

FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)
REGARDING THE 2010 CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
AMEND CHAPTER 1 OF PART 1

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

The CBSC finds that revisions have been made for a 15-day comment period in response to comments which would warrant a change to the initial statement of reasons.

Section 1-209, Subsections (d) 2 and (d) 6, the addition of a water official to two of the Code Advisory Committees: This title is modified to "Local Government Water Efficiency Official" to reflect more accurately that it is a representative of local government, much like a building or fire official.

Section 1-409, Subsection (d) 4, code advisory committee recommendation of "Approve as Amended": This provision is modified from "Approve if Amended", and language is added to recognize that agencies as well as committee members can recommend amendments for code advisory committee review.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model building code to all occupancies throughout the State of California as prescribed.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

COMMENTERS: Dave Smith, Ph.D, Managing Director of Water Reuse, Kathy Cole, Metropolitan Water District of Southern California and Jennifer West, Director for Water, California Municipal Utilities Association, on **Section 1-209, Code advisory committee(s):**

Commenters broadly expressed support for the inclusion of a local water supply official on two of the Code Advisory Committees, but they requested clarification of the position title for. They requested that the title of the new position be changed to say Local Government Water Efficiency Official. This reflects the government status of this individual, like a local building or fire official, and also emphasizes the individual's knowledge of water conservation and efficiency practices.

RESPONSE: CBSC accommodated the comments in a 15-day comment period, and no further comments were received.

COMMENTERS: Kevin Reinertson, Office of the State Fire Marshal, with support from Department of Housing and Community Development and Office of Statewide Health Planning and Development, on the following proposals:

1-403 Public participation, Item (c): Requested clarification to show that the necessity to conduct code development workshops is only where proposals are complex and voluminous, as already provided by Government Code §11346.45 for non-building regulations.

1-409 Code Advisory Committee Review, Item (d) 3: Requested clarification of the criteria upon which the committee would recommend "further study" by an agency, including whether or not a proposal is recommended for further study for the 45-day comment period or for the next code cycle.

1-409 Code Advisory Committee Review, Item (d) 4: Recommended changing action from “Approve if amended” to “Approve as amended” and allowing that amendments may be recommended by the committee or may be submitted by the agency to the committee.

RESPONSE: All of the comments were accommodated by CBSC in a 15-day comment period, and no further comments were received.

COMMENTER: CBSC staff, on its own proposals for Part 1 as follows:

1-409 Code Advisory Committee Review, Item (d) 1: Delete the requirement that a committee recommendation to “Approve as submitted” be justified in terms of Health and Safety Code §18930.

RESPONSE: Currently, all committee recommendations on agency proposals other than “Approve as submitted” must be supported by one or more of the criteria in Health and Safety Code §18930. CBSC proposed this change in a 15-day comment period, and no further comments were received.

In a related item, CBSC has submitted an addendum to the 15-day language for consideration by the commission for **1-409 Code Advisory Committee Review, Item (d) 4** that restores the requirement that a committee recommendation to “Approve as amended” be justified in terms of Health and Safety Code §18930. This requirement was stricken inadvertently from the 45-day language and not caught in time for the 15-day comment period.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

The CBSC 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 adopted regulation

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

There were no proposed alternatives. The CBSC has determined that the proposed regulations will have no adverse impact on small businesses