

**45-DAY EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT- ACCESS COMPLIANCE (DSA/AC)**

**REGARDING PROPOSED CHANGES TO
ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
AMEND ARTICLE 5-104 IN CHAPTER 5 OF PART 1**

(The State agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific. (PART 1 – ADMINISTRATIVE CODE)

LEGEND FOR EXPRESS TERMS

1. Existing California amendments or code language being modified, as well as selected terms set forth in Chapter 2, Definitions are in italics when they appear in the model code text, independent of state amended definitions: All such language appears in *italics*, modified language is underlined.
2. New California amendments: All such language appears underlined and in italics.
3. Repealed text: All such language appears in ~~strikeout~~.

EXPRESS TERMS

5-104. Fees.

(a) The filing fee for projects under applications received on or after ~~September 1, 1984~~ July 1, 2009 shall be ~~two-tenths~~ four tenths of one percent (~~0.2%~~) (0.4%) of the first \$500,000.00 of the estimated project cost plus ~~one-tenth~~ two tenths of one percent (~~0.1%~~) (0.2%) of the project cost greater than \$500,000.00 up to and including \$2,000,000.00 plus ~~one-hundredth~~ two one-hundredths of one percent (~~0.01%~~) (0.02%) of the excess of the estimated project cost over \$2,000,000.00, except that the minimum fee in any case shall be ~~\$200.00~~ \$400.00.
Example of filing fee to accompany application:

Estimated project cost = \$250,000.00			
.002 <u>.004</u> \$250,000.00 =	\$ 500.00	<u>\$1,000.00</u>	
Estimated project cost = \$1,500,000.00			
.002 <u>.004</u> \$500,000.00 =	1,000.00	<u>2,000.00</u>	
.004 <u>.002</u> \$1,000,000.00 =	4,000.00	<u>2,000.00</u>	
	\$2,000.00	<u>\$4,000.00</u>	
Estimated project cost = \$5,000,000.00			
.002 <u>.004</u> \$500,000.00 =	\$1000.00	<u>\$2,000.00</u>	
.004 <u>.002</u> \$1,500,000.00 =	4,500.00	<u>3,000.00</u>	
.0004 <u>.0002</u> \$3,000,000.00 =	300.00	<u>600.00</u>	
	\$2,800.00	<u>\$5,600.00</u>	

(b) The fee schedule in effect at the time of filing shall apply throughout the duration of such application.

(c) ~~If~~ When the actual project cost exceeds the estimated cost ~~by more than 5 percent~~, a further fee for such projects shall become due and shall be equal to the difference between the filing fee paid and the amount computed under the schedule above using the actual cost of the project. The actual project cost shall be determined as directed in Section 5-105 and billed according to Section 5-107.

(d) If the applicant requests the cancellation or withdrawal of the application and return of the plans and specifications and filing fee, this shall be granted unless the review has begun. No portion of the filing fee can be returned after the review has started.

(e) Beginning in July 2009, with a review in 2011 and within every four years thereafter, the state architect shall review the fee schedule and make a written determination whether the fees are sufficient to fund the programs.

(i) If the state architect determines that a lesser amount is sufficient to maintain the programs, the fees may be reduced for a period up to four years.

(ii) If the state architect determines that a greater amount is necessary to maintain the programs utilizing these funds, the state architect shall propose a fee schedule increase.

Authority: Government Code Section 4453.

Reference: Government Code Section 4454.

Notation

Authority: Health and Safety Code Sections 18930 and 18949.1

Reference(s): Government Code Sections 4450, 4454, and 12955.1