

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2025 CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
(BSC 04/24)**

The Administrative Procedure Act (APA) 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, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

Chapter 1 of the California Administrative Code (Part 1 of Title 24) is reserved to the California Building Standards Commission (BSC) and contains regulations that explain the various BSC functions to develop, adopt, and publish building standards in Title 24, California Code of Regulations. It also includes requirements for the state proposing agencies and state adopting agencies involved in the development of building standards.

The proposed amendments to Chapter 1 of the California Administrative Code are being made to clarify, implement and make specific requirements relative to procedures for compliance with BSC rulemaking processes. Specific rationale is provided for each item.

ITEM 1

Chapter 1 ADMINISTRATIVE REGULATIONS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION, Article 1 GENERAL, Section 1-101. Abbreviations.

BSC proposes to revise the word “Health” to “Hospital” to align with the Office name change to Office of Statewide Hospital Planning and Development.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 2

Chapter 1, Article 4 RULEMAKING FOR THE ADOPTION OF BUILDING STANDARDS, Section 1-407. Initial rulemaking file submittals by a state proposing agency.

BSC proposes the following modifications:

- Change the language from requiring wet signatures to accepting signatures without distinguishing between wet and digital/electronic. This modification follows the lead of the Office of Administrative Law (OAL) which updated their regulations in CCR Title 1, Division 1, Chapter 1 in 2021 to allow for electronic/digital signatures and submittals of the rulemaking documents. During the past several years, and especially during the pandemic, electronic communication has become much more prevalent while obtaining “wet” signature became more complicated in the telework environment. The proposed change aims to simplify the process and eliminate waste associated with unnecessary printing of the documents.
- Change the required number of copies from two to one. The number of required copies of the rulemaking documents is being reduced because BSC only needs one printed copy for recordkeeping purposes. BSC uses electronic/digital documents to perform its review. When dealing with electronic submissions, documents can be easily duplicated, routed and revised as necessary during the review process, making it unnecessary to print and submit new copies with every revision. This change is needed to eliminate waste, reduce printing expenses for state agencies and save natural resources.
- Change the language about signatures required on STD. 399 for clarity and accuracy. State Administrative Manual (SAM) Section 6614 requires the Fiscal Impact Statement section of the STD. 399 be completed and signed by the agency when a notice of proposed action is submitted for publication in the California Regulatory Notice Register, which happens before final submittal of the rulemaking file.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 3

Chapter 1, Article 4, Section 1-408. Certification of delegation of authority

BSC proposes to change the language from requiring wet signatures to accepting signatures without distinguishing between wet and digital/electronic. Please see Item 2 above where the reasoning is provided.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 4

Chapter 1, ARTICLE 4 RULEMAKING FOR THE ADOPTION OF BUILDING

STANDARDS, Section 1-411. Public comment rulemaking file submitted by a state proposing agency.

BSC proposes to change the number of copies from two to one for the various required documents in the rulemaking file. Please see Item 2 above where the reasoning is provided.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 5

Chapter 1, Article 4, Section 1-413. Public comments and related actions.

BSC proposes to repeal the Note referencing the availability of a public comment form on the Commission's website. During recent code adoption cycles BSC staff and general public experienced technical difficulties associated with the use of the web-based form which led to the decision to take the web form down and direct everyone to use the email address or physical mailing address to provide their comments. The main issues leading to this decision:

- The form did not allow for the use of underline and strikethrough often necessary to communicate the desired changes in the proposed language.
- There were issues with the form intermittently failing without any indication, causing confusion for the commenter.

Additionally, technical support, formerly provided by the DGS IT team for the web-based form, had been withdrawn. As the form is no longer available on the website, this change is necessary for ongoing accuracy.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 6

Chapter 1, Article 4, Section 1-415. Final rulemaking file by state proposing agencies.

BSC proposes the following modifications:

- **Section 1-415(a) #1, #6 (formerly #7) and #14.**
Change the language from requiring wet signatures to accepting signatures without distinguishing between wet and digital/electronic. Please see Item 2 above where the reasoning is provided.
- **Section 1-415(a) #2 and #3 (repealed).**
Repeal #3 and revise #2 as Informative Digest is included within the Notice of

Proposed Action per Government Code (GOV) Section 11236.5(a)(3). This action will clarify the requirements for the documents submitted to BSC and eliminate confusion for the state proposing and adopting agencies. Renumber the following numbers as #3 is proposed to be repealed.

- **Section 1-415(a) #7 (formerly #8).**
Revise the language to clarify that “transcript, recording, or minutes” instead of “written transcript or recorded minutes” is required to be submitted to BSC to document proceedings during public hearings connected with the adoption, amendment, or repeal of the regulation according to GOV Section 11347.3(b)(8).
- **Section 1-415(a) #9 (formerly #10).**
Repeal the language about a memo attesting to the 45-day public availability period to avoid duplication and eliminate confusion that only comments received during 45-day public comment period are required to be included in the final rulemaking file, even if additional 15-day or 45-day public availability periods were provided. The requirements for the memo are covered in #17 of this section.
- **Section 1-415(a) #11 (new number).**
Add the language to clarify the requirement for the state proposing or adopting agency to include a statement indicating they complied with GOV Section 11347.1 if they added any technical, theoretical, or empirical study, report, or similar document to the rulemaking record after publication of the Notice of Proposed Action.
- **Section 1-415(a) #13.**
Revise the language to clarify the requirements for documents reflecting changes made to the proposed building standards after publication of the Notice of Proposed Action and specify the statute that requires the 15-day public comment period (GOV Section 11346.8(c)).

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 7

Chapter 1, Article 4, Section 1-419. Emergency building standards.

BSC proposes to change the required number of copies from two to one. Please see the reasoning provided in Item 2 above.

CAC Recommendation:

TBD

Agency Response:

TBD

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

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

There was no technical, theoretical or empirical study, report, or similar documents used as the basis for the proposed amendment to the 2025 California Administrative Code.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

The proposed amendments to administrative regulations do not mandate any specific technologies or equipment.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

BSC has not identified any reasonable alternatives, including less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with statute. The proposed BSC amendments are administrative in nature to provide editorial updates and clarifications to assist the regulated public.

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

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

No alternatives were identified that would lessen any adverse impact on small business. BSC has determined that the regulations being proposed are administrative in nature and will only impact Part 1 of Title 24 regarding procedures for compliance with BSC rulemaking processes by state adopting and proposing agencies. Small businesses will not experience an adverse impact due to these amendments.

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

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

BSC has made an initial determination that this regulatory action would not have a significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

The proposed amendments are administrative in nature and will only impact Part 1 of Title 24 regarding procedures for compliance with BSC rulemaking processes by state adopting and proposing agencies. The public is welcome to submit any information, facts, or documents either supporting BSC's initial determination or finding to the contrary.

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

Government Code Sections 11346.2(b)(2) and 11346.3(b)(1)

BSC has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations will not affect the creation or cause the elimination of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

This regulation will not affect the creation of new businesses or elimination of existing businesses within the State of California.

C. The expansion of businesses currently doing business within the State of California.

This regulation will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

These regulations will not affect the health and welfare of California residents, or worker safety. These regulations are administrative in nature and impact procedures for the administration of the rulemaking process. The proposed amendments have a potential to save natural resources associated with elimination of unnecessary printing which may benefit the state's environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

BSC has determined that the proposed amendments to Part 1 of Title 24 are administrative in nature, are not building standards, and do not implement or enforce building standards.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission

within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

The proposed regulations do not duplicate or conflict with federal regulations. There are no federal regulations addressing this same subject matter.