### REVISION RECORD
FOR THE STATE OF CALIFORNIA
SUPPLEMENT
July 1, 2015
2013 Title 24, Part 1, California Administrative Code

PLEASE NOTE: The date of this supplement is for identification purposes only. See the History Note Appendix within each chapter.

It is suggested that the section number, as well as the page number be checked when inserting this material and removing the superseded material. In case of doubt, rely on the section numbers rather than the page numbers because the section numbers must run consecutively.

It is further suggested that the superseded material be retained with this revision record sheet so that the prior wording of any section can be easily ascertained.

Please keep the removed pages with this revision page for future reference.

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**Note**

Due to the fact that the application date for a building permit establishes the California Building Standards Code provisions that are effective at the local level, which apply to the plans, specifications, and construction for that permit, it is **strongly recommended** that the removed pages be retained for historical reference.

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**Item No. 5510S133**
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1-101. Abbreviations. The following abbreviations shall apply to Title 24, California Code of Regulations. Abbreviations may also be provided in each of the other 12 parts of Title 24. Whenever an abbreviation provided in this section conflicts with an abbreviation provided within another part of Title 24, the abbreviation meaning provided in the other part shall prevail within that part.

AGR Department of Food and Agriculture (see Note)
BSC Identifies code provisions by the Building Standards Commission (see Note)
BSCC Identifies code provisions by the Board of State and Community Corrections (see Note)
CA Department of Consumer Affairs (see Note)
CBC California Building Code (Part 2 of Title 24)
CCR California Code of Regulations
CEBC California Existing Building Code
CEC California Energy Code
CEBC California Existing Building Code (Part 10 of Title 24)
CEC California Energy Code (Part 3 of Title 24)
CEC California Energy Code (Part 6 of Title 24)
CEC California Energy Commission (see Note)
CBCC California Building Code (Part 8 of Title 24)
CMB California Mechanical Code (Part 4 of Title 24)
CMC California Plumbing Code (Part 5 of Title 24)
CRCA California Residential Code (Part 2.5 of Title 24)
CRSC California Referenced Standards Code (Part 12 of Title 24)
DWR Identifies code provisions by the Department of Water Resources (see Note)
DHCR Uniform Building Code; the UBC is no longer published or adopted in the current edition of Title 24
DFR Uniform Mechanical Code
DWR Uniform Building Code; adopted by HCD in Chapter 1 of Title 25.
HCD Housing and Community Development
HCD Housing and Community Development
HCD 1 Identifies code provisions by HCD (see Note)
HCD 1 AC Identifies code provisions by HCD (see Note)
HCD 2 Identifies code provisions by HCD (see Note)
HCD 2 AC Identifies code provisions by HCD (see Note)
IBC International Building Code®
IFC International Fire Code®
IEBC International Existing Building Code®
IRC International Residential Code®
NEC National Electrical Code®
NFPA National Fire Protection Association
OHP Office of Historical Preservation
OSHPD Office of Statewide Health Planning & Development
PART 1: ADMINISTRATIVE REGULATIONS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION

ARTICLE 1 GENERAL

1-101. Definitions. The following definitions shall apply to Chapter 1 of Title 24, California Code of Regulations. Definitions may also be provided in each of the other 12 parts of Title 24. Whenever a definition provided in this section conflicts with a definition provided within another part of Title 24, the definition provided in the other part shall prevail within that part.

ADOPTING AGENCY (or state adopting agency). An agency of state government with authority in law to develop

HCD 1AC Identifies code provisions by HCD (see Note)
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ARTICLE 1 GENERAL

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and adopt building standards for approval and publication in Title 24, California Code of Regulations, by the Commission. An adopting agency has authority to conduct public hearings aside from the public hearings conducted by the Commission. See Proposing Agency.

PELPEAL. An appeal to the Commission, as provided and limited by Health and Safety Code Sections 18945 through 18949, by any person adversely affected by the application of an existing building standard or administrative regulation in Title 24, by any person adversely affected by the application of CALGreen. The California Green Building Standards in Part 11 of Title 24, California Code of Regulations.

CHALLENGE. A written submittal to the Commission by any person, firm, agency or organization shall constitute a challenge of a building standard or an administrative regulation in Title 24, California Code of Regulations. A challenge by any person, firm, agency or organization shall constitute a challenge of a building standard or an administrative regulation in Title 24, California Code of Regulations. A proposal agency does not have authority to conduct public hearings for the adoption of building standards. See Adopting Agency.

BUILDING STANDARDS ADMINISTRATION SPECIAL REVOLVING FUND (the Fund). The Fund established in the State Treasury to receive funds submitted by the Commission to return to the public. The special revolving fund is administered by the Commission in accordance with Title 24, California Code of Regulations, and the rules established by the Commission.

PUBLIC UTILITY, The California Public Utilities Commission (PUC), or which would otherwise be regulated by the PUC but are exempted by municipal charter. The California Public Utilities Code of Regulations.

SPECIAL COMMISSION. An ad hoc committee established by the Commission, when necessary, to advise the Commission on a subject in the code needs extensive revision or on a complex subject that needs to be regulated or to perform a review of a proposed code change that warrants special technical review.

TECHNICAL REVIEW. A review of a proposed code change and its justification conducted pursuant to Health and Safety Code Section 18930 (c), (d), (e), (f) to ensure that a code change is justified in terms of nine-point criteria of Health and Safety Code Section 18930 (a).

TITLED 24. The 24th title within the California Code of Regulations. Title 24 is reserved for building standards and administrative regulations to implement building standards approved and published by the California Building Standards Commission. Title 24 is reserved for building standards and administrative regulations to implement building standards approved and published by the California Building Standards Commission. Title 24 is reserved for building standards and administrative regulations to implement building standards approved and published by the California Building Standards Commission. Title 24 is reserved for building standards and administrative regulations to implement building standards approved and published by the California Building Standards Commission.

DEPARTMENT. The Department of Housing and Community Development. The California Building Standards Commission, established under Health and Safety Code Section 18931, and adopted building standards for approval and publication in Title 24, California Code of Regulations, by the Commission. An adopting agency has authority to conduct public hearings aside from the public hearings conducted by the Commission. See Proposing Agency. The California Building Standards Commission is established under Health and Safety Code Section 18931, and adopted building standards for approval and publication in Title 24, California Code of Regulations, by the Commission. An adopting agency has authority to conduct public hearings aside from the public hearings conducted by the Commission. See Proposing Agency.

APPEAL. An appeal to the Commission, as provided and limited by Health and Safety Code Sections 18945 through 18949, by any person adversely affected by the application of an existing building standard or administrative regulation in Title 24, California Code of Regulations.

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SPECIAL COMMISSION. An ad hoc committee established by the Commission, when necessary, to advise the Commission on a subject in the code needs extensive revision or on a complex subject that needs to be regulated or to perform a review of a proposed code change that warrants special technical review.

TECHNICAL REVIEW. A review of a proposed code change and its justification conducted pursuant to Health and Safety Code Section 18930 (c), (d), (e), (f) to ensure that a code change is justified in terms of nine-point criteria of Health and Safety Code Section 18930 (a).

TITLED 24. The 24th title within the California Code of Regulations. Title 24 is reserved for building standards and administrative regulations to implement building standards approved and published by the California Building Standards Commission. Title 24 is reserved for building standards and administrative regulations to implement building standards approved and published by the California Building Standards Commission. Title 24 is reserved for building standards and administrative regulations to implement building standards approved and published by the California Building Standards Commission. Title 24 is reserved for building standards and administrative regulations to implement building standards approved and published by the California Building Standards Commission.

DEPARTMENT. The Department of Housing and Community Development. The California Building Standards Commission, established under Health and Safety Code Section 18931, and adopted building standards for approval and publication in Title 24, California Code of Regulations, by the Commission. An adopting agency has authority to conduct public hearings aside from the public hearings conducted by the Commission. See Proposing Agency. The California Building Standards Commission is established under Health and Safety Code Section 18931, and adopted building standards for approval and publication in Title 24, California Code of Regulations, by the Commission. An adopting agency has authority to conduct public hearings aside from the public hearings conducted by the Commission. See Proposing Agency.

APPEAL. An appeal to the Commission, as provided and limited by Health and Safety Code Sections 18945 through 18949, by any person adversely affected by the application of an existing building standard or administrative regulation in Title 24, California Code of Regulations.

BUILDING STANDARDS ADMINISTRATION SPECIAL REVOLVING FUND (the Fund). The Fund established in the State Treasury to receive funds submitted by the Commission to return to the public. The special revolving fund is administered by the Commission in accordance with Title 24, California Code of Regulations, and the rules established by the Commission.

PUBLIC UTILITY, The California Public Utilities Commission (PUC), or which would otherwise be regulated by the PUC but are exempted by municipal charter. The California Public Utilities Code of Regulations.

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reasoning for the denial. The Commission shall consider reasonably corrected resubmittals.

Authority: Health and Safety Code Section 18931(f)

HISTORY:
1. (BSC 07/09) Supplement adding Section 1-1044 Development of Standards to Chapter 1, Effective on January 1, 2011.


1-205. Conflict of interest disclosure.

(a) The Political Reform Act, specifically Government Code Section 87306, requires state and local governmental agencies to promulgate and adopt Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, Title 2 California Code of Regulations, Section 87307, containing the terms of standard Conflict of Interest Code, that can be incorporated by reference by agencies and the commission may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearing. Therefore, the terms of Title 2 California Code of

(b) A list of agencies with specific authority to adopt or propose building standards to the commission includes the list of agencies identified in Title 24. Part 2, the California Building Code, Chapter 1. Division 1. Section 1.1 et al. The commission shall work with these agencies to coordinate the adoption of green building standards for residential and non-residential occupancies.

(c) In developing green building standards, the commission shall consult with the state entities it finds to be appropriate for specific standards including, but not limited to, the following State agencies:

1. Department of Resource Recycling and Recovery.
3. The California Air Resources Board.
4. The California Department of Water Resources.
5. The California Department of Transportation.
6. The California Department of General Services.
7. The California Department of Public Health.
8. Office of State Fire Marshal.

(d) The Commission also may consult with and seek input from the entities and representatives identified in Subsections (c) and (d) either by written comment or in a meeting format and shall consider all input provided during the development of the proposed green building standards which addresses the specific standards.

Authority: Health and Safety Code Sections 18909(c), 18929, 18930.5, 18931, 18931.6, and 18931.7.

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(d) The Commission also shall consult with representatives from each of the following:

1. Environmental advocacy groups.
2. Interested local government and code enforcement entities.
3. The building construction and design industry.
4. Interested public parties.

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2. Interested local government and code enforcement entities.
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4. Interested public parties.
Administrative Regulations of the California Building Standards Commission

Regulations, Section 18730, and amendments thereto, duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and constitute the Conflict of Interest Code of the California Building Standards Commission.

Designated employees shall file statements of economic interest with the Commission. Upon receipt of the statements the Commission members, the agency shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission. Statements of other designated employees are retained by the agency; no copies are forwarded to the Fair Political Practices Commission.

(b) Designated Employee and Disclosure Category

<table>
<thead>
<tr>
<th>DESIGNATED POSITIONS</th>
<th>DISCLOSURE CATEGORY</th>
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<tbody>
<tr>
<td>Chair of the Commission</td>
<td>1</td>
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<tr>
<td>Commissioners</td>
<td>1</td>
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<tr>
<td>Executive Director</td>
<td>1</td>
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<tr>
<td>Deputy Executive Director</td>
<td>1</td>
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<tr>
<td>Staff Services Manager I</td>
<td>2 3</td>
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<tr>
<td>Senior Architect</td>
<td>1</td>
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<tr>
<td>Associate Architect</td>
<td>1</td>
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<tr>
<td>Architectural Associate</td>
<td>1</td>
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<tr>
<td>Codes and Standards Administrator III</td>
<td>1</td>
</tr>
<tr>
<td>Associate Construction Analyst</td>
<td>1</td>
</tr>
<tr>
<td>Associate Governmental Program Analyst</td>
<td>1</td>
</tr>
<tr>
<td>Contracts Analyst (Administrative Staff Service Analyst)</td>
<td>2</td>
</tr>
<tr>
<td>Consultants</td>
<td>*</td>
</tr>
</tbody>
</table>

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this conflict-of-interest code subject to the following limitation: The Executive Director may determine in writing that a particular consultant, although a designated position, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code.

1-207. Disclosure categories.

(a) Disclosure Category 1:

Individuals holding positions assigned to Disclosure Category 1 must report interests in real property located with the State of California; all investments and business positions in business entities, and income, including gifts, loans and travel payments, from sources, of the type that are required to adhere to architectural and structural construction and building standards reviewed by and approved by the Commission.

(b) Disclosure Category 2:

Individuals holding positions assigned to Disclosure Category 2 must report investments and business positions in business entities, and income, including gifts, loans and travel payments, from sources, of the type that are required to adhere to architectural and structural construction and building standards reviewed by and approved by the Commission.

(c) Disclosure Category 3:

Individuals holding positions assigned to Disclosure Category 3 must report investments and business positions in business entities, and income, including gifts, loans and travel payments, from sources, of the type that are required to provide services and goods used by the Commission.


2. (BSC 0090) Article 1-7, Conflict of Interest Code, and Appendix. Amend Section 1-701, add Section 1-702, and repeal the Appendix. Approved by the Fair Political Practices Committee on October 13, 2006; effective on January 1, 2007.

1-208. Code advisory committees.

(a) Standing code advisory committees. The Commission shall establish the following standing code advisory committees:

1. Accessibility
2. Plumbing, Electrical, Mechanical and Energy
3. Building, Fire and Other Regulations
4. Structural Design/Lateral Forces
5. Health Facilities
6. Green Building

(b) Special code advisory committee. The Commission may establish one or more special code advisory committees when it determines that a subject in the code needs to be extensively revised or that a complex subject which needs to be regulated is not covered or that the content of a proposed code change warrants special technical review.

The Executive Director may determine in writing that a particular consultant, although a designated position, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code.

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Individuals holding positions assigned to Disclosure Category 1 must report interests in real property located with the State of California; all investments and business positions in business entities, and income, including gifts, loans and travel payments, from sources, of the type that are required to adhere to architectural and structural construction and building standards reviewed by and approved by the Commission.

(b) Disclosure Category 2:

Individuals holding positions assigned to Disclosure Category 2 must report investments and business positions in business entities, and income, including gifts, loans and travel payments, from sources, of the type that are required to adhere to architectural and structural construction and building standards reviewed by and approved by the Commission.

(c) Disclosure Category 3:

Individuals holding positions assigned to Disclosure Category 3 must report investments and business positions in business entities, and income, including gifts, loans and travel payments, from sources, of the type that are required to provide services and goods used by the Commission.


2. (BSC 0090) Article 1-7, Conflict of Interest Code, and Appendix. Amend Section 1-701, add Section 1-702, and repeal the Appendix. Approved by the Fair Political Practices Committee on October 13, 2006; effective on January 1, 2007.
The Commission shall solicit nominations from:
A. Ex-Officio Member(s)
   (1) State Agency Representative(s)
B. Voting Member(s)
   (1) Three (3) Structural Engineers
   (2) Architect
   (3) General Contractor
   (4) Local Government Building Official
   (5) Public Member
5. Health facilities. The Commission shall solicit nominations from:
A. Ex-Officio Member(s)
   (1) State Agency Representative(s)
B. Voting Member(s)
   (1) Tower Engineering Representative
   (2) Skilled Nursing Facility Representative
   (3) Architect
   (4) General Contractor
   (5) Mechanical Engineer
   (6) Electrical Engineer
   (7) Fire Protection Engineer
   (8) Local Government Building Official
   (9) Primary Care or Specialty Clinic Representative
6. Green building. The Commission shall solicit nominations from:
A. Ex-Officio Member(s)
   (1) State Agency Representative(s)
B. Voting Member(s)
   (1) Structural Engineer Representative
   (2) Commercial Building Industry Representative
   (3) Architect
   (4) Environmental Organization Representative
   (5) Local Government Building Official
   (6) Public Member or Local Government Water Efficiency Official
   (7) Fire Official
   (8) Mechanical Engineer
   (9) Electrical Engineer
3. Building, fire and other. The Commission shall solicit nominations from:
A. Ex-Officio Member(s)
   (1) State Agency Representative(s)
B. Voting Member(s)
   (1) Local Government Building Official
   (2) Registered Fire Protection Engineer
   (3) Construction Industry
   (4) Architect
   (5) Commercial Building Industry
   (6) Fire Official
   (7) Disability Access Advocate
   (8) Public Member
4. Structural design/lateral forces. The Commission shall solicit nominations from:
A. Ex-Officio Member(s)
   (1) State Agency Representative(s)
B. Voting Member(s)
   (1) Three (3) Structural Engineers
   (2) Architect
   (3) General Contractor
   (4) Local Government Building Official
   (5) Public Member
5. Health facilities. The Commission shall solicit nominations from:
A. Ex-Officio Member(s)
   (1) State Agency Representative(s)
B. Voting Member(s)
   (1) Acute Care Hospital Representative
   (2) Skilled Nursing Facility Representative
   (3) Architect
   (4) General Contractor
   (5) Mechanical Engineer
   (6) Electrical Engineer
   (7) Fire Protection Engineer
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3. Building, fire and other. The Commission shall solicit nominations from:
arate application is required for each advertised vacancy on a Code Advisory Committee. The Commission will not maintain applications on file for future consideration.

(b) Application form. For each Code Advisory Committee vacancy, a completed Application for Code Advisory Committee Appointment form, BSC-7, shall be submitted to the office of the Executive Director, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. The current address may be verified at the Commission's website: www.bsc.ca.gov. The application form is available from the Commission or may be obtained on the Commission’s website under Forms, Templates and Checklists.

The application shall be accompanied by a resume and may be further supported by attachments including letters of support or recommendation and other materials demonstrating expertise and knowledge applicable to the Code Advisory Committee position.

(c) Application period. When advertising a vacancy on a Code Advisory Committee, the Commission may establish an application period with a closing date and may, at its discretion, consider applications received after the closing date.

(d) Selection decision. The Commission will consider applications and make selections based on qualifications applicable to the Code Advisory Committee vacancy. All decisions by the Commission regarding appointments to Code Advisory Committee are final and are not subject to appeal.

(e) Notice of appointment. The Executive Director, or his or her designee, shall provide written notice to applicants selected by the Commission for appointment to a Code Advisory Committee. Written notice shall also be provided to all applicants not selected for appointment to a Code Advisory Committee.

(f) Application fee. There is no application fee.

Authority: Health and Safety Code Sections 18931, 18945, 18946 and 18949.


HISTORY:
1. (BSC 292) Regular order by the California Building Standards Commission to amend Section 5-903, Part 1, Title 24, California Code of Regulations. Filed with the Secretary of State February 10, 1994; effective April 17, 1994. (Amended by the California Building Standards Commission on April 16, 1990.)

1-305. Time limitations for appeals. Appeals shall be accepted by the Commission within:
1. Six months of when the act, interpretation, decision or practice complained of occurred, or
2. As determined by the Commission if special circumstances are found to exist.

1-307. Appeal form and filing fee.
(a) The appeal shall be in writing and shall specifically set forth:
1. The specific regulation, rules, interpretation or decision of any state agency respecting the administration of any building standard being appealed.
2. The dates of any act, interpretation or decision of any state agency related to the complaint.
3. The nature of any act, interpretation or decision of any state agency related to the complaint.
4. The reasons for the appeal.
5. Documentation of the official action of the applicable state agency with respect to the agency’s final determination on the issue.
6. Identification of witnesses, experts and other representatives of the appellant.

Authority: Health and Safety Code Sections 18931, 18945, 18946 and 18949.


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2. The dates of any act, interpretation or decision of any state agency related to the complaint.
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4. The reasons for the appeal.
5. Documentation of the official action of the applicable state agency with respect to the agency’s final determination on the issue.
6. Identification of witnesses, experts and other representatives of the appellant.

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1-309. Receipt and processing appeals.

(a) Receipt of any appeal shall be acknowledged in writing by the Executive Director within 30 days of receipt advising the appellant and the state agency of the acceptance or rejection of the appeal as filed. The reply shall also set forth the planned action of the Commission in response to the application together with reasons for the proposed actions.

(b) If the Executive Director determines that additional information is needed in order to process the appeal, the Executive Director may request such additional information and defer action on the appeal until such additional information is received. If the Executive Director requests additional information, the appellant shall have 30 days from the date of the Executive Director’s request within which to submit the information. If the requested information is not received within 30 days, the Executive Director may treat the appeal as having been abandoned or may, upon written notice to the appellant and the state agency, in its discretion, proceed with the appeal on such information as is available. Upon written request the Executive Director may, for good cause, extend the 30-day period by one additional 30-day period.

(c) The Executive Director and the Chair of the three-member Appeals Committee, appointed by the Chair of the Commission, shall, acting together, recommend to the Commission whether the appeal shall be heard by the Appeals Committee or the full Commission. Suggested schedules for such hearings shall also be submitted. The recommendations shall be considered the consent agenda of the next Commission meeting. The Executive Director shall advise the appellant and any state agency a part of the appeal, in writing within 15 days of the Commission’s action, the planned procedures and schedules to be followed for the hearing.

Authority: Health and Safety Code Sections 19491 and 19494.

REFERENCE:


1-311. Hearings for appeals.

(a) If it is determined by the Commission that the appeal shall be heard by the Appeals Committee, the following provisions shall apply:

1. Time and place of hearing as determined by the Commission shall be noticed to the appellant and any state agency a part of the appeal, within 15 days of the determination; date of said hearing shall be within 60 days of said date of notice.

2. The Executive Director shall provide written notice of the date, time and location of hearing to interested parties and may invite experts or other witnesses as necessary for the hearing.

3. The Appeals Committee shall not be bound by the rules of evidence or procedure applicable in the courts. Appellant, appellant’s witnesses, and any other interested persons may present testimony, argument and/or documentary material concerning the matter(s) under consideration.

4. The Appeals Committee shall prepare its findings(s) and decision within 30 days after the appeal hearing.

5. The Executive Director shall, in writing, advise the appellant and any state agency a part of the appeal, of the decision within 15 days and shall advise the Commission of the decision by memorandum at the next Commission meeting.

6. If an appeal is heard by the Appeals Committee, the Executive Director may request such additional information and defer action on the appeal until such additional information is received. If the Executive Director requests additional information, the appellant shall have 30 days from the date of the Executive Director’s request within which to submit the information. If the requested information is not received within 30 days, the Executive Director may treat the appeal as having been abandoned or may, upon written notice to the appellant and any state agency a part of the appeal, process the appeal upon reconsideration as is available. Upon written request the Executive Director may, for good cause, extend the 30-day period by one additional 30-day period.

7. If an appeal is not delegated, or if the Commission elects to conduct the hearing, or if the applicant appeals a decision of the Appeals Committee to the Commission, the following procedure will be used:

1. Time and place of the hearing as determined by the Commission shall be noticed to the appellant and any state agency a part of the appeal within 15 days. The date of the hearing shall be within 60 days of date of notice.

2. The Executive Director shall provide written notice of the time, date and location of the hearing to interested parties and invite expert or other witnesses as necessary for the hearing.

3. The hearing shall be conducted at a regularly scheduled or specially designated Commission meeting, under its own rules, accepting evidence as it requires, and chared by its regular Chairperson. Appellant and other interested parties may present relevant testimony, argument or documentary material as acceptable to the Commission consistent with the requirements of Section 1-306(a).

(b) The appeal shall be filed with the Executive Director, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. The address should be confirmed at the commission website: www.bsc.ca.gov.

(c) Filing Fee: Health and Safety Code Section 18949 requires the Commission to recover the cost of administering appeals. Accordingly, a nonrefundable fee of $450.00 shall be submitted with the appeal within 15 days of its determination; date of said hearing shall be within 60 days of said date of notice.

The Executive Director shall provide written notice of the date, time, and location of hearing to interested parties and may invite experts or other witnesses as necessary for the hearing.

Authority: Health and Safety Code Sections 19491 and 19494.

REFERENCE:


HISTORY:


2. The Appeals Committee shall prepare its findings(s) and decision within 30 days after the appeal hearing.

3. The Executive Director shall, in writing, advise the appellant and any state agency a part of the appeal, of the decision within 15 days and shall advise the Commission of the decision by memorandum at the next Commission meeting.

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1. Time and place of the hearing as determined by the Commission shall be noticed to the appellant and any state agency a part of the appeal within 15 days. The date of the hearing shall be within 60 days of date of notice.

2. The Executive Director shall provide written notice of the time, date and location of the hearing to interested parties and invite expert or other witnesses as necessary for the hearing.

3. The hearing shall be conducted at a regularly scheduled or specially designated Commission meeting, under its own rules, accepting evidence as it requires, and chared by its regular Chairperson. Appellant and other interested parties may present relevant testimony, argument or documentary material as acceptable to the Commission consistent with the requirements of Section 1-306(a).
4. The Commission shall make a decision on the appeal at a meeting of the Commission. It shall be continued or taken under advisement for decision at a later meeting of the Commission, or re-referred to the Appeals Committee for further consideration and report to the Commission. No Commissioner may cast a vote on the determination of an appeal unless the Commissioner was present at the hearing held for appeal.

5. Notwithstanding the foregoing, the appeal may be withdrawn at any time by the appellant within the appeal session, or of the petitioner. Upon withdrawal, no further proceedings as specified above shall take place. The withdrawal of the appeal shall be accepted with or without prejudice.

6. The Executive Director shall, in writing, advise the appellant, and any state agency a part of the appeal, of the decision of the Commission within 15 days from the date of the official Commission decision in the appeal.

(c) The Commission may elect to refer the appeals parties to a hearing officer appointed by the Office of Administrative Hearings as described in Health and Safety Code Section 18946.

(d) Action by the Commission on the appeal of a building standard issues within the authority of the Commission shall exhaust the administrative relief of the appellant.

Authority: Health and Safety Code Sections 18946 and 1946.

Reference: Health and Safety Codes Sections 18931 and 18946.

**HISTORY:**
1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 26, 1995.

1-313. Petitions.

(a) Any local governmental agency, firm or member of the public may petition either the Commission or the authoritative agency for the proposal, adoption, amendment or repeal of any building standard or administrative regulation in Title 24 of the California Code of Regulations.

(b) The Commission may refer received petitions to the state agency, or multiple agencies, having specific jurisdiction for the subject of the proposed building standard as proposed by the petitioner. A state agency receiving a petition referred by the Commission shall process the petition as required by this Article, including the reporting of actions and decisions by the agency to the Commission.

(c) Petitions are not to be used to address matters relating to currently proposed buildings standards. Any concerns relating to currently proposed buildings standards should be brought forward during the public comment period designated for the proposed building standard(s) that require or authorize the new building standard.

Authority: Health and Safety Code Sections 18931 and 18946.

Reference: Health and Safety Codes Sections 18931 and 18946.

**HISTORY:**
1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Title 24, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 26, 1995.

1-313. Criteria for petition. A petition for the adoption, amendment or repeal of a state building standard must meet the following criteria:

(a) The subject issue must have statewide significance and must have implications for a whole category of projects or a broad range of project types, and:

(b) The rationale for the petition must take the form of at least one of the following criteria:

1. A current building standard conflicts with pertinent statute(s). To substantiate this criterion, the petitioner must cite the subject building standard and the conflicting statute(s), and provide a clear written description of the conflict as agreed upon by the two agencies.

2. Compliance with a current building standard is routinely impossible or onerous. To substantiate this criterion, the petitioner must cite the current building standard, present written or photographic evidence of the difficulty in complying with it, and clearly show that the problem is common or potentially common to many different projects or project types in many different circumstances. This criterion shall not be used to justify a petition for the repeal or amendment of a current building standard that poses difficulty to a single project.

3. A current building standard is inefficient or ineffective. To substantiate this criterion, the petitioner must cite the subject building standard, provide clear and concise written or photographic evidence of its ineffectiveness or inefficiency, describe a proposed alternative, and provide evidence or written or photographic evidence that it is more efficient or effective.

4. A current building standard is obsolete. To substantiate this criterion, the petitioner must show at least one of the following facts:

A. A material or product specified in the building standard is not available, or

B. There is no state authorizing the subject building standard, or

C. Significant developments in procedures, materials or other issues subject to the building standard have occurred, or that the building standard is obsolete.

5. There is a need for a new building standard. To substantiate this criterion, the petitioner must provide a clear written description of the proposed building standard, explain its necessity, and cite the deletion of the building standard; current state statutes permit amendment or deletion of the building standards; that current state statutes permit amendment or deletion of the building standards; and that the building standard has the effect of prohibiting the use of a material or procedure that has demonstrated satisfactory performance and meets the intended purpose of the building standard.

6. There is a need for a new building standard. To substantiate this criterion, the petitioner must provide a clear written description of the proposed building standard, explain its necessity, and cite the deletion of the building standard; current state statutes permit amendment or deletion of the building standards; and that the building standard has the effect of prohibiting the use of a material or procedure that has demonstrated satisfactory performance and meets the intended purpose of the building standard.

7. There is a need for a new building standard. To substantiate this criterion, the petitioner must provide a clear written description of the proposed building standard, explain its necessity, and cite the deletion of the building standard; current state statutes permit amendment or deletion of the building standards; and that the building standard has the effect of prohibiting the use of a material or procedure that has demonstrated satisfactory performance and meets the intended purpose of the building standard.

Authority: Health and Safety Code Sections 18931 and 1946.

Reference: Health and Safety Codes Sections 18931 and 1946.

**HISTORY:**
1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Title 24, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 26, 1995.
1-407. Rulemaking file approval.
(a) Proposing agencies developing building standards, or administrative regulations to support building standards, to be published in Title 24, shall prepare a rulemaking file for submittal to the office of the Commission, which shall comply with Article 5 (commencing with Section 11346.45) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The Notice of Proposed Action required by this section shall be approved by the Commission prior to any official notice to conduct a hearing or comment period regarding the proposed rulemaking.

(b) File content. The rulemaking file submitted to the Commission shall include the following:
1. A Building Standards Face Sheet (BSC-1), with original signature of a person authorized to certify documents on behalf of the submitting agency shall accompany all submittals to the Commission pursuant to this section.
2. Two printed copies and one electronic file of the Notice of Proposed Action. The electronic file shall be suitable for immediate placement on the Commission website for public viewing.
3. One electronic file of the Express Terms showing the proposed building standards or amendments to existing building standards in strikeout/underline format. The file shall be in a form suitable for immediate placement on the Commission website for public viewing. The language, including numbering and punctuation, of proposed new building standards or amendments to existing building standards shall be shown underlined. Proposed deletions of existing building standards shall be shown in strikeout. Existing building standards to remain without amendment shall be shown without underlining or strikeout or other highlighting.
5. (c) Upon approval of the Notice of Proposed Action for building standards the Executive Director will forward the approved Notice of Proposed Action to the Office of Administrative Law for the sole purpose of publication in the California Regulatory Notice Register before the start of the public comment period, and return an approved copy to the proposing agency. If a Notice of Proposed Action is found to be incomplete or incorrect by Commission staff, the Executive Director shall return it to the proposing agency within 10 days with a written listing of the found deficiencies to enable the agency to make corrections for resubmittal.
6. (d) Any Notice of Proposed Action not acted upon within 20 days shall be considered automatically approved and may be published.

Authority: Health and Safety Code Sections 18931 and 18935.

1-405. Commencement of rulemaking. The Commission shall notify a proposing agency of the deadline for acceptance of comments or the submission of 180 days prior to the deadline. A proposing agency shall submit a code change submittal for the Commission’s adoption or on before the deadline for acceptance specified in the notice.

Authority: Health and Safety Code Sections 18931 and 18935.

1-406. Rulemaking for adoption of building standards by proposing agencies
1-401. Purpose. This article establishes basic minimum procedural requirements for a code adoption cycle for proposing agencies to ensure adequate public participation in the development of building standards, to ensure adequate technical review and adequate time for technical review by code advisory committees and to ensure adequate notice to the public of completed code change submittals prior to adoption by the Commission.
1-403. Public participation. Every state agency with authority to propose or adopt building standards shall develop proposed building standards in a manner to ensure public participation. Methods for ensuring public participation may include but are not limited to the following:
(a) Identify and maintain a listing of all interested groups or persons affected by building standards of the type within the jurisdiction of the agency.
(b) Prior to commencing the development of building standards, notify all interested groups and persons that building standards are to be developed, and solicit suggestions and a means for participation. Methods for ensuring public participation may include but are not limited to the following:
1. Building Standards Face Sheet (BSC-1), with original signature of a person authorized to certify documents on behalf of the submitting agency shall accompany all submittals to the Commission pursuant to this section.
2. Two printed copies and one electronic file of the Notice of Proposed Action. The electronic file shall be suitable for immediate placement on the Commission website for public viewing.
3. One electronic file of the Express Terms showing the proposed building standards or amendments to existing building standards in strikeout/underline format. The file shall be in a form suitable for immediate placement on the Commission website for public viewing. The language, including numbering and punctuation, of proposed new building standards or amendments to existing building standards shall be shown underlined. Proposed deletions of existing building standards shall be shown in strikeout. Existing building standards to remain without amendment shall be shown without underlining or strikeout or other highlighting.
5. Upon approval of the Notice of Proposed Action for building standards the Executive Director will forward the approved Notice of Proposed Action to the Office of Administrative Law for the sole purpose of publication in the California Regulatory Notice Register before the start of the public comment period, and return an approved copy to the proposing agency. If a Notice of Proposed Action is found to be incomplete or incorrect by Commission staff, the Executive Director shall return it to the proposing agency within 10 days with a written listing of the found deficiencies to enable the agency to make corrections for resubmittal.
6. Any Notice of Proposed Action not acted upon within 20 days shall be considered automatically approved and may be published.

Authority: Health and Safety Code Sections 18931 and 18935.

1-405. Commencement of rulemaking. The Commission shall notify a proposing agency of the deadline for acceptance of comments or the submission of 180 days prior to the deadline. A proposing agency shall submit a code change submittal for the Commission’s adoption on before the deadline for acceptance specified in the notice.

Authority: Health and Safety Code Sections 18931 and 18935.

1-407. Rulemaking file approval.
(a) Proposing agencies developing building standards, or administrative regulations to support building standards, to be published in Title 24, shall prepare a rulemaking file for submittal to the office of the Commission, which shall comply with Article 5 (commencing with Section 11346.45) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The Notice of Proposed Action required by this section shall be approved by the Commission prior to any official notice to conduct a hearing or comment period regarding the proposed rulemaking.

(b) File content. The rulemaking file submitted to the Commission shall include the following:
1. A Building Standards Face Sheet (BSC-1), with original signature of a person authorized to certify documents on behalf of the submitting agency shall accompany all submittals to the Commission pursuant to this section.
2. Two printed copies and one electronic file of the Notice of Proposed Action. The electronic file shall be suitable for immediate placement on the Commission website for public viewing.
3. One electronic file of the Express Terms showing the proposed building standards or amendments to existing building standards in strikeout/underline format. The file shall be in a form suitable for immediate placement on the Commission website for public viewing. The language, including numbering and punctuation, of proposed new building standards or amendments to existing building standards shall be shown underlined. Proposed deletions of existing building standards shall be shown in strikeout. Existing building standards to remain without amendment shall be shown without underlining or strikeout or other highlighting.
5. Upon approval of the Notice of Proposed Action for building standards the Executive Director will forward the approved Notice of Proposed Action to the Office of Administrative Law for the sole purpose of publication in the California Regulatory Notice Register before the start of the public comment period, and return an approved copy to the proposing agency. If a Notice of Proposed Action is found to be incomplete or incorrect by Commission staff, the Executive Director shall return it to the proposing agency within 10 days with a written listing of the found deficiencies to enable the agency to make corrections for resubmittal.
6. Any Notice of Proposed Action not acted upon within 20 days shall be considered automatically approved and may be published.

Authority: Health and Safety Code Sections 18931 and 18935.
(a) Prior to conducting any hearing or public comment period as part of the rulemaking proceeding required by the Administrative Procedure Act, the Commission shall assign a code change submittal received on or before the deadline established under Section 405 of this article, to one or more code advisory committees specifically knowledgeable in the building standard being proposed for change and schedule the hearing to ensure adequate opportunity for public participation and technical review.

(b) Code advisory committee reviews. A code advisory committee shall make a recommendation on each code change submittal. A recommendation other than “approve” shall include a substantiating reason based on the Health and Safety Code Section 18930. The recommendations to the Commission shall be based on one of the following and shall become part of the rulemaking file:

1. Approve. Approval of a proposed code change as submitted.
2. Disapprove. A proposed code change does not meet one or more specified criteria of Health and Safety Code Section 18930.
3. Further study required. A proposed code change has merit but does not meet one or more specified criteria of Health and Safety Code Section 18930. The proposed code change requires further study by the agency. The committee may recommend that the proposing agency submit the proposed code change in the next code adoption cycle after further study, or, if the matter can be resolved in time, submit the proposed code change for a comment period in the current cycle.
4. Approve as amended. Approval as amended as suggested by the committee for organization, cross-referencing, clarity and editorial improvements or as amended and submitted for committee review by the agency. Modifications are justified in terms of Health and Safety Code Section 18930.

(c) Code advisory committee reports. The code advisory committee report of recommendation of the Commission shall be made available to the public for review and be included in the Commission’s rulemaking file.

1-411. Hearing date approval. Adopting agencies planning to conduct hearings relative to building standards, prior to giving public notice, acquire the written approval of the Commission as to the date, time and place of the hearing(s). Such approval may be in the form of the Commission’s approval of the proposed Notice of Proposed Action submitted by an adopting agency, when the date, time and place of the hearing is included in the proposed Notice of Proposed Action.


1-413. Public written comment period and related actions. Anyone wishing to contest a recommendation of the code advisory committee(s) and/or comment on a proposed code change may submit a comment to the Commission on the proposed code change in the next code adoption cycle after further study, or, if the matter can be resolved in time, submit the proposed code change for a comment period in the current cycle.

(a) Following the close of the public comment period, and any public hearing, the Commission shall take one of the following actions on each item of the rulemaking to adopt new, repeal, or amend building standards.

1. Approve. The Commission approves a proposed code change as submitted in terms of Health and Safety Code Section 18930.
2. Disapprove. The Commission disapproves a proposed code change as not justified in terms of Health and Safety Code Section 18930.
3. Further study required. The Commission finds that a proposed code change has merit but does not meet specified criteria of Health and Safety Code Section 18930. The change requires further study and justification by the Commission as to the date, time and place of the hearing(s). Such approval may be in the form of the Commission’s approval of the proposed Notice of Proposed Action submitted by an adopting agency, when the date, time and place of the hearing is included in the proposed Notice of Proposed Action.

(b) Code advisory committee reports. The code advisory committee report of recommendation of the Commission shall be made available to the public for review and be included in the Commission’s rulemaking file.

4. Approve as amended. The Commission approves a proposed code change as modified by the proposing Agency Director or authorized representative in accordance with an approved written delegation order. No modification shall be made that materially alters a requirement, right, or any portion of the proposed code change text made available to the public for comment in accordance with this chapter. The proposing agency shall justify the modification pursuant to Health and Safety Code Section 18930 in an amended justification consistent with the approval action submitted to the Commission within 15 days. Failure to submit the amended justification within that time is cause for disapproval.

(b) Withdrawal. A proposing agency may withdraw a proposed code change as modified by the appropriate party.

c) The proposing agencies shall complete their respective documents for the rulemaking file as specified in Section 419.

1. An original signed Building Standards Face Sheet (BSC-1) and Building Standards Face Sheet Summary Sheet (BSC-2). The summary sheet shall be submitted to the Commission for approval prior to public hearing.


3. An analysis which shall justify the approval of the code change.

4. Copies of the Public Notice, Informative Digest, Initial Statement of Reasons and Express Terms to illustrate the proposed building standards.

5. The Express Terms illustrating the proposed emergency building standards.

6. A delegation order if the Face Sheet (BSC-1) is signed by other than the Agency Director/Chief.

Any supporting documentation as determined by the Executive Director.

c) The number of copies of proposed emergency building standards packages will be determined by the Executive Director.

d) Following the filing with the Secretary of State, the Commission shall notify the affected Agency in writing of the filing date of the building standard.

(e) Agencies adopting emergency building standards following an Agency public hearing shall submit a rulemaking file as described in this article.

(f) The Commission shall forward the required number of copies of the filing order to the Office of Administrative Law in accordance with the publication of the California Regulatory Notice Register.

18927, 18929 through 18932, and shall not be effective until approved by the Building Standards Commission.


1. (BSC 2/93) Regular order by the California Building Standards Commission to amend Section 1-402, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1993, effective 30 days thereafter, which will be February 26, 1993. Publication date April 24, 1993.

1-419. Final rulemaking file.

1. (BSC 01/13) Supplement to clarify actions taken following public comment periods and clarify the application of “Approve as amended” in Section 1-415(b). Approved by the California Building Standards Commission on July 22, 2014, filed with Secretary of State on July 30, 2014.

1-417. Emergency building standards.

(a) Emergency building standards may be developed as provided in the California Building Standards Law, Part 2.5, Division 13, Section 18930, et seq., of the Health and Safety Code, and shall not be effective until approved by the Building Standards Commission.

(b) Rulemaking files for emergency building standard(s) in terms of the criteria as set forth in the State Building Standards Law, Part 2.5, Division 13, Section 18930, et seq., of the Health and Safety Code.

(c) The proposing agencies shall complete their respective documents for the rulemaking file as specified in Section 419.

1. An original signed Building Standards Face Sheet (BSC-1) with the original signature of a person authorized to certify documents on behalf of the submitting agency.

2. Copies of the Public Notice, Informative Digest, Initial Statement of Reasons and Express Terms to illustrate the proposed building standards.


4. Copies of Department of Finance Economic and Fiscal Impact Statement (STD. 399) together with fiscal analysis prepared by the submitting agency.

5. Copies of the written transcript or recorded minutes of the public hearing.


7. Copies of correspondence received during public comment period.

8. Copies of the Updated Informative Digest and Final Statement of Reasons.

9. Copies of the proposed standards with any post hearing changes indicated, and a memo attesting to the 15-day public availability period.

10. Agencies shall certify when the public comment period was closed, and that the submitted rulemaking is complete.

11. An analysis which shall justify the approval of the building standard(s) in terms of the criteria as set forth in the State Building Standards Law, Part 2.5, Division 13, Section 18930, et seq., of the Health and Safety Code.

12. Any supporting documentation relevant to the hearing as determined by the Executive Director of the Building Standards Commission.

13. The number of copies of the proposed building standards packages to be forwarded to the Commission.

14. The number of copies of the proposed building standards packages to be forwarded to the Commission.
shall be determined by the Executive Director of the Building Standards Commission.

14. All proposed building standards packages shall be indexed.

15. If other than the Agency Director/Chief signs a Face Sheet (BSC-1), a delegation order shall be attached to the Face Sheet.

16. If the building standards were filed as an emergency, a certification that the requirements of Government Code Section 11346.1 have been complied with.

(b) The proposed building standards shall be submitted in the strikeout/underline format. If the proposed building standards amend existing building standards, all deletions must be shown in strikeout type and all additions, including punctuation, must be underlined. The provisions of this section may be waived by the Executive Director through written notification to the adopting agency.

Authority: Health and Safety Code Section 18931(f).

HISTORY:
1. (BSC 01/13) Supplement to clarify availability of rulemaking documents and add a website reference in Section 1-419. Approved by the California Building Standards Commission on July 22, 2014. Filed with Secretary of State on August 30, 2014.

1-421. A change without regulatory effect.

(a) Notwithstanding the rulemaking procedures specified in Sections 407 and 415 of this chapter, a state adopting agency or state proposing agency may add, revise or delete text published in Title 24 of the California Code of Regulations, with the approval of the Commission, when the change has no regulatory effect as provided in this section.

(b) A state adopting agency or state proposing agency acting pursuant to this section on provisions of Title 24 that are also adopted by other state agencies, shall obtain the written consent of another agency in regard to the change without regulatory effect.

Authority: Building and Safety Code Sections 18931(f).

HISTORY:
1. (BSC 01/13) Supplement to clarify availability of rulemaking documents and add a website reference in Section 1-419. Approved by the California Building Standards Commission on July 22, 2014. Filed with Secretary of State on August 30, 2014.

1-421. A change without regulatory effect.

(a) Notwithstanding the rulemaking procedures specified in Sections 407 and 415 of this chapter, a state adopting agency or state proposing agency may add, revise or delete text published in Title 24 of the California Code of Regulations, with the approval of the Commission, when the change has no regulatory effect as provided in this section.

1. When the Commission determines that the submitted change meets the requirements of this section for a Regulatory Change without Effect, all deletions must be shown in strikeout type and all additions, including punctuation, must be underlined. The provisions of this section may be waived by the Executive Director through written notification to the adopting agency.

(c) A Change without Regulatory Effect is a change to the provisions of Title 24 that does not impose any new requirement for the design or construction of buildings and associated structures and equipment. A Change without Regulatory Effect may include, but is not limited to:

1. Renumbering, reordering or relocating a regulatory provision;

2. Deleting a regulatory provision for which all statutory or constitutional authority has been repealed;

3. Deleting a regulatory provision held invalid in a judgment that has become final, entered by a California court of competent jurisdiction, a United States District Court located in the State of California, the United States Court of Appeals for the Ninth Circuit, or the United States Supreme Court; however, the Commission shall not approve any proposed Change without Regulatory Effect if the change is based on a superior court decision which invalidated the regulatory provision solely on the grounds that the underlying statute was unconstitutional;

4. Revising structure, syntax, cross-reference, grammar or punctuation;

5. Changing an “authority” or “reference” citation for a rule; and

6. Making a regulatory provision consistent with a changed California statute if both of the following conditions are met:

(A) The regulatory provision is inconsistent with and superseded by the changed statute, and

(B) The state adopting agency or state proposing agency has no discretion to adopt a change which differs in substance from the one chosen.

(d) The rulemaking file for a change without regulatory effect to be submitted to the Commission for adoption or approval, and publication in Title 24 shall include the following:

1. A completed Building Standards Face Sheet (BSC-1) as required by Section 1-419 of this chapter; and

2. Express Terms illustrating the change in the form required by Section 1-419 of this chapter; and

3. A written statement for each section explaining how the change meets the requirements of Subsection (c) above; and

4. Pursuant to Subsection (b) above, a written statement by each state Agency that the adopt provisions were changed, concurring with the regulatory change. All such statements shall be signed by a duly authorized representative of the Agency.

(e) The Commission shall make a determination regarding a change submitted pursuant this section within thirty (30) days of its receipt. Within ten (10) days of making a determination, the Commission shall send written notification of the determination to the agency that submitted the change.

1. The Commission determines that the submitted change meets the requirements of this section for a Regulatory Change without Effect, or does not comply with the rulemaking requirements of this section, the written determination by the Commission shall provide sufficient itemization of the deficiencies. The agency may correct the rulemaking file for reconsideration by the Commission, or begin proceeding with a regulatory action pursuant to Section 407 of this chapter.

(f) An adoption or approval by the Commission of a change without regulatory effect shall be effective 30 days after filing with the Secretary of State. Health and Safety Code Section 18938(c) establishes the effective date as being 30 days after

shall be determined by the Executive Director of the Building Standards Commission.

14. All proposed building standards packages shall be indexed.

15. If other than the Agency Director/Chief signs a Face Sheet (BSC-1), a delegation order shall be attached to the Face Sheet.

16. If the building standards were filed as an emergency, a certification that the requirements of Government Code Section 11346.1 have been complied with.

(b) The proposed building standards shall be submitted in the strikeout/underline format. If the proposed building standards amend existing building standards, all deletions must be shown in strikeout type and all additions, including punctuation, must be underlined. The provisions of this section may be waived by the Executive Director through written notification to the adopting agency.

Authority: Health and Safety Code Section 18931(f).

HISTORY:
1. (BSC 01/13) Supplement to clarify availability of rulemaking documents and add a website reference in Section 1-419. Approved by the California Building Standards Commission on July 22, 2014. Filed with Secretary of State on August 30, 2014.

1-421. A change without regulatory effect.

(a) Notwithstanding the rulemaking procedures specified in Sections 407 and 415 of this chapter, a state adopting agency or state proposing agency may add, revise or delete text published in Title 24 of the California Code of Regulations, with the approval of the Commission, when the change has no regulatory effect as provided in this section.

(b) A state adopting agency or state proposing agency acting pursuant to this section on provisions of Title 24 that are also adopted by other state agencies, shall obtain the written consent of another agency in regard to the change without regulatory effect.

(c) A Change without Regulatory Effect is a change to the provisions of Title 24 that does not impose any new requirement for the design or construction of buildings and associated structures and equipment. A Change without Regulatory Effect may include, but is not limited to:

1. Renumbering, reordering or relocating a regulatory provision;

2. Deleting a regulatory provision for which all statutory or constitutional authority has been repealed;

3. Deleting a regulatory provision held invalid in a judgment that has become final, entered by a California court of competent jurisdiction, a United States District Court located in the State of California, the United States Court of Appeals for the Ninth Circuit, or the United States Supreme Court; however, the Commission shall not approve any proposed Change without Regulatory Effect if the change is based on a superior court decision which invalidated the regulatory provision solely on the grounds that the underlying statute was unconstitutional;

4. Revising structure, syntax, cross-reference, grammar or punctuation;

5. Changing an “authority” or “reference” citation for a rule; and

6. Making a regulatory provision consistent with a changed California statute if both of the following conditions are met:

(A) The regulatory provision is inconsistent with and superseded by the changed statute, and

(B) The state adopting agency or state proposing agency has no discretion to adopt a change which differs in substance from the one chosen.

(d) The rulemaking file for a change without regulatory effect to be submitted to the Commission for adoption or approval, and publication in Title 24 shall include the following:

1. A completed Building Standards Face Sheet (BSC-1) as required by Section 1-419 of this chapter; and

2. Express Terms illustrating the change in the form required by Section 1-419 of this chapter; and

3. A written statement for each section explaining how the change meets the requirements of Subsection (c) above; and

4. Pursuant to Subsection (b) above, a written statement by each state Agency that the adopt provisions were changed, concurring with the regulatory change. All such statements shall be signed by a duly authorized representative of the Agency.

(e) The Commission shall make a determination regarding a change submitted pursuant this section within thirty (30) days of its receipt. Within ten (10) days of making a determination, the Commission shall send written notification of the determination to the agency that submitted the change.

1. The Commission determines that the submitted change meets the requirements of this section for a Regulatory Change without Effect, or does not comply with the rulemaking requirements of this section, the written determination by the Commission shall provide sufficient itemization of the deficiencies. The agency may correct the rulemaking file for reconsideration by the Commission, or begin proceeding with a regulatory action pursuant to Section 407 of this chapter.

(f) An adoption or approval by the Commission of a change without regulatory effect shall be effective 30 days after filing with the Secretary of State. Health and Safety Code Section 18938(c) establishes the effective date as being 30 days after
ARTICLE 5
CITY, COUNTY, AND CITY AND COUNTY BUILDING PERMIT FEES

1-501. Purpose. This article establishes regulations for implementation of Health and Safety Code Sections 18931.6 and 18931.7, to require a surcharge on building permits in order to provide funds, upon appropriation, for the California Building Standards Commission, Department of Housing and Community Development and Office of the State Fire Marshal to use in carrying out the provisions of California Building Standards Law and of State Housing Law relating to building standards, with emphasis placed on the adoption, publication and educational efforts associated with green building standards. The fees are to be collected by cities, counties, and cities and counties transmitted to the California Building Standards Commission.

1-503. Definitions. The following terms are defined in Section 1-103.

Building Standards Administration Special Revolving Fund (the Fund).

Department.

Fees, appropriate fractions thereof.

Office.

1-505. Fee assessment. (a) Fees shall be levied on building permits required for all disciplines covered by Title 24, including, but not limited to, building, electrical, mechanical and plumbing, and for which a valuation is made.

(b) Fees are assessed at a rate of $4 per $100,000 of permit valuation, but not less than $1, with appropriate fractions thereof shown in the following table (1-505):

<table>
<thead>
<tr>
<th>PERMIT VALUATION</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 25,000</td>
<td>$1</td>
</tr>
<tr>
<td>25,001 - 50,000</td>
<td>$2</td>
</tr>
<tr>
<td>50,001 - 75,000</td>
<td>$3</td>
</tr>
<tr>
<td>75,001 - 100,000</td>
<td>$4</td>
</tr>
<tr>
<td>Every $25,000 or fraction thereof above $100,000</td>
<td>Add $1</td>
</tr>
</tbody>
</table>

1. Cities, counties, and cities and counties may retain up to ten percent (10%) of the fees for related administrative costs, code enforcement, and education as permitted by Health and Safety Code Section 18931.6.

2. When a building permit is issued and no valuation is made, the city, county, or city and county may exempt that permit from fee assessment.

(c) The Commission may reduce the rate of the fee by regulation upon determination that a lesser fee is sufficient to carry out the programs of the Commission, the Department and the Office. The Commission may establish a termination date or duration for the fee reduction period.

1-507. Fee collection. (a) Cities, counties, and cities and counties shall submit fees each quarter, commencing with the quarter beginning January 1 and ending March 31, 2009, due on the 15th day of the following month.

(b) The Commission shall deposit the moneys collected into the Building Standards Administration Special Revolving Fund (the Fund).

(c) The Commission may reduce the rate of the fee by regulation upon determination that a lesser fee is sufficient to carry out the programs of the Commission, the Department and the Office. The Commission may establish a termination date or duration for the fee reduction period.
The format of the history notes has been changed to be consistent with the other parts of the California Building Standards Code. The history notes for prior changes remain within the text of this code.

1. (BSC 03/10) Repeal, amend and reformat Chapter 1 of the 2010 California Administrative Code, CCR Title 24, Part 1, effective on August 28, 2011.

2. (BSC 05/10) Add new Section 1-105 to Article 1 Use of Commission Indicia, effective on November 20, 2011.

3. (BSC 02/12) Amend Chapter 1, Article 1, Section 1-101, 1-105, Article 2, Section 1-201, 1-207, 1-209, 1-211, Article 4, Section 1-411, 1-421, Article 5, Section 1-503. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.

4. (BSC 01/13) 2013 Intervening Cycle Supplement. Amendments and corrections to Article 1, Sections 1-101, 1-105; Article 2, Sections 1-203, 1-209, 1-211; Article 3, Section 1-307; Article 4, Sections 1-407, 1-413, 1-415, 1-419, 1-421; Article 5, Sections 1-503, 1-505, 1-507. Approved by the California Building Standards Commission on July 22, 2014, filed with the Secretary of State on July 30, 2014 effective August 30, 2014.
SafetY of Construction of Public Schools: Fire & Life Safety

4-401. Purpose. These regulations implement Section 14963 of the Government Code to ensure that elementary, secondary or community college buildings and facilities constructed or altered pursuant to these regulations are in compliance with the California Code or Regulations, Title 24 related to the design aspects of the Fire and Life Safety (FLS) elements, components and systems.

Authority: Government Code Section 14963.
Reference: Government Code Section 14963.

4-402. Scope. Title 24, California Code of Regulations (C.C.R.) parts 2, 3, 4, 5, and 9, known as the California Building Code, designate building regulations that are applicable to the Fire and Life Safety portions of the design, construction, reconstruction, rehabilitation, alteration of or addition to any school building as defined in Sections 17283 and 81131 of the Education Code. The term “school building” shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 4-314, Section 14963, Government Code, authorizes the Division of the State Architect (DSA) to carry out the functions and duties related to plan check and inspections of the construction of school buildings.

Authority: Government Code Section 14963.
Reference: Government Code Section 14963.

4-403. Authority for enforcement of regulations. All duties and functions relating to the Fire and Life Safety aspects of school construction plan checking and inspections have been vested by law in the Division of the State Architect.

Authority: Government Code Section 14963.
Reference: Government Code Section 14963.

4-404. Alternate materials and methods of construction and modifications. The provisions of these regulations are not intended to prevent the use of any material or method of construction not specifically prescribed by these regulations, provided any alternate has been approved and its use authorized by DSA or the State Fire Marshal.

Authority: Government Code Section 14963.
Reference: Government Code Section 14963.

4-405. Application of building standards. Building standards applicable to public school buildings are set forth in Parts 2, 3, 4, 5, 6, 9, 11 and 12, Title 24, C.C.R., and have been adopted as minimum design and construction standards upon which to base the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards or to restrict the use of new or innovative design or construction techniques.

Where the designer desires to use innovative design or construction techniques not addressed in these regulations it shall be necessary to submit for review and approval information including computations, test data and recommendations concerning the design in question. The designer shall confer with DSA concerning the applicability of these innovative design or construction techniques to school building construction prior to the submittal of plans and specifications.

DSA must be satisfied that the degree of safety achieved by these innovative design and construction techniques is at least equivalent to that achieved by the regulations. The determination of the equivalency of the degree of safety shall be the responsibility of DSA.

Authority: Education Code Sections 17310 and 81142.
Reference: Government Code Section 14963.

4-406. Approval of construction, reconstruction, rehabilitation, alteration of or addition to any school buildings. Plans and specifications for any new school building or for the reconstruction, rehabilitation, alteration of or addition to any school buildings shall be submitted to DSA for approval as required by and in accordance with Sections 4-306 through 4-310. This approval shall include Fire and Life Safety.

Authority: Government Code Section 14963.

When there are practical difficulties involved in carrying out the provisions of these regulations, DSA may grant modifications for individual cases. DSA shall first find that a special individual reason makes the strict letter of these regulations impractical, that the modification is in conformance with the intent and purpose of these regulations, and that such modification does not lessen any fire protection requirements, accessibility, or degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of DSA.

Authority: Education Code Sections 17310 and 81142.
Reference: Government Code Section 14963.

4-407. Authority for enforcement of regulations. All duties and functions relating to the Fire and Life Safety aspects of school construction plan checking and inspections have been vested by law in the Division of the State Architect.

Authority: Government Code Section 14963.
Reference: Government Code Section 14963.

4-408. Alternate materials and methods of construction and modifications. The provisions of these regulations are not intended to prevent the use of any material or method of construction not specifically prescribed by these regulations, provided any alternate has been approved and its use authorized by DSA or the State Fire Marshal.

Authority: Education Code Sections 17310 and 81142.
Reference: Government Code Section 14963.

4-409. Approval of construction, reconstruction, rehabilitation, alteration of or addition to any school buildings. Plans and specifications for any new school building or for the reconstruction, rehabilitation, alteration of or addition to any school buildings shall be submitted to DSA for approval as required by and in accordance with Sections 4-306 through 4-310. This approval shall include Fire and Life Safety.

Authority: Government Code Section 14963.
ARTICLE 2 - DEFINITIONS

4-410. General. The words defined in Sections 4-314 and 4-411 shall have the meaning stated therein throughout the regulations contained in Part 1, Section 4-400, et. seq. Title 24, C.C.R.

Authority: Education Code Sections 17310 and 81142.

Government Code Section 14963

Education Code Sections 17310 and 81142.

4-411. Definitions.

DIVISION OF THE STATE ARCHITECT or DIVISION, or initial DSAs, shall mean the Division of the State Architect in the Department of General Services, State of California.

INSPECTOR shall mean any person duly approved by DSA to perform construction inspection for a particular project. (See Sections 4-333 and 4-342.)

Government Code Section 14963.
4-422. Revision of plans and specifications. (a) Revisions are changes to plans or specifications made after DSA approval. Revisions shall be submitted to and approved by DSA.

(b) An hourly fee may be charged to the applicant for the review of revisions to approved plans and specifications.

Authority: Government Code Section 14963
Reference: Government Code Section 14963

4-430. Stop work order. (a) Whenever DSA finds any work regulated by this code being performed in a manner contrary to the provisions of this code, including the applicable standards, DSA is authorized to issue a stop work order.

(b) The stop work order shall be in writing and shall be given to the owner of the property involved, or the owner’s agent, or the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Any person who continues working in the cited work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Authority: Government Code Section 14963
Reference: Government Code Section 14963

ARTICLE 5
CERTIFICATION OF CONSTRUCTION

4-435. General. Certification of construction shall be in accordance with Chapter 4, Group 1, Article 5 as follows:

(a) Time of beginning construction and partial construction: Section 4-330

(b) Notice to DSA at start of construction: Section 4-331

(c) Notice of suspension of construction: Section 4-332

(d) Observation and inspection of construction: Section 4-333

(e) Project inspector certification: Section 4-333.1

(f) Verified Reports: Section 3-336

(g) Semi-monthly reports: Section 3-337

(h) Addenda and construction changes: Section 4-338

(i) Final certification of construction: Section 4-339

Authority: Government Code Section 14963
Reference: Government Code Section 14963

HISTORY:
(DSASS 01/13) Supplement to add a new Group 2 “Safety of Construction of Public Schools: Fire & Life Safety.” Article 1, Section 4-401, 4-402, 4-403, 4-404, 4-405, 4-406, Article 2, Section 4-410, & 4-411, Article 3, Section 4-415, Article 4, Section 4-420, 4-421, 4-422, 4-423, 4-424, Article 5, Section 4-430, 4-431, & 4-432, Article 6, Section 4-435. Approved by the California Building Standards Commission on October 21, 2014, filed with Secretary of State on October 27, 2014, effective November 27, 2014.

ARTICLE 6
DUTIES

4-435. General. Duties of the various individuals involved in the design and construction shall be in accordance with Chapter 4 Group 1 Article 6 Sections 4-341 through 4-344.

(a) Time of beginning construction and partial construction: Section 4-330

(b) Notice to DSA at start of construction: Section 4-331

(c) Notice of suspension of construction: Section 4-332

(d) Observation and inspection of construction: Section 4-333

(e) Project inspector certification: Section 4-333.1

(f) Verified Reports: Section 3-336

(g) Semi-monthly reports: Section 3-337

(h) Addenda and construction changes: Section 4-338

(i) Final certification of construction: Section 4-339

Authority: Government Code Section 14963
Reference: Government Code Section 14963

HISTORY:
(DSASS 01/13) Supplement to add a new Group 2 “Safety of Construction of Public Schools: Fire & Life Safety.” Article 1, Section 4-401, 4-402, 4-403, 4-404, 4-405, 4-406, Article 2, Section 4-410, & 4-411, Article 3, Section 4-415, Article 4, Section 4-420, 4-421, 4-422, 4-423, 4-424, Article 5, Section 4-430, 4-431, & 4-432, Article 6, Section 4-435. Approved by the California Building Standards Commission on October 21, 2014, filed with Secretary of State on October 27, 2014, effective November 27, 2014.
ARTICLE 1
PUBLIC SWIMMING POOLS
8-100. Plans and specifications.

(a) A person proposing to construct, reconstruct or alter a swimming pool or auxiliary structure or equipment shall submit plans and specifications to the enforcing agent for review and written approval prior to commencing the work and in advance of the issuance of any building, plumbing or electrical permit.

(b) Plans submitted for approval pursuant to this section shall be drawn to a scale of 1 centimeter equals 0.48 meters (1 inch equals 1 foot).

ARTICLE 2
RETAIL FOOD FACILITIES
8-200. Adoption of the most recent edition of the California Mechanical Code, Chapter 5, Part 4, Title 24, California Code of Regulations, shall be the commercial hood and kitchen ventilation system. In addition, ventilation systems in retail food establishments shall be submitted for review and approval to either the local health officer or a duly authorized registered environmental health specialist.

ARTICLE 4
HOSPITALS
8-400. Alterations to existing buildings or new construction.

(a) Alterations to existing buildings licensed as hospitals or new constructions shall be in conformance with Chapter 4A, Part 2, Title 24, California Code of Regulations.

ARTICLE 3
ORGANIZED CAMPS
8-300. Building structures.

(a) Plans and specifications shall be approved by the local enforcing agency prior to start of any construction.

(b) Every building or structure shall be designed and constructed in accordance with the California Building Code, Part 2, Title 24, California Code of Regulations and Section 19150 of the Health and Safety Code.

8-201. Building plan approval.

(a) Swimming pools shall be constructed, reconstructed or altered in compliance with plans approved pursuant to Section 8-100, unless written approval of variance from such plans is obtained from the enforcing agent.

(b) Swimming pools shall conform to the requirements of Chapter 31B, Part 2, Title 24, California Code of Regulations.

ARTICLE 4
HOSPITALS
8-201. Building plan approval.

(a) Building plans for new construction or remodeling of kitchen ventilation systems in retail food establishments shall be submitted for review and approval to either the local health officer or a duly authorized registered environmental health specialist.

(b) Construction or installation shall not begin without prior written approval that the building plan complies with the requirements of Section 8-200.

ARTICLE 1
PUBLIC SWIMMING POOLS
8-100. Plans and specifications.

(a) A person proposing to construct, reconstruct or alter a swimming pool or auxiliary structure or equipment shall submit plans and specifications to the enforcing agent for review and written approval prior to commencing the work and in advance of the issuance of any building, plumbing or electrical permit.

(b) Plans submitted for approval pursuant to this section shall be drawn to a scale of 1 centimeter equals 0.48 meters (1 inch equals 1 foot), except that plans for spa pools shall be drawn to a scale of 1 centimeter equals 0.12 meters (1 inch equals 1 foot).

(c) The enforcing agent may require the submission of additional information as may be required to determine the compliance of plans and specifications submitted for approval.

ARTICLE 2
RETAIL FOOD FACILITIES
8-200. Adoption of the most recent edition of the California Mechanical Code, Chapter 5, Part 4, Title 24, California Code of Regulations, shall be the commercial hood and kitchen ventilation systems in retail food establishments shall be submitted for review and approval to either the local health officer or a duly authorized registered environmental health specialist.

CHAPTER 8
ADMINISTRATIVE REGULATIONS FOR THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH)

ARTICLE 2
RETAIL FOOD FACILITIES
8-200. Adoption of the most recent edition of the California Mechanical Code, Chapter 5, Part 4, Title 24, California Code of Regulations, shall be the commercial hood and kitchen ventilation systems in retail food establishments shall be submitted for review and approval to either the local health officer or a duly authorized registered environmental health specialist.

ARTICLE 3
ORGANIZED CAMPS
8-300. Building structures.

(a) Plans and specifications shall be approved by the local enforcing agency prior to start of any construction.

(b) Every building or structure shall be designed and constructed in accordance with the California Building Code, Part 2, Title 24, California Code of Regulations and Section 19150 of the Health and Safety Code.

(c) Every building or structure shall be inspected during its construction. Upon completion of construction, the person, firm or corporation responsible for its design, shall certify in writing to the local enforcing agency that the building or structure was, in fact, constructed in accordance with the approved plans and specifications therefor.

(d) Nothing in this section shall prohibit the Department of Health Services or local enforcing agency, from contracting with the Office of the State Architect of the Department of General Services or any private or other governmental agency for the review of design and performance of inspection of construction of camp buildings and structures, in accordance with the provisions of this section.

8-400. Alterations to existing buildings or new construction.

(a) Alterations to existing buildings licensed as hospitals or new constructions shall be in conformance with Chapter 4A, Part 2, Title 24, California Code of Regulations.
8-501. Application for plan review.
(a) Drawings and specifications for alterations to existing buildings or new construction shall be submitted to the Department for approval and shall be accompanied by an application for plan review on forms furnished by the Department.

The application shall:
1. Identify and describe the work to be covered by the plan review for which the application is made.
2. Describe the land on which the proposed work is to be done, by lot, block, tract or house and street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Show the present and proposed use or occupancy of all parts of the building or buildings.
4. State the number of square meters (square feet) of floor area involved in new construction and in alterations.
5. Give such other information as may be required by the Department for unusual design circumstances.
6. Be signed by the person designating the work or the owner of the work.

(b) The application for plan review shall also include a written statement that a description of the proposed work has been submitted to the Area Comprehensive Health Planning Agency pursuant to Section 437.7 of the Health and Safety Code.

8-600. Alterations to existing buildings or new construction.
(a) Alterations to existing buildings licensed as skilled nursing facilities or new construction shall be in conformance with Chapter 4A, Part 2, Title 24, California Code of Regulations and requirements of the State Fire Marshal.

(b) Facilities licensed and in operation prior to the effective date of changes in these regulations shall not be required to institute corrective alterations or to comply with such changes except where specifically required or where the Department determines that a definite hazard to health and safety exists. Any facility for which preliminary or working drawings and specifications have been approved by the Department prior to the effective date of changes shall be in conformance with the requirements of such regulations; however, such facilities shall not be required to comply with such changes provided substantial, actual construction is commenced within one year after the effective date of such changes.

8-501. Application for plan review.
(a) Drawings and specifications for alterations to existing buildings or new construction shall be submitted to the Department for approval and shall be accompanied by an application for plan review on forms furnished by the Department.

The application shall:
1. Identify and describe the work to be covered by the plan review for which the application is made.
2. Describe the land on which the proposed work is to be done, by lot, block, tract or house and street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Show the present and proposed use or occupancy of all parts of the building or buildings.
4. State the number of square meters (square feet) of floor area involved in new construction and in alterations.
5. Give such other information as may be required by the Department for unusual design circumstances.
6. Be signed by the person designating the work or the owner of the work.

(b) The application for plan review shall also include a written statement that a description of the proposed work has been submitted to the Area Comprehensive Health Planning Agency approved by the State Advisory Health Council pursuant to Section 437.7 of the Health and Safety Code.

8-500. Alterations to existing buildings or new construction.
(a) Alterations to existing buildings licensed as hospitals or new construction shall be submitted to the Department for approval and shall be accompanied by an application for plan review on forms furnished by the Department.

The application shall:
1. Identify and describe the work to be covered by the plan review for which the application is made.
2. Describe the land on which the proposed work is to be done, by lot, block, tract or house and street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Show the present and proposed use or occupancy of all parts of the building or buildings.
4. State the number of square meters (square feet) of floor area involved in new construction and in alterations.
5. Give such other information as may be required by the Department for unusual design circumstances.
6. Be signed by the person designating the work or the owner of the work.

(b) The application for plan review shall also include a written statement that a description of the proposed work has been submitted to the Area Comprehensive Health Planning Agency approved by the State Advisory Health Council pursuant to Section 437.7 of the Health and Safety Code.

8-600. Alterations to existing buildings or new construction.
(a) Alterations to existing buildings licensed as skilled nursing facilities or new construction shall be in conformance with Chapter 4A, Part 2, Title 24, California Code of Regulations and requirements of the State Fire Marshal.

(b) Facilities licensed and in operation prior to the effective date of changes in these regulations shall not be required to institute corrective alterations or to comply with such changes except where specifically required or where the Department determines that a definite hazard to health and safety exists. Any facility for which preliminary or working drawings and specifications have been approved by the Department prior to the effective date of changes shall be in conformance with the requirements of such regulations; however, such facilities shall not be required to comply with such changes provided substantial, actual construction is commenced within one year after the effective date of such changes.
ARTICLE 7 INTERMEDIATE CARE FACILITIES

8-700. Safety, zoning and building clearance.
(a) Architectural plans shall not be approved and a license shall not be originally issued to any intermediate care facility which does not conform to these requirements or other state requirements on seismic safety, fire and life safety, and environmental impact, and to local fire safety, zoning and building ordinances, evidence of which shall be presented in writing to the Department.
(b) It shall be the responsibility of the licensee to maintain the intermediate care facility in a safe structural condition. If the Department determines in a written report submitted to the licensee that an evaluation of the structural condition of an intermediate care facility building is necessary, the licensee may be required to submit a report by a licensed structural engineer which shall establish a basis for eliminating or correcting the structural conditions which may be hazardous to occupants.
(c) The facility shall meet the seismic safety requirements, if any, prescribed by Section 15001 of the Health and Safety Code.

8-701. Alterations to existing buildings or new construction.
(a) Alterations to existing buildings licensed as intermediate care facilities or new construction shall be in conformance with Chapter 4A, Part 2, Title 24, California Code of Regulations.
(b) Intermediate care facilities licensed in operation prior to the effective date of changes in construction regulations shall not be required to institute corrective alterations or construction to comply with such new requirements except where specifically required or where the Department determines that a definite hazard to health and safety exists. Any facility for which preliminary or working drawings and specifications have been approved by the Department prior to the effective date of changes to construction regulations shall not be required to comply with such new requirements provided substantial actual construction is commenced within one year of the effective date of such new requirements.
(c) All intermediate care facilities shall maintain in operating condition all buildings, fixtures and spaces in the numbers and types as specified in the construction requirements under which the facility or unit was first licensed.

8-702. Application for plan review.
(a) Drawings and specifications for alterations to existing buildings or new construction shall be submitted to the Department for approval and shall be accompanied by an application for plan review on forms furnished by the Department. The application shall:
1. Identify and describe the work to be covered by the plan review for which the application is made;
2. Describe the location on which the proposed work is to be done, by lot, block, tract or house and street address or similar description that will readily identify and definitely locate the proposed building or work;
3. Show the present and proposed use or occupancy of all parts of the building or building(s);
4. State the number of square meters (square feet) of floor area involved in new construction and in alterations;
5. Give such other information as may be required by the Department for unusual design circumstances;
6. Be signed by the person designing the work or the owner of the work.
(b) The application for plan review shall also include a written statement that a description of the proposed work has been submitted to the Area Comprehensive Health Planning Agency approved by the State Advisory Health Council pursuant to Section 437.7 of the Health and Safety Code.

ARTICLE 8 INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

8-800. Alterations to existing buildings or new construction.
(a) Alterations to existing buildings licensed as intermediate care facilities for the developmentally disabled or new construction shall be in conformance with Chapter 4A, Part 2, Title 24, California Code of Regulations.
(b) Facilities licensed or exempt from licensure and in operation prior to the effective date of changes in construction regulations shall not be required to institute corrective alterations or construction to comply with such new requirements except where specifically required or where the Department determines that a definite hazard to health and safety exists. Any intermediate care facility for which preliminary or working drawings and specifications have been approved by the Department prior to the effective date of changes to construction regulations shall not be required to comply with such new requirements provided substantial actual construction is commenced within one year of the effective date of such new requirements.
(c) All intermediate care facilities shall maintain in operating condition all buildings, fixtures and spaces in the numbers and types as specified in the construction requirements under which the facility or unit was first licensed.

8-801. Application for plan review.
(a) Drawings and specifications for alterations to existing buildings or new construction shall be submitted to the Department for approval and shall be accompanied by an application for plan review on forms furnished by the Department. The application shall:
1. Identify and describe the work to be covered by the plan review for which the application is made;
2. Describe the location on which the proposed work is to be done, by lot, block, tract or house and street address or similar description that will readily identify and definitely locate the proposed building or work;
3. Show the present and proposed use or occupancy of all parts of the building or building(s);
4. State the number of square meters (square feet) of floor area involved in new construction and in alterations;
5. Give such other information as may be required by the Department for unusual design circumstances;
6. Be signed by the person designing the work or the owner of the work.
(b) The application for plan review shall also include a written statement that a description of the proposed work has been submitted to the Area Comprehensive Health Planning Agency approved by the State Advisory Health Council pursuant to Section 437.7 of the Health and Safety Code.
HISTORY NOTE APPENDIX FOR CHAPTER 8
Administrative Regulations for the
California Department of Public Health (CDPH)

1. (CDPH 01/14) 2013 Intervening Cycle Supplement. Change
without Regulatory Effect, Article 1, Swimming Pools and Arti-
cle 2, Retail Food Facilities. Approved by the California Build-
ing Standards Commission on October 21, 2014, filed with
Secretary of State on October 27, 2014, effective November 27,
2014.
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