

**NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
DIVISION OF THE STATE ARCHITECT (DSA-SS, DSA-SS/CC)
REGARDING THE 2025 CALIFORNIA ADMINISTRATIVE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
(DSA-SS 04/24)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of The Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1. The DSA is proposing building standards related to structural design and construction oversight of public elementary and secondary schools, community colleges and state-owned or state leased essential services buildings.

PUBLIC COMMENT PERIOD

Reference: Government Code Sections 11346.5(a)(1), 11346.5(a)(15) and 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **September 6, 2024**, until midnight on **October 21, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

US Mail postmarked no later than **October 21, 2024**.

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website.

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.

The public will have an opportunity to provide written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, 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 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

Reference: Government Code Section 11346.5(a)(2).

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.1. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health & Safety Code Sections 13138, 13143 and 16001; Government Code Sections 4454 and 14963; and Education Code Sections 17280, 17283, 17295, 17297, 17299, 17300, 17307, 17309, 17311, 17405, 81050, 81050.5, 81130, 81130.5, 81133, 81134, 81136, 81138, 81141, 81143, and 81529.

The Division of the State Architect is proposing this regulatory action based on Health and Safety Code Section 16022, Education Code Sections 17300, 17301, 17310 and 81142, and Government Code Sections 4450, 4453, 4454 and 14963.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws

Health and Safety Code Section 13138 authorizes the State Fire Marshal (or agency appropriated responsibility for enforcement) to charge an amount sufficient to recover costs incurred for building code inspections and related fire and life safety activities (such as plan review)

Health and Safety Code Section 13143 authorizes the State Fire Marshal to establish building standards for the prevention of fire and for the protection of life and property against fire and panic.

Health and Safety Code Section 16001 defines the intent of the Essential Services Buildings Seismic Safety Act of 1986 "Essential Services Act" (HSC 16000-16023): that essential services buildings...shall be capable of providing essential services to the public after a disaster, shall be designed and constructed to minimize fire hazards and that the buildings and the vital nonstructural components (e.g., communications systems, main transformers and switching equipment, emergency backup systems, etc.) shall resist...the forces generated by earthquakes, gravity and winds.

Health and Safety Code Section 16022 assigns the State Architect the responsibility to observe the implementation and administration of the Essential Services Act, to establish and adopt regulations deemed necessary to do so, to provide advice and assistance to local jurisdictions and to hear appeals relative to administration of the Act.

Health and Safety Code Section 18949.1, transfers the responsibilities of DSA to adopt regulations relating to building standards, to the California Building Standards Commission.

Government Code Section 4450 authorizes the State Architect to develop regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

Government Code Section 4453 assigns responsibility for enforcement of Chapter 7 to the Director of the Department of General Services where state funds are used

for any project or where funds of counties, municipalities, or other political subdivisions are utilized for the construction of elementary, secondary, or community college projects.

Government Code Section 4454 dictates that no contract shall be awarded until the Department of General Services (DGS) has issued written approval stating that the plans and specifications comply with the intent of Chapter 7, and Government Code Section 4454.5 declares district faculty and employee housing, and community college student housing buildings exempt from the requirement for written approval from DGS.

Government Code Section 14963 transfers the responsibilities of the State Fire Marshal to conduct duties and functions related to construction, school, plan checking, and construction inspection, to DSA.

Education Code Sections 17280-17317 and 81130-81149 are known and cited as the “Field Act”. The Field Act was enacted after the 1933 Long Beach Earthquake and assigned DSA authority for design review and construction oversight of school building construction in California to ensure the protection of life and property.

Sections 17310 and 81142 authorize the State Architect to establish building standards for public elementary and secondary schools, and community colleges.

Education Code Section 17405 defines the conditions where leased buildings are or are not subject to Field Act requirements.

Education Code Section 81050 defines buildings used, or designed to be used, for community colleges purposes as a “school building” and therefore must satisfy “Field Act” requirements. **Section 81050.5** stipulates that buildings used or intended to be used by a community college district as “residential housing” are not a “school building”.

Education Code Section 81529 allows for the governing board of a community college district to designate a building that is primarily used for other than public school purposes as an “offsite location” for the purpose of conducting instruction in educational programs prescribed by the board and therefore exempt from compliance with Field Act requirements.

Summary of Existing Regulations

Existing building standards which prescribe the administrative requirements for building design and construction of state-owned or state-leased essential services buildings, public elementary and secondary schools, and community colleges are promulgated by the Division of the State Architect. These regulations are contained in CCR, Title 24, Part 1, and are based on authority and responsibilities assigned to DSA by statute.

Summary of Effect

The proposed action will adopt and amend the current 2022 edition of the California Administrative Code (CAC) (Title 24, Part 1, California Code of Regulations) in order to adopt the 2025 CAC. In addition to editorial updates, including clarifications which do not cause a change in regulatory effect, the proposed action will:

- Modify Sections 4-205, 4-305, 4-402, 4-405 to add reference to new Part 7 to the list of applicable building standards, in response to SFM proposal to

establish new Part 7, California Wildland-Urban Interface Code, to Title 24, C.C.R.

- Modify Sections 4-310 and 5-101 to align with Education Code Section 81050.5, as amended by AB 358 (Reg. Sess. 2023-2024), excluding community college student housing buildings from compliance with the Field Act.
- Add definition for “Laboratory of Record” to Section 4-314 to coordinate with language updates to Sections 4-335 and 4-335.1 and reorganization to create new Article 11.
- Modify Section 4-317(e) by adding exception to prohibition on construction, rehabilitation, reconstruction or relocation of a school building within 50 feet of active fault trace. Exception allows repair of damage caused by means not related to natural or manmade disaster (e.g. dry rot, vehicle impact).
- Modify Sections 4-318(c), 4-319 and 4-420 to clarify amount of refund of fees when the work has not yet commenced (checking work, or construction) on a project (or subsequent increments). Brings regulatory language into alignment with current practice as stipulated in Section 1.5 of IR A-30.
- Relocate and reorganize content currently contained in Chapter 4, Group 1 Article 5 CERTIFICATION OF CONSTRUCTION (Section 4-333.1 and portions of Section 4-335.1) and Article 6 DUTIES UNDER THE ACT (portions of Section 4-342) and create two new articles:
 - Article 10 INSPECTOR CERTIFICATION and
 - Article 11 LABORATORY ACCEPTANCE.
 - Intent is to consolidate and clarify inspector certification, discipline, appeals, and reinstatement requirements (Article 10) and to consolidate and clarify laboratory acceptance, discipline, appeals, and reinstatement requirements (Article 11). Creating distinct articles for these two programs helps delineate and keep these requirements separate from the requirements, duties and expectations for certified inspectors and accepted labs (as well as Contractor, and Design Professionals) during construction as specified in Articles 5 and 6.
- Modify Section 4-335(f) to require minimum educational requirements for special inspectors in order to be consistent with similar minimum qualifications for Project Inspectors and DSA Certified Special Inspectors. Removing minimum age requirement since the other existing and proposed minimum qualifications are sufficient to ensure appropriately qualified individuals provide special inspections.
- Modify Section 4-342(b)5 to add requirement for 48 hours prior notification for structural steel erection. This provides consistency in notification to DSA prior to significant milestones for these structural systems, as is already stipulated as a requirement for concrete and masonry structures.
- Repeal Section 4-350 regarding records; the language is redundant, and potentially in conflict with Public Records Act law,
- Repeal Section 4-351 regarding location of records; it addresses topics more

appropriately addressed by policy and not regulation.

- Add new definitions for “Classroom” and “Shade Structure” to Section 4-411 in order to clarify broad terms frequently reflected in project designs for which there are no current definitions.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law by amending the current edition of the California Administrative Code.

Evaluation of Consistency

There are no regulations being proposed that will be inconsistent or incompatible within this submittal and with current California Administrative Code and statutory requirements of the Education Code, Government Code and Health and Safety Code.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

Reference: Government Code Section 11346.5(a)(4).

DSA 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

Reference: Government Code Section 11346.5(a)(5).

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

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

Estimate: The proposed regulations will have no mandated cost or savings to any state agency, local agency, or school district.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

DSA has made an initial determination that the adoption and amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Declaration of Evidence

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

DSA has not relied on any other facts, evidence, documents, testimony, or other evidence to make its initial determination of no statewide adverse economic impact. The scope of the proposed action is to make editorial and technical modifications to the existing code that are in alignment with statutory requirements and national referenced standards.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Reference: Government Code Section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

The proposed regulatory action does not require a report by any business or agency, so the Division of the State Architect has not made a finding of necessity for public's health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

DSA 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

Reference: Government Code Section 11346.5(a)(10).

The Division of the State Architect 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.

The Division of the State Architect did not identify any amended regulation that would lead to the creation or 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.

The Division of the State Architect did not identify any amended regulation that would lead to the creation of new businesses or the elimination of existing businesses within the State of California.

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

The Division of the State Architect did not identify any amended regulation that would lead to 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.

Part 1, California Administrative Code is the administrative regulations for application of the California Building code, implementation of construction testing and inspection programs, and certification of construction for the safety and protection of life and property of public K-14 school buildings in compliance with the California Education Code and state-owned or state-leased essential service buildings in compliance with the California Health and Safety Code. The benefits of the regulations provide clarity to the California Administrative Code.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

DSA has determined that this proposed action has no effect on housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

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 [CBSC website](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

Reference: Government Code Section 11346.5(a)(19).

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 [CBSC website](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

Reference: Government Code Section 11346.5(a)(21).

DSA shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law. The statement shall note that providing the accessible description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

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

Kevin Day
Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive or technical aspects of the proposed changes to the building standards should be addressed to:

Primary Contact:

Diane Gould
Principal Structural Engineer
Division of the State Architect
916-324-6959
Diane.Gould@dgs.ca.gov

Back up Contact:

Ryan Turner
Supervising Structural Engineer
Division of the State Architect
858-674-5431
ryan.turner@dgs.ca.gov