

**15-DAY EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)**

**REGARDING ADOPTION OF AMENDMENTS TO 2010 CALIFORNIA ADMINISTRATIVE CODE, TITLE
24, CALIFORNIA CODE OF REGULATIONS (CCR), PART 1**

Legend for Express Terms:

- 1. New California amendment (CA):** California language will appear underlined.
- 2. Amended, adopted, or repealed language:** Amended, adopted, or repealed language will appear in double underline and ~~double strikethrough~~.
- 3. Rationale:** The justification for the change is shown after each section or series of related changes.
- 4. Notation:** Authority and reference citations are provided at the end of each chapter.

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**ARTICLE 4-2
DUTIES AND RESPONSIBILITIES OF THE BUILDING STANDARDS COMMISSION, AND THE EXECUTIVE
DIRECTOR, COMMISSION PERSONNEL AND RESOURCES**

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~~1-902~~ 209. Code advisory committee(s).

(a) **Standing code advisory committees.** The Commission shall establish the following standing code advisory committees.

1. Accessibility
2. Plumbing, Electrical, Mechanical, and Energy
3. Building, Fire, and Other Regulations
4. Structural Design/Lateral Forces
5. Health Facilities
6. Green Building

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2. Plumbing, electrical, mechanical and energy. The Commission shall solicit nominations from:

- A. Ex-Officio Members(s)
 - (1) State Agency Representative(s)
- B. Voting Member(s)
 - (1) Local Government Building Official
 - (2) Environmental/Energy Organization
 - (3) Construction Industry
 - (4) Architect
 - (5) Fire Official
 - (6) Public Member
 - (7) ~~Energy Consultant~~ Local Government Water Supply Efficiency Official
 - (8) Mechanical Engineer
 - (9) Electrical Engineer

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6. Green Building. The Commission shall solicit nominations from:

- A. Ex-Officio Members(s)
 - (1) State Agency Representative(s)
- B. Voting Member(s)
 - (1) Residential Construction Industry Representative
 - (2) Commercial Building Industry Representative
 - (3) Architect
 - (4) Environmental Organization Representative

- (5) Local Building Official
- (6) Public Member/ Local Government Water Supply Efficiency Official
- (7) Fire Official
- (8) Mechanical Engineer
- (9) Electrical Engineer

Recommendation:

Based on criterion 6, CBSC proposes to amend the position title for the new water efficiency official on each of these committees.

Rationale:

Based on public comment, the proposed title of this position is modified to align with titles for building official and fire official, which are recognized official positions within local government with code compliance and enforcement duties. The original proposal for the water official title did not make clear that the individual should similarly represent local government on water matters.

ARTICLE 4-3 4

PUBLIC NOTICES AND HEARING DATES RULEMAKING FOR THE ADOPTION OF BUILDING STANDARDS BY PROPOSING AGENCIES

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1-501 403. Public participation. Every state agency with authority to propose or adopt building standards shall ~~adopt regulations~~ develop proposed building standards in a manner to ensure public participation in the development of building standards by July 1, 1995. State agencies' regulations shall establish methods to: Methods for ensuring public participation may include but are not limited to the following:

(a) Identify and maintain a listing of all interested groups or persons affected by agency building standards of the type within the jurisdiction of the agency.

(b) ~~Prior to commencing the development of proposed building standards, Notify~~ notify all interested groups and persons that building standards are to be developed, and ~~maintain a listing of such groups or persons, should the Commission request it~~ solicit suggestions and a means for participation.

(c) Conduct workshops to solicit input where the proposals are complex or large in number and cannot easily be reviewed during the comment period ~~the language for proposed building standards.~~

(d) Make available draft proposals to interested groups or persons expressing interest.

~~(e)~~ (e) Establish a procedure to provide interested groups or person persons the opportunity to advise the adopting agency of the impact of the proposed building standards. The adopting agency shall submit to the Commission their regulations to provide public participation prior to public hearing.

Authority: Health and Safety Code Sections 18929.1, 18934

Reference: Government Code Section 11346.45, Health and Safety Code Sections 18929.1, 18934

Recommendation:

Based on criterion 4, CBSC proposes to amend the recommendation for conducting workshops on proposed building standards.

Rationale:

Coordinate this recommendation with that of the Administrative Procedure Act for non-building regulations, clarifying the need for workshops for specified sets of proposals.

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~~(e)~~ **1-409 Prenotice technical review Code Advisory Committee Review.**

(a) Prior to conducting any hearing or public comment period as part of the rulemaking proceeding required by the Administrative Procedure Act, the Commission shall assign a code change submittal received on or before the deadline established under Section 405 of this Article, to one or more code advisory committees specifically knowledgeable in the building standard being proposed for change and schedule the submittal for a noticed public hearing to ensure adequate opportunity for public participation and technical review.

4. (b) Code advisory committee reviews. A code advisory committee shall conduct a public hearing to perform a technical review of all code change submittals assigned to it by the Commission. A code advisory committee meeting shall be scheduled by the Commission and shall be open to the public.

2. (c) Code advisory committee meetings. The location and date of a code advisory committee meeting shall be noticed by the Commission in accordance with Government Code Sections 11120 through 11132, the Bagley-Keene Open Meeting Act.

~~3.~~ **(d) Code advisory committee recommendations.** A code advisory committee shall make a recommendation on each code change submittal. A recommendation other than "approve" shall include a substantiating reason based on Health and Safety Code Section 18930. The recommendations to the Commission shall be based on one of the following and shall become part of the rulemaking file:

~~A. 1. Approve.~~ Approval of a proposed code change as submitted. ~~The proposed code change is justified in terms of criteria of Health and Safety Code Section 18930.~~

~~B. 2. Disapprove.~~ A proposed code change has merit but does not meet one or more specified criteria of Health and Safety Code Section 18930.

Recommendation:

Based on criterion 1, CBSC proposes delete the need for justification with criteria in Health and Safety Code Section 18930.

Rationale:

Coordinate with charging language in Item (d) that exempts "approve" recommendations from the need for justification.

~~C. 3. Further study required.~~ A proposed code change has merit but does not meet one or more specified criteria of Health and Safety Code Section 18930. The proposed code change requires further study by the proposing agency in order to remove conflict with other building standards; or the impact of the proposal is not clearly identified; or the proposal does not address all known situations to be impacted by the proposed building standard. The committee may recommend that if The proposing agency ~~should~~ submit the proposed code change in the next code adoption cycle after further study; or, if the matter can be resolved in time, submit the proposed code change for a comment period in the current cycle.

Recommendation:

Based on criterion 6, CBSC proposes to delete imprecise language and add a clarifying phrase.

Rationale:

Clarify that a further study recommendation by the committee may be made for many reasons, and that further study does not always require postponement to the next code cycle if matters raised by the committee can be addressed by the agency in time for the 45-day comment period.

~~D. 4. Approve as if amended.~~ Approval ~~as~~ modified by the proposing agency director or written authorized representative. Modifications are justified in terms of Health and Safety Code Section 18930. An amended justification consistent with the approval as amended recommendation shall be submitted to the Commission by the proposing agency within 10 working days of the date of the committee's recommendation. The failure to submit an amended justification consistent with the approval recommendation within the time is cause for disapproval if amended as suggested by the committee for organization, cross-referencing, clarity and editorial improvements; or as amended and submitted for committee review by the agency.

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Recommendation:

Based on criterion 6, CBSC proposes to add clarifying phrases.

Rationale:

Clarify that "approval as amended" may originate with the committee in the form of minor recommended changes or be requested by the agency, which may submit to the committee its own proposed changes.