

Petition to the California Building Standards Commission

Regarding Building Standards in Title 24, California Code of Regulations

Instructions

1. Use this form to petition the California Building Standards Commission (CBSC) for the repeal, amendment or creation of a building standard pursuant to the repeal provisions in Title 24, Part 1, Article 3, California Administrative Code, detailed on page two of this form.
2. Attach additional sheets if necessary.
3. Mail completed form and all attachments to CBSC, 2525 Natomas Park Dr., Suite 130, Sacramento, CA, 95833-2936.

Note: This form is NOT to be used to comment on proposed building standards.

Petitioner Information

Last Name		First Name	
Representing			
Mailing Address		City, State	Zip Code
Email Address			Phone Number

Purpose of Petition (check as appropriate)

Repeal Existing Building Standard Amend Existing Building Standard Create New Building Standard

If this petition proposes the repeal or amendment of existing building standards in Title 24, identify the part number(s) and section number(s).

Part	Section	Part	Section
------	---------	------	---------

Justification for Petition

1. Explain the problem and rationale for this petition. See page two Section 1-315(b).

2. Explain how the problem has statewide significance. See page two Section 1-315(a).

3. Is the problem giving cause for emergency action because of an imminent danger to public health, safety or welfare? See Section 1-317 on page two. Yes No If yes, explain:

Petition History

Have you previously petitioned CBSC or another state or local agency regarding this matter?

Yes No If yes, explain below and attach a copy of the previous petition(s) and a copy of all related correspondence and decisions rendered.

Attachments

If this petition has attachments, enter the number of pages attached:

Regulatory References

A response to your petition will be provided in accordance with the petition provisions in the California Code of Regulations (CCR), Title 24, Part 1, California Administrative Code, Chapter 1, Article 3.

To assist in completing the petition, some applicable provisions have been provided below. However, the submitting petitioner(s) should review the full text of current regulations available online at the [commission's website](http://www.dgs.ca.gov/bsc) www.dgs.ca.gov/bsc.

Section 1-313. Petitions

(a) Any local governmental agency, firm or member of the public may petition either the Commission or the authoritative agency for the proposal, adoption, amendment or repeal of any building standard or administrative regulation in Title 24 of the California Code of Regulations.

(d) The Commission may refer received petitions to the state agency, or multiple agencies, having specific jurisdiction for the subject of the adopted building standard or for the subject of the proposed building standard as proposed by the petitioner. A state agency receiving a petition referred by the Commission shall process the petition as required by this Article, including the reporting of actions and decisions by the agency to the Commission.

(e) Petitions are not to be used to address matters relating to currently proposed buildings standards. Any concerns relating to currently proposed building standards should be brought forward during the public comment period designated for the proposed building standard.

Section 1-315. Criteria for Petition A petition for the adoption, amendment or repeal of a building standard must meet the following criteria:

(a) The subject issue must have statewide significance and must have implications for a whole category of projects or a broad range of project types, and:

(b) The rationale for the petition must take the form of at least one of the following criteria:

1. A current building standard conflicts with pertinent statute(s) and/or regulation(s). To substantiate this criterion, the petitioner must cite the subject building standard and the conflicting statute(s) and/or regulation(s), and provide a clear written description of why the two are inconsistent.
2. Compliance with a current building standard is routinely impossible or onerous. To substantiate this criterion, the petitioner must cite the current building standard, present written or photographic evidence of the difficulty in complying with it, and clearly show that the problem is common or potentially common to many different projects or project types in many different circumstances. This criterion shall not be used to justify a petition for the repeal or amendment of a current building standard that poses difficulty to a single project.
3. A current building standard is inefficient or ineffective. To substantiate this criterion, the petitioner must cite the subject building standard, provide clear and concise written or photographic evidence of its ineffectiveness or inefficiency, describe a proposed alternative, and provide clear and convincing written or photographic evidence that it is more efficient or effective.
4. A current building standard is obsolete. To substantiate this criterion, the petitioner must show at least one of the following facts:
 - A. A material or product specified in the building standards is not available, or
 - B. There is no statute authorizing the subject building standard, or
 - C. Significant developments in procedures, materials or other issues subject to the building standard have created a need for amendment or deletion of the building standard; that current state statutes permit amendment or deletion of the building standard; and that the building standard has the effect of prohibiting the use of a material or procedure that has demonstrated satisfactory performance and meets the intended purpose of building standards.
5. There is a need for a new building standard. To substantiate this criterion, the petitioner must provide a clear written description of the proposed building standard, explain why it is necessary, and cite the statute(s) that require or authorize the new building standard.

Section 1-317. Emergency Petition

(a) A petitioner may assert that the petition requires immediate action because there is imminent danger to the public health, safety or welfare. To substantiate the existence of a potential danger, the petitioner must include in the petition a written description of the specific facts showing the need for immediate action.

(b) If the emergency petition is approved by the Commission and if the petition is accepted pursuant to this article, the proposing agency or adopting agency shall develop and/or adopt new or amended building standards necessary to satisfy the cause for the petition. The new or amended building standards shall be proposed and adopted as emergency building standards as permitted by Health and Safety Code Sections 18934.8 and 18937, and as provided for in section 1-419 of this chapter.

Authority & Reference: Health and Safety Code Sections 18931, 18934.8, 18937 and 18949.6. These provisions may be accessed at the [California Legislative Information website](http://leginfo.legislature.ca.gov/faces/home.xhtml): <http://leginfo.legislature.ca.gov/faces/home.xhtml>.