

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL**

**REGARDING THE 2019 CALIFORNIA EXISTING BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

TRIENNIAL RULEMAKING CODE CYCLE

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, PROBLEM, RATIONALE and BENEFITS:

(Government Code Section 11346.2(b)(1)) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem the agency intends to address for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.)

Health and Safety Code Section 18928:

The specific purpose of this rulemaking effort by the Office of the State Fire Marshal (SFM) is to act accordance with Health and Safety Code section 18928, which requires all proposed regulations to specifically comply with this section in regard to the adoption by reference with amendments to a model code within one year after its publication.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The Rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2018 International Existing Building Code and be published as the 2019 California Existing Building Code.

The general purpose of this proposed action is principally intended to update and codify a new edition of the California Existing Building Code (California Code of Regulations, Title 24, Part 10) based upon a more current edition of a model code. The current California Existing Building Code in effect is the 2016 California Existing Building Code which is based upon the 2015 International Existing Building Code of the International Code Council. This proposed action:

Repeal the adoption by reference of the 2015 International Existing Building Code and incorporate and adopt by reference in its place the 2018 International Existing Building Code for application and effectiveness in the 2019 California Existing Building Code.

Repeal certain amendments to the 2015 International Existing Building Code not addressed by the model code that are no longer necessary.

Adopt new building standards or necessary amendments to the 2018 International Existing Building Code that address inadequacies of the 2018 International Existing Building Code as they pertain to California laws.

Bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2016 California Existing Building Code.

Codify non-substantive editorial and formatting amendments from the format based upon the 2015 International Existing Building Code to the format of the 2018 International Existing Building Code.

[1. The SFM proposes to maintain the adoption of Sections 1.1 and Section 1.11]

CHAPTER 1

SCOPE AND ADMINISTRATION

DIVISION I
CALIFORNIA ADMINISTRATION

1.1.1

The SFM is proposing to repeal the adoption by reference of the 2015 International Existing Building Code and incorporate and adopt by reference in its place the 2018 International Existing Building Code for application and effectiveness in the 2019 California Existing Building Code.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2018 International Existing Building Code and published as the 2019 California Existing Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[1.1]

CHAPTER 1 DIVISION II

The SFM proposes to maintain the adoption of Division II designation for the International Existing Building Code Chapter 1 Administrative provisions and maintain the existing SFM amendments.

The SFM proposes to only adopt Sections 105.1, 105.2.1 – 105.2.2, 105.3 – 105.3.1, 105.4, 105.6 – 105.7, 106.1 – 106.3, 106.4, 106.5, 107.1 – 107.4, 109.1 – 109.3, 109.3.4 – 109.3.6, 109.3.7 – 109.3.9, 109.4 – 109.6, 110, 111, 113.1 – 113.2, 114 and 115 contained in Chapter 1, Division II pursuant to Health and Safety Code Sections 13108, 13113, 13114, 13131.5, 13143, 13143.6, 17921 and 18949.2.

Rational: SFM proposes to maintain the amendments sections to reference the proper California Code instead of the International Code.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2018 International Existing Building Code and published as the 2019 California Existing Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[2]

Chapter 2
DEFINITIONS

The SFM proposes to adopt Section 201 and definitions in Section 202 as listed without amendment.

**ADDITION
ALTERATION
APPROVED**

CHANGE OF OCCUPANCY
CODE OFFICIAL
DANGEROUS
EQUIPMENT OR FIXTURE
EXISTING BUILDING
EXISTING STRUCTURE
FACILITY
NONCOMBUSTIBLE MATERIAL
PRIMARY FUNCTION
REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE
REHABILITATION
REPAIR
REROOFING
ROOF COATING
ROOF RECOVER
ROOF REPAIR
ROOF REPLACEMENT
UNSAFE
WORK AREA

Rational: The proposal is to adopt only the definitions as listed. There is no regulatory change.

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[3]

Chapter 3 **PROVISIONS FOR ALL COMPLIANCE METHODS**

The SFM proposes to adopt Sections 301.1 - 301.3.1, 302, 305.8.2, 313, 314, 315, and 316 2 with California amendments.

305.8.2

Rational: The renumber of the existing amendment is to correlate with the change in the model code.

314.1

Rational: The proposal is to remove the note to correlate with the California Building Code and eliminate confusion for the code user.

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[4]

Chapter 4 **REPAIRS**

The SFM proposes to adopt only Sections 401.1, 401.2, 402, 403, 404 and 405.2.3.1 of Chapter 4 without amendment.

Rational: The adoptions of the sections correlate with changes made within the model code where repair was added to section 301.2.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2018 International Existing Building Code and published as the 2019 California Existing Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[5]

**CHAPTER 5
PRESCRIPTIVE COMPLIANCE METHOD**

The SFM proposes to adopt only Sections listed

501.3
502.6
502.7
502.7.1
503.15
503.15.1
504
506

Rational:

The former amendments in Chapter 4 are renumber for the new chapter 5. This correlates with changes in the International Code changes. No regulatory change

Rational:

Sections 502.7.1 and 503.15.1 are added for existing school buildings that install carbon monoxide detectors. This change is needed to provide clarification on the installation requirements that are recommended by the Education Code section 32081. This installation needs to comply with the California Fire Code as the carbon monoxide alarms are only listed for residential use.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2018 International Existing Building Code and published as the 2019 California Existing Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[6]

The SFM proposes to not adopt Chapter 6 through Resource A.

**CHAPTER 6
CLASSIFICATION OF WORK**

**CHAPTER 7
ALTERATIONS—LEVEL 1**

**CHAPTER 8
ALTERATIONS—LEVEL 2**

**CHAPTER 9
ALTERATIONS—LEVEL 3**

CHAPTER 10
CHANGE OF OCCUPANCY

CHAPTER 11
ADDITIONS

CHAPTER 12
HISTORIC BUILDINGS

CHAPTER 13
PERFORMANCE COMPLIANCE METHODS

CHAPTER 14
RELOCATED OR MOVED BUILDINGS

CHAPTER 15
CONSTRUCTION SAFEGUARDS

CHAPTER 16
REFERENCED STANDARDS

APPENDIX A
GUIDELINES FOR THE SEISMIC RETROFIT OF EXISTING BUILDINGS

CHAPTER A1
SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

CHAPTER A2
EARTHQUAKE HAZARD REDUCTION IN EXISTING REINFORCED CONCRETE AND REINFORCED MASONRY WALL BUILDINGS WITH FLEXIBLE DIAPHRAGMS

CHAPTER A3
PRESCRIPTIVE PROVISIONS FOR SEISMIC STRENGTHENING OF CRIPPLE WALLS AND SILL PLATE ANCHORAGE OF LIGHT, WOODFRAME RESIDENTIAL BUILDINGS

CHAPTER A4
EARTHQUAKE RISK REDUCTION IN WOOD-FRAME RESIDENTIAL BUILDINGS WITH SOFT, WEAK OR OPEN FRONT WALLS

CHAPTER A5
REFERENCED STANDARDS

APPENDIX B
SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS FOR EXISTING BUILDINGS AND FACILITIES

APPENDIX C
GUIDELINES FOR THE WIND RETROFIT OF EXISTING BUILDINGS

CHAPTER C1
GABLE END RETROFIT FOR HIGH-WIND AREAS

CHAPTER C2
ROOF DECK FASTENING FOR HIGH-WIND AREAS

RESOURCE A
GUIDELINES ON FIRE RATINGS OF ARCHAIC MATERIALS AND ASSEMBLIES

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2018 International Existing Building Code and published as the 2019 California Existing Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

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

(Government Code Section 11346.2(b)(3)) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

The SFM did not rely on any technical, theoretical, and empirical study, report, or similar documents outside of those contained in this rulemaking in proposing that CBSC adopt said model code as a reference standard for the placement of existing SFM regulatory amendments for the California Building Standards Codes.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:

(Government Code Section 11346.2(b)(1)) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.)

The SFM believes that the amendments to the model code any additional building standards proposed are offered in typically both a prescriptive and performance base. The nature and format of the model code adopted by reference afford for both methods, the following is a general overview of the model codes proposed to be adopted by reference as well as state modifications:

This comprehensive existing building code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new system designs.

This code is founded on principles intended to establish provisions consistent with the scope of the existing building code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to types or classes of materials, products or methods of construction.

The International Existing Building Code provisions provide many benefits, among which is the model code development process that offers an international forum for building and fire safety professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(4)(A)) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.)

The SFM has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this code.

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

(Government Code Section 11346.2(b)(4)(B)) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.)

The SFM has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed

adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this code.

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

(Government Code Section 11346.2(b)(5)(A)) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business)

The SFM has made a determination that this proposed action will not have a significant adverse economic impact on business. Health and Safety Code Section 18928 requires the SFM, when proposing the adoption of a model code, national standard, or specification shall reference the most recent edition of the applicable model code, national standard, or specification. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

(Government Code Sections 11346.3(b)(1) and 11346.5(a)(10))

The Office of the State Fire Marshal has assessed whether or not and to what extent this proposal will affect the following:

- X The creation or elimination of jobs within the State of California.

 These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- X The creation of new businesses or the elimination of existing businesses within the State of California.

 These regulations will not affect the creation or the elimination of existing business within the State of California.
- X The expansion of businesses currently doing business with the State of California.

 These regulations will not affect the expansion of businesses currently doing business within the State of California.
- X The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

 These regulations will update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

(Government Code Section 11346.2(b)(5)(B)(i)) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.)

No increased cost of compliance for those regulations that make only technical and non-substantive changes.

The potential benefits provide recognition and appropriate use of new technologies and materials, clarity for the code users and local enforcement agencies, and may increase business due to the adoption of new building standards.

Protection of life and property against fire and panic.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(6)) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.)

The SFM has determined that this proposed rulemaking action does not unnecessary duplicate or conflict with federal regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.