

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)
REGARDING THE 2007 CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1

AMEND ARTICLE 1-9 AND ADD NEW ARTICLE 1-10 IN CHAPTER 1 OF PART 1

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when a rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

This proposed action by CBSC amends Chapter 1 of the 2007 edition of the California Administrative Code (CAC). The amendments to the 2007 CAC will update Article 1-9 to add the Green Building Code Advisory Committee. This committee assists the commission in the technical review of proposed green building standards as provided in Health and Safety Code (H&SC) §18927 and as interpreted in Article 1-9 of the 2007 CAC. The changes would add a structural engineer and public member to the Structural Design/Lateral Forces CAC, consistent with previous appointments. Additionally, the amendments to this section clarifies the length of time that and committees and members may serve.

This proposed action also adds Article 1-10 concerning H&SC §§18930.5, 18931.6 and 18931.7, resulting from the passage of SB 1473 (Stats. 2008, c. 719). This bill identifies CBSC as the authority for green building standards where no state agency has the authority or expertise for a particular occupancy. It further requires that cities, counties or cities and counties collect a fee from a building permit applicant. This fee is to be sent to CBSC for use by the commission, Department of Housing and Community Development, and the Office of the State Fire Marshal for expenditure in carrying out the provisions of California Building Standards Law, with emphasis placed on the development, adoption, publication, updating and educational efforts associated with green building standards.

Article 1-1000 states the purpose of the regulations. Article 1-1001 supplies definitions of terms used in the bill. Articles 1-1002 and 1-1003 clarify bill language concerning fee assessment and collection, respectively. The purpose of these building standards is to interpret and implement H&SC §§18931.6 and 18931.7, as authorized by H&SC §§18927 and 18929(a).

Article 1-1004: CBSC is proposing to add this Article to the code to clarify and implement the provisions of H&SC §18930.5. California law establishes the authority for CBSC to develop, adopt, and publish green building standards, and these sections implement a program to ensure full public participation during the development of these standards. Existing regulations establish the process for the adoption and publication of the codes.

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

CBSC relied upon no technical, theoretical, and empirical study, report, or similar document in proposing these building standards.

CONSIDERATION OF REASONABLE ALTERNATIVES

CBSC considered no reasonable alternatives to these building standards, because they serve to clarify language in H&SC §§18930.5, 18931.6 and 18931.7.

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

No reasonable alternatives have been identified by CBSC. Any impacts on small business would come from H&SC §§18930.5, 18931.6 and 18931.7 and not the clarifying regulations.

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

CBSC has identified no facts, evidence, documents, testimony, or other evidence of any significant adverse economic impact on business in proposing this action. Any adverse impacts on business would come from H&SC §§18930.5, 18931.6 and 18931.7 and not the clarifying regulations.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

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