

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE (DSA/AC)
REGARDING THE CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
AMEND ARTICLE 5-104 IN CHAPTER 5 OF PART 1

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 proposed action by State and Consumer Services Agency, (SCSA) on behalf of The 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, Section 5-104 established fee schedule. Disability Access Account funds, pursuant to Government Code Sections 4454(f) and 4459(b), are used to perform regulatory development, in addition to plan review operational costs. The fees are deposited into the Disability Access Account pursuant to Government Code Section 4454(d).

The Disability Access Account current fee structure for the Division of the State Architect – Access Compliance (DSA-AC) activities was established through the California Building Standards Commission in 1990. This fee structure has remained unchanged for 19 years and revenues have not been keeping up with expenditures for the development of accessibility compliance standards, the increase in overall workload and provisions for field oversight.

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

By comparison, the change in the Marshal & Swift Class B construction cost index, which measures labor and material costs, from February 1990 to February 2009 has increased by 197 percent. This Marshal & Swift index is also used to determine annual adjustments to K-12 funding grants provided in the school facility program. Preparation of this analysis entailed a review of statutes and codes that dictate DSA-AC operations and fee structure, a review of the DSA-AC actual and projected income and expenses from FY 2000/01 through 2014/15, and consultation with DSA Subject Matter Experts. 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 state agency 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

DSA-AC is not aware of comparable federal statute or regulations with which this action might conflict.