

**45-Day EXPRESS TERMS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)**

**REGARDING PROPOSED CHANGES TO  
2013 CALIFORNIA ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, 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. New amendments: All such language appears underlined.
2. Repealed text: All such language appears in ~~strikeout~~.

**EXPRESS TERMS:**

The California Building Standards Commission proposes to amend the 2013 California Administrative Code as follows. The majority of these amendments are without regulatory effect with the exception of Article 5.

**CHAPTER 1**

**ADMINISTRATIVE REGULATIONS OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION**

**ARTICLE 1  
GENERAL**

**1-101. Abbreviations.** The following abbreviations shall apply to Title 24, California Code of Regulations. Abbreviations may also be provided in each of the other twelve parts of Title 24. Whenever an abbreviation provided in this section conflict with an abbreviation provided within another part of Title 24, the abbreviation meaning provided in the other part shall prevail with that part.

AGR . . .

...

HCD 1 ...Identifies code provisions by ~~the~~ HCD (see Note)

HCD 2 ...Identifies code provisions by ~~the~~ HCD (see Note)

HCD 1 AC ...Identifies code provisions by ~~the~~ HCD (see Note)

...

UPC . . .

**Note:** For information . . .

**Authority:** Government Code . . .

**Reference:** Government Code . . .

**1-103. Definitions.** The following definitions shall apply to this Chapter 1, of Part 1, of Title 24 California Code of Regulations. Definitions may also be provided in each of the other ~~eleven~~ 12 parts of Title 24. Whenever a definition provided in this section conflicts with a definition provided within another part of Title 24, the

definition provided in the other part shall prevail within that part. ~~Additional definitions are provided in Article 5 of this chapter.~~

- (a) **ADOPTING AGENCY . . .**
- (b) **APPEAL . . .**  
**BUILDING STANDARDS ADMINISTRATION SPECIAL REVOLVING FUND** (the Fund). The Fund established in the State Treasury to receive funds submitted by the Commission pursuant to the provisions of Health and Safety Code Section 18931.6 and Article 5.
- (c) **CALGreen . . .**
- (d) **CHALLENGE . . .**
- (e) **CODE ADVISORY COMMITTEE . . .**
- (f) **CODE CHANGE . . .**
- (g) **CODE CHANGE SUBMITTAL . . .**
- (h) **COMMISSION . . .**  
**DEPARTMENT**. The Department of Housing and Community Development.
- (i) **ENFORCING AGENCY (or Enforcement Agency) . . .**
- (j) **EXECUTIVE DIRECTOR . . .**  
**FEES, APPROPRIATE FRACTIONS THEREOF**. Fee increments for permit values less than \$100,000 as described in Article 5, Section I-505.
- (k) **JUSTIFICATION . . .**  
**OFFICE**. The Office of the State Fire Marshal.
- (l) **PETITION . . .**
- (m) **PROPOSING AGENCY (or state proposing agency) . . .**
- (n) **PUBLIC UTILITY . . .**
- (o) **SPECIAL CODE ADVISORY COMMITTEE . . .**
- (p) **TECHNICAL REVIEW . . .**
- (q) **TITLE 24 . . .**

**Authority:** . . .

**Reference:** . . .

#### **I-105. Use of Commission indicia.**

- (a) Other than the Commission . . .
- (b) Requests for approval to copy, duplicate, reprint or otherwise use the indicia of the Commission shall be in writing and be submitted to the Executive Director, ~~at~~ California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento 95833. The address should be confirmed at the Commission's website: [www.bsc.ca.gov](http://www.bsc.ca.gov). Requests shall include the identification of the intended document or material that is to include the indicium or indicia of the Commission, and the time frame for the proposed usage.
- (c) The Executive Director, . . .

**Authority:** . . .

**Reference:** . . .

## **ARTICLE 2 DUTIES AND RESPONSIBILITIES OF THE BUILDING STANDARDS COMMISSION, THE EXECUTIVE DIRECTOR, COMMISSION PERSONNEL AND RESOURCES**

. . .

### 1-203. Development of standards.

- (a) The ~~commission~~ Commission shall . . .
- (b) A list of. . .
- (c) In developing green building . . .
- (d) The Commission . . .
- (e) The ~~commission~~ Commission may . . .

**Authority:** . . .

**Reference(s):** . . .

**HISTORY:**

- 1. (BSC 07/09) . . .

. . .

### 1-209. Code advisory committees.

- (a) **Standing code advisory committees.** . . .
- (b) **Special code advisory committee.** . . .
- (c) **Quorum.** . . .
- (d) **Members.** . . .
  - 1. **Accessibility.** . . .
  - 2. **Plumbing, electrical, mechanical and energy.** The Commission shall solicit nominations from: . . .
  - 3. **Building, fire and other.** . . .
  - 4. **Structural design/lateral forces.** . . .
  - 5. **Health facilities.** . . .
  - 6. **Green Building.** . . .

### Section 1-211. Application for code advisory committee appointment.

- (a) **Application required.** . . .
- (b) **Application form.** For each Code Advisory Committee vacancy, a completed Application for Code Advisory Committee Appointments, Form BSC-7, shall be submitted to the office of the Executive Director, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. The current address may be verified at the Commission's ~~web site~~ website, www.bsc.ca.gov. The application form is available from the Commission or may be obtained on the Commission's ~~web site~~ website under Forms, ~~and~~ Templates and Checklists.
- (c) **Application period.** . . .
- (d) **Selection decision.** . . .
- (e) **Notice of appointment.** . . .
- (f) **Application fee.** There is no application fee.

**Authority:** . . .

**Reference:** . . .

**HISTORY:**

- 1. (BSC 2/92) . . .
- 2. (BSC 02/08) . . .

## ARTICLE 3

## APPEALS AND PETITION PROCEDURES

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### 1-307. Appeal form and filing fee.

- (a) The appeal shall be in writing and shall specifically set forth: . . .
- (b) The appeal shall be filed with the Executive Director, ~~at CALIFORNIA BUILDING STANDARDS COMMISSION,~~ California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. This address should be confirmed at the ~~Commission's~~ Commission website, [www.bsc.ca.gov](http://www.bsc.ca.gov).
- (c) Filing Fee: Health and Safety Code . . .

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Authority: . . .

Reference: . . .

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## ARTICLE 4 RULEMAKING FOR THE ADOPTION OF BUILDING STANDARDS BY PROPOSING AGENCIES

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### 1-407. Rulemaking file approval.

- (a) Proposing agencies developing building standards, or administrative regulations to support building standards, to be published in Title 24, shall prepare a rulemaking file for submittal to the office of the Commission, which shall comply with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The ~~proposed~~ Notice of Proposed Action required by this section shall be approved by the Commission prior to any official notice to conduct a hearing or comment period regarding the proposed rulemaking.
- (b) File content. . . .
  1. A Building Standards Face Sheet (BSC-1), . . .
  2. Two printed copies and one electronic file of the ~~proposed~~ Notice of Proposed Action. The electronic file shall be suitable for immediate placement on the ~~webpage of the~~ Commission website for public viewing.
  3. One electronic file of the Express Terms showing the proposed building standards or amendments to existing building standards in ~~strikeout/underline~~ format. The file shall be in a form suitable for immediate placement on the ~~webpage of the~~ Commission website for public viewing. The language, including numbering and punctuation, of proposed new building standards or amendments to existing building standards shall be shown underlined. Proposed deletions of existing building standards shall be shown in ~~strikeout~~ type. Existing building standards to remain without amendment shall be shown without underlining or ~~strikeout~~ or other highlighting.
  4. One electronic file of the Initial Statement of Reasons suitable for immediate placement on the ~~webpage of the~~ Commission website for public viewing.

- (c) Upon approval of the ~~proposed~~ Notice of Proposed Action for ~~proposed~~ building standards the Executive Director will forward the approved ~~proposed~~ Notice of Proposed Action to the Office of Administrative Law for the sole purpose of publication in the California Regulatory Notice Register before the start of the public comment period, and return an approved copy to the proposing agency. If a ~~proposed~~ Notice of Proposed Action is found to be incomplete or incorrect by Commission staff, the Executive Director shall return it to the proposing agency within 10 days with a written listing of the found deficiencies to enable the ~~proposing~~ agency to make corrections for resubmittal to ~~the office of~~ the Commission.
- (d) Any Notice of Proposed Action not acted upon within 20 days shall be considered automatically approved and may be published.

**Authority:** . . .  
**Reference:** . . .

. . .

**1-413. Public written comment period and related actions.** Anyone wishing to contest a recommendation of the code advisory committee(s) and/or comment on a proposed code change may submit a comment to the Commission during the written comment period established by the notice of proposed action. Upon written request received, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 113436.8 shall be held by the Commission on the proposed code changes, its justification and code advisory recommendations at which time statements, arguments, or comments, either oral or in writing, or both, shall be permitted.

- 1. A challenge shall refer to a specific objection or recommendation to a proposed code change and clearly indicate what is being contested. The challenge shall specify the action desired: approve, disapprove, ~~return for further study~~ further study required, or approve as amended. A challenge shall specify a concise substantiating reason for the challenge.
- 2. Following the close . . .
- 3. The Commission or . . .
- 4. No new issues . . .
- 5. Items not challenged . . .

**1-415. Final actions by the commission and proposing agency.**

- (a) Following the close of the public comment period, and any public hearing, the Commission shall take one of the following actions on each item of the rulemaking to adopt new, repeal, or amend building standards.
  - 1. **Approve.** . . .
  - 2. **Disapprove.** . . .
  - 3. **Further study required.** . . .
  - 4. **Approve as amended.** The Commission approves a proposed code change as modified by the ~~proposing agency~~ Agency director ~~Director~~ or ~~written authorized representative in accordance with an approved written delegation order~~. No modification shall be made that materially alters a requirements, right, responsibility, condition or prescription in the text made available to the public for comment in accordance with this chapter. The proposing agency shall justify the modification pursuant to Health and Safety Code Section 18930 in an amended justification consistent with the approval action submitted to the Commission within 15 days. Failure to submit the amended justification within that time is cause for disapproval.

**(b) Withdrawal. . . .**

**(c) The proposing agencies . . .**

**Authority: . . .**

**Reference: . . .**

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**1-419. Final rulemaking file.**

(a) After hearing or close of comment period a final rulemaking file shall be submitted to the Commission for approval, in a format as prescribed by the Commission. Forms, Templates, and Checklists are available on the Commission website: [www.bsc.ca.gov](http://www.bsc.ca.gov). Each final rulemaking file shall include:

1. Building Standards Face Sheet . . .
2. Copies of the Public Notice, . . .
3. Finding of Emergency . . .
4. Copies of Department of Finance Economic and Fiscal Impact Statement (STD. Std. 399) together with fiscal analysis prepared by the submitting Agency.
5. Copies of the written . . .
6. Copies of exhibits . . .
7. Copies of correspondence . .

. . .

**Authority: . . .**

**Reference: . . .**

**1-421. A Change without regulatory effect.**

- (a) Notwithstanding . . .
- (b) A state adopting . . .
- (c) “A Change without Regulatory Effect” is a change to the provisions of Title 24 that does not impose any new requirement for the design or construction of buildings and associated structures and equipment. A Change without Regulatory Effect may include, but is not limited to:

1. Renumbering, . . .
2. Deleting a regulatory . . .
3. Deleting a regulatory provision held invalid in a judgment that has become final, entered by a California Court of competent jurisdiction, a United States District Court located in the State of California, the United States Court of Appeals for the Ninth Circuit, or the United States Supreme Court; however, the Commission shall not approve any proposed ~~change without regulatory effect~~ Change without Regulatory Effect if the change is based on a superior court decision which invalidated the regulatory provision solely on the grounds that the underlying statute was unconstitutional;
4. Revising structure, . . .
5. Changing . . .
6. Making a regulatory . . .
  - (A) The regulatory . . .
  - (B) The state . . .

- (d) The rulemaking file . . .
1. A completed . . .
  2. Express Terms . . .
  3. A written statement . . .
  4. Pursuant to Subsection (b) above, a written statement by each state ~~agency~~ Agency that has adopted the provision being changed, concurring with the regulatory change. All such statements shall be signed by a duly authorized representative of the ~~agency~~ Agency.
- (e) The Commission shall make a determination regarding a change submitted pursuant this section within thirty (3) days of its receipt. Within ten (10) days of making a determination, the Commission shall send written notification of the determination to the agency that submitted the change.
1. When the Commission determines that the submitted change meets the requirements of this section for a Regulatory Change without Effect ~~regulatory change without effect~~, the regulatory change shall be filed with the Secretary of State and the Commission shall publish the change in Title 24, California Code of Regulations.
  2. When the Commission determines that the submitted change does not meet the requirements of this section for a Regulatory Change without Effect ~~regulatory change without effect~~, or does not comply with the rulemaking requirements of this section, the written determination by the Commission shall provide sufficient itemization of the deficiencies. The agency may correct the rulemaking file for reconsideration by the Commission, or begin proceeding with a regulatory action pursuant to Section 407 of this chapter.
- (f) An adoption or approval by the Commission of a change without regulatory effect shall be effective 30 days after filing with the Secretary of State. Health and Safety Code Section 18938(c) establishes the effective date as being 30 days after filing the amendment or repeal by the Commission ~~commission~~ with the Secretary of State.

**Note: . . .**  
**Reference: . . .**

**ARTICLE 5  
CITY, COUNTY, AND CITY AND COUNTY  
BUILDING PERMIT FEES**

. . .

**1-503. Definitions.** ~~The words defined in this article shall have the meaning state therein throughout California Code of Regulations, Title 24, Part 1, Chapter 1, Article 5. The following terms are defined in Section 1-103. Definitions of this Chapter:~~

- ~~(a) **Building Standards Administration Special Revolving Fund (the Fund).** The fund established in the State Treasury to receive funds submitted by the Commission pursuant to the provisions of Health and Safety Code Section 18931.6 and this article.~~
- ~~(b) **Department.** The Department of Housing and Community Development.~~
- ~~(c) **Fees, appropriate fractions thereof.** Fee increments for permit values less than one-hundred thousand dollars (\$100,000) as described in Section 1-505).~~
- ~~(d) **Office.** The Office of the State Fire Marshal.~~

**1-505. Fee assessment.**

- (a) Fees shall be . . .
- (b) Fees are assessed at a rate of \$4 per \$100,000 of permit valuation, but not less than ~~one dollar~~ \$1, with appropriate fractions thereof shown in the following table (1-505):

**TABLE 1-505**  
**PERMIT VALUATION FEE**

PERMIT VALUATION	FEE
\$1 – 25,000	\$1
. . .	

- 1. Cities . . .
- 2. ~~Cities, counties, and cities and counties may exempt from fee assessment permits for which no valuation is made. When a building permit is issued and no valuation is made, the city, county or city and county may exempt that permit from fee assessment.~~

- (c) The Commission may reduce . . .

**1-507. Fee collection.**

- (a) Cities, counties, and cities and counties shall submit fees each quarter, commencing with the quarter beginning January 1 and ending March 31, 2009, due on the ~~fifteenth~~ 15<sup>th</sup> day of the following month.
  - 1. Each quarter, a city, county, and city and county shall submit a certified Fee Report Form (BSC-2), ~~Contact Information Form (BSC-3)~~, and a check made payable to the California Building Standards Commission with the fees collected for that quarter.
  - 2. A Contact Information Form (BSC-3) shall accompany the Fee Report Form and check only when contact information changes. Such changes include the city, county, or city and county address, telephone number(s), office or department contact, and/or building official.
  - 3. The certified quarterly Fee Report Form, Contact Information Form as appropriate, and check shall be mailed together to the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833.

Note: The form templates are available for downloading at the Commission’s website: [www.bsc.ca.gov/SB1473](http://www.bsc.ca.gov/SB1473) at ~~http://www.bsc.ca.gov/proc\_rslt/pr\_tmplts.html~~.

- (b) The Commission shall deposit . . .

**Authority:** . . .  
**Reference:** . . .  
**HISTORY:**

- 1. (BSC 02/08) Add new Article 1-10, City, County, and City and County Building Permit Fees. Effective on June 21, 2009.