

proposing regulations PETITION PROCESSES

When the Public Proposes Regulations to DSA

Acronyms used throughout this document:

CBSC – California Building Standards Commission

CCR – California Code of Regulations

DSA – Division of the State Architect

DSAAB – Division of the State Architect Advisory Board

Process for Developing Policy and Regulation Packages

The establishment of effective policy development and approval processes is essential to support the DSA policy responsibility on an ongoing basis. The initial process identified below will address matters requiring interpretation of specific situations for application of DSA requirements. It will also assist in formulating comprehensive building code provisions that include clear reference to applicable federal and state requirements. Interpretive policy as well as new regulation proposals will be generated and reviewed using this process.

Formal Public Petition:

The criteria for accepting a formal petition is defined in California Code of Regulations (CCR), Title 24, Part 1, Article 1-8 'Public Petition Regulations.' When DSA receives a petition, DSA is required to submit the petition to the California Building Standards Commission (CBSC) for compliance with Section 1-804 'Petition Submittal.'

DSA may reject a petition if they disagree with the BSC determination that a petition is complete, or if they believe the petition is in the jurisdiction of a different agency. If rejected, DSA will:

- Notify CBSC of rejection no more than five (5) business days after receiving a petition from CBSC.

DSA may agree they have jurisdiction and that the petition is complete. If so, DSA will communicate with the petitioner one of the following actions:

- Reject, accept or approve a petition in whole or part and may grant other relief or take other action as they determine to be warranted by the petition and will notify the petitioner in writing of such action.
- If DSA denies a petition for cause pursuant to CCR, Title 24, Part 1, Section 1-806 [Criteria for Denying a Public Petition for Cause], DSA will do so, in writing, within thirty (30) business days after the date of the written notification provided by the CBSC.
- If DSA accepts the petition, they will notify the petitioner in writing within thirty (30) business days after the date of the written notification provided by the CBSC.

Note: Accepting the petition indicates that DSA believes the issue(s) merit proceeding to code development.

Note: Code development includes the public participation criteria in Article 1-5, Part 1, Title 24, CCR.

- If the approved petition contains an emergency clause DSA will also rule on the reasons posed in the clause, and if they concur that an emergency exists, they will schedule code development and adoption procedures on an emergency basis.

Informal Petition:

Petition(s) for code change request(s) could be received as an informal petition by way of:

- DSA Advisory Board
- DSA Internal Staff
- State or Local Government
- Other Stakeholders

For criteria in accepting an Informal Petition, see 'Formal Public Petition.'

1. Accepting a Code Change (30-days):

When DSA accepts the CBSC determination of completeness, DSA will:

- Notify Petitioner of DSA's acceptance within 30-working days after receiving petition from CBSC (per CCR, T-24, Pt. 1, Art. 1-802)

2. Rationale:

Rationale for a code change must take the form of at least one of the following criteria and be substantiated by petitioner:

- Conflicts with pertinent statute(s)
- Compliance is routinely impossible or onerous
- The regulation is inefficient and ineffective
- The regulation is obsolete
- There is a need for a new regulation

3. Complete Petition:

The rationale for a complete petition(s) for code change request(s) must meet the following criteria:

- Must have statewide significance
- Must have implications for a whole category of projects or a broad range of project types

4. Code Change Form:

For a sample of a proposed code change, please go to the "Templates" page on the CBSC website at: http://www.bsc.ca.gov/proc_rslt/pr_tmplts.html

5. DSA Internal Review:

Accepted petition(s) for code change request(s) will go through:

- A staff analysis to verify facts, develop a statement of the issue, recommend resolution or alternative(s), and Regional Operations and other DSA Internal review.
- Each office/unit prepares a position statement for either major or minor clarification needed, and a code change statement is prepared.
- Minor recommendations go directly to the State Architect for approval.
- Major recommendations – code change goes through DSAAB for public vetting.
- DSAAB reviews and adopts recommendation(s) and presents to the State Architect for review and approval.
- If approved by the State Architect – see Step 2 [Draft Amendments] of "Rulemaking Processes – When DSA Proposes Regulations to the CBSC."

6. State Agency Stakeholder Review (45 to 90-days):

See Step 3 [State Agency Stakeholder Review] of "Rulemaking Processes – When DSA Proposes Regulations to the CBSC."

7. Submit Complete Rulemaking to CBSC:

See Steps 4 thru 13 of "Rulemaking Processes – When DSA Proposes Regulations to the CBSC."