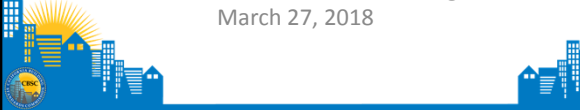


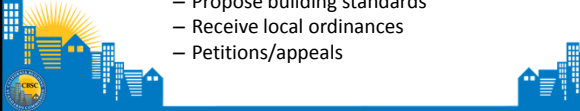
California Building Standards Commission
presents
**Understanding the Regulatory
Process**
Mia Marvelli, CBSC Executive Director
Gary Fabian, Associate Architect

CALBO Annual Business Meeting
March 27, 2018



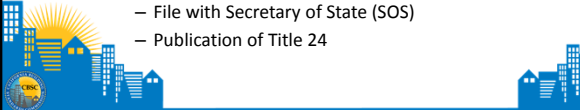
About
California Building Standards Commission
(CBSC)

- **Commission**
 - 10 members + Chair
 - Take action to adopt/approve Title 24
- **Staff**
 - 14 staff
 - Administer the Title 24 rulemaking process
 - Propose building standards
 - Receive local ordinances
 - Petitions/appeals



The Role of CBSC

- Administer Title 24 rulemaking process
 - Cycle timeline with milestones
 - Coordinating Council
 - Code Advisory Committees
 - Review rulemakings for compliance
 - Conduct public comment periods
 - Establish hearing dates
 - Conduct Commission meetings
 - File with Secretary of State (SOS)
 - Publication of Title 24



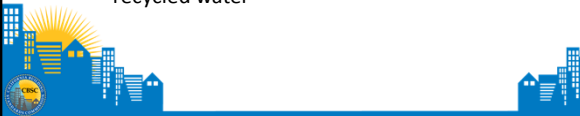
Authority in California Law

- Statutory Authority
 - California Building Standards Law (Health and Safety Code [HSC] Sections 18901-18949.31)
 - Establishes the Commission and advisory bodies
 - Intent of Administrative Procedure Act
 - California adopts specific model codes within one year of their publication
 - Triennial and 18-month supplement
 - Nine-point Criteria (HSC 18930)




Authority in California Law

- Statutory Authority
 - Governs how building standards are to be created
 - [BSC] Propose building standards for state buildings, UC's and CSU's
 - [BSC-CG] Propose CALGreen building standards for nonresidential occupancies, graywater and recycled water



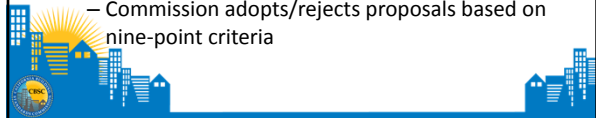
The State Agencies

- As many as 14 state agencies involved in the process of creating California's building standards
- State law establishes the area of authority for each of the agencies
- Two types of state agencies involved with building standards: state **proposing** agencies and state **adopting** agencies



Proposing and Adopting Agencies

- Proposing Agencies
 - HCD, DSA, SFM, OSHPD and others
 - Submit their building standards proposals to CBSC
 - Vetted through the Code Advisory Committees
 - CBSC administers the public comments
 - CBSC oversees hearings
 - Commission adopts/rejects proposals based on nine-point criteria



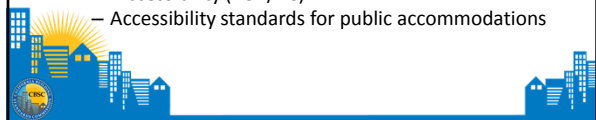
Proposing and Adopting Agencies

- Adopting Agencies
 - CEC, SLC, SHBSB and others
 - Have authority to adopt their own proposals
 - CBSC does not oversee hearings/adoptions
 - Commission approves the process was followed and complies with nine-point criteria
 - CBSC publishes regulations in Title 24



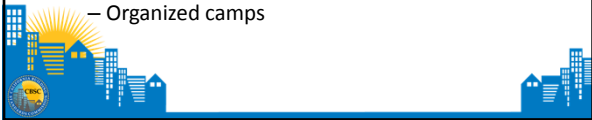
Occupancy Authority

- Department of Housing and Community Development (HCD)
 - Residential (single & multi-family, hotels, motels, mobile home and special occupancy parks)
- Division of the State Architect (DSA)
 - Structural Safety (DSA/SS/CC)
 - K-12 public schools, community colleges and essential services buildings
 - Accessibility (DSA/AC)
 - Accessibility standards for public accommodations



Occupancy Authority

- Office of Statewide Health Planning and Development (OSHPD)
 - Hospitals, skilled nursing facilities and clinics
- Office of the State Fire Marshal (SFM)
 - Fire and panic safety for all occupancies
- CA Department of Public Health (CDPH)
 - Public swimming pools
 - Organized camps



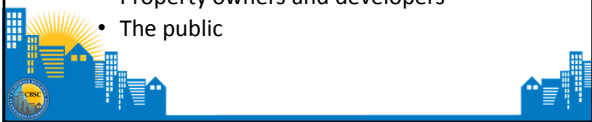
Examples of Adopting Agencies

- California Energy Commission (CEC) - Energy efficiency standards for all occupancies with certain exceptions
- Department of Water Resources (DWR)
- State Lands Commission (SLC)
- Department of Food and Agriculture (CDFA)



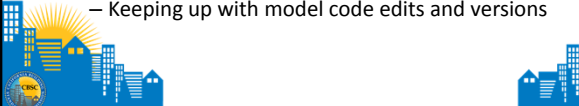
Stakeholders

- Code proposing and adopting agencies
- Subject matter expert agencies (Air Resources Board, CalRecycle)
- Local government building officials
- Legislators
- Building and design professionals
- Product manufacturers
- Property owners and developers
- The public



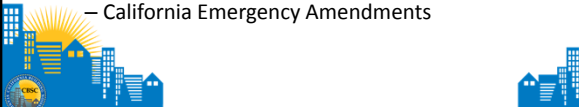
Types of Adoption Actions

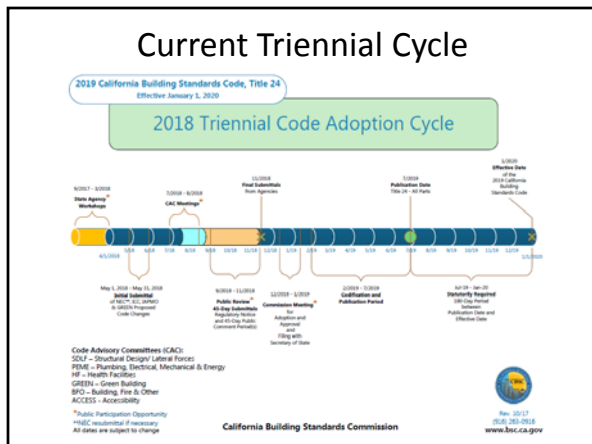
- Triennial Code Adoption Cycle
 - Adopt model codes within one year of their publication
 - The fundamental and largest body of change
- Intervening Code Adoption Cycle
 - Amend if necessary to respond to legislative mandates
 - Keeping up with model code edits and versions



Types of Adoption Actions

- Change without Regulatory Effect (CWoRE)
 - Section 1-421 must be limited to editorial corrections and amendments that do not create new requirements
- Emergency Adoptions
 - Model Code Emergency Amendments
 - Amendment has no effect until adopted by the CBSC
 - California Emergency Amendments



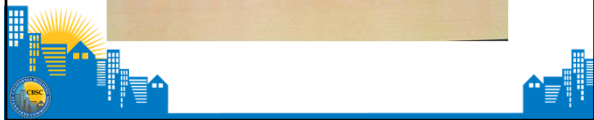


Multiple Publishers Create Title 24

- International Code Council (ICC)
- National Fire Protection Association (NFPA/BNi Books)
- International Association of Plumbing and Mechanical Officials (IAPMO)



Volumes Based on Model Codes



Volumes Created by California



Phases in the Rulemaking Process

- Triennial and Intervening Code Adoption Cycles
- Pre-cycle Activity Phase
 - Coordinating Council
 - Workshops
 - Initial Submittal to CBSC
 - Code Advisory Committee Meetings



Phases in the Rulemaking Process

- Purpose of Code Advisory Committees **6 CACs**
- Code Advisory Committee Member Selection
 - Reconstituted every three years
 - Application
 - Subcommittee recommendation
 - Commission selection

ACCESS
BFO
SD/LF
PEME
HF
GREEN



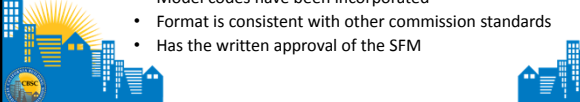
Phases in the Rulemaking Process

- Code Advisory Committee Utilization
 - Review code change proposals
 - Recommendation to CBSC and state agencies
 - Approve, Disapprove, Approve as Amended, Further Study
 - Nine-point criteria (HSC 18930)
 - Proposals may be revised



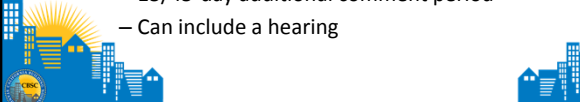
Phases in the Rulemaking Process

- HSC 18930 - Nine-Point Criteria
 - State agencies' rulemaking & adoption must comply
 - Proposals accompanied by an analysis do not conflict, overlap or duplicate
 - Not within the jurisdiction of another agency
 - In the public interest - health and safety, environmental, accessible
 - Not unreasonable, arbitrary, unfair or capricious
 - Cost is reasonable, based on the overall benefit
 - Not unnecessarily ambiguous or vague
 - Model codes have been incorporated
 - Format is consistent with other commission standards
 - Has the written approval of the SFM



Phases in the Rulemaking Process

- Public Comment Phase
 - Issuance of Rulemaking Documents
 - Notice of Proposed Action
 - Initial Express Terms
 - Initial Statement of Reasons
 - Public Comment Periods
 - 45-day comment period
 - 15/45-day additional comment period
 - Can include a hearing



Phases in the Rulemaking Process

45-DAY EXPRESS TERMS FOR PROPOSED MODEL STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION (CBCS)

REASONS PROPOSED ADOPTION OF THE 2015 SMOKE ALARMS CODE (SAC) FOR THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9

The following information is being provided to the public in order to provide notice of the proposed rulemaking and to provide an opportunity for the public to comment on the proposed rulemaking.

REASON FOR PROPOSED ACTION: The proposed rulemaking is necessary to update the 2015 edition of the California Building Standards Code (CBCS) to reflect the most current model codes available. The proposed rulemaking is necessary to update the 2015 edition of the CBCS to reflect the most current model codes available.

REASON FOR PROPOSED ACTION: The proposed rulemaking is necessary to update the 2015 edition of the CBCS to reflect the most current model codes available. The proposed rulemaking is necessary to update the 2015 edition of the CBCS to reflect the most current model codes available.

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INITIAL STATEMENT OF REASONS FOR PROPOSED BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION (CBCS)

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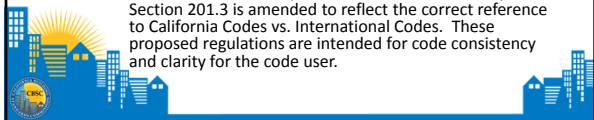
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Phases in the Rulemaking Process

- From Initial Express Terms (ET)
 - **ITEM 5. CHAPTER 2 – DEFINITIONS**
 - **CBSC proposes to adopt Chapter 2 and amend Section 201.3** of the 2015 International Existing Building Code (IEBC) for inclusion in the 2016 California Existing Building Code (CEBC).
- From Initial Statement of Reasons (ISoR)
 - **ITEM 5. CHAPTER 2 – DEFINITIONS**
 - **Specific purpose, problem, rationale and benefit:** CBSC proposes to adopt Chapter 2 Definitions and amend Section 201.3. Defined terms are used in Chapter 4 of the CEBC. CBSC must adopt these definitions for clarity. Section 201.3 is amended to reflect the correct reference to California Codes vs. International Codes. These proposed regulations are intended for code consistency and clarity for the code user.



Phases in the Rulemaking Process

- Final submittal to CBSC
 - Final Express Terms (FET)
 - Final Statement of Reason (FSoR)
 -and many other support documents



Phases in the Rulemaking Process

FINAL EXPRESS TERMS
FOR
PROPOSED RULE STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)
REVISIONS PROPOSED ADOPTION OF THE 2015
INTERNATIONAL PLUMBING CODE (IPC) FOR THE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 6

The Department of Industrial Relations (DIR), Employment Training and Security, hereby certifies that the proposed standards are consistent with the public health, safety and general welfare of the State of California.

EXPRESSION OF TERMS
The California Building Standards Commission (CBSC) proposes to adopt the 2015 edition of the International Plumbing Code (IPC) for inclusion in the California Code of Regulations, Title 24, Part 6. The proposed standards are intended to be adopted as follows:

1. The 2015 edition of the International Plumbing Code (IPC) for the California Code of Regulations, Title 24, Part 6.
2. The 2015 edition of the International Plumbing Code (IPC) for the California Code of Regulations, Title 24, Part 6.

IMPACTS: BENEFITS, AND PROPOSED AND NEW ASSESSMENTS

ITEM 3. CBSC proposes to adopt Chapter 3 of the 2015 IPC with some model code language deleted and existing amendments to be moved forward with modifications for use in the 2016 CFC.

CHAPTER 3
DEFINITIONS

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FINAL STATEMENT OF REASONS
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Phases in the Rulemaking Process

- From Express Terms

ITEM 8. CBSC does not adopt Chapter 11 Accessibility of the 2015 IBC.

**CHAPTER 11
ACCESSIBILITY**

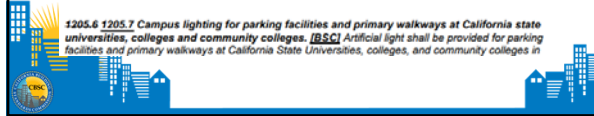
Notation:

Authority: Health and Safety Code §18928 & 18934.5
References: Health and Safety Code §§18928, 18928.1, & 18934.5

ITEM 9. CBSC proposes to adopt Chapter 12 Interior Environment of the 2015 IBC with new amendments and carry forward the existing amendment to Section 1205.7 (formerly 1205.6) Campus lighting for parking facilities and primary walkways at California state universities, colleges and community colleges and its sub-sections.

1205.6 Light pollution reduction. [BSC-CG] See California Green Building Standards Code, Chapter 5, Division 5.1 for additional light pollution reduction requirements.

1205.6 1205.7 Campus lighting for parking facilities and primary walkways at California state universities, colleges and community colleges. [BSC] Artificial light shall be provided for parking facilities and primary walkways at California State Universities, colleges, and community colleges in



Phases in the Rulemaking Process

- From Statement of Reasons

- OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Regarding Items 12-14 of the Final Express Terms:

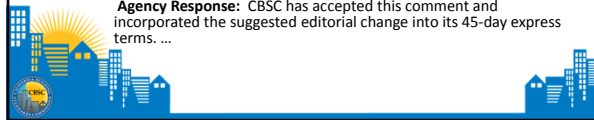
The following is a summary of the comments CBSC received on Items 12-14 during the 45-day public comment period, CBSC's explanation for how changes were made in response to each comment, and reasons for making no changes, as specified:

Commenter 3: Michael L. Nearman, California Building Standards Commission

Recommend: Approve as Amended

Section 202 – RECYCLED WATER SUPPLY SYSTEM (definition) – Suggest adding the words "or adjacent to" to align with...

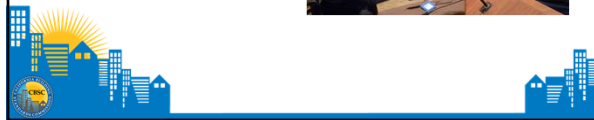
Agency Response: CBSC has accepted this comment and incorporated the suggested editorial change into its 45-day express terms. ...



Phases in the Rulemaking Process

- Adoption Phase

- Public Meetings for Commission Adoption
- Filed with the Secretary of State



Phases in the Rulemaking Process

- Implementation Phase
 - Codification
 - Includes agency proofing
 - BSC aggregates all items from all agencies and creates one document that changes the text of Title 24



Phases in the Rulemaking Process

- Implementation Phase
 - Codification
 - Creates the History Note
 - Creates the Banner
 - Creates the Matrix Adoption Table



Phases in the Rulemaking Process

- Create History Note

HISTORY NOTE APPENDIX

California Building Code
Title 24, Part 2, California Code of Regulations (CCR)

HISTORY:

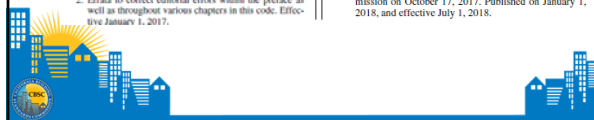
For prior code history, see the History Note Appendix to the California Building Code 2013 Triennial Edition, effective January 1, 2014.

1. (BSC 05/15, SFM 06/15, DSA-AC 01/15, DSA-SS 02/15, HCD 03/15, OSHPD 02/15 & 04/15, SLC 01/15) - Adopt the 2015 edition of the International Building Code published by the International Code Council, for incorporation into the 2016 California Building Code, CCR Title 24, Part 2 with amendments for State registered occupancies, effective on January 1, 2017.
2. Errata to correct editorial errors within the preface as well as throughout various chapters in this code. Effective January 1, 2017.

5. Errata to correct editorial errors throughout the code. Effective September 1, 2017.

6. 2016 Intervening Cycle update; BSCC 01/16, CDPH 01/16, DSA-SS 02/16, OSHPD 02/16, SFM 01/16— Approved by the California Building Standards Commission on August 14, 2017. Published on January 1, 2018, and effective July 1, 2018.

7. 2016 Intervening Cycle update; DSA-AC 01/16— Approved by the California Building Standards Commission on October 17, 2017. Published on January 1, 2018, and effective July 1, 2018.



Phases in the Rulemaking Process

- Create Banner

...above the first felt and a top coating of plastic cement. The felt shall extend over the base flashing 2 inches (51 mm).

1507.7.8 Additional requirements. [DSA-SS & DSA-SS/CC, OSHPD 1 & 4]

In addition to the requirements of Section 1507.7.5, the installation of slate shingle roof coverings shall comply with the requirements of Sections 1507.3.6 and 1507.3.7, and the seismic anchorage provisions of Section 1513.

...and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved. [DSA-SS, DSA-SS/CC & OSHPD 1, 2 & 4] Alternative system shall satisfy ASCE 7 Section 1.3, unless more restrictive requirements are established by this code for an equivalent system.



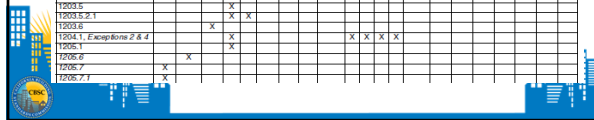
Phases in the Rulemaking Process

- Create Matrix Adoption Table

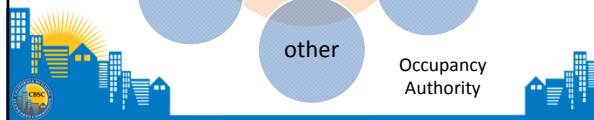
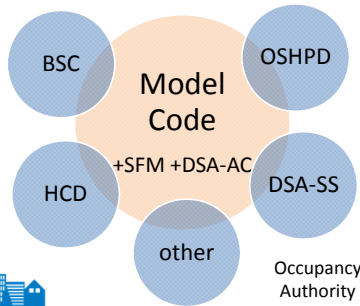
**CALIFORNIA BUILDING CODE – MATRIX ADOPTION TABLE
CHAPTER 12 – INTERIOR ENVIRONMENT**

(Matrix Adoption Tables are non-regulatory, intended only as an aid to the user. See Chapter 1 for state agency authority and building applications.)

Adopting agency	BSC		RCO			DSA				OSHPD				BSCC	DPH	AGR	DWR	CEC	CA	SL	SLC
	Code	SFM	1	2	3	1	2	3	4	1	2	3	4								
Adopt entire chapter						X				X											
Adopt entire chapter as amended (amended sections listed below)	X		X	X						X	X	X	X								
Adopt only those sections that are listed below		X	X											X	X	X			X		
Chapter / Section					X	X															
1203.1					X	X															
1203.2					X	X															
1203.3					X	X															
Table 1203.3					X	X															
1203.4.1.F																					X
1203.4.2																					X
1203.5					X	X															
1203.5.2.1					X	X															
1203.6					X	X															
1204.1, Exceptions 2 & 4					X	X				X	X	X	X								
1205.1					X	X															
1205.6					X	X															
1205.7					X	X															
1205.7.1					X	X															



Phases in the Rulemaking Process



Phases in the Rulemaking Process

- Implementation Phase
 - Publication
 - New Editions - Created by the triennial effort (white pages)
 - Supplement to Current Editions - Intervening or other efforts; can pick up errata, too (blue pages)
 - Errata to Current Editions - Intervening or other efforts (buff pages)
 - Emergency & CWoRE (blue)



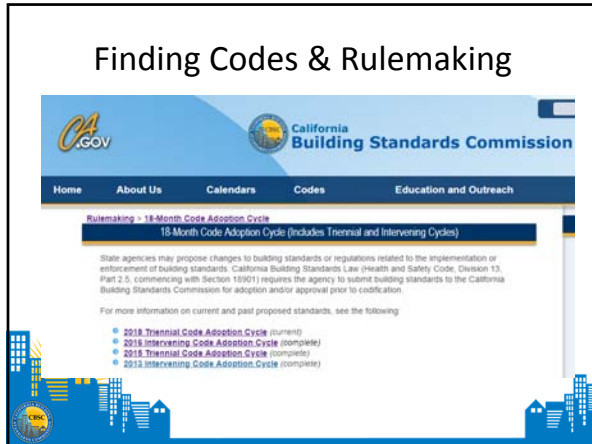
Phases in the Rulemaking Process

- Implementation Phase
 - Publication (effective dates)
 - 180 days for building standards
 - 30 days for Administrative Code (Part 1)
 - 30 days for CWoRE
 - Anything goes for emergencies (usually upon filing with SOS)



Finding Codes & Rulemaking

Finding Codes & Rulemaking



CA.GOV California Building Standards Commission

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Rulemaking > 18-Month Code Adoption Cycle
18-Month Code Adoption Cycle (Includes Triennial and Intervening Cycles)

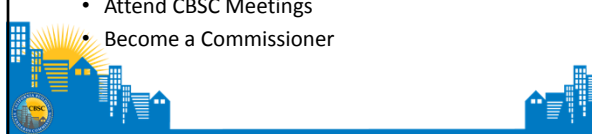
State agencies may propose changes to building standards or regulations related to the implementation or enforcement of building standards. California Building Standards Law (Health and Safety Code, Division 13, Part 2.5, commencing with Section 19901) requires the agency to submit building standards to the California Building Standards Commission for adoption and/or approval prior to codification.

For more information on current and past proposed standards, see the following:

- 2018 Triennial Code Adoption Cycle (current)
- 2015 Intervening Code Adoption Cycle (complete)
- 2015 Triennial Code Adoption Cycle (complete)
- 2012 Intervening Code Adoption Cycle (complete)


How to Participate

- Participate at model code level
- Notifications from CBSC
- Notifications from state agencies
- Attend workshops
- Attend CBSC Code Advisory Committee meetings
- Become a Code Advisory Committee member
- Provide written comment via email or letter
- Attend CBSC Meetings
- Become a Commissioner



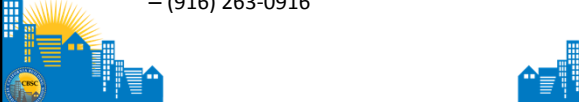
How to Make a Compelling Comment

- Be specific
- Provide the rationale for your position
- Identify which of the nine point criteria your comment addresses
- Provide an alternative



Contact CBSC

- Website
 - www.bsc.ca.gov
 - Visit the Contact Us page to sign up for our email notification list
- Email
 - cbsc@dgs.ca.gov
- Phone
 - (916) 263-0916



QUESTIONS?

[Resources > Guidebooks and Educational Documents](#)
Guidebooks and Educational Documents

To view various CBSC guidebooks, educational documents and other publications, click on one of the related topics below.

- ▶ [California Building Standards Code \(California Code of Regulations, Title 24\)](#)
- ▶ [CALGreen \(California Code of Regulations, Title 24\)](#)
- ▶ [Rulemaking](#)
- ▶ [Local Jurisdictions and Fire Protection Districts](#)
- ▶ [Accessing State Laws, Legislation and Regulations Online](#)
- ▶ [Other General Information: FAQs, Glossary of Terms, CBSC website, etc.](#)
- ▶ [Publications Produced by Other State Agencies](#)

