

**NOTICE OF PROPOSED CHANGES  
TO  
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**

Notice is hereby given that CBSC has decided not to proceed with the Notice of Proposed Changes published in the California Regulatory Notice Register (CRNR) on March 6, 2009 (file number Z-2009-0223-01, page 384), and a notice of that decision is being published concurrently with this action in the CRNR. CBSC hereby proposes to replace the previous Notice with this new Notice. This new notice proposes, in addition to the regulations proposed in the previous Notice, regulations to clarify and make specific the provisions of Health and Safety Code (H&SC) §18930.5, which was added in statute by Senate Bill 1473 (Stats. 2008, c. 719).

**NOTICE OF PROPOSED ACTION**

Notice is hereby given that CBSC proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations, Title 24, Part 1, the 2007 California Administrative Code. CBSC is proposing to amend Article 1-9 pursuant to H&SC 18927, and CBSC is proposing new building standards related to implementation of Senate Bill 1473 (Stats. 2008, c. 719) in a new Article 1-10 in Chapter 1.

**PUBLIC COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from March 20, 2009, until 5:00 PM on May 4, 2009. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

**AUTHORITY AND REFERENCE**

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) §§18925, 18929(a), and 18930.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC §§18930.5, 18931.6 and 18931.7.

**INFORMATIVE DIGEST**

Summary of Existing Laws

California Building Standards Law (H&SC §§18901 through 18949) grants to CBSC the authority to adopt and approve building standards for publication in Title 24. H&SC §18929 provides that regulations relating to the implementation or enforcement of building standards be published in the administrative part of the California Building Standards Code.

H&SC §18927 provides that CBSC may appoint advisory panels to advise the commission and its staff with regard to building standards. The persons appointed to the panels must be specifically knowledgeable and qualified in the type of work embraced by the building standards in question.

H&SC §18930.5 grants CBSC the authority to adopt, approve, codify, update, and publish green building standards, if no state agency has the authority or expertise applicable to a particular occupancy.

H&SC §§18931.6 and 18931.7 require that cities, counties or cities and counties collect from building permit applicants a fee. The fee is to be sent to CBSC for deposit in a Building Standards Administration Special Revolving Fund. Moneys deposited in the fund are to be available, upon appropriation, to CBSC, the 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.

#### Summary of Existing Regulations

Chapter 1 of Part 1 contains the administrative regulations of CBSC in nine articles, describing duties and procedures to be followed in implementation of California Building Standards Law. The standards are intended to ensure the public's participation in the regulatory process for building standards and establish various Code Advisory Committees to advise the commission with regard to the action to be taken on proposed building standards.

#### Summary of Effect

This proposed action will amend Article 1-9 to add a Green Building Code Advisory Committee for advising the commission on actions to be taken regarding proposed green building standards, and add Article 1-10, City, County, and City and County Building Permit Fees, to implement and interpret the provisions of H&SC §§18930.5, 18931.6 and 18931.7.

#### Comparable Federal Statute or Regulations

CBSC is not aware of comparable federal statute or regulations.

#### Policy Statement Overview

The proposed regulations will amend Article 9 to add the Green Building Code Advisory Committee to provide technical review of green building standards.

The regulations will add Article 1-10 to clarify the provisions of H&SC §§18931.6 and 18931.7 by defining terms, how the fee is to be assessed, how the fee is to be collected.

Also, the fee is to be used in the development of building regulations by CBSC, the Department of Housing and Community Development, and the Office of State Fire Marshal, with an emphasis on the development of green building standards. The proposed regulations will clarify in §18930.5 the public process through which green building standards will be developed for the state.

### **OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS**

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

### **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts and does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code.

### **ESTIMATE OF COST OR SAVINGS**

- A. Cost or Savings to any state agency: **NONE**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **NONE**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NONE**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NONE**
- E. Cost or savings in federal funding to the state: **NONE**

### **INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**

CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. The regulations interpret a statutory requirement to collect a fee from building permit applicants.

### **DECLARATION OF EVIDENCE**

CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

### **FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

### **COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Any cost impacts would arise from compliance with the statute being interpreted and implemented by these regulations.

### **ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.  
These regulations will not effect the creation of or elimination of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.  
These regulations will not effect the creation of or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business with the State of California.  
These regulations will not affect the expansion of businesses currently doing business within the State of California.

### **INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS**

CBSC has made an initial determination that this proposal would not have a significant effect on housing costs. Any cost impacts would arise from compliance with the statute being interpreted and implemented by these regulations.

### **CONSIDERATION OF ALTERNATIVES**

CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

### **AVAILABILITY OF RULEMAKING DOCUMENTS**

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 person named below. This notice, the Express Terms and Initial Statement of Reasons can be accessed from CBSC's website: <http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person named below or at CBSC's website.

### **CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

**Jane Taylor, [jane.taylor@dgs.ca.gov](mailto:jane.taylor@dgs.ca.gov)**  
**Michael Nearman, [michael.nearman@dgs.ca.gov](mailto:michael.nearman@dgs.ca.gov)**  
**2525 Natomas Park Drive, Suite 130**  
**Sacramento, CA 95833**  
**Telephone No.: (916) 263-0916; Facsimile No.: (916) 263-0959**

**PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Jane Taylor, [jane.taylor@dgs.ca.gov](mailto:jane.taylor@dgs.ca.gov)  
Tom Morrison, [tom.morrison@dgs.ca.gov](mailto:tom.morrison@dgs.ca.gov)  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916; Facsimile No.: (916) 263-0959