

**45-DAY EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION**

**REGARDING PROPOSED CHANGES TO
CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

(The State agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific. (PART 1 – ADMINISTRATIVE CODE)

LEGEND FOR EXPRESS TERMS

1. New article for Part 1, Chapter 1, shown underlined.

EXPRESS TERMS

Part 1, Chapter 1:

Amend Section 1-902 as follows

1-902. Code Advisory Committee(s)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

Amend Section 1-902(d), and add Item Number 6 as follows:

(d) **Members.** The code advisory committee(s) s shall be limited to nine members, appointed by the Commission for one triennial code adoption cycle (three years). The Commission can extend the term beyond three years if deemed necessary and members shall hold appointments at the pleasure of the Commission. The appointments shall be made from organizations specifically knowledgeable in the building standards being proposed. Members shall be selected based on the following representations:

4. Structural design/lateral forces. The Commission shall solicit nominations from:

- A. Ex-Officio Member(s)
 - (1) State Agency Representative(s)
- B. Voting Member(s)
 - (1) ~~Two (2)~~ Three (3) Structural Engineers
 - (2) Architect
 - (3) General Contractor
 - (4) Local Government Building Official
 - (5) Public Member

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

- A. Ex-Officio Member(s)

- (1) State Agency Representative(s)
- B. Voting Members
 - (1) Residential Construction Industry Representative
 - (2) Commercial Building Industry Representative
 - (3) Architect
 - (4) Environmental Organization Representative
 - (5) Local Government Building Official
 - (6) Public Member, e.g., energy/building performance specialist
 - (7) Fire Official
 - (8) Mechanical Engineer
 - (9) Electrical Engineer

Add the following article 1-10:

ARTICLE 1-10
CITY, COUNTY, AND CITY AND COUNTY BUILDING PERMIT FEES

1-1000. Purpose. This article establishes regulations for implementation of Senate Bill 1473 (Stats. 2008, c. 719), effective on January 1, 2009. The bill added Health and Safety Code §§18931.6 and 18931.7, to require a surcharge on building permits in order to provide funds, upon appropriation, for the California Building Standards Commission, Department of Housing and Community Development and Office of the State Fire Marshal to use in carrying out the provisions of California Building Standards Law and of State Housing Law relating to building standards, with emphasis placed on the adoption, publication and educational efforts associated with green building standards. The fees are to be collected by cities, counties, and cities and counties and transmitted to the California Building Standards Commission. The fees are based on building permit valuation.

1-1001. Definitions. The words defined in this article shall have the meaning stated therein throughout California Code of Regulations, Title 24, Part 1, Chapter 1, Article 1-10.

Building Standards Administration Special Revolving Fund (the Fund) means the fund established in the State Treasury to receive funds submitted by the Commission pursuant to the provisions of this article.

the Commission means the California Building Standards Commission.

the Department means the Department of Housing and Community Development.

Fees, appropriate fractions thereof mean fee increments for permit values less than one-hundred thousand dollars (\$100,000) as described in §1-1002.

the Office means the Office of the State Fire Marshal.

1-1002. Fee assessment.

(a) Fees shall be levied on building permits required for all disciplines covered by Title 24, including, but not limited to, building, electrical, mechanical, and plumbing, and for which a valuation is made.

(b) Fees are assessed at a rate of \$4 per \$100,000 of permit valuation, but not less than one dollar, with appropriate fractions thereof shown in the following table:

<u>Permit Valuation</u>	<u>Fee</u>
\$1 – 25,000	\$1
\$25,001 – 50,000	\$2
\$50,001 – 75,000	\$3
\$75,001 – 100,000	\$4
Every \$25,000 or fraction thereof above \$100,000	Add \$1

1. Cities, counties, and cities and counties may retain up to ten percent (10%) of the fees for related administrative costs, code enforcement, and education as permitted by Health and Safety Code §18931.6.
2. Cities, counties, and cities and counties may exempt from fee assessment permits for which no valuation is made.

(c) The Commission may reduce the rate of the fee by regulation upon determination that a lesser fee is sufficient to carry out the programs of the Commission, the Department, and the Office. The Commission may establish a termination date or duration for the fee reduction period.

1-1003. Fee collection.

(a) Cities, counties, and cities and counties shall submit fees each quarter, commencing with the quarter beginning January 1 and ending March 31, 2009, due on the fifteenth day of the following month.

1. Each quarter, a city, county, and city and county shall submit a Fee Report Form (BSC-2), Contact Information Form (BSC-3), and a check made payable to the California Building Standards Commission, with the fees collected for that quarter.
2. The form templates are available for downloading at the Commission's website at http://www.bsc.ca.gov/proc_rslt/pr_tmplts.html.

(b) The Commission shall deposit the moneys collected into the Building Standards Administration Special Fund for use, upon appropriation, by the Commission, the Department, and the Office for use as specified in §1-1000.

1-1004. Development of Standards

(a) The commission shall adopt, approve, codify, update, and publish green building standards for occupancies that are not under the authority of another state agency.

(b) A list of agencies with specific authority to adopt or propose building standards to the Commission include the list of agencies identified in Title 24, Part 2, the California Building Code, (California) Chapter 1, Section 101 et al. The Commission shall work with these agencies to coordinate the adoption of green building standards for residential and non-residential occupancies.

(c) In the development of the building standards pursuant to subsection (a), the Commission shall coordinate a working group consisting of a multi-agency effort, including, but not limited to, all of the following state entities:

1. The California Integrated Waste Management Board.
2. The California Energy Resources Conservation and Development Commission.
3. The California Air Resources Board.
4. The California Department of Water Resources.
5. The California Department of Transportation.
6. The California Department of General Services.
7. The California Department of Public Health.

(d) The Commission and each state entity specified in subsection (c) shall also consult with representatives from each of the following:

1. Environmental advocacy groups.
2. Interested local government and code enforcement entities.
3. The building construction and design industry.
4. Interested public parties.

(e) The Commission shall seek input from the state entities listed in subsection (c) and consider all input provided during the development of the green building standards.

Authority: Health and Safety Code §§18909(c), 18929, 18930.5, 18931.6 and 18931.7

Reference: Health and Safety Code §§18930.5, 18931.6 and 18931.7