

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)

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

AMEND CHAPTER 1**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24. CBSC is proposing building standards related to amendments, reformatting, and new regulations for the 2010 California Administrative Code, CCR, Title 24, Part 1.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 31, 2012 until 5:00 PM on October 15, 2012.

Please address your comments to:

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

Written Comments may also be faxed to (916) 263-0959 or E-mailed to 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, the 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 the 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

The California Building Standards Commission proposes to adopt these building standards under the authority granted in Government Code 11000, 11346.1, 11346.5, 82019, and 87306; and Health and Safety Code 18909, 18929, 18929.1, 18930, 18930.5, 18931, 18931(f), 18931.6, 18931.7, 18934, 18935, 18937, 18945, 18946, and 18949.6.

The purpose of these building standards is to implement, interpret, and make specific the provisions of Government Code 11000, 11346.1, 11346.5, 82019, and 87306 and Health and Safety Code Sections 18901-18949.

INFORMATIVE DIGEST

Summary of Existing Laws

Government Code 11000 defines commissions and other referenced departments as "state agencies."

Government Code 11346.1 allows for regulations to be adopted on an emergency basis within defined parameters and holds that emergency building regulations be filed with CBSC and not with the Office of Administrative Law (OAL).

Government Code 11346.5 establishes requirements for public notices of proposed regulatory adoption, including economic impact statements, statements of potential impact on California businesses, effect on housing costs, and where and how to obtain copies of the proposed regulations.

Government Code 82019 defines a “designated employee” for the purposes of the Conflict of Interest Code.

Government Code 87306 requires that a state agency report to the Fair Political Practices Commission changes to its Conflict of Interest Code on a biennial basis.

Health and Safety Code 18909 defines what is and what is not a building standard.

Health and Safety Code 18925 provides for CBSC to appoint an Executive Director with defined responsibilities.

Health and Safety Code 18927 permits CBSC to appoint advisory panels composed of volunteers from professions most likely to be knowledgeable in and affected by building standards, to advise CBSC.

Health and Safety Code 18929 through 18932 outline the duties of CBSC in its review of building standards proposed by state agencies; criteria to be used for acceptance; authority of CBSC to propose green building standards where no other agency has authority; procedural duties of CBSC; reimbursement by state agencies for review and development of building standards; establishment of a local fee on building permits to be used by CBSC and other agencies in the development and training of building standards, primarily green building standards; permission for CBSC to accept grants and gifts to perform its duties; and content of the code and authority of CBSC for its format.

Health and Safety Code 18934 requires state agencies proposing to adopt building standards to adopt and submit to CBSC regulations for procedures that insure public participation.

Health and Safety Code 18935 requires that state agencies proposing to adopt building standards meet requirements, for public noticing and hearings, of California Government Code, Division 3, Part 1, Chapter 3.5, beginning with Section 11340, known as the Administrative Procedure Act (APA); and that CBSC shall submit agency notices to OAL for the purpose of publication in the California Regulatory Notice Register.

Health and Safety Code 18936 holds that CBSC shall mail notices of its meetings to organizations or parties submitting written requests for them at least 15 days prior to those meetings.

Health and Safety Code 18937 requires CBSC to act on emergency building standards proposals within 30 days, provided the proposing agency has made a finding of emergency in accordance with the APA. CBSC must concur with the finding of emergency in its approval actions.

Health and Safety Code 18945 sets forth a process for an appeal to CBSC of any state agency's action respecting the administration of any building standard.

Health and Safety Code 18946 describes the options CBSC has in hearing or referring appeals and requires a written decision on an appeal.

Health and Safety Code 18949.1 through 18949.5 define the authority for CBSC to adopt building standards on behalf of certain state agencies, and include provisions for the California Energy Commission in its adoption of building standards to follow the time schedule for code cycles set by CBSC.

Health and Safety Code 18949.6 requires CBSC to adopt regulations for the procedure for adopting building standards and administrative regulations that apply to implementation or enforcement of building standards. Regulations shall facilitate adoption of model building codes and shall allow for compliance with the APA.

Summary of Existing Regulations

Chapter 1 of Part 1 contains the administrative regulations of CBSC in ten articles, describing duties and procedures to be followed in implementation of California Building Standards Law. Last code adoption cycle, CBSC made extensive updates to Chapter 1 to reflect changes in the law, and clarify the Chapter for proposing state agencies and other code uses.

Summary of Effect

The proposed standards make several editorial, grammatical and punctuation changes.

They change the makeup of the PEME and Green Code Advisory Committees for upcoming code cycles as requested by the Commission.

Comparable Federal Statute or Regulations

CBSC is not aware of an existing comparable federal statute or regulation.

Policy Statement Overview

The proposed regulations will correct minor errors and reflect the Commission's desire to update specific Code Advisory Committee positions.

Evaluation of consistency

The proposed regulations are consistent with existing state regulations.

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

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

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

The CBSC has made an initial determination that the adoption/amendment/repeal) of these regulations 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 proposed regulations are primarily internal to CBSC and affected state agencies and if anything, are intended to bring more transparency to CBSC processes.

DECLARATION OF EVIDENCE

CBSC has made an initial determination that the adoption/amendment/repeal) 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.

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.

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 affect 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 affect 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
- **The benefits of the regulation to the health and welfare of California residents, workers safety, and the state's environment.**
These regulations will positively affect the safety of California residents.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

CBSC has made an initial determination that this proposal will have no effect on housing costs.

CONSIDERATION OF ALTERNATIVES

CBSC has made an initial determination that no reasonable alternative it considered 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 as 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 the California Building Standards Commission website:

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 the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

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

Jim McGowan, Jim.McGowan@dgs.ca.gov

CBSC 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:

Mia Marvelli, Mia.Marvelli@dgs.ca.gov

2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959