

**FINDING OF EMERGENCY
OF THE
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY
REGARDING THE CALIFORNIA BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

The adoption of these regulations is necessary for the immediate preservation of the public peace, health and safety, or general welfare, as follows:

This submission of the emergency regulations that allow DSA to extend project plan approval status is necessary for the immediate and general welfare of the state. The adoption of this code change proposal is required in order for school districts to avoid unintended hardships due to the recent state bond fund suspension. The proposed code change permits DSA to extend project plan approvals which would otherwise expire due to delay of construction commencement caused by the state bond fund suspension (Department of Finance Budget Letter No. 08-33 dated December 18, 2008). These hardships would include both monetary expense and time delay due to the requirement that project approvals, if voided, could only be obtained through resubmittal of plans & specifications to DSA for review and approval. Additionally, expiration of DSA plan approval would void state funding approval previously granted by the Office of Public School Construction.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these administrative building standards under the authority granted by Health & Safety Code Section 18930. The purpose of this code change proposal is to implement, interpret, and make specific the provisions of Education Code Section 17280 and 81130 (e.g. the "Field Act"). The Division of the State Architect is proposing this regulatory action based on authority in Education Code Sections 17310 and 81142.

INFORMATIVE DIGEST

Summary of Existing Laws

Education Code Section 17310 authorizes the State Architect to establish administrative building standards for public elementary and secondary schools, and Education Code Section 81142 authorizes the State Architect to establish administrative building standards for community colleges. There are no specific statutory requirements pertaining to this specific code change proposal (plan approval extension and expiration).

Summary of Existing Regulations

Administrative building standards applicable to public schools are contained in Chapter 4 of Part 1, Title 24 (California Building Standards Administrative Code). These administrative building regulations include provisions pertaining to project plan approval and expiration.

With regard to this proposal, existing regulations (Sec. 4-330, Part 1) do not allow DSA to extend project plan approval beyond four years from the initial date of approval (for projects that have not commenced with construction). The school district may request an extension of plan approval on an annual basis, and can obtain up to three yearly extensions. Per existing regulations, DSA can not extend the plan approval beyond four years from the date of initial approval.

The purpose of this provision is to prohibit the indefinite plan approval status of projects for which construction has not commenced, as codes are periodically updated to address public safety, health and welfare.

Summary of Effect

The effect of this code change proposal would permit DSA to extend the plan approval for projects which would otherwise expire due to the bond freeze. These projects would include only those which have not commenced construction and for which the four year anniversary of initial approval occurs during the bond freeze period.

Comparable Federal Statutes or Regulations

There are no comparable federal regulations or statutes.

Small Business Affect

There is no mandated effect to small business resulting from these regulations.

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

There are no other matters prescribed by statute applicable the Division of the State Architect, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Division of the State Architect has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

FISCAL IMPACT STATEMENT(attached Form 399)

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