

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE (DSA-AC)

REGARDING THE CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 1, CHAPTER 5

AMEND ARTICLE 1, SECTIONS 5-104 and 5-106

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

The Department of General Services, Division of the State Architect – Access Compliance (DSA-AC), proposes to the California Building Standards Commission (CBSC) to amend California Building Standards Administrative Code, Title 24, Part 1, sections 5-104 and 5-106 that establish fees for access compliance services provided by DSA-AC. The fees are deposited into the Disability Access Account pursuant to Government Code Section 4454(d) to fund plan review services and maintenance of accessibility standards.

The Disability Access Account fee structure for the DSA-AC activities was established through the California Building Standards Commission in 1990. This fee schedule was updated effective February 13, 2010.

California Code of Regulations (Section 5-104 of Title 24, Part 1) directs the DSA to conduct a review of the fee schedule in 2011 and within every four years thereafter. Upon review of the fee schedule, DSA may reduce the fees or propose a fee schedule increase. DSA's review of the fee schedule performed in June 2011 has determined that a 55 percent fee increase is necessary to assure sufficient resources in the Disability Access Account.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

Preparation of an analysis entailed a review of statutes and codes that govern DSA-AC operations and fee structure as well as the following fiscal information:

- Changes in the number of authorized positions for DSA-AC and accompanying salary increases from fiscal year (FY) 2000-01 through FY 2009-10;
- Actual and estimated project costs from FY 2005-06 through FY 2016-17;
- Workload analysis for accessibility plan reviews;
- Actual and projected income and expenses from FY 2000-01 through FY 2016-17 assuming no fee increase; and,
- Actual and projected income and expenses from FY 2000-01 through FY 2016-17 assuming the proposed fee increase becomes effective.

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 state agency representative listed in the Notice of Proposed Action.

CONSIDERATION OF REASONABLE ALTERNATIVES

DSA-AC has determined that no reasonable alternative considered by the DSA-AC or that has otherwise been identified and brought to the attention of DSA-AC 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.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

No reasonable alternatives have been identified by DSA-AC.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

DSA-AC has identified no facts, evidence, documents, testimony, or other evidence of any significant adverse economic impact on business in proposing this action.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

There are no federal statutes or regulations with which this action might conflict.