

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS)**

**REGARDING AMENDMENTS TO THE 2007 CALIFORNIA ADMINISTRATIVE CODE
FOR USE IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

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

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE FOR PROPOSED CHANGES

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 in Section 4-330.

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.

With regard to this proposal, Sec. 4-330, Part 1 does 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.

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.

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

No relevant studies, reports or similar documents were identified pursuant to this code change proposal.

CONSIDERATION OF REASONABLE ALTERNATIVES

The Division of the State Architect has determined that there are no reasonable alternatives to the proposed action.

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

The Division of the State Architect has not identified any reasonable alternatives to the proposed action, and no adverse impacts to small business are expected as a result of this proposed action.

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

The Division of the State Architect has no evidence indicating any potential significant adverse impact on business with regard to this proposed action.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The regulations proposed for adoption do not duplicate or conflict with federal regulations.