

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT (DSA-SS, DSA-SS/CC)
REGARDING THE 2025 CALIFORNIA EXISTING BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10
(DSA-SS 06/24)**

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.

ITEM 1

Chapter 1 SCOPE AND ADMINISTRATION

DSA proposes to continue adoption of Sections 106.2.5 and 109.3.6 of Chapter 1 of the 2024 IEBC as Chapter 1 of the 2025 CEBC. All existing California amendments that are not revised below shall continue without change.

101.7 (formerly section 101.8.1) Maintenance - DSA proposes to renumber this section in coordination with the California Building Standards Commission (BSC) and the California Department of Housing and Community Development (HCD). BSC and HCD proposed editorial amendment in Section 101.7 (formerly Section 101.8) that allowed DSA to propose the renumbering, effectively co-adopting the same language in Section 101.7 and eliminating duplication of the language in Section 101.8.1. This existing California amendment is also being renumbered to align with the changes made to section numbers in the 2024 IEBC. There is no intended change in regulatory effect.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 2

Chapter 2 DEFINITIONS

DSA proposes to continue adoption of Section 201 and adopt definition of REPAIR in Chapter 2 of the 2024 IEBC as Chapter 2 of the 2025 CEBC. All existing California amendments shall continue without change.

Section 202 – DSA proposes to adopt the model code (IEBC) definition of REPAIR to replace and repeal the current definition of REPAIR in Section 318.1. This adoption is consistent with the recommendation of the Code Advisory Committee (CAC) during the previous 2021 triennial code adoption cycle.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 3

Chapter 3 PROVISIONS FOR ALL COMPLIANCE METHODS

DSA proposes to continue adoption of Sections 304.1, 304.2, and 305.1 and to adopt Section 301.1.1 of Chapter 3 of the 2024 IEBC as Chapter 3 of the 2025 CEBC. All existing California amendments that are not revised below shall continue without change.

Sections 317.3 and 317.3.1 – In accordance with Section 1.9.2.1 of the CEBC, state-owned and state-leased essential services buildings come under the jurisdiction of DSA. During the 2015 Triennial Rulemaking Cycle, Existing Building provisions were relocated from Part 2 to Part 10. Thus, the structural provisions for existing buildings previously located in Sections 3417-3423 of Part 2 were relocated to Sections 317-323 of Part 10. The intent was for the language to remain intact, with no change in regulatory effect as the primary purpose for the relocation was to improve organizational alignment with the content of the international codes that are the base model codes for California’s Title 24. Although the 2013 CBC contained no **[DSA-SS]**, **[DSA-SS/CC]**, nor **[BSC]** specific banners in Sections 3417-3423, the 2016 CEBC and forward now includes those banners in Sections 317-323.

The language in the second paragraph of 2013 CBC 3417.1.2 states: *“The provisions of Section 3417 through 3423 also establish minimum standards for earthquake evaluation and design for rehabilitation of existing public buildings currently under the jurisdiction of DSA-SS.”* That language has remained **unchanged** in the 2016 CEBC 317.1.2 to 2022 CEBC 317.1.2 except the reference to *“Section 3417-3423”* in the 2013 CBC language has been replaced with *“Section 317-323”* in the CEBC from 2016 to present.

Section 3417.3 addressed the applicability of when the requirements in Section 3417 apply. Section 3417.3.1 addressed state-owned buildings, Section 3417.3.2 addressed public school buildings, and Section 3417.3.3 addressed community college buildings. Once again, the language in these sections is identical except for numbering changes (replace 34xx with 3xx) from the 2013 CBC to the 2016 CEBC and forward. In the 2016 CEBC, the **[DSA-SS]** banner was assigned to Section 317.3.2 for public school buildings and the **[DSA-SS/CC]** banner was assigned to Section 317.3.3 for community college buildings. **Both** the **[BSC]** and **[DSA-SS]** banner should have been assigned to Section 317.3.1 for state-owned buildings but the **[DSA-SS]** banner was unintentionally omitted. DSA proposes to add the **[DSA-SS]** banner to the title of Section 317.3.1 to correct this error. This correction is beneficial to agencies responsible for existing state-owned and state-leased essential services buildings by providing clear regulatory direction on when the provisions of Section 317 through 323 apply to their projects.

Table 317.5 – In accordance with Section 1.9.2.1 (or 1.9.2.2) of the CEBC, state-owned and state-leased essential services buildings come under the jurisdiction of DSA-SS (or alternatively, DSA-SS/CC). Essential services buildings are designated Risk Category IV in accordance with California Building Code Table 1604A.5. The structural seismic performance criteria currently specified in Table 317.5 for Risk Category IV buildings under DSA-SS authority is less than that required by the model code (IEBC) in Table 304.3.1 for

Risk Category IV buildings and the Basic Performance Objective of ASCE 41. The structural seismic performance criteria currently specified in Table 317.5 for Risk Category IV buildings under DSA-SS/CC authority is less than that required by the model code (IEBC) in Table 304.3.2 for Risk Category IV buildings and the Basic Performance Objective of ASCE 41. This appears to be an error as it is not the intent of the amendment to reduce the criteria of the model code and adopted consensus standard (ASCE 41). It appears that when the Existing Building provisions were relocated from Part 2 (Chapter 34) to Part 10 (Chapter 3) during the 2015 triennial rulemaking cycle, although the existing amendment language remained intact, it actually was in conflict with Health and Safety Code (HSC) **18930(a)(1)** “The proposed building standards do not conflict with, overlap, or duplicate other building standards.” In addition, it is widely accepted that the expected structural performance of an essential services building in the design basis seismic event is Immediate Occupancy (S-1).

DSA proposes to update the amendment language in Table 317.5 specifying required seismic performance criteria of Risk Category IV buildings in order to align the amendment requirements with the model code and adopted consensus standard. This change broadly benefits communities or portions thereof serviced by state-owned and state-leased essential services building by requiring seismic performance objectives consistent with their functional needs and public expectation.

DSA proposes to modify Footnote #1 to coordinate with changes made in the newly adopted 2023 edition of the adopted standard, ASCE 41: Seismic Evaluation and Retrofit of Existing Buildings. The names of nonstructural performance levels are removed because they are unnecessarily redundant with those given in ASCE 41.

DSA proposes to add Footnote #4 for the purpose of further clarifying the applicability of **[DSA-SS]** provisions to state-owned and state-leased essential services buildings (see above). This is beneficial to agencies responsible for existing state-owned and state-leased essential services buildings by clarifying when the provisions of Section 317 through 323 apply to their projects.

Section 318 – DSA proposes to repeal the definition of REPAIR in this section for the purpose of eliminating definitions from this section. In the previous code cycle, DSA attempted to eliminate all definitions in this section; however, in that cycle the Code Advisory Committee (CAC) took exception to the proposal to relocate this definition of REPAIR to Section 202, recommending instead adoption of the existing definition of the same term by the model code (IEBC). Though schedule and deadline limitations prevented a comprehensive evaluation of the CAC proposal at that time, this proposal is consistent with the recommendation of the previous code cycle’s CAC.

Section 319.1 – DSA proposes to change the benchmark code cited in the Exception for the purpose of referencing the code two cycles in arrears. This change is made with each code, consistent with the original intent of permitting the use of the two most recent code editions when the stated conditions are met.

Section 319.2 – DSA proposes to modify the data collection requirements to coordinate with changes made in the newly adopted 2023 edition of the adopted standard, ASCE 41: Seismic Evaluation and Retrofit of Existing Buildings.

Sections 319.5 and 319.7.2 – DSA proposes to relocate existing code language from Section 319.7.2 to Section 319.5, so it applies consistently and universally. The basis for determination of an irregular classification belongs in the primary section addressing

irregularities rather than a later subsection defining the conditions that require the use of Method B. The latter section is revised to now refer to the relocated language in the primary section.

Section 319.7 and subsections – DSA proposes editorial revisions to improve the presentation and clarity of provisions that define conditions requiring the use of Method B. In the previous code cycle while discussing modifications to Section 317.7.2, the Code Advisory Committee (CAC) noted the inconsistency and awkward format of the existing code language comprising the list of conditions presented in this section. These revisions attempt to address those comments by bringing consistency to structure and presentation of the provisions.

CAC Recommendation:

Approve: CAM sub-items DSA-SS 06/24-3-1 through DSA-SS 06/24-3-7.

Further Study Required: CAM sub-item DSA-SS 06/24-3-8 (Section 319.7).

Agency Response:

Accept. In response to the further study required, the proposed code language of Section 319.7 is editorially revised in accordance with the recommendation of the CAC.

ITEM 4

Chapter 4 REPAIRS

DSA continues to not adopt Chapter 4, consistent with past Code Adoption Cycles.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 5

Chapter 5 PRESCRIPTIVE COMPLIANCE METHOD

DSA proposes to continue adoption of Section 503.3 of Chapter 5 of the 2024 IEBC as Chapter 5 of the 2025 CEBC, same as the previous Code Adoption Cycle. All existing California amendments shall continue without change.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 6

Chapter 6 CLASSIFICATION OF WORK

Chapter 7 ALTERATIONS – LEVEL 1

Chapter 8 ALTERATIONS – LEVEL 2

Chapter 9 ALTERATIONS – LEVEL 3

Chapter 10 CHANGE OF OCCUPANCY

Chapter 11 ADDITIONS

Chapter 12 HISTORIC BUILDINGS

Chapter 13 PERFORMANCE COMPLIANCE METHODS
Chapter 14 RELOCATED OR MOVED BUILDINGS
Chapter 15 CONSTRUCTION SAFEGUARDS

DSA continues to not adopt Chapters 6 through 15 of the 2024 IEBC, consistent with past Code Adoption Cycles.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 7

Chapter 16 REFERENCE STANDARDS

DSA adopts Chapter 16 for reference documents applicable to the sections of the code adopted herein.

ASCE 7 – DSA proposes to amend ASCE 7: Minimum Design Loads and Associated Criteria for Buildings and Other Structures to match with reference in CBC and 2022 edition of ASCE 7.

ASCE 41 – DSA proposes to adopt the 2023 edition of ASCE 41: Seismic Evaluation and Retrofit of Existing Buildings in accordance with the IEBC errata posted December 20, 2023.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 8

Appendix A GUIDELINES FOR THE SEISMIC RETROFIT OF EXISTING BUILDINGS

Appendix B SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS FOR EXISTING BUILDINGS AND FACILITIES

Appendix C GUIDELINES FOR THE WIND RETROFIT OF EXISTING BUILDINGS

Appendix D BOARD OF APPEALS

Appendix E TEMPORARY EMERGENCY USES

Resource A GUIDELINES ON FIRE RATINGS OF ARCHAIC MATERIALS AND ASSEMBLIES

DSA does not adopt Appendices A through E and Resource A, consistent with past Code Adoption Cycles.

CAC Recommendation:

Approve.

Agency Response:

Accept.

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).

2024 IBC: International Building Code.

2024 IEBC: International Existing Building Code.

ASCE 7-22: Minimum Design Loads for Buildings and Other Structures

ASCE 41-23: Seismic Evaluation and Retrofit of Existing Buildings

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 do not contain any mandates for specific technologies or equipment or prescriptive standards.

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.

DSA did not identify nor determine any reasonable alternatives to these regulations.

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.

There will be no adverse impact on small business.

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.

The regulations proposed will have no overall cost impact on business, since they are equivalent to current requirements in the Code.

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)

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.

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 nor elimination of existing businesses.

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 with 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 bring California into compliance with the most recent edition of the national model code (i.e. the 2024 IEBC, developed by the International Code Council), thereby benefiting the welfare of residents, worker safety, and 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.

The proposed changes to the regulations are editorial to provide clarity, and do not result in an increase to the cost of compliance in the application and implementation of the California Existing Building Code, since they are equivalent to current requirements.

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.

These regulations do not duplicate or conflict with federal regulations.