California Building Standards Commission presents
Understanding the Regulatory Process
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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

**Adopting Agencies**
- CEC, SLC, SHSB 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

Current Triennial Cycle
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

• Code Advisory Committee Member Selection
  – Reconstituted every three years
  – Application
  – Subcommittee recommendation
  – Commission selection

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

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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

• From Express Terms

ITEM 6, CBSC does not adopt Chapter 11 Accessibility of the 2015 IBC.

CHAPTER 11
ACCESSIBILITY

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**

5. Rules to correct editorial errors throughout the code. Effective September 1, 2013.
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).

1507.3.8 Additional requirements [DSA-SS & DSA-SS/CC, OSHPD 1 & 4]

In addition to the requirements of Section 1507.3, 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 the code for an equivalent system.

Phases in the Rulemaking Process

• Create Matrix Adoption Table

Phases in the Rulemaking Process

Model Code

OSHPD

+SFM +DSA-AC

DSA-SS

HCD

BSC

other

Occupancy Authority
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

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?