Building Standards Commission proposes to adopt these emergency building standards under the authority granted by Health & Safety Code Section 18930. The purpose of this code change proposal is to implement, interpret, and make specific the provisions of Education Code Section 17280 and 81130 (e.g. the "Field Act"). The Division of the State Architect is proposing this regulatory action based on authority in Education Code Sections 17280-17316 and 81130-81147.

**INFORMATIVE DIGEST**

Summary of Existing Laws

Existing law authorizes the State Architect to establish administrative building standards for public elementary and secondary schools per Education Code Section 17310, and Education Code Section 81142 authorizes the State Architect to establish administrative building standards for community colleges.

Summary of Existing Regulations

Existing Administrative building standards applicable to public schools are contained in Chapter 4 - Group 1 of Part 1, Title 24 (California Administrative Code). These administrative building regulations include provisions pertaining to safety of construction of public schools.

With regard to this proposal, existing regulations (Chapter 4 – Group 1) impose documentation requirements that prevent certification of school construction projects that were built in accordance with applicable building code standards. The purpose of these modifications is to align the requirements of certification with DSA enforcement responsibilities and make it possible to ensure that a higher percentage of all public school construction projects are able to be certified effectively and timely by DSA.

### Summary of Effect

The effect of this code change proposal would streamline requirements for certification of construction projects to enable DSA to address an estimated 12,000 projects that have been completed but not certified. These projects (built and completed State-wide from 1982 until the present) lack certification for reasons related to documentation rather than safety of construction. If the documentation requirements do not change, DSA will be unable to certify pending construction projects. Uncertified construction represents perceived risks by the public and prevents DSA from approving any future construction or alterations involving uncertified buildings. Uncertified legacy projects are currently blocking approval of plans for construction ready building projects throughout the State.

The proposed amendments will enable certification by providing the following:

- A simplified report mechanism for low cost projects and relocatable structures;
- Increased responsibilities of the project inspector for collecting and monitoring project-related documentation.
- Enhanced ability of the DSA to certify work that may not be in absolute conformity with the approved plans but does not affect health or safety of the construction project.
- Simplified procedure for review and approval of construction changes to eliminate DSA approval requirements for administrative and cosmetic changes.

### Comparable Federal Statutes or Regulations

There are no comparable federal regulations or statutes.

### Small Business Affect

There is no mandated effect to small business resulting from these regulations. However, certifying completed construction projects will allow pending construction plans to be approved and constructed, thereby creating job opportunities for small businesses..

### English Policy Statement:

The broad objective of these proposed amendments is to establish appropriate documentation requirements to enable certification of school building projects. Successful certification of past construction will allow for approval of new projects to modernize existing school facilities, improving school housing for California students and teachers while providing an economic stimulus by creating new construction related jobs and services.

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

There are no other matters prescribed by statute applicable to the DSA, or to any specific regulation or class of regulations.

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

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

## **FISCAL IMPACT STATEMENT (attached Form 399)**

- 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 non-discretionary cost or savings imposed on local agencies: No
- E. Cost or savings in federal funding to the state: No

Estimate: See Std. Form 399.

