APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION   
FEBRUARY 26, 2025

# AMENDED JUSTIFICATION FOR PROPOSED BUILDING STANDARDS OF the division of the State Architect (DSA-SS) REGARDING THE 2025 california administrative code, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1 (dsa-ss 04/24)

Pursuant to Safety Code Section 18930 and California Administrative Code Section  
1-417 (a)(4), the Division of the State Architect (DSA-SS) proposes to further amend the following:

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## LEGEND for EXPRESS TERMS (California only codes - Parts 1, 6, 8, 11, 12)

* Existing California amendments appear upright
* Amended or new California amendments appear underlined
* Repealed California language appears ~~upright and in strikeout~~
* Ellipses (…) indicate existing text remains unchanged
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## AMENDED JUSTIFICATION

### ITEM 9 Chapter 4 ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS), GROUP 1: SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS, ARTICLE 10: INSPECTOR CERTIFICATION

DSA proposes to adopt Sections 4-363.7, 4-364, and 4-367(b)2 that were Approved as Amended by the Commission at the February 26, 2025, Commission Meeting. The Commission determined that replacing “his/her” with “their” and replacing “his or herself” with “themself” was necessary to align with recommendations received from the SD/LF Code Advisory Committee to eliminate gender-specific pronouns in Section 4-333.

DSA also proposes to adopt Sections 4-364(a) and 4-366(c) that were Approved as Amended by the Commission at the February 26, 2025, Commission Meeting. The Commission determined that removing the words “DSA Certified” prior to “Project Inspector” in these sections was necessary to keep consistent terminology within the regulatory language for DSA Project Inspectors.

DSA agrees with the Commission’s determinations. There is no fiscal impact nor change in regulatory effect for modifying these sections.

(No additional changes proposed by this amended justification in other sections of ITEM 9 aside from those included below.)

**4-363.7 Requests for certification after expiration.** An individual who fails to renew ~~his/her~~ [The section language revised during February 26, 2025, meeting by the Commission and agreed to by DSA. See the justification above.] their Project Inspector certification within six months of certification expiration may obtain certification anew in the classification previously held by meeting the requirements commencing with Section 4-363, or in a higher classification by meeting the requirements of Section 4-361, provided there was no pending cause for action under Section 4-365 when the individual’s certification expired.

An individual who fails to renew ~~his/her~~ [The section language revised during February 26, 2025, meeting by the Commission and agreed to by DSA. See the justification above.] their DSA Certified Special Inspector certification prior to the certification expiration may obtain certification anew in the classification previously held by meeting the requirements commencing with Section 4-363, provided there was no pending cause for action under Section 4-365 when the individual’s certification expired.

**4-364. Professional conduct.** A candidate in the process of certification, and a Project Inspector or DSA Certified Special Inspector with valid certification, shall maintain good standing in accordance with the following:

* + - 1. The designation of ~~DSA Certified~~ [The section language revised during February 26, 2025, meeting by the Commission and agreed to by DSA. See the justification above.] Project Inspector or DSA Certified Special Inspector shall only be used by those who hold valid certification.
      2. A Project Inspector or DSA Certified Special Inspector shall conduct themselves in a professional and ethical manner on projects under DSA jurisdiction.
      3. (Relocate fourth to last paragraph of 4-333.1 to here and modify.) ~~An applicant for the certification examination or an inspector possessing a valid certificate issued by DSA, shall file~~A change~~s of name,~~ in contact information to an inspector’s mailing address, email address and~~or~~ telephone number ~~with the DSA headquarters office~~shall be submitted to DSA within 10 business days of such~~that~~ change. ~~The information filed shall include the new and former name, mailing address, email address or telephone number.~~
      4. (Relocate first sentence of last paragraph of 4-333.1 to here.) An applicant for either the certification or recertification examination shall conduct ~~his or herself~~ [The section language revised during February 26, 2025, meeting by the Commission and agreed to by DSA. See the justification above.] themself during the examination in an ethical manner, with honesty and consideration for other examinees, shall not reveal examination contents with anyone during or after the examination (Relocate the following language shown struck out to 4-365 (b) and modify) ~~, shall not falsify documents required for examination entrance~~ and shall comply with published rules of the examination.
      5. A candidate in the process of certification, and a Project Inspector or DSA Certified Special Inspector with valid certification shall not engage in any act that affects good standing, including but not limited to those acts specified in Section 4-365. The candidate or inspector shall immediately report to DSA any act that affects good standing as set forth in Section 4-365.

**4-366. Adverse action.** (Relocated from 4-342(d) and (e) and modified as shown.) ~~(d)~~ **~~Disciplinary actions.~~** ~~Failure to satisfactorily perform inspector duties identified in this code may be cause for DSA to take action(s) that include but are not limited to the following:~~

* + - 1. ~~Requiring the inspector to meet with DSA in the regional office for counseling.~~
      2. ~~Requiring the inspector to attend training classes.~~
      3. ~~Withdrawal of the inspector’s approval for the project.~~
      4. ~~Downgrading of the inspector’s class of certification.~~
      5. ~~Suspension of the inspector’s certification.~~
      6. ~~Withdrawal of the inspector’s certification.~~

(Relocate last 2 sentences of last paragraph of 4-333.1 to here and modify as shown.) ~~Noncompliance~~ DSA may ~~result in immediate expulsion~~ expel an applicant from a certification or recertification ~~the~~ examination without passage of any or all parts, require forfeiture of fees, require~~d~~ payment of fines and other costs incurred by DSA in addressing noncompliance, and nonentry to future certification or recertification examinations for any act in violation of Section 4-364, or acts affecting good standing associated with examinations, including but not limited to those specified in Section 4-365. ~~Noncompliance by certified inspectors attempting to elevate their inspector classification may be cause for DSA to take disciplinary action in accordance with Section 4-342(d).~~

DSA may withdraw project approval, deny issuance or renewal of certification, or suspend or revoke certification for any act in violation of Section 4-364, or acts affecting good standing associated with inspector certification or project approval, including but not limited to those specified in Section 4-365. In case of withdrawal of project approval or suspension of certification, failure to successfully address the corrective measures specified may lead to additional adverse action, including revocation of certification.

1. DSA will withdraw the approval of the inspector from any or all active projects if DSA determines an action by the inspector causes the risk of immediate and serious harm to public health, life and safety.
2. DSA will issue a written notice to the Project Inspector or DSA Certified Special Inspector of the intent to suspend or revoke certification, or to deny issuance or renewal of certification.
   * + 1. (Relocated from 4-342(e) and modified)~~(e)~~**~~Notice of disciplinary actions.~~** ~~Notice of disciplinary action shall specify the grounds for the actions taken.~~The written notice shall include the action being taken, a summary of the facts and allegations, and, if applicable, material upon which the action is based. The notice shall provide the Project Inspector or DSA Certified Special Inspector ten (10) calendar days to respond, and the effective date of the action if no response is received within the 10 calendar days. Service of the written notice shall be by registered mail addressed to the individual at the most recent address filed by the individual with DSA. Service by mail is complete at the time of mailing.
       2. DSA shall issue a decision in writing within 15 calendar days from the receipt of the response. The time to render the decision may be extended as necessary. Service of the decision shall be by registered mail addressed to the individual at the most recent address filed by the individual with DSA. Service by mail is complete at the time of mailing.
3. The individual with suspended or revoked certification shall not use the ~~DSA Certified~~ [The section language revised during February 26, 2025, meeting by the Commission and agreed to by DSA. See the justification above.] Project Inspector or DSA Certified Special Inspector designation or perform work requiring certification beyond the effective date of suspension or revocation of certification.
4. The individual will be removed from the published Certified Inspectors List and/or DSA Special Inspector List published.
5. The individual may make a request for reinstatement as set forth in Section 4-369 after DSA determines that the individual has met the criteria for reinstatement set forth in Section 4-368.

**4-367.** (Relocated from 4-342(g) and modified as shown.) **Filing an appeal.** ~~(g)~~An individual may appeal the decision of denial of candidate eligibility, denial of issuance or renewal of certification, or suspension or revocation of certification.

1. The Appeal from the denial of eligibility shall be accompanied by supporting documentation and shall be filed with DSA within 30 calendar days from the date of mailing of the denial. DSA shall issue its decision within 30 calendar days of the appeal. The decision from appeal of candidate eligibility is final. A candidate may reapply for eligibility as set forth in Section 4-363.1.

~~The State Architect or his/her designee has the discretion to immediately order that approval of a project inspector for a project, or certification, be temporarily invalidated or to seek additional information, pending a final determination by the State Architect or his/her designee pursuant to Section 4-342(c). The decision to temporarily invalidate approval of a project inspector for a project, or certification, will be made on a case by case basis, as necessary to ensure public health, safety and welfare.~~

~~The State Architect or his/her designee shall provide the appellant with written notice that their approval for a project, or certification, has been temporarily invalidated as of a specific date or is subject to suspension or denial pursuant to Section 4-342(d), pending a final determination. The written notice shall include the reasons for the action being taken or investigated, as applicable, and provide a summary of the facts and allegations. Service of the written notice of the proposed action shall be confirmed by certified mail.~~

~~3. Written notice of the final determination by the State Architect or his/her designee shall be confirmed by certified mail within 60 days from the initial written notification. The time to render his/her determination may be extended an additional 30 days, as necessary to consider any additional supporting documentation provided to the State Architect relevant to the issue being investigated.~~

~~An appeal of an action by the State Architect or his/her designee to suspend approval of a project inspector for a project, or certification, or to deny renewal of a certification must be filed in writing with DSA within 60 days of the date posted on the certified service of the written notice of the final determination from the State Architect. Unless a hearing is specifically requested as provided in Section 4-342(g)6 the appeal will be based on an analysis of the materials available.~~

1. A decision of denial of issuance or renewal of certification, or suspension or revocation of certification may be appealed to the State Architect. Appeal hearings shall be conducted in accordance with the Administrative Procedures Act, Chapter 5, Part 1 of Division 3, Title 2, Government Code, commencing with section 11500. There shall be no stay of the decision pending an appeal.

~~Within 60 days from the date of receipt of the appeal the State Architect or his/her designee shall render his/her determination on the appeal. The time to render the determination may be extended an additional 30 days, as necessary to conclude any research or investigation required, at the discretion of the State Architect or his/her designee.~~

~~Should an individual submit a written request for a hearing, the State Architect may designate an appropriate hearing officer to conduct the hearing. Written notice of the date and time of the hearing and the reasons for the action being taken or investigated, as applicable, shall be provided to the appellant. The hearing shall be limited in scope to the actions stated in the written notice. The appellant may bring a representative of his/her choice.~~

1. ~~Any appeal of a decision rendered by the State Architect or his/her designee to rescind approval for a project or certification may be appealed to the Superior Court.~~
2. The appeal shall be filed in writing to DSA within 30 calendar days of the date of the mailing of the decision.
3. ~~7.~~ The appellant shall be notified in writing of the final determination made by the State Architect or ~~his/her~~ [The section language revised during February 26, 2025, meeting by the Commission and agreed to by DSA. See the justification above.] their designee. Service of the ~~written notice of the decision~~ final determination shall be ~~confirmed~~ by registered ~~certified~~ mail. Service shall be complete at the time of mailing.

**Notation:**

Authority: Education Code Sections 17310 and 81142.

Reference(s): Education Code Sections 17311 and 81143.