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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

TITLE 2. CIVIL RIGHTS COUNCIL

PROPOSED MODIFICATIONS TO EMPLOYMENT REGULATIONS REGARDING AUTOMATED–DECISION SYSTEMS

The Civil Rights Council (Council) proposes to modify regulations implementing the employment provisions of the Fair Employment and Housing Act (Gov. Code § 12900 et seq.), California Code of Regulations, Title 2, Division 4.1, Chapter 5, Subchapter 2, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Council will hold a public hearing beginning at 10:00 a.m. on July 18, 2024, at the following virtual and physical locations:

**University of California Berkeley
School of Law
Law Building #7200 (2763–2719 Bancroft Way)
Berkeley, CA 94704
Room 132**

Members of the public may also join the hearing remotely using the following information:

<https://us02web.zoom.us/j/88399120355>

or

**1–669–900–6833 and
Webinar ID: 883 9912 0355**

At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Council requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at or before the hearing.

The meeting facilities are accessible to individuals with disabilities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in

the hearing, should contact Civil Rights Department’s (CRD’s) ADA Coordinator, at 800–884–1684 (voice) or 800–700–2320 (TTY) or via email at accommodations@calcivilrights.ca.gov as soon as possible or at least 72 hours before the meeting.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Council. The written comment period ends on **July 18, 2024, at 5:00 p.m.** The Council will consider only comments received by the end of that day. Written comments may be mailed to:

Civil Rights Department
c/o Rachael Langston, Assistant Chief Counsel
555 12th Street, Suite 2050
Oakland, CA 94607
Telephone: (916) 478–7251

Comments may also be submitted by email to Council@calcivilrights.ca.gov

Although not required, comment submission via email is strongly preferred.

AUTHORITY AND REFERENCE

Government Code section 12935(a) authorizes the Council to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific section 12900 et seq. of the Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies, makes specific, and supplements existing state regulations interpreting the employment provisions of the Fair Employment and Housing Act (“FEHA”) set forth in Government Code section 12900 et seq. As it relates to employment, FEHA prohibits harassment and discrimination because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decision–making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status of any person.

In compliance with the Administrative Procedure Act, the Council proposes to adopt these rules as duly noticed, vetted, and authorized regulations. The overall objective of the proposed regulations is to provide clarity regarding FEHA obligations and requirements as they relate to the use of automated–decision systems or other selection criteria in the employment context. This action has the specific benefit of de-

creasing the number of employment–related FEHA violations through providing comprehensive guidance to employees, applicants, employers and other covered entities, and employers’ agents (including third parties that provide or use automated–decision systems on behalf of employers or other covered entities) to help them better understand their respective rights and obligations. By clarifying how the employment provisions of FEHA apply to automated–decision systems and other selection criteria, this action will also reduce litigation costs and the burden on the courts. Ultimately, the proposed action furthers the mission of CRD by protecting Californians from employment discrimination.

The Council has determined that the proposed amendments are not inconsistent or incompatible with existing regulations. Currently, there are no regulations expressly addressing the use of automated–decision systems to make or assist in making hiring or other employment decisions. After conducting a review for any regulations that would relate to or affect this area, the Council has concluded that these are the only regulations that concern Government Code section 12900 et seq.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Council has made the following initial determinations:

Mandate on local agencies and school districts: No additional mandate beyond that imposed by existing law.

Cost or savings to any state agency: No additional costs or savings beyond those imposed by existing law.

Cost to any local agency or school district, which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: No additional costs or savings beyond those imposed by existing law.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or businesses: No additional costs or savings beyond those imposed by existing law. Therefore, the agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Results of the economic impact assessment/analysis: The Council anticipates that the adoption of the regulations will not impact the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses within the state, or the expansion of businesses currently do-

ing business within the state. To the contrary, adoption of the proposed amendments is anticipated to benefit California applicants, employees, employers, and agents by clarifying and streamlining the operation of the law, making it easier to understand respective rights and obligations, and reducing litigation costs. These regulations would not affect the environment.

Statewide adverse economic impact directly affecting businesses and individuals: The Council has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Small Business Determination: The Council anticipates that the regulations will not create additional costs or savings beyond those imposed by existing regulations. Similarly, the Council has determined that there is no impact on small businesses as a result of this proposed action because these regulations primarily serve to clarify existing law.

Business Report: The Council has determined that the proposed regulations do not require a report to be made.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Council must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the Council’s attention would be more effective in carrying out the purpose for which this action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Council has thus far not become aware of a better alternative and invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Rachael Langston, Assistant Chief Counsel
Civil Rights Department
555 12th Street, Suite 2050
Oakland, CA 94607
Telephone: (916) 478–7251
Email: council@calcivilrights.ca.gov

The backup contact person for these inquiries is:

Mariel Block, Senior Legislative and Regulatory
Affairs Counsel
Civil Rights Department
555 12th Street, Suite 2050
Oakland, CA 94607
Telephone: (916) 478–7251
Email: council@calcivilrights.ca.gov

Please direct requests for copies of the proposed text (express terms) of the regulations, the Initial Statement of Reasons, any modified text of the proposed regulations, or other information upon which the rulemaking is based, should other sources be used in the future, to Rachael Langston at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Council will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above Oakland address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. Copies may be obtained by contacting Rachael Langston at the address, email, or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Rachael Langston at the address indicated above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available on the Council's webpage: <https://calcivilrights.ca.gov/civilrightscouncil/>.

Copies also may be obtained by contacting Rachael Langston at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations, any modified texts, and the Final Statement of Reasons can be accessed through the Council's webpage at <https://calcivilrights.ca.gov/civilrightscouncil/>.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

SECTION 3591.30 QUEENSLAND FRUIT FLY ERADICATION AREA

The California Department of Food and Agriculture (Department) proposes to amend the host list in Title 3 of the California Code of Regulations (CCR) Section 3591.30 Queensland Fruit Fly Eradication Area, which provides authority to the Department to allow effective eradication and quarantine activities to prevent Queensland Fruit Fly (*Bactrocera tryoni*) from spreading throughout California.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on July 1, 2024. The Department will consider only comments received at the Department offices by that date or postmarked no later than July 1, 2024. Submit comments to:

Erin Lovig, Senior Environmental Scientist
Supervisor California
Department of Food and Agriculture
1220 N St,
Sacramento, CA 95814
Permits@cdfa.ca.gov
(916) 403–6650
(916) 651–2900 (FAX)

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her

absence, you may contact Dean Kelch at (916) 261-9252 or dean.kelch@cdfa.ca.gov, FAX number (916) 651-2900.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to amend Section 3591.30 pursuant to the authority vested by Sections 407, 5321, and 5322 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5322, 5761, 5762, 5763, and of the Food and Agricultural Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The specific purpose of amending Section 3591.30 Queensland Fruit Fly Eradication Area is to revise and update the known host list for Queensland Fruit Fly (QFF) to coincide with the official QFF host list promulgated in March, 2024 by the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS).

EXISTING LAWS & REGULATIONS

Existing law, FAC Section 401.5, states that the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in their opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe

the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 5762, provides that the Secretary may proclaim any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC Section 5763, provides that the Secretary, or the commissioner acting under the supervision and direction of the director, in a summary manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which he thinks is necessary.

Expenditures, if any, allocated for the replacement nursery stock shall not exceed an amount which is budgeted for the purpose or approved by the Director of Finance.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

The amendment of the host list will help the Department to have to authority to eradicate a serious insect pest, which is a mandated, statutory goal.

This regulation is necessary to prevent the spread of QFF to un-infested areas of the state. The regulation benefits industries (nursery, fruit for domestic use and exports, packing facilities), the environment (urban landscapes), and the overall California economy by preventing the spread of QFF.

The amendment of this regulation benefits the citrus, stone fruits, and tomato (nursery, fruit for domestic use and exports, packing facilities) industries, and the environment (urban landscapes) by providing the Department an accurate host list to prevent the artificial spread of the QFF over short and long distances.

The California, national and international consumers of California citrus, stone fruits, and tomatoes benefit by having high quality produce available at lower cost. It is assumed that any increases in production costs will ultimately be passed on the consumer.

The amendment of this regulation benefits homeowners who grow their own host fruits for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

The amendment of this regulation may benefit homeowners who grow host material for consumption and/or ornamentals in various rural and urban landscapes. By working with an up-to-date host list the Department is more likely to prevent infestation

with QFF and thereby preventing damage to hosts, the regulation eliminates any future need for hosts to be treated to mitigate infestations of QFF.

There is no existing, comparable federal regulations or statute regulating the intrastate movement of QFF.

There are no known specific benefits to worker safety or the health of California residents.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department considered any other possible regulations addressing QFF, and it found that these are the proposed amendments are the only regulations dealing with this subject, and the Department is the only state agency which can designate these eradication areas for plant pests. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3591.30 and has determined that it is not inconsistent or incompatible with existing state regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Prior to conducting any action authorized by this regulation, the Department shall comply with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq. as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.).

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: Compliance activities are currently being performed by existing state staff throughout quarantine areas within the State. The Department is currently monitoring for pests, and thus there is no change to the cost due to these regulations. The Department has determined that no savings or increased costs to any state agency and no costs or savings in federal funding to the State will result from the amendment of Section 3591.30. The amendment of this regulation would have no fiscal impact on the Department.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the State: None.

Cost impacts on a representative private person or business: The amendment of Section 3591.30. will provide authority for the Department to conduct eradication and quarantine activities against QFF and there are no known private sector cost impacts. The agency is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none and minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Significance Adverse Impact on Business: The amendment is designed to minimize the spread of QFF in California through regulation of host material. Detection activities are currently being performed by existing CDFA staff throughout the state by trapping and identifying pests. No businesses are currently adversely affected by these activities. Therefore, the Department has determined that this regulatory proposal will not have any significant adverse impacts on businesses currently doing business in California.

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing state staff throughout quarantine areas within the state without any impact on small business.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The amendment of Section 3591.30 is designed to prevent or minimize the spread of QFF. The Department has made an assessment that the amendment to this regulation would: (1) not create or eliminate jobs within California, (2) not create new business or eliminate existing businesses within California, (3) not affect the expansion of businesses currently doing business within California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) not expected to benefit workers' safety.

Health and welfare: The proposed action will benefit the health and welfare of California residents by making it more likely that QFF would be detected before an infestation can happen, and, if there is an infestation, the Department can react quickly and effectively. Speed of response is key to eradicating an incipient

pest infestation. Programmatic delays potentially can lead to pest quarantines, as well as increased production costs and potential job loss.

The state's environment: The proposed action will benefit the state's environment by increasing the chance that QFF would be detected before an infestation can happen. If the Department neglects to regulate the types of hosts, this pest could spread into the local environment via the surrounding non-agricultural ecosystems. This could adversely impact private and commercial landscape plantings, local, regional, state and national parks, other recreational sites, open habitats, and wild lands. Affected plants could become less vigorous and may produce fewer seeds. Plants/trees with low propagule output can result in major changes to plant community structure.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present alternatives during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department has prepared an initial statement of reasons for the proposed action, and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/plant/Regulations.html). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as de-

scribed in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

AMEND COMMISSION REGULATIONS 1015, 1018, AND COMMISSION PROCEDURE D-1-5

Training Specifications for the POST Public Safety Dispatchers' Basic Course

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code (GC) section 11346.8, any interested person, or their duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by July 1, 2024.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 404-5619, by email to *Kirk Bunch*, Kirk.Bunch@post.ca.gov, or by letter to:

Commission on POST
Attention: Kirk Bunch
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt regu-

lations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The training specifications for the *POST Public Safety Dispatchers' Basic Course* were last updated in 2011. Visits to five different presenters (Sacramento Police Department, South Bay Regional Training Consortium, Golden West College, Napa Valley College, and Riverside County Sheriff's Office) of the *POST Public Safety Dispatchers' Basic Course* were conducted from September 2021 to December 2021. The purpose of those visits was to compare how various presenters and instructors were delivering the material to students, observe how the students were receiving the material, and to determine if any of the presenters or instructors were including updated and contemporary information in the course.

Subject matter experts (SMEs) were comprised of presenter instructors, communication training officers, public safety dispatchers (to include managers, supervisors, and line level), members of the 9-1-1 State Advisory Board, members of the 9-1-1 Branch of CalOES, public safety dispatchers that have graduated the Sherman Block Supervisory Leadership Institute, POST Master Instructors, collegiate professors, public members including recommendations from the Racial and Identity Profiling Act Subcommittee (formerly the Calls for Service Subcommittee), and other state agencies. Over 40 subject matter experts participated in updating the training specifications of the POST Public Safety Dispatchers' Basic Course. The goal was to include those who were SMEs by topic to ensure the entire training specifications were not updated by a small group. Workshops began in January 2022 and concluded in October 2022.

The 2011 training specifications included 14 learning domains that equaled 120 hours, the proposed amendments contain 19 learning domains that equal 160 hours. The proposed amendments cover updates to existing learning domains and the creation of five new learning domains. When applicable, the corresponding learning domains within the Regular Basic Course (RBC) were reviewed for congruency.

This rulemaking action clarifies and makes specific the repeal of the existing training specifications of the *POST Public Safety Dispatchers' Basic Course* curriculum which is a total of 120 hours covering 14 learning domains and adopts updated training specifications that extends the *POST Public Safety Dispatch-*

ers' Basic Course to 160 hours covering 19 learning domains.

Currently, Commission Regulation 1015 — Reimbursements for Training, and Commission Procedure D-1-5 — Public Safety Dispatchers' Basic Course Terminology and Requirements refer to the length of the course. With the adoption of the new curriculum, the length of the course will change, and the regulations/procedures will reflect the new course length. Commission Regulation 1018 — Public Safety Dispatch Programs will reflect the new effective date under the incorporation by reference section.

The proposed amendments in this rulemaking action will demonstrate POST's renewed commitment to the POST Public Safety Dispatchers' Program while elevating the professionalism of public safety dispatchers in the state of California.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will provide public safety dispatchers with a more comprehensive foundational knowledge while mirroring many of the sentiments taught to their peace officer partners in the RBC and incorporate legislatively mandated content, which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern processes and procedures for peace officer eligibility in the state.

FORMS INCORPORATED BY REFERENCE

- Commission Procedure D-1-5 (date to be determined after filing with the Secretary of State)
- *Training Specifications for POST Public Safety Dispatchers' Basic Course* (Revision October 2024)

DISCLOSURES REGARDING THE
PROPOSED ACTION

POST has made the following initial determinations:
Mandate on local agencies or school districts: None.
Cost or savings to any state agency: None.

Costs to any local agency or school district which must be reimbursed in accordance with GC §§ 17500 through 17630: None.

Other non–discretionary costs or savings imposed on local agencies: None.

Costs or savings in federal funding to the state: None.

Cost impacts on a representative private persons or business: POST is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small business because the regulations only affect state agencies that are adopting, amending or repealing regulations. Additionally, the Commission’s main function to select and maintain training standards for public safety dispatchers has no effect financially on small businesses.

RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create nor eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by providing public safety dispatchers with a more comprehensive foundational knowledge while mirroring many of the sentiments taught to their peace officer partners in the RBC and incorporate legislatively mandated content. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state’s environment.

CONSIDERATION OF ALTERNATIVES

In accordance with GC § 11346.5, subdivision (a)(13), POST must determine that no reasonable alternative it considered, or that has otherwise identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to *Kirk Bunch*, Bureau Chief, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 227–3896. General questions regarding the regulatory process may be directed to *Katelynn Poulos* at (916) 227–4894.

TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to, the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the *POST Website* at <https://post.ca.gov/Regulatory–Actions>.

ADOPTION OF PROPOSED REGULATIONS/ AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

AVAILABILITY AND LOCATION OF THE
RULEMAKING FILE AND THE FINAL
STATEMENT OF REASONS

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 20. ENERGY COMMISSION

AMEND REGULATIONS GOVERNING THE
POWER SOURCE DISCLOSURE PROGRAM
DOCKET NUMBER 21–OIR–01

INTRODUCTION

The California Energy Commission (CEC) proposes to amend and reorganize Sections 1391, 1391.1, 1392, 1393, 1393.1, 1394, 1394.1 and 1394.2 of Chapter 3, Article 5 of Title 20 in the California Code of Regulations (CCR) related to the Power Source Disclosure (PSD) program, after considering all comments, objections, and recommendations regarding the proposed regulations.

The PSD program requires retail electricity suppliers to disclose, through a power content label (PCL), “accurate, reliable, and simple to understand information on the sources of energy, and the associated emissions of greenhouse gases, that are used to provide electric services.” The PSD program also requires retail electricity suppliers to report additional data to the CEC on an annual basis. Two recent pieces of legislation modified the PSD program. Assembly Bill (AB) 242 (Holden, Chapter 228, Statutes of 2021) established annual deadlines for retail suppliers to post and distribute their PCLs to customers. Senate Bill (SB) 1158 (Becker, Chapter 367, Statutes of 2022) requires the reporting of hourly data to the CEC starting in 2028. As a result of this new legislation, the PSD program will be responsible for the reporting of power sources and greenhouse gas (GHG) emissions at both the annual and hourly levels. Annual data will remain the basis for the PCL, while SB 1158 directs that retail electricity suppliers provide additional hourly data in their annual report to the CEC, in part for use by the California Public Utilities Commission (CPUC) and the governing boards of publicly owned utilities

to track progress toward GHG emissions reduction targets.

PUBLIC HEARING

PLEASE TAKE NOTICE that the CEC staff will hold a public hearing on the proposed regulations at the CEC Business Meeting on the date and time listed below. Interested persons, or their authorized representative, may present statements, arguments, or contentions relevant to the proposed regulations at the public hearing during the public comment period. Comments at the public hearing may be limited to two minutes or less. The CEC will conduct the hearing so that anyone wishing to comment has a chance to be heard. The record for this proceeding will be closed at the end of the hearing.

BUSINESS MEETING

PLEASE TAKE NOTICE that the CEC will hold a public hearing and consider the proposed regulations at a CEC Business Meeting at the date and time listed below. Interested persons, or their authorized representative, may present statements, arguments, or contentions relevant to the proposed regulations at the Business Meeting.

California Energy Commission Business Meeting

August 14, 2024
10:00 a.m. (Pacific Time)
California Natural Resources Building
715 P Street
Sacramento, CA 95814

Attendance Instructions

In-person participants may join the public hearing business meeting at 715 P Street in Sacramento, California.

Remote participants may join via Zoom by internet or phone.

- **To join via Zoom.** Click on <https://energy.zoom.us/j/95443784424?pwd=OWVJL1FqTDIYeSs0RVpFOC8vaDJ5Zz09> or login in at <https://zoom.us/> and enter the Webinar ID **938–6923–0237** and passcode **mtg@10am** and follow all prompts.
- **To join by telephone.** Call toll-free at (888) 475–4499 or toll at (669) 219–2599. When prompted, enter the Webinar ID **938–6923–0237** and passcode **mtg@10am**.

Zoom Closed Captioning Service. At the bottom of the screen, click the Live Transcript CC icon and choose “Show Subtitle” or “View Full Transcript” from the pop-up menu. To stop closed captioning, close the “Live Transcript” or select “Hide Subtitle” from the pop-up menu. If joining by phone, closed

captioning is automatic and cannot be turned off. While closed captioning is available in real-time, it can include errors. An accurate transcript of the workshop will be docketed and posted as soon as possible after the meeting concludes.

PUBLIC ADVISOR

The CEC’s Office of the Public Advisor, Energy Equity, and Tribal Affairs assists the public with participation in CEC proceedings. To request assistance, interpreting services, or reasonable modifications and accommodations, reach out via email at publicadvisor@energy.ca.gov or by phone at (916) 957–7910 as soon as possible, but at least five days in advance. The CEC will work diligently to meet all requests based on availability.

MEDIA INQUIRIES

Direct media inquiries to the Media and Public Communications Office to (916) 654–4989 or mediaoffice@energy.ca.gov.

ORAL STATEMENTS AND WRITTEN COMMENT PERIOD

Interested persons may present oral and written statements, arguments, or contentions regarding the proposed regulations at the public hearing, or they may submit written comments to the CEC for consideration on or prior to 5:00 p.m. on July 3, 2024. The CEC appreciates receiving written comments at the earliest possible date. The CEC may, but is not required to, respond to comments submitted after the deadline, including those raising significant environmental issues.

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address if provided in a comment) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-OIR-01>, which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with California Code of Regulations, Title 20, Section 1208.1. The maximum file size allowed is 10 MB.

Written comments may also be submitted by email. Include docket number 21–OIR–01 in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit
Docket No **21–OIR–01**
715 P Street, MS–4
Sacramento, CA 95814

Pursuant to California Code of Regulations, Title 20, Section 1104(e), any person may make oral comment on any agenda item at the August 14, 2024, Business Meeting. Please consult the public agenda, which will be posted at least ten days before the August 14, Business Meeting, for instructions on how to participate.

To ensure you receive notice of any changes to the proposed regulations in this proceeding, please follow the instructions provided at the end of this notice to join the subscription or visit the docket page for this proceeding for updates.

STATUTORY AUTHORITY AND REFERENCE

Public Resources Code sections 25213 and 25218(e) and Public Utilities Code sections 398.5(c) and 398.6(c) authorize the CEC to adopt the proposed regulations.

The proposed regulations would implement, interpret, and make specific provisions of Public Utilities Code sections 398.1–398.6.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Power Source Disclosure (PSD) program was first established by SB 1305 (Sher, Chapter 796, Statutes of 1997) to provide information to California consumers about the mix of energy resources generated and purchased by retail suppliers to serve retail customers. The program’s intent, as described in statute, is for “entities offering electric services to disclose accurate, reliable, and simple to understand information on the sources of energy, and the associated emissions of greenhouse gases, that are used to provide electric services.”¹

The CEC initially promulgated a rulemaking in 1998 to implement the PSD program codified by SB 1305, adding Article 5 including Sections 1391–1394 to Chapter 3 in Title 20 of the California Code of Regulations. In 2016, the CEC amended the regulations to incorporate statutory changes required by AB 162 (Ruskin, Chapter 313, Statutes of 2009) and AB 2227 (Bradford, Chapter 606, Statutes of 2012) that mod-

¹ Public Utilities Code, section 398.1(b).

ified program rules and clarified reporting requirements. In 2019, the CEC made further amendments to the regulations to incorporate statutory changes required by AB 1110 (Ting, Chapter 656, Statutes of 2016) that added greenhouse gas (GHG) accounting and disclosure to the program.

AB 242 revised and clarified due dates for data reporting each year. SB 1158 established new requirements for hourly accounting of electricity resources, to be performed in addition to existing annual accounting requirements.

Existing regulations require retail suppliers offering an electricity portfolio for sale to retail consumers in California to report all electricity procurements each year based on an annual matching of electricity resources and electrical load. Pursuant to SB 1158, these regulations would require retail suppliers to additionally report all procurements each year based on an hourly matching of resources and load. Existing regulations require retail suppliers to disclose to consumers the fuel mix and GHG intensity of all electricity resources directly serving retail sales. These proposed regulations make necessary amendments to implement SB 1158 and would additionally require retail suppliers to disclose to consumers the fuel mix and GHG emissions intensity of the retail supplier’s total power content, which includes electricity resources directly serving retail sales and additional electricity resources used to support retail sales such as line losses and retail supplier self-consumption. The proposed regulations make conforming amendments to the accounting methods in each retail supplier’s annual report pursuant to Public Utilities Code section 398.6, as well as to the content and format of the Power Content Label previously adopted by the CEC pursuant to Public Utilities Code section 398.4(e).

Difference from existing comparable federal regulations or statute

These proposed regulations do not duplicate or conflict with any federal statute or regulations contained in the Code of Federal Regulations.

Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments

The objectives of this rulemaking are to update the Power Source Disclosure program regulations necessary to implement statutory requirements under AB 242 and SB 1158. The rulemaking also clarifies existing definitions and reporting requirements to improve the accuracy, reliability, and transparency of information retail electricity suppliers report and disclose about the sources of electricity serving customers. Finally, CEC proposes non-substantive grammatical, numbering, and organizational changes to the regulations for clarity and concision.

Implementation of revised due dates for data reporting under AB 242 will benefit retail suppliers that

have struggled to complete verification processes in time to meet the reporting deadline. Implementation of hourly resource accounting requirements under SB 1158 will benefit consumers by providing transparency about their reliance on unspecified power (derived primarily from fossil fuels) during hours in which a retail supplier has not procured sufficient renewable or zero-GHG resources to meet its electrical demand.

Expanding disclosures on the program’s Power Content Label (PCL) to include a retail supplier’s total power content will benefit consumers by ensuring they receive a complete and simple to understand picture of all power sources and associated GHG emissions provided by their retail supplier. The amendment to move quantitative data on GHG emissions from geothermal sources from the PCL to the CEC’s Power Source Disclosure website will benefit consumers by acknowledging the distinction between electricity sources with GHG emissions targeted for decarbonization under California’s Cap-and-Trade, such as natural gas, and those that are not, like geothermal. Instead, the proposed update to the PCL will point consumers to the Power Source Disclosure website where a more detailed analysis and discussion of renewable electricity resources and associated GHG emissions will be presented. Other amendments to the regulations will benefit consumers by providing greater clarity, such as the change to note on the PCL that unspecified power is primarily derived from fossil fuels.

Determination of inconsistency or incompatibility with existing state regulations

The CEC has conducted a search for any other regulations in this area and has concluded that these are the only regulations concerning hourly retail electricity accounting and retail electricity consumer disclosure. Therefore, the CEC has determined that the proposed regulations are neither inconsistent nor incompatible with any existing state regulations.

**DOCUMENTS INCORPORATED
BY REFERENCE**

The CEC does not propose to incorporate by reference any documents.

**MANDATED BY FEDERAL
LAW OR REGULATIONS**

None.

OTHER STATUTORY REQUIREMENTS

None.

FISCAL IMPACTS

The CEC has made the following initial determinations:

- Mandate on local agencies and school districts: Yes, only on local agencies. Pursuant to Government Code section 17556(d), the costs from this mandate would not be required to be reimbursed because the local agencies have the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service. Public Utilities Code sections 10001, 11501, 15501, and 20500 et seq. provide revenue sources for local agencies to recoup any costs incurred through compliance with these proposed regulations. The regulations would not impose a mandate on any school district that would require reimbursement pursuant to Government Code section 17500 et seq.
- Cost to any local agency or school district requiring reimbursement pursuant to Government Code Section 17500 et seq.: No, pursuant to Government Code section 17556(d), any costs to local agencies would not be required to be reimbursed because local agencies have the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service. Public Utilities Code sections 10001, 11501, 15501, and 20500 et seq. provide revenue sources for the local agencies to recoup any costs incurred through compliance with these proposed regulations. The regulations would not impose any costs on any school district that would require reimbursement pursuant to Government Code section 17500 et seq.
- Cost or savings to any state agency: Yes, the CEC will incur costs associated with updating its reporting infrastructure, providing new guidance, and administering additional program data. These costs peak in 2029/30 at \$261,907. No savings to the CEC have been identified.
- Non-discretionary cost or savings imposed upon local agencies: Yes, to fulfill new hourly reporting requirements, local agencies will incur annual nondiscretionary costs of \$105,715 for full implementation in 2028/29. Local agencies will incur annual savings of \$11, 317 because of streamlined data collection and reporting procedures and simplified record retention rules.
- Cost or savings in federal funding to the state: No.

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

INITIAL DETERMINATION RE SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

The CEC has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Full implementation of the new hourly data reporting and auditing requirements in 2028/29 will result in \$28,719 in annual statewide cost impacts to businesses; simplified record retention requirements will result in \$12,862 in annual statewide savings to businesses.

The three large investor-owned utilities (Pacific Gas & Electric, Southern California Edison, and San Diego Gas & Electric) are the only businesses required to report actual hourly data under the proposed regulations. Other businesses subject to the reporting requirement are only required to report simple proxy data based on estimates provided by the CEC. The costs upon the three large investor-owned utilities can be recovered through ratepayer fees spread across millions of customer accounts; thus, the small costs identified above represent a negligible impact to ratepayers' monthly utility bills.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Based on its analysis, the CEC has concluded that the proposed regulations: (1) may create jobs within California, (2) will not eliminate jobs within California, (3) will not create new businesses in California, (4) will not eliminate existing businesses within California, and (5) will not result in the expansion of businesses currently doing business within the state.

BENEFIT OF THE PROPOSED REGULATIONS

The proposed rulemaking will benefit the health and welfare of California residents and the state's environment by providing improved public data about the sources of retail electricity and the associated GHG emissions, including new granular analysis at the hourly level. Ensuring that consumers have in-

formation that is reliable, accurate, timely, consistent, and simple to understand through an improved Power Content Label will increase consumer awareness of climate impacts about the electricity the use and could better inform customers about their choices in electricity consumption. The regulations likely will not affect worker safety.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

Commencing with full implementation in 2028/29, reasonable compliance with new reporting and auditing requirements of hourly data will result in an annual net cost of \$1,515 in 2028/29 for a representative privately-owned retail supplier. The three large investor-owned utilities are the only businesses required to provide actual hourly data; full implementation in 2028–29 for these three entities will result in an average annual net cost of \$5,963. No individuals or other business types will be impacted.

BUSINESS REPORT

The existing regulations require load-serving entities, including businesses, to report annually to the CEC. To implement AB 242 and SB 1158, the proposed regulations overhaul the reporting form to incorporate hourly data, load data, and updated terms and fuel categories. To fulfill statutory obligations and ensure consumers have access to retail electricity information that is reliable, accurate, and simple to understand, it is necessary for the health, safety, or welfare of the people of the state that the rulemaking applies to businesses.

EFFECT ON SMALL BUSINESS

The proposed regulations impact businesses in the utility or power transmission industry as reporting entities subject to the regulations. Government Code § 11342.610 defines small businesses in the utility or power transmission industry as entities that transmit fewer than 4.5 million kilowatt-hours of electricity. No reporting entity under the Power Source Disclosure program fits this definition. Consequently, CEC staff has concluded that the proposed regulations have no effect on small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the CEC must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the regulations are

proposed, would be as effective and less burdensome to affected private persons than the proposed regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

Questions should be addressed to:

Jordan Scavo, Program Lead
 Energy Assessments Division
 916–980–7970

Jordan.Scavo@energy.ca.gov

If Jordan Scavo is unavailable, you may contact Reneé Webster-Hawkins, Senior Staff Attorney, at (916) 237–2507 or renee.webster-hawkins@energy.ca.gov.

COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at 715 P Street, Sacramento CA 95814. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms, the Initial Statement of Reasons and any documents relied upon. Copies may be obtained through the CEC website at *Docket 21–OIR–01*, <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21–OIR–01> or by contacting Jordan Scavo.

AVAILABILITY OF SUBSTANTIAL CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS

Participants should be aware that any of the proposed regulations could be changed due to public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the CEC considers changes to the proposed regulations pursuant to Government Code Section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the CEC adopts or amends the resulting regulations.

**COPY OF THE FINAL
STATEMENT OF REASONS**

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons once it has been prepared, by visiting the CEC website at *Docket 21–OIR–01*, <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21–OIR–01> or contacting Jordan Scavo.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

The CEC maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the CEC for this rulemaking have been posted on our website at *Docket 21–OIR–01*, <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21–OIR–01>.

**INSTRUCTIONS FOR RECEIVING NOTICES
AND DOCUMENTS IN THIS PROCEEDING**

To stay informed about this proceeding and receive documents and notices of upcoming workshops and hearings as they are filed please subscribe to the Power Source Disclosure subscription, which can be accessed here: <https://www.energy.ca.gov/subscriptions>. The subscription sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable or do not wish to sign up for the subscription but still would like to receive documents and notices by other means, please contact the contact person listed in this notice.

**TITLE 24. BUILDING STANDARDS
COMMISSION/ENERGY COMMISSION**

2025 CALIFORNIA GREEN BUILDING
STANDARDS CODE CALIFORNIA CODE
OF REGULATIONS, TITLE 24, PART 11

DOCKET NUMBER 24–BSTD–02

INTRODUCTION

Notice is hereby given that the California Energy Commission (CEC) proposes changes to the Building Energy Efficiency Standards contained in the California Green Building Standards Code, California Code of Regulations (CCR), Title 24, Part 11 (referenced herein as CALGreen; Part 11; and Title 24, Part 11) after considering all recommendations, comments, and objections regarding the proposed action. A de-

scription of the proposed standards is provided in the Informative Digest below.

The CEC has prepared this Notice of Proposed Action (NOPA) and an Initial Statement of Reasons (ISOR) regarding the need for the proposed revisions and has made available all the information upon which its proposal is based. The CEC has also published the Express Terms (45–Day Language) of the proposed amendment language. These documents can be obtained from the contact persons designated below or from the or accessed through the *CEC Website*.

**PUBLIC HEARING AND ADOPTION
BY COMMISSION**

The CEC will hold a public hearing for the purpose of hearing comments on the proposed standards at the date and time listed below. Interested persons, or their authorized representative, may present oral and written statements, arguments, or contentions relevant to the proposed standards at the public hearing.

Public Hearing and Proposed Adoption Date

**September 11, 2024
10:00 a.m. (Pacific Time)**

REMOTE ATTENDANCE

The public hearing may be accessed by clicking the Zoom link below or visiting Zoom at <https://join.zoom.us> and entering the ID and password for the workshop listed below. If you experience difficulties joining, you may contact Zoom at (888) 799–9666 ext. 2, or the Office of the Public Advisor, Energy Equity, and Tribal Affairs at publicadvisor@energy.ca.gov or by phone at (916) 957–7910.

Link: [https://zoom.us/](https://zoom.us)
Meeting ID: 938 6923 0237
Passcode: mtg@10am

To participate by telephone dial (213) 338–8477 or 1–888–475–4499 (toll free). When prompted, enter the Webinar ID and password listed above. To comment or ask a question over the telephone, dial *9 to “raise your hand” and *6 to mute/unmute your phone line.

PUBLIC ADVISOR

The CEC’s Office of the Public Advisor, Energy Equity, and Tribal Affairs provides the public assistance in participating in CEC proceedings. For information on participation or to request interpreting services or reasonable accommodations, reach out via email at publicadvisor@energy.ca.gov, by phone at (916) 957–7910. Requests for interpreting services and rea-

sonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate all requests.

Zoom: If you experience difficulties with the Zoom platform, please contact the Public Advisor’s office via email or phone.

MEDIA INQUIRIES

Direct media inquiries to the Media and Public Communications Office to (916) 654–4989 or mediaoffice@energy.ca.gov.

WRITTEN PUBLIC COMMENT PERIOD

The written public comment period for the 2025 Green Building Standards will be held from **May 17, 2024, through July 1, 2024**. Any interested person, or their authorized representative, may submit written comments to the CEC for consideration on or prior to **July 1, 2024**. The CEC appreciates receiving written comments at the earliest possible date. Comments submitted outside this comment period are considered untimely. The CEC may, but is not required to, respond to untimely comments.

The CEC encourages use of its electronic commenting system. Visit the e–commenting page on the *CEC Website* which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with California Code of Regulations, Title 20, Section, 1208.1. The maximum file size allowed is 10 MB.

Written comments may also be submitted by email. Include docket number 24–BSTD–02 and “2025 CALGreen” in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:
California Energy Commission
Docket Unit
Docket Number 24–BSTD–02
715 P Street, MS–4
Sacramento, CA 95814

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

To ensure you receive notice of any changes to the proposed regulatory changes in this proceeding, please follow the instructions provided at the end of this notice to join the proceeding email *subscription*

list or provide a valid email or mailing address with your comments.

POST–HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Pursuant to Government Code Section 11346.5(a)(18), following the written public comment period and the public hearing, the CEC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If substantive modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CEC adopts, amends, or repeals the regulation(s). The CEC will accept written comments on the modified building standards during the 15–day period.

STATUTORY AUTHORITY AND REFERENCE

The CEC proposes to adopt these regulations under the authority granted by Public Resources Code (PRC) Sections 25213, 25218, 25218.5, 25402, subdivisions (a)–(b), 25402.1, 25402.4, 25402.5, 25402.8, 25910, 25942, and 25943.

The CEC proposes to implement, interpret, or make specific PRC Sections 25007, 25008, 25310, 25402, subdivisions (a)–(b), 25402.1, 25402.4, 25402.5, 25910, 25942, and 25943, and Health and Safety Code Sections 18390, 18934, and 18935.

INFORMATIVE DIGEST

The Warren–Alquist Act (California PRC Sections 25001 et seq.) establishes the CEC as California’s primary energy policy and planning agency. PRC 25213, 25218, 25218.5, 25402, 25402.1, 25402.4, 25402.5, 25402.8, 25910, 25942, and 25943 mandate and/or authorize that the CEC adopt rules and regulations, as necessary, to reduce the wasteful, uneconomic, inefficient or unnecessary consumption of energy and water in newly constructed buildings and certain additions and alterations to existing buildings.

One of the ways the CEC satisfies this requirement is through the California Green Building Standards Code, (CCR, Title 24, Part 11) found in the California Building Standards Code, which are adopted pursuant to Health and Safety Code Sections 18930, 18934, and 18935 and, where applicable, the California Environmental Quality Act and the California PRC Sections 21000 et seq. As a part of the California Building Standards Code, CALGreen follows the same three–year update cycle.

Therefore, the CEC proposes to update the voluntary energy efficiency provisions of the California Green Building Standards Code (CCR, Title 24, Part 11). The proposed changes for Part 11 are amendments to example or model code language that are intended as templates and examples for local jurisdictions to use in considering above-code ordinances; the proposed changes do not have regulatory effect as local jurisdictions are not compelled to use or follow these examples. The CEC proposes to adopt the following amendments:

- Introduce new sections for alterations to existing residential buildings and nonresidential buildings.
- Introduce new standards for altered space conditioning systems in existing single-family homes.
- Introduce new standards for altered pool and/or spa heating equipment in both multifamily and nonresidential existing buildings.
- Update performance compliance margins for newly constructed single-family homes.
- Introduce outdoor lighting standards for newly constructed residential buildings and residential additions.
- Update outdoor lighting standards for newly constructed nonresidential buildings and nonresidential additions.
- Remove Renewable Energy Section from the nonresidential appendix A5.
- Rename Energy Efficient Steel Framing section to Energy Efficient Framing.

COMPARABLE FEDERAL STATUTE OR REGULATIONS

The CEC has determined that there are no existing comparable federal regulations or statutes.

POLICY STATEMENT OVERVIEW

The changes proposed in this rulemaking are updates to the voluntary energy efficiency provisions of CALGreen. These voluntary guidelines, contained in Title 24, Part 11 of the California Code of Regulations, go beyond the mandatory standards in Title 24, Part 6 of the California Code of Regulations.

Evaluation of Inconsistency or Incompatibility with Existing State Regulations

The CEC has conducted an evaluation of other state regulations in this area and has determined that the proposed standards are neither inconsistent nor incompatible with existing state regulations. The CEC is the sole state agency authorized to promulgate building energy efficiency standards.

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

None.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

ESTIMATE OF COST OR SAVINGS

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

- A. Cost or Savings to any state agency: **None.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None.**
- E. Cost or savings in federal funding to the state: **None.**

Estimate: There are no estimated costs or savings associated with the proposed regulations because compliance with the CCR, Title 24, Part 11 provisions are voluntary, not required.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES, INCLUDING ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

The CEC has made an initial determination that the proposed regulations are unlikely to have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

The proposed regulations take additional steps in meeting California's energy resource conservation goals through updates to the voluntary energy efficiency provisions of the California Green Building Standards Code (CCR, Title 24, Part 11). The proposed amendments to the voluntary provisions are unlikely to create cost impacts due to their voluntary nature.

Statewide businesses may, but are not required to, comply with voluntary provisions. To the extent that actions taken by local agencies may include, modify, or not include all or part of the voluntary provisions, those actions would be subject to existing laws relating to the evaluation and disclosure of impacts of actions by those local agencies. While local agencies may use the provisions in CALGreen as templates or examples for drafting of local ordinances, such agencies are not required to adhere to the specific language or requirements in CALGreen. Consideration of potential future actions taken by local agencies is therefore speculative and is not included in the assessment of the effects of the proposed standards.

DECLARATION OF EVIDENCE

The basis for the CEC findings of no impacts is that the California Green Building Standards are voluntary provisions.

DOCUMENTS INCORPORATED BY REFERENCE

The CEC is not proposing to incorporate by reference any documents.

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

The proposed regulations do not impose a new reporting requirement.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The CEC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The proposed regulations take additional steps in meeting California's energy resource conservation goals through updates to the voluntary energy efficiency provisions of CALGreen (CCR, Title 24, Part 11). The proposed amendments to the voluntary provisions are unlikely to create cost impacts due to their voluntary nature. Businesses may, but are not required, to comply with voluntary provisions. To the extent that actions taken by local agencies may include, modify, or not include all or part of the voluntary provisions, those actions would be subject to existing laws relating to the evaluation and disclosure of impacts of actions by those local agencies. While local agencies may use the provisions in CALGreen as templates or examples for drafting of local ordinances, such agencies are not required to adhere to the specific language or require-

ments in CALGreen. Consideration of potential future actions taken by local agencies is therefore speculative and is not included in the assessment of the effects of the proposed standards.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CEC has assessed whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

The proposed regulations take additional steps in meeting California's energy resource conservation goals through updates to the voluntary energy efficiency provisions of the California Green Building Standards Code (CCR, Title 24, Part 11). The proposed amendments to the voluntary provisions are unlikely to create or eliminate jobs due to their voluntary nature.

Businesses may, but are not required to, comply with voluntary provisions. To the extent that actions taken by local agencies may include, modify, or not include all or part of the voluntary provisions, those actions would be subject to existing laws relating to the evaluation and disclosure of impacts of actions by those local agencies. While local agencies may use the provisions in CALGreen as templates or examples for drafting of local ordinances, such agencies are not required to adhere to the specific language or requirements in CALGreen. Consideration of potential future actions taken by local agencies is therefore speculative and is not included in the assessment of the effects of the proposed standards. Therefore, the CEC has determined it is unlikely any jobs will be created or eliminated as a result of the proposed regulation.

The creation of new businesses or the elimination of existing businesses within the State of California.

The proposed regulations take additional steps in meeting California's energy resource conservation goals through updates to the voluntary energy efficiency provisions of the California Green Building Standards Code (CCR, Title 24, Part 11). The proposed amendments to the voluntary provisions are unlikely to create or eliminate businesses due to their voluntary nature.

Businesses may, but are not required to, comply with voluntary provisions. To the extent that actions taken by local agencies may include, modify, or not include all or part of the voluntary provisions, those actions would be subject to existing laws relating to the evaluation and disclosure of impacts of actions by those local agencies. While local agencies may use the

provisions in CALGreen as templates or examples for drafting of local ordinances, such agencies are not required to adhere to the specific language or requirements in CALGreen. Consideration of potential future actions taken by local agencies is therefore speculative and is not included in the assessment of the effects of the proposed standards. Therefore, the CEC has determined it is unlikely businesses will be eliminated or created as a result of the proposed regulation.

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

The proposed regulations take additional steps in meeting California’s energy resource conservation goals through updates to the voluntary energy efficiency provisions of the California Green Building Standards Code (CCR, Title 24, Part 11). The proposed amendments to the voluntary provisions are unlikely to result in the expansion of businesses due to their voluntary nature.

Businesses may, but are not required to, comply with voluntary provisions. To the extent that actions taken by local agencies may include, modify, or not include all or part of the voluntary provisions, those actions would be subject to existing laws relating to the evaluation and disclosure of impacts of actions by those local agencies. While local agencies may use the provisions in CALGreen as templates or examples for drafting of local ordinances, such agencies are not required to adhere to the specific language or requirements in CALGreen. Consideration of potential future actions taken by local agencies is therefore speculative and is not included in the assessment of the effects of the proposed standards. Therefore, the CEC has determined it is unlikely businesses will expand as a result of the proposed regulation

The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

The proposed updates to CALGreen will have no adverse effect on health, welfare, worker safety, or the environment. The updates may encourage consideration and adoption of local ordinances relating to energy efficiency in buildings, and such ordinances, if adopted, may have positive impacts on health, welfare, and the environment known to result from energy efficiency. However, as such impacts are speculative, they are not considered in this rulemaking.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

There are no estimated costs or savings associated with the proposed regulations because compliance with the proposed CALGreen provisions are voluntary, not required.

CONSIDERATION OF ALTERNATIVES

Since 1975, legislative enactments and state energy policies have directed the CEC to adopt cost-effective building standards to reduce wasteful, uneconomic, inefficient or unnecessary consumption of energy and thereby improve the state’s economy, energy security, and environment. The CEC has been presented with and has considered multiple alternatives to the proposed standards; however, at this time, no reasonable alternatives to the proposed regulations have been proposed that would lessen any adverse impact on small businesses or that would be less burdensome and equally effective in achieving the purposes of the regulation in a manner that achieves the purposes of the statute being implemented.

The proposed regulations take additional steps in meeting California’s energy resource conservation goals by updating the voluntary energy efficiency provisions of the California Green Building Standards Code (CCR, Title 24, Part 11) and directing readers to existing standards for the benefit of readers that may not be aware of or familiar with Energy Code requirements.

The CEC invites interested persons to present statements, arguments, or data concerning alternatives to the proposed standards at the scheduled hearing or during the written comment period.

AVAILABILITY OF RULEMAKING DOCUMENTS

The CEC maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the CEC for this rulemaking have been posted on the *CEC Website*.

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the address below. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the Express Terms, the Initial Statement of Reasons (ISOR), the Economic and Fiscal Impact Statement (STD. 399),

any documents relied upon, and any documents incorporated by reference. Copies may be obtained by contacting Corrine Fishman at the email address below or accessed through the *CEC Website*.

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons (FSOR), once it has been prepared, by visiting the *CEC Website* or by contacting the contact person listed below.

CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS

Please direct general inquiries concerning aspects of the rulemaking process to:

Corrine Fishman, MA
Regulations Manager
Efficiency Division
corrine.fishman@energy.ca.gov

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

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

Payam Bozorgchami, PE
Senior Civil Engineer
Building Standards Branch
payam.bozorgchami@energy.ca.gov

INSTRUCTIONS FOR RECEIVING NOTICES
AND DOCUMENTS IN THIS PROCEEDING

To stay informed about this project and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the Building Energy Efficiency Standards *subscription list*.

The *subscription list* sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable or do not wish to sign up for the subscription list but still would like to receive documents and notices, please contact the contact person listed above in this notice.

**TITLE 24. BUILDING STANDARDS
COMMISSION/DEPARTMENT
OF HOUSING AND COMMUNITY
DEVELOPMENT**

NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
GREEN BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 11
(HCD 04/24)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the California Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 11. HCD is proposing building standards related to the 2025 California Green Building Standards Code (CALGreen).

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 17040, 17042, 17921, 17928, 17958.12, 18938.3, 18941.5, 18944.19, 19984, and 19990; Government Code Sections 12955, and 12955.1; and Vehicle Code 22511.2.

The Department of Housing and Community Development is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17928, 18938.3, 18941.10, 18941.11, 19984, and 19990; and Government Code Sections 12955, 12955.1 and 12955.1.1.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code, sections 17040 and 17042 respectively require HCD to adopt building standards for employee housing for "... the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing;" and provide for specified exceptions.

Health and Safety Code, sections 17921 and 17958.12 respectively authorize HCD to propose the adoption, amendment, or repeal of building standards by the CBSC; and authorizes the issuance of retroactive permits for unpermitted buildings.

Health and Safety Code, section 17928 requires HCD to review and propose green building standards that HCD determines to be cost-effective and feasible to promote greener construction.

Health and Safety Code, sections 18938.3, 18941.5 and 18941.10 respectively requires HCD to propose adoption of building standards based on the most recent version of specified model codes; authorizes cities/counties to adopt more restrictive building standards due to local climatic, geological, or topographical conditions; and authorizes HCD to propose adoption of mandatory building standards related to electric vehicle charging infrastructure.

Health and Safety Code, section 18941.11 requires HCD to research, develop and propose for adoption mandatory building standards for the installation of electric vehicle charging stations in existing multifamily dwellings, hotels and motels during specified retrofits, additions, and alterations to existing parking facilities for which a permit application is submitted on and after the effective date of those building standards.

Health and Safety Code section 18944.19 requires the Department of Housing and Community Development to research and develop, and propose for adoption, mandatory building standards for short-term and long-term bicycle parking in multifamily residential buildings, hotels, and motels.

Health and Safety Code, section 18949.5 transferred authority to adopt, or review and approve building standards to CBSC for specific state agencies.

Health and Safety Code, sections 19990 and 19984 respectively requires HCD to adopt building standards and related regulations for factory-built housing; and for these building standards to be published in the California Building Standards Code.

Government Code, sections 12955, 12955.1, and 12955.1.1, address housing discrimination by identifying unlawful practices; requiring specified building features providing accessibility and use by persons with disabilities; and provides definitions for "covered multifamily dwellings" and "multistory dwelling unit" for use in interpretation of section 12955.1.

Vehicle Code, section 22511.2 requires parking spaces served by electric vehicle supply equipment or designated as a future electric vehicle charging space to be counted as at least one standard automobile parking space for purposes of complying with local minimum parking space requirements.

Summary of Existing Regulations

The 2022 California Code of Regulations (CCR), Title 24, CALGreen Code, Part 11, became effective on January 1, 2023.

Existing CALGreen building standards specifically related to the proposed changes:

- Includes definitions to clarify terms as used within the text of CALGreen.
- Includes mandatory and voluntary building standards.
- Provides a Residential Occupancies Application Checklist identifying mandatory and voluntary measures in CALGreen.

HCD does not regulate the number of parking spaces for residential developments. The required number of parking spaces are addressed and enforced through local government. However, Assembly Bill 1100 (Chapter 819, Statutes of 2019) proposed changes to the Vehicle Code to count electric vehicle charging spaces as standard parking spaces.

Summary of Effect

- New definitions are proposed to clarify use of the terms in the mandatory and voluntary sections of the CALGreen Code.
- Amendments are proposed to clarify the use and increase Electric Vehicle (EV) charging in new and existing multifamily buildings, hotels, and motels.
- HCD is proposing to modify existing mandatory section 4.106.4.3 to reflect the installation of EV charging stations with low power Level 2 or higher EV chargers in existing multifamily dwellings, hotels, and motels, during certain retrofits, additions, and alterations to existing parking facilities, as directed by Assembly Bill (AB) 1738.
- New short-term and long-term bicycle parking requirements are proposed in the mandatory sections of the CALGreen code to reflect direction provided through AB 2863.
- Amendments to the Residential Occupancies Checklist are proposed in Section A4.602 to reflect changes proposed for mandatory and voluntary sections of the CALGreen Code. Nonsubstantive editorial amendments are also proposed for this section.

Comparable Federal Statute or Regulations

These regulations do not conflict with federal law or regulations.

Policy Statement Overview

The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts promoting greener construction, that have a positive environmental impact, and encourage cost-effective sustainable construction practices in the following categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. The CALGreen Code also

includes standards designed to address unique California conditions.

The proposed changes to the building standards with statewide application will lead to substantial environmental benefits through reduction in Greenhouse Gas (GHG) emissions and fossil fuel dependency leading to improved public health, and potentially result in cost savings (avoided costs) associated with future installation of electric vehicle (EV) charging in parking spaces serving multifamily buildings, hotels and motels. The proposed regulations, if approved, will implement building standards that will affect the following: residential occupancies and buildings or structures accessory thereto. More specifically, the proposed changes assist in implementation of the Governor’s Executive Orders B–16–2012, B–48–2018 and N–79–20.

Evaluation of Consistency

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state laws or regulations.

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

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

Health and Safety Code Section 18941.10, subsection Subsections (a)(2) requires HCD to propose mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and submit the proposed mandatory building standards to the CBSC for consideration. Work associated with this statute was accomplished by HCD during the 2014 Intervening Code Adoption Cycle.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

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

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

ESTIMATE OF COST OR SAVINGS

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

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

A. Cost or Savings to any state agency: **NO.**

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

Estimate: \$0. HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

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

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

HCD has made an initial determination that the adoption, amendment, or repeal of these building standards will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. These building standards are likely to promote the expansion of businesses currently involved in EV equipment manufacturing, installations, sales, maintenance, use and technology development.

Declaration of Evidence

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

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

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). HCD has determined that these proposed amendments would increase costs to California business enterprises, of the total new construction costs of multifamily dwellings and hotels and motels with significant benefits to Californians due to a decrease in GHG emissions.

The determination is based on comments received during pre-cycle activities and the cost benefit analysis provided by the California Air Resources Board (CARB). A list of pre-cycle rulemaking activities are as follows:

- **Public Comment Period**
 - October 25, 2023–November 8, 2023
- **HCD Focus Group and Workgroup Meetings**
 - September 11, 2023
 - October 19, 2023
 - November 28, 2023
 - January 11, 2024

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

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

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

HCD has assessed the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

HCD can only estimate the total number of businesses impacted for new hotel and motel buildings, which is equal to the total number of new hotel and motel buildings constructed. During the 3-year lifetime of these proposed amendments, HCD estimates that 585 hotels and motels will be constructed. Therefore, approximately 585 businesses will be impacted by the proposed EV charging amendments. The total number of developers planning new construction of multifamily housing is not available and is not included in this estimate. The types of businesses impacted by the EV charging proposal are any businesses funding the development of new hotels and motels, or funding work on existing facilities that would trigger the deployment of EV charging equipment and installations. Additional costs may ultimately be passed on to individuals who wish to rent or purchase dwelling units in multifamily property developments or stay in hotels/motels.

ASSESSMENT OF EFFECT OF
REGULATIONS UPON JOBS
AND BUSINESS EXPANSION,
ELIMINATION OR CREATION

Reference: Government Code Section 11346.5(a)(10).
HCD has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

Some jobs may be created for installation, maintenance, and manufacturing of EV charging equipment. The elimination of jobs is unknown.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

Some special trade construction businesses may be created. No business is expected to be eliminated.

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

The proposal is likely to promote the expansion of businesses currently involved in EV equipment manufacturing, installation, maintenance, use, and technology development.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

The proposal will increase the sustainability of California’s natural resources and promote public health by reducing GHG emissions.

ESTIMATED COST OF COMPLIANCE
OF STANDARDS THAT WOULD
IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).
HCD estimates over the 3–year lifetime of these code provisions that a total of 133,723 new construction multifamily dwelling parking spaces will have EV charging infrastructure, for a total initial construction cost of \$155.9 million to \$298.2 million. Further, HCD estimates a statewide benefit of \$637.8 million to \$913.9 million, when the infrastructure is installed at the point of new construction.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).
HCD has determined that no reasonable alternative considered by HCD or that has otherwise been identified and brought to the attention of HCD would be more effective in carrying out the purpose for which

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

AVAILABILITY OF
RULEMAKING DOCUMENTS

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS

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

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

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

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

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

Primary Contact:

Tyler Mayo, Title 24 Regulations Manager
California Department of Housing and
Community Development
Division of Codes and Standards, State Housing
Law Program
(916) 776–7756
Tyler.Mayo@hcd.ca.gov

Back up Contact:

Mitchel Baker, Assistant Deputy Director
California Department of Housing and
Community Development
Division of Codes and Standards
(916) 214–8097
Mitchel.Baker@hcd.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/DEPARTMENT
OF HEALTH CARE ACCESS AND
INFORMATION (OFFICE OF
STATEWIDE HOSPITAL PLANNING
AND DEVELOPMENT)**

**NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
ELECTRICAL CODE CALIFORNIA CODE
OF REGULATIONS, TITLE 24, PART 3
(OSHDP 01/23)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the DEPARTMENT OF HEALTH CARE ACCESS AND INFORMATION (HCAI) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3, California Electrical Code. HCAI is proposing building standards related to the construction of hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024** until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

**POST–HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15–day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).
CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building stan-

dards is to implement, interpret, or make specific the provisions of 1250.3, 1418.22, and 129675–130070.

HCAI is proposing this regulatory action based on Health and Safety Code, Sections 1275, 18928, 18929, and 129850.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code, Section 1250.3 provides the provisions for a Chemical dependency recovery hospital per Assembly Bill 2096 (Chapter 233, Statutes 2022) into regulations.

Health and Safety Code, Section 1275 authorizes HCAI to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers.

Health and Safety Code, Section 1418.22 requires that Skilled Nursing Facilities (SNFs) have an alternative source of power to protect resident health and safety for no fewer than 96 hours for power outages that may result from a public safety power shutoff, an emergency, a natural disaster, or other cause.

Health and Safety Code, Section 18928 requires HCAI to adopt and reference the most recent edition of applicable model codes, national standards, or specifications. The model code, national standard, or specification, with amendments or proposed changes, shall be adopted within one year after the publication date.

Health and Safety Code, Section 18929 requires OSHPD to submit administrative regulations that directly apply to the implementation or enforcement of building standards to the California Building Standards Commission for the Commission’s approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code, Section 18949.3 transfers the responsibilities of HCAI to adopt regulations relating to building standards, to the California Building Standards Commission.

Health and Safety Code, Sections 129675–130070 authorizes HCAI to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities to assure that these health facilities are compliant with the California Building Standards Code.

Health and Safety Code, Section 129850 authorizes HCAI to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

Summary of Existing Regulations

Title 24, Part 3, California Electrical Code (CEC) is based on the National Electrical Code with California

amendments. The CEC contains regulations pertaining to electrical building standards.

Summary of Effect

The proposed action makes editorial and technical modifications to electrical building standards. The proposed standards provide clarification and consistency within the code and alignment with National Fire Protection Association (NFPA) 99.

HCAI proposes to repeal the 2020 National Electrical Code, adopt the 2023 National Electrical Code, and carry forward existing amendments from the 2022 California Electrical Code, Part 3 of Title 24 California Code of Regulations.

Also included are regulations in accordance with new statutes in the Health and Safety Code for Assembly Bill 2096 (Chapter 233, Statutes of 2022) which adds the requirements for a Chemical Dependency Recovery Hospital (CDRH).

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to this proposed action.

Policy Statement Overview

HCAI is responsible for the development of building standards for the physical plant of health facilities including hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers. The intent of this proposal is to provide editorial and minor technical modifications for clarification and consistency within the code; coordination with other parts of Title 24; and align the electrical code provisions with nationally recognized standards.

Evaluation of Consistency

The proposed regulation is consistent and compatible with existing state regulations.

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

Reference: Government Code Section 11346.5(a)(4).
There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).
HCAI has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

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

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

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

Estimate: \$0.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

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

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

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

Declaration of Evidence

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

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

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

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

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

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

HCAI has made an assessment and has determined that a report pursuant to Government Code Section 11346.3(d) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

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

HCAI is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

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

HCAI has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

The proposed regulations will not create or eliminate jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The proposed regulations will not create new businesses, or eliminate existing businesses within the State of California.

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

The proposed regulations will not cause expansion of businesses currently doing business with the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The proposed building standards and regulations regarding the design and construction of licensed health facilities ensure protection of the public's health, safety, and welfare of California residents through updated amendments. The regulations will not affect worker safety, or the state's environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

These proposed regulations will not result in any cost of compliance that would impact housing.

CONSIDERATION OF ALTERNATIVES

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

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

AVAILABILITY OF RULEMAKING DOCUMENTS

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

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

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

Kevin Day, Acting Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263–0916

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

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

Primary Contact:

Mia Marvelli, Health Facilities Review,
Supervisor, Building Standards Unit
Department of Health Care Access and
Information
Office of Statewide Hospital Planning and
Development
(916) 440–8300
RegsUnit@hcai.ca.gov

Back up Contact:

Lori Campbell, Staff Services Manager I
(Specialist), Building Standards Unit
Department of Health Care Access and
Information
Office of Statewide Hospital Planning and
Development
(916) 440–8300
RegsUnit@hcai.ca.gov

TITLE 24. BUILDING STANDARDS COMMISSION/DIVISION OF STATE ARCHITECTS

NOTICE OF PROPOSED ACTION REGARDING THE 2025 CALIFORNIA ELECTRICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3 (DSA–SS 01/23)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. The DSA is proposing building standards related to 2025 California Electrical Code.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.1.

DSA is proposing this regulatory action under the authority granted in the Education Code Sections 17310 and 81142 and Health and Safety Code Section 16022.

The purpose of these building standards is to implement, interpret, or make specific the provisions of Education Code Sections 17280–17317, 81130–81149, Health & Safety Code Section 16000–16023

INFORMATIVE DIGEST

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

Summary of Existing Laws

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

Education Code Sections 17280–17317 and 81130–81149 are known and cited as the “Field Act” and relate to public elementary and secondary (K–12) schools and community colleges respectively.

Education Code Sections 17310 and 81142 authorize the State Architect to establish building standards for the design, construction, and inspection of building systems for public elementary and secondary (K–12) schools and community colleges respectively.

Health and Safety Code Sections 16000–16023 are known as the Essential Services Buildings Seismic Safety Act of 1986 and requires that essential services buildings be capable of providing essential services to the public after a disaster and shall be designed and constructed to minimize fire hazards and to resist, insofar as practical, the forces generated by earthquakes, gravity, and winds.

Health and Safety Code Section 16022 authorizes the State Architect to establish building standards for state-owned and state-leased essential services buildings and to oversee the implementation of the act including the design and construction of state-owned and state leased essential services buildings.

Summary of Existing Regulations

Part 3, of Title 24 California Electrical Code, which prescribe the design and construction requirements for electrical systems of public elementary and secondary schools, and community colleges and state-owned and state-leased essential services buildings.

Summary of Effect

The proposed action would update Title 24, Part 3, for buildings within DSA authority, by repealing the adoption of the 2020 edition National Electrical Code and adopting the most recent edition of the selected model electrical code (*National Electrical Code*, 2023 edition). The proposed action will also:

- Integrate currently adopted electrical safety amendments into the updated Title 24, Part 3.

- Make editorial changes to currently adopted amendments to improve clarity or intent.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations to the proposed updates to Part 3, Title 24.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law by adopting the most current edition of the model electrical code and nationally recognized electrical design standards.

Evaluation of Consistency

There are no inconsistent or incompatible regulations being proposed.

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

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

There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

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

DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. While schools are required to enforce the CEC, this proposal does not impose new mandates that would require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal makes only clarifying changes to existing code language and would have no change in regulatory effect.

ESTIMATE OF COST OR SAVINGS

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

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

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

- E. Cost or savings in federal funding to the state: **NO**.

Estimate: \$0.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

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

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

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

Declaration of Evidence

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

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

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect. The public may submit any information, facts or documents either supporting DSA's initial determination or finding to the contrary. Pursuant to Government Code Section 11346.2(b)(5)(B)(ii) adoption of the model codes is exempt from identification of the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates in the Initial Statement of Reasons

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

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

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

DSA-SS has evaluated the proposed code changes and has determined that these changes do not require a report.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

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

Describe all cost impacts that a representative private person or business would necessarily incur in

reasonable compliance with the proposed action. If no cost impact, provide the following statement:

DSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

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

The Division of the State Architect has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

DSA has determined that the proposed action would have no effect.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

DSA has determined that the proposed action would have no effect.

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

DSA has determined that the proposed action would have no effect.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The adoption of the most recent edition of the model code with California amendments will update and clarify minimum building standards, which will provide increased protection of public health and safety, worker safety and the environment for California residents.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

DSA has determined this proposed action would have no effect on housing.

CONSIDERATION OF ALTERNATIVES

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

DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be

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

AVAILABILITY OF RULEMAKING DOCUMENTS

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

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

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

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

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

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

Primary Contact:

Paul Johnson, Senior Electrical Engineer
Department of General Services, Division of the
State Architect
Telephone Number: (916) 322–3579
Paul.johnson@dgs.ca.gov
Facsimile Number: (916) 445–3521

Back up Contact:

Eric Driever, Principal Architect
Department of General Services, Division of the
State Architect
Telephone Number: (916) 443–9829
eric.driever@dgs.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/DIVISION OF
STATE ARCHITECTS**

NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
MECHANICAL CODE CALIFORNIA CODE
OF REGULATIONS, TITLE 24, PART 4
(DSA–SS 01/24)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. The DSA is proposing building standards related to 2025 California Mechanical Code.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024** until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

POST–HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15–day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.1.

DSA is proposing this regulatory action under the authority granted in the Education Code Sections 17310 and 81142 and Health and Safety Code Section 16022.

The purpose of these building standards is to implement, interpret, or make specific the provisions of Education Code Sections 17280–17317, 81130–81149, and Health & Safety Code Sections 16000–16023

INFORMATIVE DIGEST

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

Summary of Existing Laws

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

Education Code Sections 17280–17317 and 81130–81149 are known and cited as the “Field Act” and relate to public elementary and secondary (K–12) schools and community colleges respectively.

Education Code Sections 17310 and 81142 authorize the State Architect to establish building standards for the design, construction, and inspection of building systems for public elementary and secondary (K–12) schools and community colleges respectively.

Health and Safety Code Sections 16000–16023 are known as the Essential Services Buildings Seismic Safety Act of 1986 and requires that essential services buildings be capable of providing essential services to the public after a disaster and shall be designed and constructed to minimize fire hazards and to resist, insofar as practical, the forces generated by earthquakes, gravity, and winds.

Health and Safety Code Section 16022 authorizes the State Architect to establish building standards for state–owned and state–leased essential services buildings and to oversee the implementation of the act including the design and construction of state–owned and state leased essential services buildings.

Summary of Existing Regulations

Part 4 of Title 24, California Mechanical Code (CMC), prescribes the design and construction requirements for mechanical systems of public elementary and secondary schools and community colleges and state–owned and state leased essential services buildings.

Summary of Effect

The proposed action would update Title 24, Part 4, by repealing the adoption of the 2021 edition Uniform Mechanical Code (UMC) and adopting the most recent edition of the selected model Mechanical code (Uniform Mechanical Code, 2024 edition). The proposed action will also carry forward existing adopted Mechanical safety amendments into the 2025 Title 24, Part 4 CMC.

Comparable Federal Statute or Regulations

There are no comparable statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law by adopting the most current edition of the model mechanical code and nationally recognized mechanical design standards.

Evaluation of Consistency

There are no inconsistent or incompatible regulations being proposed.

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

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

There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

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

DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. While schools are required to enforce the CMC, this proposal does not impose new mandates that would require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal makes only clarifying changes to existing code language and would have no change in regulatory effect.

ESTIMATE OF COST OR SAVINGS

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

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

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

Estimate: \$0.

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

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

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not

have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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

Declaration of Evidence

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

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

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect. The public may submit any information, facts or documents either supporting DSA’s initial determination or finding to the contrary.

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

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

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

N/A.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

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

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

DSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF
REGULATIONS UPON JOBS
AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

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

The Division of the State Architect has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

DSA has determined this would have no effect on job creation or elimination within the state.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

DSA has determined this would have no effect on the creation or elimination of new or existing businesses in the state.

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

DSA has determined this would have no effect on the expansion of businesses currently doing business in the state.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

These regulations will bring California into compliance with the most recent edition of the national model code (i.e. the 2024 UMC, developed by the International Association of Plumbing and Mechanical Officials), thereby benefiting the welfare of residents, worker safety, and the state’s environment.

**ESTIMATED COST OF COMPLIANCE
OF STANDARDS THAT WOULD
IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).
DSA has determined this proposed action would have no effect on housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).
DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file,

which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

**CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS**

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

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

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

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

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

Primary Contact:

Tav Commins, Senior Mechanical Engineer
Department of General Services, Division of the
State Architect
Telephone Number: (916) 322–3579
Tav.commins@dgs.ca.gov
Facsimile Number: (916) 445–3521

Back up Contact:

Eric Driever, Principal Architect
Department of General Services, Division of the
State Architect
Telephone Number: (916) 443–9829
eric.driever@dgs.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/DEPARTMENT
OF HOUSING AND COMMUNITY
DEVELOPMENT**

**NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
MECHANICAL CODE CALIFORNIA CODE
OF REGULATIONS, TITLE 24, PART 4
(HCD 02/24)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The HCD is proposing building standards related to the 2025 California Mechanical Code (CMC).

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

Note: Only comments received in an accessible format will be viewable via CBSC’s website. Use the e-Comment form to ensure accessibility.

Any interested person, or their duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

issued announcing the date, time, and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (HSC) Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, 18938.6, 18941, 18941.5, 19890, 19891, 19892 and 19960 through 19997; Civil Code Section 5551; and Government Code Sections 12955.1, 12955.1 and 65852.2.

The Department of Housing and Community Development is proposing this regulatory action based on Health and Safety Code Sections 17040, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.14, 17926, 17927, 17928, 17958.12, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11 and 19990; and Government Code Sections 12955.1 and 12955.1.1.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code, section 17000 through 17062.5 requires HCD to develop and propose adoption of building standards for employee housing.

Health and Safety Code, section 17040 requires HCD to propose adoption of building standards for employee housing for "... the protection of the public health, safety, and general welfare of employees

and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing."

Health and Safety Code, section 17910 through 17995.5 requires HCD to develop and propose adoption of regulations for buildings used for human habitation.

Health and Safety Code, section 17920.9 requires HCD to propose the adoption, amendment, or repeal by the CBSC of regulations necessary for the provision of minimum fire safety and fire-resistant standards relating to the manufacture, composition, and use of foam building systems manufactured for use, or used, in construction of buildings subject to this part, mobilehomes or factory-built housing, for the protection of the health and safety of persons occupying those buildings, mobilehomes, or factory-built housing.

Health and Safety Code, section 17921 requires HCD to propose the adoption, amendment, or repeal of building standards by the CBSC. HSC, section 17922, requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by HSC, section 18949.5.

Health and Safety Code, section 17921.5 establishes HCD's authority to develop mandatory green building standards for recycled water systems.

Health and Safety Code, section 17921.6 establishes HCD's authority to prepare and propose adoption of minimum standards regulating the use and application of cellular concrete as it determines are reasonably necessary for the protection of life and property.

Health and Safety Code, section 17921.10 sets forth the standards proposed by HCD pursuant to section 17921. Those may include voluntary best practice and mandatory requirements related to environmentally preferable water using devices and measures.

Health and Safety Code, section 17922 states that the most recent editions of the international or uniform codes referred to in that section shall be considered to be adopted one year after the date of publication of the applicable international or uniform codes.

Health and Safety Code, section 17922.6 establishes HCD's authority to coordinate the proposal of minimum building standards that establish uniform minimum noise insulation requirements for hotels, motels, apartment houses, and dwellings other than detached single-family dwellings.

Health and Safety Code, section 17922.14 establishes HCD's authority to prepare and propose adoption of building standards requiring the installation of water meters or submeters in newly constructed multiunit residential structures or mixed-use residential

and commercial structures, as those terms are defined in section 517 of the Water Code.

Health and Safety Code, section 17926 establishes HCD’s authority to propose adoption of building standards for the installation of carbon monoxide detectors in hotel and motel dwelling units intended for human occupancy.

Health and Safety Code, section 17927 establishes HCD’s authority to propose the adoption of a building standard to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of Division 13 to authorize HCD to adopt, amend, and repeal rules and regulations for garage door springs for installation in garages which are accessory to apartment houses, hotels, motels, and dwellings as the department determines are reasonably necessary to prevent the death or injury of persons or damage to property resulting from the breaking of the garage door springs.

Health and Safety Code, section 17928 authorizes HCD to review green building guidelines used for green building.

Health and Safety Code, section 17958.12 establishes HCD’s authority to propose the adoption of a building standard related to retroactive permits.

Health and Safety Code, section 18200 through 18700 requires HCD to develop and propose adoption of building standards for permanent buildings and structures within mobilehome parks.

Health and Safety Code, section 18552 establishes HCD’s authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 to adopt regulations for manufactured home or mobilehome accessory buildings or structures.

Health and Safety Code, section 18554 establishes requirements for discharge of wastewater, sewage, or waste material from plumbing fixtures in a manufactured home, mobilehome, recreational vehicle, accessory structure, or permanent building in the park.

Health and Safety Code, section 18620 establishes HCD’s authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 to adopt regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property.

Health and Safety Code, section 18630 establishes HCD’s authority to propose building standards regarding plumbing in parks that are reasonably necessary for the protection of life and property.

Health and Safety Code, section 18640 authorizes HCD to propose adoption of building standards for toilet, shower, and laundry facilities in parks.

Health and Safety Code, section 18860 through 18874 requires HCD to develop regulations in title 25 of the California Code of Regulations, that make ref-

erences to building standards, and propose adoption of building standards for special occupancy parks.

Health and Safety Code Section 18670 authorizes HCD to adopt regulations regarding electrical wiring, fixtures, and equipment installed in parks that it determines are reasonably necessary for the protection of life and property.

Health and Safety Code Section 18690 establishes HCD’s authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 to adopt regulations regarding fuel gas equipment and installations in parks.

Health and Safety Code Section 18691 establishes HCD’s authority to adopt rules and regulations that it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in parks.

Health and Safety Code Section 18865 requires HCD to adopt building standards for permanent buildings and structures within special occupancy parks.

Health and Safety Code, section 18873.1 through 18873.5 establishes HCD’s authority to propose the adoption of building standards to the CBSC regarding accessory buildings or structures located in a park.

Health and Safety Code, section 18938.3 establishes with respect to the model codes that are designated in Sections 17922 and 18938, to serve as the basis for the California Building Standards Code but are no longer published, the building standards adopted and approved by the commission shall be those contained in the most recent editions of the model codes adopted or approved by the commission to serve as the basis for the 2007 triennial edition of the California Building Standards Code.

Health and Safety Code, section 18938.6 establishes that every permit shall remain valid if the work on the site authorized by that permit is commenced within 12 months after its issuance, unless the permittee has abandoned the work authorized by the permit.

Health and Safety Code, section 18941 requires HCD to propose adoption of building standards that are written on a performance basis consistent with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

Health and Safety Code, section 18941.5 states that the amendments, additions, and deletions to the California Building Standards Code, including, but not limited to, green building standards, adopted by a city, county, or city and county pursuant to Section 18941.5 or pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after

publication of the California Building Standards Code by the commission, or at a later date after publication established by the commission.

Health and Safety Code, section 18944.11 requires HCD to adopt building standards for plumbing that would govern the use of nonwater-supplied urinals.

Health and Safety Code, section 19890 states that on or after January 1, 1991, no person, corporation, or entity shall manufacture for sale in this state, purchase, sell or offer for sale at retail or wholesale, or install in this state, a residential automatic garage door opener that does not have an automatic reverse safety device that complies with the applicable standards set forth in the Underwriters Laboratories.

Health and Safety Code, section 19891 establishes penalties for violations of HSC, section 19890.

Health and Safety Code, section 19892 requires residential automatic garage door openers be equipped with a battery backup function that is designed to operate when activated during an electrical outage.

Health and Safety Code, section 19960 through 19997 requires HCD to propose adoption of building standards for factory-built housing.

Health and Safety Code, section 19990 authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding requirements related to factory building housing to include the most recent editions of the international or uniform industry codes.

Government Code, section 12955.1 authorizes HCD to propose the adoption, amendment, or repeal of building standards related to covered multifamily dwellings by the CBSC.

Government Code, section 12955.1.1 provides a clear definition for the covered multifamily dwelling and for the multistory dwelling unit.

Government Code, section 65852.2 establishes requirements for the Accessory dwelling units.

Civil Code, section 5551 establishes definitions and requirements for 9-year inspections of exterior elevated elements in condominium projects.

Summary of Existing Regulations

The 2022 CMC, CCR, Title 24, Part 4, effective on January 1, 2023.

Summary of Effect

HCD proposes to adopt by reference the 2024 Uniform Mechanical Code (UMC), with California amendments, into the 2025 CMC, CCR, Title 24, Part 4, impacting the following programs:

- State Housing Law Program: relative to residential occupancies, buildings or structures accessory thereto and as provided in HSC Section 17921.

- Employee Housing Program: relative to any building or structure or outdoors on premises or property in accordance with HSC Section 17040.
- Mobilehome Parks and Special Occupancy Parks Programs: relative to the design or construction of permanent buildings and accessory buildings and structures within the park in accordance with HSC Sections 18620 and 18873, respectively.
- Factory-built Housing Program: relative to residential buildings, dwellings, or portions thereof, or building component, or manufactured assemblies in accordance with HSC Section 19990.

The building standards provide consistency with model code format, state and federal laws and regulations, and conditions unique to California. In addition, the amendments provide clarity and specificity, and provide direction for the code user. A discussion of the effect of the regulations may be found in the associated Initial Statement of Reasons.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations.

Policy Statement Overview

The proposed regulations, as part of the update to the current 2022 California Building Standards Code (CCR, Title 24), will adopt, amend, or repeal existing building standards and establish new building standards, which will affect residential occupancies and buildings or structures accessory thereto, as provided for by federal and state accessibility requirements; the use of general design, structural, and fire and life safety requirements in housing construction, buildings and structures accessory thereto; and permanent buildings in mobilehome parks and special occupancy parks. These updates will result in the 2025 California Building Standards Code.

The benefits anticipated from this proposed regulatory action include updating building standards, which will result in the protection of public health and safety, worker safety, the environment and general welfare of California residents. In addition, providing for use of the most recent building technology, methods and materials and applying those building standards on a statewide basis, as required by statute, results in uniformity in residential construction and promotes affordable costs.

Evaluation of Consistency

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

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

Reference: Government Code Section 11346.5(a)(4).
None.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).
HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **None.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None.**
- E. Cost or savings in federal funding to the state: **None.**

Estimate: \$0; HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

Reference: Government Code Section 11346.5(a)(8).
If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

HCD has made an initial determination that the adoption, amendment, or repeal of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of Cali-

fornia businesses to compete with businesses in other states.

Declaration of Evidence

Reference: Government Code Section 11346.5(a)(8).
In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

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

Reference: Government Code Section 11346.5(a)(11).
Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

HCD has assessed the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

Reference: Government Code Section 11346.5(a)(9).
Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF
REGULATIONS UPON JOBS
AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

Reference: Government Code Section 11346.5(a)(10).
The Department of Housing and Community Development has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of businesses within the State of California.

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

These regulations will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The adoption of the 2024 Uniform Mechanical Code by reference with California amendments will provide stakeholders with assurance of safe mechanical systems while allowing for innovation, new technologies, and accommodation of specialized requirements for the State of California. These regulations will also update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety, and the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

- No increased cost of compliance for those regulations that make only technical and nonsubstantive changes.
- Government Code Section 11346.2(b)(5)(B)(ii) provides that the model codes adopted pursuant to Section 18928 of the Health and Safety Code shall be exempt from the requirements of Section 11346.2(b)(5)(B) unless upon request as specified. The purpose of this rulemaking is to adopt the 2024 UMC which is a model code setting forth requirements for plumbing systems in structures.
- The potential benefits provide recognition and appropriate use of new technologies and materials, clarity for the code users and local enforcement agencies, and may increase business due to the adoption of new building standards.
- Protection of public health and safety, worker safety and the environment.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13). HCD has determined that no reasonable alternative considered by HCD or that has otherwise been identified and brought to the attention of HCD would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by HCD or that has otherwise been identified and brought to the attention of HCD would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

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

AVAILABILITY OF RULEMAKING DOCUMENTS

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

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

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

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

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

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

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

Primary Contact:

Jeffrey Cooney, District Representative I
Department of Housing and Community
Development
State Housing Law Program
(916) 820–1532
Jeffrey.Cooney@hcd.ca.gov

Back up Contact:

Tyler Mayo, Title 24 Regulations Manager
Department of Housing and Community
Development
State Housing Law Program
(916) 776–7756
Tyler.Mayo@hcd.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/DIVISION OF
STATE ARCHITECTS**

NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
PLUMBING CODE CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PART 5
(DSA–SS 02/24)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect Structural Safety (DSA–SS) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The DSA is proposing building standards related to the 2025 California Electrical Code.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

POST–HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15–day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.1.

DSA is proposing this regulatory action under the authority granted in the Education Code Sections 17310 and 81142 and Health and Safety Code Section 16022.

The purpose of these building standards is to implement, interpret, or make specific the provisions of Education Code Sections 17280–17317, 81130–81149, and Health & Safety Code Sections 16000–16023

INFORMATIVE DIGEST

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

Summary of Existing Laws

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

Education Code Sections 17280–17317 and 81130–81149 are known and cited as the “Field Act” and relate to public elementary and secondary (K–12) schools and community colleges respectively.

Education Code Sections 17310 and 81142 authorize the State Architect to establish building standards for the design, construction, and inspection of building systems for public elementary and secondary (K–12) schools and community colleges respectively.

Health and Safety Code Sections 16000–16023 are known as the Essential Services Buildings Seismic Safety Act of 1986 and requires that essential services buildings be capable of providing essential services to the public after a disaster and shall be designed and constructed to minimize fire hazards and to resist, insofar as practical, the forces generated by earthquakes, gravity, and winds.

Health and Safety Code Section 16022 authorizes the State Architect to establish building standards for state–owned and state–leased essential services buildings and to oversee the implementation of the act including the design and construction of state–owned and state leased essential services buildings.

Summary of Existing Regulations

Part 5 of Title 24, California Plumbing Code (CPC) prescribes the design and construction requirements for plumbing systems of public elementary and secondary schools, community colleges and state–owned and state–leased essential services buildings.

Summary of Effect

The proposed action would update Title 24, Part 5, by repealing the adoption of the 2021 edition Uniform Plumbing Code and adopting the most recent edition of the selected model plumbing code (*Uniform Plumbing Code*, 2024 edition). The proposed action will also:

- Integrate currently adopted amendments into the 2025 California Plumbing Code Title 24, Part 5 including amendments adopted during the 2021 Intervening cycle relating to all–gender multi–user restroom facilities.
- These amendments repeal new model code language related to all–gender multi–user restroom facilities.

Comparable Federal Statute or Regulations

There are no comparable statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law by adopting the most current edition of the model plumbing code and nationally recognized plumbing design standards.

Evaluation of Consistency

There are no inconsistent or incompatible regulations being proposed.

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

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

There are no other matters prescribed by statute applicable to DSA, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

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

DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. While schools are required to enforce the CPC, this proposal does not impose new mandates that would require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal makes only clarifying changes to existing code language and would have no change in regulatory effect.

ESTIMATE OF COST OR SAVINGS

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

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

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

Estimate: \$0.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

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

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

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

Declaration of Evidence

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

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

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect. The public may submit any information, facts or documents either supporting DSA's initial determination or finding to the contrary.

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

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

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

N/A.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

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

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

DSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF
REGULATIONS UPON JOBS
AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

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

The Division of the State Architect has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

DSA has determined this would have no effect on job creation or elimination within the state.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

DSA has determined this would have no effect on the creation or elimination of new or existing businesses in the state.

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

DSA has determined this would have no effect on the expansion of businesses currently doing business in the state.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

These regulations will bring California into compliance with the most recent edition of the national model code (i.e. the 2024 UPC, developed by the International Association of Plumbing and Mechanical Officials), thereby benefiting the welfare of residents, worker safety, and the state's environment.

**ESTIMATED COST OF COMPLIANCE
OF STANDARDS THAT WOULD
IMPACT HOUSING**

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

DSA has determined this proposed action would have no effect on housing.

CONSIDERATION OF ALTERNATIVES

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

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

equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF
RULEMAKING DOCUMENTS

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS

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

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

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

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

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

Primary Contact:

Tav Commins, Senior Mechanical Engineer
Department of General Services, Division of the
State Architect

Telephone Number: (916) 443-9841

Tav.commins@dgs.ca.gov

Facsimile Number: (916) 445-3521

Back up Contact:

Eric Driever, Principal Architect
Department of General Services, Division of the
State Architect

Telephone Number: (916) 443-9829

eric.driever@dgs.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/DEPARTMENT
OF HEALTH CARE ACCESS AND
INFORMATION (OFFICE OF
STATEWIDE HOSPITAL PLANNING
AND DEVELOPMENT)**

NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
MECHANICAL CODE CALIFORNIA CODE
OF REGULATIONS, TITLE 24, PART 4
(OSHPD 01/24)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the DEPARTMENT OF HEALTH CARE ACCESS AND INFORMATION (HCAI) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4, California Mechanical Code. HCAI is proposing building standards related to the construction of hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code sections 1250.3, 1418.22, and 129675–130070.

HCAI is proposing this regulatory action based on Health and Safety Code, Sections 1275, 18928, 18929, and 129850.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code, Section 1250.3 provides the provisions for a Chemical dependency recovery

hospital per Assembly Bill 2096 (Chapter 233, Statutes 2022) into regulations.

Health and Safety Code, Section 1275 authorizes HCAI to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers.

Health and Safety Code, Section 1418.22 requires that Skilled Nursing Facilities (SNFs) have an alternative source of power to protect resident health and safety for no fewer than 96 hours for power outages that may result from a public safety power shutoff, an emergency, a natural disaster, or other cause.

Health and Safety Code, Section 18928 requires HCAI to adopt and reference the most recent edition of applicable model codes, national standards, or specifications. The model code, national standard, or specification, with amendments or proposed changes, shall be adopted within one year after the publication date.

Health and Safety Code, Section 18929 requires OSHPD to submit administrative regulations that directly apply to the implementation or enforcement of building standards to the California Building Standards Commission for the Commission’s approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code, Section 18949.3 transfers the responsibilities of HCAI to adopt regulations relating to building standards, to the California Building Standards Commission.

Health and Safety Code, Sections 129675–130070 authorizes HCAI to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities to assure that these health facilities are compliant with the California Building Standards Code.

Health and Safety Code, Section 129850 authorizes HCAI to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

Summary of Existing Regulations

Title 24, Part 4, California Mechanical Code (CMC) is based on the 2021 Uniform Mechanical Code with California amendments. The CMC contains regulations pertaining to mechanical system building standards.

Summary of Effect

The proposed action makes editorial and technical modifications to mechanical building standards. The proposed standards provide clarification and consistency within the code, coordination with ASHRAE 170, and alignment with national standards.

HCAI proposes to repeal the 2021 Uniform Mechanical Code, adopt the 2024 Uniform Mechanical Code, and carry forward existing amendments from

the 2022 California Mechanical Code, Part 4 of Title 24 California Code of Regulations.

Also included are regulations in accordance with new statutes in the Health and Safety Code: Assembly Bill 2096 (Chapter 233, Statutes of 2022) which adds the requirements for Chemical Dependency Recovery Hospitals (CDRH).

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to this proposed action.

Policy Statement Overview

HCAI is responsible for the development of building standards for the physical plant of health facilities including hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers. The intent of this proposal is to provide editorial and minor technical modifications for clarification and consistency within the code; coordination with other parts of Title 24, and align the mechanical code provisions with nationally recognized standards.

Evaluation of Consistency

The proposed regulation is consistent and compatible with existing state regulations.

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

Reference: Government Code Section 11346.5(a)(4).
There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).
HCAI has determined that the proposed regulatory action **WOULD NOT** impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **NO**.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**.

D. Other nondiscretionary cost or savings imposed on local agencies: **NO**.

E. Cost or savings in federal funding to the state: **NO**.

Estimate: \$0.

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

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

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

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

Declaration of Evidence

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

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

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

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

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

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

HCAI has made an assessment and has determined that a report pursuant to Government Code Section 11346.3(d) is not required.

COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS

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

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

HCAI is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF
REGULATIONS UPON JOBS
AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

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

HCAI has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

The proposed regulations will not create or eliminate jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The proposed regulations will not create new businesses, or eliminate existing businesses within the State of California.

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

The proposed regulations will not cause expansion of businesses currently doing business with the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

The proposed building standards and regulations regarding the design and construction of licensed health facilities ensure protection of the public’s health, safety, and welfare of California residents through updated amendments. The regulations will not affect worker safety, or the state’s environment.

**ESTIMATED COST OF COMPLIANCE
OF STANDARDS THAT WOULD
IMPACT HOUSING**

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

These proposed regulations will not result in any cost of compliance that would impact housing.

CONSIDERATION OF ALTERNATIVES

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

HCAI has determined that no reasonable alternative considered by HCAI or that has otherwise been identified and brought to the attention of HCAI would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the

proposed action. In addition, no reasonable alternative considered by HCAI or that has otherwise been identified and brought to the attention of HCAI would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

**CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS**

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

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

Kevin Day, Acting Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263–0916

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

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

Primary Contact:

Mia Marvelli, Health Facilities Review,
Supervisor, Building Standards Unit
Department of Health Care Access and
Information
Office of Statewide Hospital Planning and
Development
(916) 440–8300
RegsUnit@hcai.ca.gov

Back up Contact:

Lori Campbell, Staff Services Manager I
(Specialist), Building Standards Unit
Department of Health Care Access and
Information
Office of Statewide Hospital Planning and
Development
(916) 440–8300
RegsUnit@hcai.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/DEPARTMENT
OF HOUSING AND COMMUNITY
DEVELOPMENT**

NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
PLUMBING CODE CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PART 5
(HCD 03/24)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The HCD is proposing building standards related to the 2025 California Plumbing Code (CPC).

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or their duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Business and Professions Code Division 5; Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, 18938.6, 18941, 19892

and 19960 through 19997; Civil Code Sections 832, 1101.4, 1101.5, 1954.201, 1954.202; and Government Code Sections 12955.1, 12955.1.1. and 65852.2.

The Department of Housing and Community Development is proposing this regulatory action based on Health and Safety Code Sections 17040, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17926, 17927, 17928, 17958.12, 18938.3, 18944.11 and 19990; and Government Code Section 12955.1

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code, section 17000 through 17062.5 requires HCD to develop and propose adoption of building standards for employee housing.

Health and Safety Code, section 17040 requires HCD to propose adoption of building standards for employee housing for “... the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code, section 17910 through 17995.5 requires HCD to develop and propose adoption of regulations for buildings used for human habitation.

Health and Safety Code, section 17920.9 requires HCD to propose the adoption, amendment, or repeal by the CBSC of regulations necessary for the provision of minimum fire safety and fire-resistant standards relating to the manufacture, composition, and use of foam building systems manufactured for use, or used, in construction of buildings subject to this part, mobilehomes or factory-built housing, for the protection of the health and safety of persons occupying those buildings, mobilehomes, or factory-built housing.

Health and Safety Code, section 17921 requires HCD to propose the adoption, amendment, or repeal of building standards by the CBSC. HSC, section 17922, requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by HSC, section 18949.5.

Health and Safety Code, section 17921.5 establishes HCD’s authority to develop mandatory green building standards for recycled water systems.

Health and Safety Code, section 17921.6 establishes HCD’s authority to prepare and propose adoption of minimum standards regulating the use and application

of cellular concrete as it determines are reasonably necessary for the protection of life and property.

Health and Safety Code, section 17921.10 sets forth the standards proposed by HCD pursuant to section 17921. Those may include voluntary best practice and mandatory requirements related to environmentally preferable water using devices and measures.

Health and Safety Code, section 17922 states that the most recent editions of the international or uniform codes referred to in that section shall be considered to be adopted one year after the date of publication of the applicable international or uniform codes.

Health and Safety Code, section 17922.6 establishes HCD’s authority to coordinate the proposal of minimum building standards that establish uniform minimum noise insulation requirements for hotels, motels, apartment houses, and dwellings other than detached single-family dwellings.

Health and Safety Code, section 17922.12 establishes HCD’s authority to propose adoption of building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses.

Health and Safety Code, section 17922.14 establishes HCD’s authority to prepare and propose adoption of building standards requiring the installation of water meters or submeters in newly constructed multiunit residential structures or mixed-use residential and commercial structures, as those terms are defined in section 517 of the Water Code.

Health and Safety Code, section 17926 establishes HCD’s authority to propose adoption of building standards for the installation of carbon monoxide detectors in hotel and motel dwelling units intended for human occupancy.

Health and Safety Code, section 17927 establishes HCD’s authority to propose the adoption of a building standard to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of Division 13 to authorize HCD to adopt, amend, and repeal rules and regulations for garage door springs for installation in garages which are accessory to apartment houses, hotels, motels, and dwellings as the department determines are reasonably necessary to prevent the death or injury of persons or damage to property resulting from the breaking of the garage door springs.

Health and Safety Code, section 17928 authorizes HCD to review green building guidelines used for green building.

Health and Safety Code, section 17958.12 establishes HCD’s authority to propose the adoption of a building standard related to retroactive permits.

Health and Safety Code, section 18200 through 18700 requires HCD to develop and propose adoption of building standards for permanent buildings and structures within mobilehome parks.

Health and Safety Code, section 18552 establishes HCD’s authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 to adopt regulations for manufactured home or mobilehome accessory buildings or structures.

Health and Safety Code, section 18554 establishes requirements for discharge of wastewater, sewage, or waste material from plumbing fixtures in a manufactured home, mobilehome, recreational vehicle, accessory structure, or permanent building in the park.

Health and Safety Code, section 18620 establishes HCD’s authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 to adopt regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property.

Health and Safety Code, section 18630 establishes HCD’s authority to propose building standards regarding plumbing in parks that are reasonably necessary for the protection of life and property.

Health and Safety Code, section 18640 authorizes HCD to propose adoption of building standards for toilet, shower, and laundry facilities in parks.

Health and Safety Code, section 18860 through 18874 requires HCD to develop and adopt building standards for special occupancy parks.

Health and Safety Code, section 18670 authorizes HCD to propose adoption of building standards regarding electrical wiring, fixtures, and equipment installed in parks that it determines are reasonably necessary for the protection of life and property.

Health and Safety Code, section 18690 establishes HCD’s authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 to adopt regulations regarding fuel gas equipment and installations in parks.

Health and Safety Code, section 18691 establishes HCD’s authority to adopt rules and regulations in title 25 of the California Code of Regulations, which reference building standards, that it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in parks.

Health and Safety Code, section 18865 requires HCD to adopt building standards for permanent buildings and structures within special occupancy parks.

Health and Safety Code, section 18873.1 through 18873.5 establishes HCD’s authority to propose the adoption of building standards to the CBSC regarding accessory buildings or structures located in a park.

Health and Safety Code, section 18938.3 establishes with respect to the model codes that are desig-

nated in Sections 17922 and 18938, to serve as the basis for the California Building Standards Code but are no longer published, the building standards adopted and approved by the commission shall be those contained in the most recent editions of the model codes adopted or approved by the commission to serve as the basis for the 2007 triennial edition of the California Building Standards Code.

Health and Safety Code, section 18938.6 establishes that every permit shall remain valid if the work on the site authorized by that permit is commenced within 12 months after its issuance, unless the permittee has abandoned the work authorized by the permit.

Health and Safety Code, section 18941 requires HCD to propose adoption of building standards that are written on a performance basis consistent with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

Health and Safety Code, section 18944.11 requires HCD to adopt building standards for plumbing that would govern the use of nonwater-supplied urinals.

Health and Safety Code, section 19892 requires residential automatic garage door openers be equipped with a battery backup function that is designed to operate when activated during an electrical outage.

Health and Safety Code, section 19960 through 19997 requires HCD to propose adoption of building standards for factory-built housing.

Health and Safety Code, section 19990 authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding requirements related to factory building housing to include the most recent editions of the international or uniform industry codes.

Government Code, section 12955.1 authorizes HCD to propose the adoption, amendment, or repeal of building standards related to covered multifamily dwellings by the CBSC.

Government Code, section 12955.1.1 provides a clear definition for the covered multifamily dwelling and for the multistory dwelling unit.

Government Code, section 65852.2 establishes requirements for the Accessory dwelling units.

Business and Professions Code, division 5 establishes statutory requirements for procedures and devices related to weights and measures. This section was referenced for standards related to water submersibles required in the California Plumbing Code.

Civil Code, section 832 establishes each coterminal owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land

to make proper and usual excavations on the same for purposes of construction or improvement.

Civil Code, section 1101.4 establishes for multi-family residential property, all noncompliant plumbing fixtures must be replaced with water-conserving fixtures.

Civil Code, section 1101.5 establishes requirement for building alterations to single-family residential; all noncompliant plumbing fixtures must be replaced.

Civil Code, section 1954.201 encourages the conservation of water in multifamily residential rental buildings and establishes submetering of dwelling units for water service.

Civil Code, section 1954.202 defines “Submeter”, “Water service” and “Water purveyor.”

Summary of Existing Regulations

The 2022 CPC, CCR, title 24, part 5, became effective on January 1, 2023.

Summary of Effect

HCD proposes to adopt by reference the 2024 Uniform Plumbing Code (UPC), with California amendments, into the 2025 CPC impacting the following programs:

- State Housing Law Program: relative to residential occupancies, buildings or structures accessory thereto and as provided in HSC, section 17921.
- Employee Housing Program: relative to any building or structure or outdoors on premises or property in accordance with HSC, section 17040.
- Mobilehome Parks and Special Occupancy Parks Programs: relative to the design or construction of permanent buildings and accessory buildings and structures within the park in accordance with HSC, sections 18620 and 18873, respectively.
- Factory-built Housing Program: relative to residential buildings, dwellings, or portions thereof, or building component, or manufactured assemblies in accordance with HSC, section 19990.

The building standards provide consistency with model code format, state and federal laws and regulations, and conditions unique to California. In addition, the amendments provide clarity and specificity, and provide direction for the code user. A discussion of the effect of the regulations may be found in the associated Initial Statement of Reasons.

Comparable Federal Statute or Regulations

These regulations do not conflict with federal law or regulations.

Policy Statement Overview

The proposed regulations, as part of the update to the current 2022 California Building Standards Code (CCR, Title 24), will adopt, amend, or repeal existing building standards and establish new building standards, which will affect residential occupancies and buildings or structures accessory thereto, as provided

for by federal and state accessibility requirements; the use of general design, structural, and fire and life safety requirements in housing construction, buildings and structures accessory thereto; and permanent buildings in mobilehome parks and special occupancy parks. These updates will result in the 2025 California Building Standards Code.

The benefits anticipated from this proposed regulatory action include updating building standards, which will result in the protection of public health and safety, worker safety, the environment and general welfare of California residents. In addition, providing for use of the most recent building technology, methods and materials and applying those building standards on a statewide basis, as required by statute, results in uniformity in residential construction and promotes affordable costs.

Evaluation of Consistency

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

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

Reference: Government Code Section 11346.5(a)(4).
None.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).
HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **None.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None.**

E. Cost or savings in federal funding to the state:
None.

Estimate: \$0; HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

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

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

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

Declaration of Evidence

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

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

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary. Pursuant to Government Code Section 11346.2(b)(5)(B)(ii) adoption of the model codes is exempt from identification of the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates in the Initial Statement of Reasons.

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

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

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

HCD has assessed the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

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

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

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF
REGULATIONS UPON JOBS
AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

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

The Department of Housing and Community Development has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of businesses within the State of California.

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

These regulations will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The adoption of the 2024 UPC by reference with California amendments will provide stakeholders with assurance of safe and sanitary plumbing systems while allowing for innovation, new technologies, and accommodation of specialized requirements for the State of California. These regulations will also update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety and the environment.

**ESTIMATED COST OF COMPLIANCE
OF STANDARDS THAT WOULD
IMPACT HOUSING**

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

- No increased cost of compliance for those regulations that make only technical and nonsubstantive changes.
- Government Code Section 11346.2(b)(5)(B)(ii) provides that the model codes adopted pursuant to HSC Section 18928 shall be exempt from the requirements of Section 11346.2(b)(5)(B) unless upon request as specified. The purpose of this rulemaking is to adopt the 2024 UPC which is a model code setting forth requirements for plumbing systems in structures.
- The potential benefits provide recognition and appropriate use of new technologies and materials, clarity for the code users and local enforcement agencies, and may increase business due to the adoption of new building standards.
- Protection of public health and safety, worker safety and the environment.

CONSIDERATION OF ALTERNATIVES

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

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

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

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

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

**CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS**

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

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

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

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

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

Primary Contact:

Randall Enrico, District Representative II
Department of Housing and Community
Development
State Housing Law Program
(916) 490–7584

Randall.Enrico@hcd.ca.gov

Back up Contact:

Jenna Kline, Housing Regulations Section Chief
Department of Housing and Community
Development
State Housing Law Program
(916) 841–5286

Jenna.Kline@hcd.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/DEPARTMENT OF
WATER RESOURCES**

**NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
PLUMBING CODE CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PART 5
(DWR 01/24)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of California Department of Water Resources (DWR) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The DWR is proposing building standards related to 2025 California Plumbing Code (CPC).

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Reference: Government Code Section 11346.5(a)(18).
Following the public comment period, CBSC may adopt the proposed building standards substantially as

proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

The California Department of Water Resources proposes to adopt these building standards under the authority granted by Water Code Section 13557. The purpose of these building standards is to implement, interpret, or make specific the provisions of Water Code Sections 10951, 13521.2, 13523, 13523.1, 13550, 13552.2, 13552.4, 13552.6, 13552.8, 13553, 13554, 13555.2, 13555.3, and 13557; and Health and Safety Code Sections 8117, 8118, 17921.5, 18940.6, 116375, 116407, 116555.5, 116800, 116810, and 116815.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Assembly Bill 371 (2006) (codified in Water Code, Section 13557) authorized DWR to adopt and submit to the CBSC regulations to establish a state version of a plumbing code to provide design standards to safely plumb buildings with both potable and recycled water systems. Such regulations were first adopted by DWR in 2009. The regulations were last adopted by DWR in the 2021 Triennial Code Adoption Cycle and were codified in Chapters 1, 2, 6, 15, and 16 in the 2022 CPC. Water Code Section 13557(b) also authorizes DWR to update these standards as necessary. To accomplish this, DWR must consider other state laws that regulate the various uses and applications of recycled water and regulations stemming from these laws adopted by other state agencies.

Assembly Bill 2282 (2014) (codified in Health and Safety Code Sections 17921.5 and 18940.6) directed CBSC and the Department of Housing and Community Development (HCD) to adopt regulations regarding the plumbing of newly constructed commercial buildings, public buildings, and single family and multifamily residential buildings for recycled water. Specifically, CBSC and HCD are required to establish provisions for the mandatory installation of recycled water supply systems and the standards for installation

in the California Green Building Standards Code and the CPC. These standards for installation of recycled water supply systems overlap to some extent the existing standards adopted by DWR in the CPC. The regulations to mandate installation in newly constructed buildings however, do not overlap DWR authority.

Water Code Sections 13550, 13552.2, 13552.4, 13552.6, 13552.8, 13553, 13554, 13555.2 and 13555.3 declare that the use of potable water for certain indoor uses in certain structures and in outdoor landscape irrigation is an “unreasonable” use of water if recycled water is available. A general condition of availability is that the use of recycled water from the proposed source will not be detrimental to public health. Section 13553(d)(1)(B) states “That any plumbing modifications in the condominium unit or any physical alteration of the structure will be done in compliance with state and local plumbing codes.” Water Code Section 10951 authorizes use of recycled water for car washes.

Water Code Section 13521 authorizes the State Water Resources Control Board (SWRCB) to establish uniform statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health. These criteria are contained in Title 22 of the CCR and contain requirements related to plumbing installation and periodic inspection and testing for indoor and outdoor uses.

The agencies that treat and distribute recycled water to users are regulated by permits issued by the SWRCB or one of nine Regional Water Quality Control Boards as authorized by Water Code Sections 13523 and 13523.1. The CPC must take into consideration this permitting authority.

Health and Safety Code Section 116375 authorizes the SWRCB to adopt requirements for the control of cross-connections between potable and nonpotable water. Section 116800 authorizes local regulation of water users to control cross-connections.

AB 1671 (Chapter 533, Statutes of 2017; codified in Health and Safety Code Sections 116407, 116555.5, and 116810) provided that the SWRCB on or before January 1, 2020, shall adopt standards for backflow prevention and cross-connection control and may do this through the adoption of a policy handbook. AB 1180 (Chapter 455, Statutes of 2019; codified in Health and Safety Code Section 116407 and Water Code Section 13521.2), provided that the SWRCB’s policy handbook shall include provisions for the use of a swivel or changeover device to supply potable water to a dual-plumbed system during an interruption in recycled water service.

Health and Safety Code Section 116815 designates the use of the color purple for recycled water pipes. Health and Safety Code Sections 8117 and 8118 authorize hose bibs for recycled water in cemeteries.

Summary of Existing Regulations

Regulations adopted by DWR governing recycled water are found in Chapters 1, 2, 6, 15, and 16 of the CPC. The main provisions for recycled water are in Chapter 15, Section 1505.0. The CPC is now being amended based on both the 2022 CPC and the 2024 Uniform Plumbing Code.

Regulations specifying authorized uses of recycled water, use practices, and inspections and cross-connection testing of recycled water systems are found in Title 22, California Code of Regulations, Division 4, Chapter 3, Section 60301.050 et seq. Regulations related to cross-connection control and backflow prevention are found in the recently adopted State Water Resources Control Board’s Cross-Connection Control Policy Handbook (CCCPH). Pursuant to Assembly Bill Number 1180 (2019), the CCCPH replaces Title 17 provisions regarding cross-connection control standards.

Upon the effective date of the CCCPH, which is stated as July 1, 2024, Title 17 provisions become inoperative. The CCCPH contains provisions regarding cross-connection control and backflow prevention regulations formerly in Title 17, as well as new provisions regarding the certification of cross-connection control specialists and testers and the use of a swivel ell or changeover device. Therefore, the CCCPH language is pertinent to the CPC and must be taken into consideration.

Summary of Effect

The proposed Express Terms are intended (a) to identify all sections of the UPC and California amendments in the CPC that DWR has previously adopted and will be carried forward into the 2025 CPC as contained in Chapters 1, 2, 6, 15, and 16 and (b) to propose new amendments. The main effect of the proposed amendments by DWR, which are in Chapter 15, would be to make clarifying changes to existing requirements and add provisions in alignment with SWRCB regulations and the CCCPH. These amendments would have insignificant or no regulatory effect. The adoption of clear and effective regulations facilitates the expanded use of recycled water and its public acceptance. The effects of the new amendments would provide improved clarity and public health protection, provide cross-references to relevant sections in the CCCPH, incorporate Section 1505.5 from 2024 UPC standards into 2025 CPC to specify appropriate water pressure for recycled water systems consistent with current potable water pressure standards, and renumber and correctly cross-reference renumbered sections to accommodate the addition of the new water pressure section.

The use of recycled water may offset the cost of more expensive or less environmentally acceptable water supplies to meet the growing water needs of the

state. Recycled water is also a more resilient source of water during water shortages and drought.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations.

Policy Statement Overview

The primary benefits of the proposed amendments are improved clarity, flexibility, public health protection, and consistency within the CPC and with other state regulations. A secondary benefit is that by making clarifying changes to the plumbing code language with regard to recycled water, the regulations are clear, understandable, and implementable and thereby facilitate the expanded use of recycled water. Having consistent design standards which are easy to follow can improve the public acceptance of the use of recycled water. The benefit of incorporating the new CCCPH requirements provides clear and safe directions to allow a swivel or changeover device to supply potable water to a dual-plumbed system during an interruption in recycled water service. This ensures that users of the CPC are aware of this option to enable implementation and thus provide more water supply reliability for recycled water users. Similarly, the new reference to the CCCPH requirements provides clear directions to code users on the certification of cross-connection control specialists and testers as regulated by the SWRCB. The use of recycled water may offset the cost of more expensive or less environmentally acceptable water supplies to meet the growing water needs of the state. Recycled water is also a more resilient source of water during water shortages and drought.

Evaluation of Consistency

The DWR has determined that the proposed amendments are not inconsistent or incompatible with existing state regulations.

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

Reference: Government Code Section 11346.5(a)(4).
None.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).
DWR has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

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

Estimate: \$0.

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).
If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

DWR has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Declaration of Evidence

Reference: Government Code Section 11346.5(a)(8).
In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

The proposed amendments of the CPC primarily make clarifying changes to existing standards on how to design, construct, maintain, and test a dual plumbed building in Chapter 15. Additionally, there are new provisions referencing SWRCB's CCCPH to make code users aware of additional requirements already adopted, as well as a new provision clarifying that the appropriate water pressure for recycled water systems is consistent with current potable water pressure standards.

The proposed amendments by DWR do not require any business or individual to install recycled water systems in a building. The authority for DWR's pro-

posed amendments is in California Water Code Section 13557.

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

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

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

N/A.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

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

DWR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

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

The California Department of Water Resources has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

The proposed amendments will not create or eliminate jobs.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The proposed amendments will not create or eliminate businesses.

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

The proposed amendments will not affect the expansion of businesses currently doing business with the State of California. The CPC as currently in effect and as changed by the proposed amendments facilitates the use of recycled water, and thereby could allow business to expand in areas that are constrained by water availability.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

The proposed amendments will update and improve the clarity of CPC standards for the safe use of recycled water in buildings and surrounding landscape with both potable and recycled water.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

The DWR has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

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

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

AVAILABILITY OF RULEMAKING DOCUMENTS

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

the accessible description of proposed changes may require extending the period of public comment for the proposed action.

**CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS**

Reference: Government Code Section 11346.5(a)(14).
General questions regarding procedural and administrative issues should be addressed to:

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

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

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

Primary Contact:

Nancy King, Engineer, Water Resources
California Department of Water Resources
Division of Regional Assistance
(916) 326–9028
Nancy.King@water.ca.gov

Back up Contact:

Fethi BenJemaa, PhD, Program Manager II
California Department of Water Resources
Division of Regional Assistance
(916) 296–7886
Fethi.Jemaa@water.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/CALFIRE (OFFICE OF
THE STATE FIRE MARSHAL)**

**NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
ELECTRICAL CODE CALIFORNIA CODE
OF REGULATIONS, TITLE 24, PART 3
(SFM 01/23)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the State Fire Marshal proposes to adopt, approve, codify, and publish changes to building standards contained in the

California Code of Regulations (CCR), Title 24, Part 3. The SFM is proposing building standards related to 2024 Triennial rulemaking code cycle.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

**POST–HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15–day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.2. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, and 17921.

The SFM is proposing this regulatory action based on Health and Safety Code Sections 1250, 1502, 1568.02, 1569.72–1569.78, 1597.44–1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13145, 13146, 13211, 16022.5, 17921, 18928, 18949.2, and 25500 through 25545; Government Code Sections 51176, 51177, 51178, 51179 and 51189; Public Education Code 17074.50; and Public Resources Code Sections 4201 through 4204.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code Section 1250

As used in this chapter, “health facility” means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24–hour stay or longer.

Health and Safety Code Section 1502

General provisions and Definitions for the California’s Community Care Facilities Act.

Health and Safety Code Section 1568.02, 1569.72 through 1569.78

General provisions and Levels of Care for Residential Care Facilities for the Elderly.

Health and Safety Code Section 1597.44 through 1597.65

General and Licensing provisions for Family Day Care.

Health and Safety Code Section 13108 (a).

The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state–owned building or in any state–occupied building.

Health and Safety Code Section 13108.5.

- (a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930, propose fire protection building standards for roofs, exterior walls, structure projections, including, but

not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.

Health and Safety Code Section 13113.

An automatic sprinkler system shall be installed in all 24–hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5.

The State Fire Marshal shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24–hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114 (a).

The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132.

Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a non–ambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7.

Shall require fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133 (a).

The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135.

The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are non-ambulatory.

Health and Safety Code Section 13143.

Grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children’s nursery, children’s home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1 (a).

The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.2.

The State Fire Marshal shall enforce building standards published in the California Building Standards Code and those other rules and regulations adopted by the State Fire Marshal for the provision of structural fire safety and fire-resistant exits in multiple-story structures existing on January 1, 1975, let for human habitation, including, and limited to, apartment houses, hotels, and motels wherein rooms used for sleeping are let above the ground floor.

Health and Safety Code Section 13143.6 (a).

The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9.

The State Fire Marshal shall establish minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13145.

The State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire Marshal, and their authorized representatives, shall enforce in their respective areas building standards

relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Health and Safety Code Section 13146.

(a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(1) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:

(A) The chief of the fire authority of the city, county, or city and county, or the chief’s authorized representative.

(B) The chief building official of the city, county, or city and county, or the official’s authorized representative.

Health and Safety Code Section 13210.

(a) “Existing high-rise structure” means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.

(b) “High-rise structure” means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250.

(c) “New high-rise structure” means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

Health and Safety Code Section 13211.

The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 16022.5.

Following completion of construction of a state-owned or state-occupied essential services building, the State Fire Marshal may conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.

Health and Safety Code Section 17921 (b).

The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall

adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928 (a).

Requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18949.2

- (a) Any responsibilities of the State Fire Marshal to adopt, through a formal rulemaking process as provided in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, relating to building standards, including, but not limited to, Sections 13108, 13143, 13143.6, and 13211, are hereby transferred to the commission.
- (b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.
- (c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Health and Safety Code Section 25500 through 25545.

- (a) The Legislature declares that, to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The establishment of a statewide environmental reporting system for these plans is a statewide requirement. Basic information on the location, type, quantity, and health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is required to be submitted to firefighters, health officials, planners, public safety officers,

health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

Government Code Section 51176 through 51179.

The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials can identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

Government Code Section 51189.

No later than January 31, 2020, the State Fire Marshal, in consultation with the director and the Director of Housing and Community Development, shall, pursuant to Section 18930 of the Health and Safety Code, recommend updated building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures, based on information learned from the 2017 wildfire season

Public Education Code 17074.50.

- (a) On and after July 1, 2002, all new construction projects submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection, alarm, and sprinkler system as set forth in Section 17074.52 and approved by the State Fire Marshal.

Public Resources Code 4201 through 4204

The purpose of this article is to provide for the classification of lands within state responsibility areas in accordance with the severity of fire hazard present for the purpose of identifying measures to be taken to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 3, 2022 California Electrical Code with SFM amendments and additional building standards relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to adopt the 2025 California Electrical Code (California Code of Regulations, Title 24, Part 3) based upon updated information or recent actions of the SFM. This proposed action:

- Repeal certain amendments to the 2023 National Electrical Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).
- Adopt and implement additional necessary amendments to the 2025 California Electrical Code that address inadequacies of the 2023 National Electrical Code as they pertain to California laws.
- Codify non-substantive editorial and formatting amendments to the 2025 California Electrical Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statues addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The specific purpose of this rulemaking effort by the SFM is to act accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section regarding the Triennial code adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2023 National Electrical Code and published as the 2025 California Electrical Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Electrical Code, establish and or maintain minimum requirements for the prevention of fire and panic for the protection of life and property against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Evaluation of Consistency

The proposed regulations are consistent with existing state regulations.

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

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

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and building standards relating to the 2025 California Electrical Code.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).
SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

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

Estimate: N/A.

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).
If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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

Declaration of Evidence

Reference: Government Code Section 11346.5(a)(8).
In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony,

or other evidence that the agency relied upon to support its initial determination of no effect.

The SFM affirms that this rulemaking action complies specifically with the mandates of HSC Sections 13143, 18928, 18949.2(b), 18949(c) and the mandates of the statutory authority of the SFM.

Therefore, the SFM’s initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents, or other evidence to support this action.

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

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

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

N/A.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

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

SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

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

The State Fire Marshal has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation of new businesses or the elimination of existing business within the State of California.

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

These regulations will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

These regulations will update and improve minimum building standards, which will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12). The SFM did not identify any impact on housing.

CONSIDERATION OF ALTERNATIVES

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

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

AVAILABILITY OF RULEMAKING DOCUMENTS

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

SFM shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accom-

modate a person with a visual or other disability for which effective communication is required under state or federal law. The statement shall note that providing the accessible description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS

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

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

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

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

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

Primary Contact:

Crystal Sujeski, Division Chief
CALFIRE/Office of the State Fire Marshal
Code Development and Analysis Division
916-568-2916
Crystal.Sujeski@fire.ca.gov

Back up Contact:

Jena Garcia, Deputy State Fire Marshal III
Specialist
CALFIRE/Office of the State Fire Marshal
Code Development and Analysis Division
916-531-7650
Jena.Garcia@fire.ca.gov

TITLE 24. BUILDING STANDARDS
COMMISSION/DIVISION OF
STATE ARCHITECTS

NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
GREEN BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 11
(DSA-SS 03/24)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 11. The DSA is proposing building standards related to 2025 California Green Building Standards Code.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15–day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.1.

The purpose of these building standards is to implement, interpret, or make specific the provisions of Education Code Sections 17280 through 17317, 17661 and 81130 through 81149.

The Division of the State architect is proposing this regulatory action based on Education Code Sections 17310, 17661 and 81142.

INFORMATIVE DIGEST

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

Summary of Existing Laws

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

Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of public elementary and secondary schools, and community colleges.

Section 17661 of the Education Code requires the State Architect to propose mandatory standards for carbon dioxide monitors in K–12 and Community College classrooms.

Sections 17280–17317 and 81130–81149 of the Education Code are known and cited as the “Field Act.”

Summary of Existing Regulations

Existing green building standards apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure throughout the State of California. It is not the intent that the green building standards substitute or be identified as meeting the certification requirements of any green building program. The green build-

ing standards for public elementary and secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in the California Green Building Standards Code (CALGreen Code, Part 11, Title 24) and incorporate the following:

Part 3, California Electrical Code, which prescribe the design and construction requirements for electrical systems of public elementary and secondary schools, and community colleges.

Part 4, California Mechanical Code, which prescribe the design and construction requirements for mechanical systems of public elementary and secondary schools and community colleges.

Part 5, California Plumbing Code, which prescribe the design and construction requirements for plumbing systems of public elementary and secondary schools, and community colleges.

Part 6, the California Energy Code, which contains minimum energy efficiency standards for the non–residential buildings in California promulgated by the California Energy Commission (CEC).

Part 11, the California Green Building Standards Code (CALGreen), which contains mandatory and voluntary green building standards for residential and non–residential facilities.

Other relevant CCR titles:

Title 17 includes regulations for air quality promulgated by the California Air Resources Board.

Summary of Effect

The proposed action will implement the proposed modifications to the California Green Building Standards Code for buildings within DSA authority. The proposed amendments contain amendments which clarify where CO2 monitors are required in public K–12 schools and community colleges, align with statute.

Once filed with Secretary of State, the standards will be codified and published by July 1, 2025, and will become effective January 1, 2026.

Comparable Federal Statute or Regulations

There are no federal statutes or regulations that are comparable to the proposed updates to the California Green Building Standards Code (CALGreen Code).

Policy Statement Overview

The broad objective of the proposed action is to maintain green building standards in conformance with current state law, by updating the 2022 California Green Building Standards Code (CALGreen Code).

Evaluation of Consistency

There are no inconsistent or incompatible regulations proposed.

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

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

There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

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

DSA–SS has determined that the proposed regulatory action would create a mandate on school districts. Based on bill analysis for the Senate and Assembly appropriations Committees, the regulations created pursuant to the bill could result in additional state reimbursable expenses to install new carbon dioxide monitors in classrooms.

ESTIMATE OF COST OR SAVINGS

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

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

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

Estimate: \$600/carbon dioxide monitor.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

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

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

DSA–SS has made an initial determination that the amendments of this regulation will not have a signifi-

cant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Declaration of Evidence

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

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

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect. The public may submit any information, facts or documents either supporting DSA’s initial determination or finding to the contrary.

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

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

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

DSA–SS has evaluated the proposed code changes and has determined that these changes do not require a report.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

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

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

DSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF
REGULATIONS UPON JOBS
AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

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

DSA–SS has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These proposed regulations will not affect the creation or elimination of jobs within the State of California

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These proposed regulations will not affect the creation or elimination of existing businesses within the State of California.

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

These proposed regulations will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

These proposed regulations are consistent with the California Schools Healthy Air, Plumbing and Efficiency Program (AB841 (Chapter 372, Statutes of 2020), and will support the health and welfare of California residents, worker safety and the states environment.

**ESTIMATED COST OF COMPLIANCE
OF STANDARDS THAT WOULD
IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).
DSA–SS has determined this proposed action would have no effect on housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).
DSA–SS has determined that no reasonable alternative considered by DSA–SS or that has otherwise been identified and brought to the attention of DSA–SS would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by

making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

**CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS**

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

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

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

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

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

Primary Contact:

Paul Johnson, Senior Electrical Engineer
Department of General Services, Division of the
State Architect

Telephone Number: (916) 322–3579

Paul.johnson@dgs.ca.gov

Facsimile Number: (916) 445–3521

Back up Contact:

Eric Driever, Principal Architect
Department of General Services, Division of the
State Architect

Telephone Number: (916) 443–9829

eric.driever@dgs.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/DEPARTMENT
OF HOUSING AND COMMUNITY
DEVELOPMENT**

NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
ELECTRICAL CODE CALIFORNIA CODE
OF REGULATIONS, TITLE 24, PART 3
(HCD 01/23)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), title 24, part 3. The HCD is proposing building standards related to the 2025 California Electrical Code (CEC).

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

e-Comment form: dgs.ca.gov/BSC/e-comments

U.S. Mail postmarked no later than **July 1, 2024**:

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

Note: Only comments received in an accessible format will be viewable via CBSC’s website. Use the e-Comment form to ensure accessibility.

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code, sections 17040, 17921, 17922, 17959.1, 18620, 18640, 18670, 18873, 18873.2, 18873.3, 18909(g), 18928, 18938.3 and 19990; and United States Code, Title 42, Section 5403(d).

The Department of Housing and Community Development is proposing this regulatory action based on Health and Safety Code, sections 17040, 17921, 17922, 18938.3, and 19990.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code, section 17040 requires HCD to propose adoption of building standards for employee housing for “... the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code, section 17921, requires HCD to propose the adoption, amendment, or repeal of building standards the CBSC.

Health and Safety Code, section 17922, requires that the building standards be essentially the same as the most recent editions of the international or uniform industry codes.

Health and Safety Code, section 17959.1, requires a city or county to administratively approve installation of solar energy systems by issuing a building permit.

Health and Safety Code, section 18620 establishes HCD’s authority to propose the adoption of building

standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 to adopt regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property.

Health and Safety Code, section 18640 authorizes HCD to propose adoption of building standards for toilet, shower, and laundry facilities in parks.

Health and Safety Code, section 18670 authorizes HCD to propose adoption of building standards regarding electrical wiring, fixtures, and equipment installed in parks that it determines are reasonably necessary for the protection of life and property.

Health and Safety Code, section 18873 establishes HCD's authority to propose the adoption of building standards to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 to adopt regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property.

Health and Safety Code, section 18873.2, requires HCD to adopt regulations for toilet, shower, and laundry facilities in special occupancy parks.

Health and Safety Code, section 18873.3, requires HCD to adopt regulations regarding electrical wiring, fixtures, and equipment installed in special occupancy parks that it determines are reasonably necessary for the protection of life and property.

Health and Safety Code, section 18909(g), defines "Building standard" as not applying to mobilehomes, manufactured homes, commercial coaches, special purpose commercial coaches or recreational vehicles.

Health and Safety Code, section 18928, each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code, section 18938.3 establishes with respect to the model codes that are designated in Sections 17922 and 18938, to serve as the basis for the California Building Standards Code but are no longer published, the building standards adopted and approved by the commission shall be those contained in the most recent editions of the model codes adopted or approved by the commission to serve as the basis for the 2007 triennial edition of the California Building Standards Code.

Health and Safety Code Section 18949.5, any responsibilities of the Department of Housing and Community Development to adopt regulations relating to buildings standards are hereby transferred to the commission.

Health and Safety Code, section 19990 authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with

section 18935) of Part 2.5 of the HSC regarding requirements related to factory building housing to include the most recent editions of the international or uniform industry codes.

United States Code, Title 42, section 5403(d), provides Federal standards for construction of manufactured homes preemption over any other authority, state or local.

Summary of Existing Regulations

The 2022 California Electrical Code (CEC), CCR, title 24, part 3, adopted by reference the 2020 National Electrical Code (NEC) with California amendments, effective on January 1, 2023. The CEC is regularly updated on a triennial basis to reflect the most recent NEC.

Summary of Effect

HCD proposes to adopt by reference the 2023 NEC, with California amendments, into the 2025 CEC, CCR, title 24, part 3, for the following programs:

- State Housing Law Program: relative to electrical equipment and systems in residential occupancies, buildings, or structures accessory thereto and as provided in Health and Safety Code, section 17921.
- Employee Housing Program: relative to any building or structure or outdoors on premises or property in accordance with Health and Safety Code, section 17040.
- Mobilehome Parks and Special Occupancy Parks Programs: relative to the use of electrical equipment and systems in or on any permanent buildings, accessory buildings, and structures within the park boundaries in accordance with Health and Safety Code, sections 18620 and 18873.
- Factory-built Housing Program: relative to electrical equipment and systems in residential buildings, dwellings or portions thereof, or building component, or building systems in accordance with Health and Safety Code, section 19990.

The standards provide consistency with model code format, state and federal laws and regulations, and conditions unique to California. In addition, the amendments provide clarity and specificity, and give direction for the code user. A discussion of the effect of the regulations may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations.

Policy Statement Overview

The proposed regulations, as part of the update to the current 2022 California Building Standards Code (CCR, Title 24), will adopt, amend, or repeal existing building standards and establish new building standards, which will affect residential occupancies and

buildings or structures accessory thereto, as provided for by federal and state accessibility requirements; the use of general design, structural, and fire and life safety requirements in housing construction, buildings and structures accessory thereto; and permanent buildings in mobilehome parks and special occupancy parks. These updates will result in the 2025 California Building Standards Code.

The benefits anticipated from this proposed regulatory action include updating building standards, which will result in the protection of public health and safety, worker safety, the environment and general welfare of California residents. In addition, providing for use of the most recent building technology, methods and materials and applying those building standards on a statewide basis, as required by statute, results in uniformity in residential construction and promotes affordable costs.

Evaluation of Consistency

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

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

Reference: Government Code Section 11346.5(a)(4).
None.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).
HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **None.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.** Any change in costs borne by the local agency for enforcement of any new model code provisions are allowed, pursuant to HSC, section 17951, to be offset by appropriate adjustments in building permit fees.

- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None.**
- E. Cost or savings in federal funding to the state: **None.**

Estimate: \$0; HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

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

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

HCD has made an initial determination that the adoption, amendment, or repeal of these regulations will not have a significant, statewide adverse economic impact directly impacting businesses, including the ability of California businesses to compete with businesses in other states.

Declaration of Evidence

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

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

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary. Pursuant to Government Code Section 11346.2(b)(5)(B)(ii) adoption of the model codes is exempt from identification of the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates in the Initial Statement of Reasons.

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

Reference: Government Code Section 11346.5(a)(11).
Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that

it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

HCD has assessed the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

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

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

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

The Department of Housing and Community Development has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of businesses within the State of California.

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

These regulations will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

The adoption of the 2023 NEC by reference with California amendments will provide practical safeguarding of persons and property from hazards arising from the use of electricity. The NEC contains provisions that are considered necessary for safety and compliance and proper maintenance will result in an installation that is essentially free from hazard. These

regulations will also update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

- No increased cost of compliance for those regulations that make only technical and nonsubstantive changes.
- Government Code, section 11346.2(b)(5)(B)(ii), provides that the model codes adopted pursuant to Health and Safety Code, section 18928, shall be exempt from the requirements of Government Code, section 11346.2(b)(5)(B), unless upon request as specified. The purpose of this rulemaking is to adopt the 2023 NEC which is a model code setting forth requirements for electrical systems in structures.
- The potential benefits provide recognition and appropriate use of new technologies and materials, clarity for the code users and local enforcement agencies, and may increase business due to the adoption of new building standards.
- Protection of public health and safety, worker safety, and the environment.

CONSIDERATION OF ALTERNATIVES

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

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

AVAILABILITY OF RULEMAKING DOCUMENTS

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms

and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

**CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS**

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

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

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

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

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

Primary Contact:

Randall Enrico, District Representative II
Department of Housing and Community
Development
State Housing Law Program
(916) 490–7584
Randall.Enrico@hcd.ca.gov

Back up Contact:

Jeffrey Cooney, District Representative I
Department of Housing and Community
Development
State Housing Law Program
(916) 820–1532
Jeffrey.Cooney@hcd.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION**

NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
GREEN BUILDING STANDARDS CODE,
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 11
(BSC 03/24)

Notice is hereby given that the California Building Standards Commission (BSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 11. The BSC is proposing building standards related to 2025 California Green Building Standards Code.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

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

Following the public comment period, BSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are

sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which BSC adopts, amends, or repeals the regulation(s). BSC will accept written comments on the modified building standards during the 15–day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 18928.1, 18930.5, 18931.7, 18941.10, and 18944.19; and Educational Code Section 17661.

The BSC is proposing this regulatory action based on Health and Safety Code Sections 18928.1, 18930.5, 18941.10, and 18944.19; and Educational Code Section 17661.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code Section 18928.1 specifies that building standards adopted or approved by BSC shall incorporate text of the model codes, applicable national specifications or published standards, in whole or in part, only by reference, with appropriate additions or deletions therefrom.

Health and Safety Code Section 18930.5 grants BSC the authority, if no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, to adopt, approve, codify, update, and publish green building standards for those occupancies.

Health and Safety Code Section 18931.7 states that BSC can utilize the Building Standards Administration Special Revolving Fund in carrying out the provisions of California Building Standards Law (Health and Safety Code, Division 13, Part 2.5) that relate to building standards, as defined in Section 18909, with emphasis placed on updating green building standards and verification guidelines for Tier 1 or Tier 2 green building standards.

Health and Safety Code Section 18941.10 authorizes BSC to adopt, approve, codify, and publish mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in nonresidential developments.

Health and Safety Code Section 18944.19 mandates BSC to research, develop, and propose for adoption revised mandatory building standards for short–term and long–term bicycle parking in nonresidential buildings upon the next triennial update of the CALGreen that occurs on or after January 1, 2023. In developing the standards, BSC is required to develop minimum mandatory bicycle parking standards using a method that is independent of the number of vehicle parking spaces.

Education Code Section 17661 mandates, upon the next triennial update of the California Building Standards Code, BSC to research, develop, and propose for adoption mandatory standards for carbon dioxide monitors in classrooms of a covered school and the University of California. The law specifies that this section shall apply to the University of California only to the extent that the Regents of the University of California, by resolution, make it applicable.

Summary of Existing Regulations

The California Green Building Standards Code, Part 11 of Title 24 of the California Code of Regulations (CCR), also known as the CALGreen Code, contains the green building standards for various mandatory and voluntary regulations including Electric Vehicle (EV) charging and bicycle parking.

Summary of Effect

This proposed action will implement the proposed modifications to the CALGreen for buildings within BSC authority. Once filed with Secretary of State, the updated building standards will be codified and published by July 1, 2025, and will become effective January 1, 2026. The Initial Statement of Reasons (ISOR) provides a complete description of the proposed building standards and their effect.

The proposed amendments have some editorial and non–substantive changes with no intended change in regulatory effect. However, there are several amendments that are substantive and listed below.

Electric Vehicle (EV) amendments: The substantive changes include increasing the Electric Vehicle infrastructure percentages for both the mandatory and the voluntary provisions and new requirements for the mandatory installed electric vehicle charging stations (EVCS) for light–duty vehicles. Also proposed are increased percentages for EVCS for both Tier 1 and Tier 2.

Bicycle parking amendments: pursuant to AB 2863 (statutes of 2022), BSC is proposing amendments to revise the CALGreen minimum mandatory bicycle parking standards using a method that is independent of the number of vehicle parking spaces in nonresidential buildings.

Carbon dioxide monitoring in classrooms: pursuant to AB 2232 (statutes of 2022), BSC is proposing to add a new Section 5.506.4 Carbon dioxide (CO₂) mon-

itoring in classrooms to require carbon dioxide monitoring in classrooms for both University of California (UC) and California State University (CSU) systems and certain private school classrooms.

Comparable Federal Statute or Regulations

There are no federal statutes or regulations that are comparable to the proposed updates to the CALGreen Code for EV, bicycle parking and carbon dioxide monitoring.

Policy Statement Overview

BSC is responsible for the development of green building standards for nonresidential occupancies for which no other state agency has authority or expertise. The proposed amendments have some editorial and non-substantive changes with no intended change in regulatory effect. However, there are several amendments that are substantive and listed below.

EV amendments: The objectives of the regulations are to propose changes to the building standards for light-duty Electric vehicle infrastructure for state-wide application. The specific benefits anticipated by the proposed amendment is to realize substantial environmental benefits through reduction in energy use, greenhouse gas emissions, criteria pollutant emissions, and fossil fuel dependency leading to improved public health, as well as to reduce or eliminate expensive future retrofit costs.

Bicycle parking amendments: The objectives of the regulation are to propose changes to the building standards for bicycle parking in response to AB 2863. The benefits include promoting bicycle ridership, reducing vehicles on roads, which reduces GHG emissions and traffic congestion, as well as the mental and physical health benefits of riding a bicycle and other forms of exercise which could reduce health-related costs to business owners.

Carbon dioxide monitoring in classrooms: The objectives of the regulation are to propose changes to the building standards for carbon dioxide monitoring in classrooms in response to AB 2232. The main benefits anticipated by the proposed amendment is to realize substantial environmental benefits. Another benefit is that improving indoor air quality in classrooms has shown to reduce absenteeism, reduce COVID-19 exposure, and maintain an improved environment for academic success.

Evaluation of Consistency

BSC has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

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

Reference: Government Code Section 11346.5(a)(4).
BSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).
BSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

A. Cost or Savings to any state agency: **Yes.**

To the extent the state authorizes new construction or renovation projects, any additional costs resulting from these regulations would be included in the overall total estimated project costs, subject to legislative approval.

All existing buildings will be subject to the proposed amendments. CARB staff assumes that all existing state buildings would be considered office buildings. CARB cannot identify the number of buildings that will be impacted by the proposed amendments during the effective date. CARB assumes a typical office building is in a 5,001 to 100,000 square foot building. Staff assumed the impacted state facilities would fall under the same building type and size range. Staff estimates that the State would install 1 to 20 EV Capable spaces and 2 to 59 Level 2 EVSE, for a construction cost ranging from \$5,821.61 to \$254,859.09. The state could elect to install 2 to 40 low power level 2 charging receptacles to replace all EV capable spaces. Staff estimates the total cost for 2 to 40 low power level 2 charging receptacles and 2 to 59 Level 2 EVSE to range from \$8,632.36 to \$321,496.69.

All new state buildings are subject to these requirements. A typical office building of 5,000 to 100,000 square feet may install 1 to 14 EV capable spaces and 2 to 41 Level 2 EVSE. Staff assumed that a newly constructed state facility would be considered an office building and fall within the same size range. Staff estimates for a newly constructed state building, 1 to 14 EV Capable spaces and 2 to 41 Level 2 EVSE would

be installed with a total cost ranging from \$5,821.61 to \$177,217.33. Developers could install low power level 2 chargers instead of EV capable spaces. Staff estimates that a developer could install a maximum of 2 to 28 low power level 2 charging receptacles and 2 to 41 Level 2 EVSE, with an estimated cost ranging from \$8,632.36 to \$223,863.65.

B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No.**

C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No.**

D. Other nondiscretionary cost or savings imposed on local agencies: **No.**

E. Cost or savings in federal funding to the state: **No.**

Estimate:

EV: For existing state office buildings and parking facilities, staff estimates a cost ranging from \$5,821.61 to \$254,859.09. For newly constructed state buildings and parking facilities, staff estimates a cost of \$5,821.61 to \$177,217.33.

Bicycle parking and CO₂ monitoring: An estimate of cost or savings to any state agency, local agency, or school district is as follows:

State government: For the CO₂ monitoring regulations, there is no Impact on state governments as this proposal only applies to UC/CSU university classrooms and private charter school classrooms. The bicycle Racks/locker costs to state agencies constructing a new office (5,000 SF) buildings or qualifying additions ranges from \$300–\$4,500. Bicycle parking Fiscal impact costs from these regulations are subject to legislative approval.

Local government: Currently, local government building departments are responsible for enforcing the California Green Building Standards Code, Title 24, Part 11. There should not be any major fiscal effect on local governments to enforce a mandatory requirement in nonresidential new construction or qualifying additions and alterations. However, if there is a minor increase of costs to local governments to review and check plans for compliance, any increase in costs can be recovered from increases in permit fees and from the building permit application fees as per HSC 18931.6. When local governments are constructing new office (5,000 SF) buildings or qualifying additions the typical initial costs added are \$300–\$4,500 for bicycle parking regulations.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

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

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

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

Declaration of Evidence

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

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

EV amendments: Regarding the proposal to require appropriate light-duty EV capable infrastructure and Level 2 EV chargers, BSC conducted stakeholder workshops on

- October 19, 2023
- November 28, 2023
- January 11, 2024

These workshops were attended by state agencies, interested parties and stakeholder representatives such as the California Air Resources Board (CARB), the California Electric Transportation Coalition (CaETC), California Energy Commission, California Building Industry Association, Electric Vehicle Charging Association, Tesla, Southern California Edison, various local enforcing agencies, electric vehicle service providers, and private consultants. Based on testimony presented at the workshop and comments received from various stakeholders, BSC proposes to adopt the changes as suggested at the workshop.

BSC has made an initial determination that this regulatory action would marginally increase costs to California business enterprises representing up to 1.05 percent of the total new construction costs of nonresidential buildings, excluding office and retail buildings over the 3-year life of the amendments and with significant benefits to Californians due to improved air quality and greenhouse gas emissions reduction. The proposal will also help to alleviate expensive future retrofit costs for applicable building owners, saving them more than six times the cost of adding panel capacity and conduit in standalone retrofits of existing buildings. For office and retail buildings, BSC has made an initial determination that this regulatory

action would marginally increase costs to California business enterprises representing up to 1.46% over the 3–year life of the amendments and with significant benefits to Californians due to the improved air quality and greenhouse gas emissions reductions.

This determination is based on comments received at the workshop and the cost benefit analysis provided by the California Air Resources Board. This analysis is based on the following:

1. “*Electric Vehicle (EV) Charging Infrastructure: Nonresidential Building Standards, CARB Technical and Cost Analysis, September 30, 2019*” (https://ww2.arb.ca.gov/sites/default/files/2020-08/CARB_Technical_Analysis_EV_Charging_Nonresidential_CALGreen_2019_2020_Intervening_Code.pdf).
2. “2023 National Construction Estimator 71st Edition”, edited by Richard Pray October 2023.
3. *2018 Commercial Buildings Energy Consumption Survey Preliminary Results* (<https://www.eia.gov/consumption/commercial/data/2018/index.php?view=characteristics>).
4. *Benefits and Considerations of Electricity as a Vehicle Fuel*” (https://afdc.energy.gov/fuels/electricity_benefits.html).
5. 2018 Grid Average Electricity Emissions Factor
6. *EMFAC (ca.gov)* (<https://arb.ca.gov/emfac/>).

BSC has shown in the Economic and Fiscal Impact Statement (399) and the Initial Statement of Reasons (ISOR) that the zero emissions vehicle infrastructure adjustments pose a marginal increase but do not pose a significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states.

Bicycle parking and CO2 monitoring:

For bicycle parking: BSC prepared a pre–cycle draft proposal and engaged the regulated community via an electronic email blast posted on the BSC website from October 25 to November 8, 2023, to garner public input from stakeholders and interested parties. No comments were received that the proposed changes would have significant statewide adverse economic impact on businesses.

For CO2 monitoring: BSC prepared a pre–cycle draft proposal and engaged the regulated community via an electronic email blast posted on the BSC website from December 14 to December 29, 2023, to garner public input from stakeholders and interested parties. No comments were received that the proposed changes would have significant statewide adverse economic impact on businesses.

BSC has shown in the Economic and Fiscal Impact Statement (399) and the Initial Statement of Reasons (ISOR) that the Bicycle parking and CO2 monitoring pose a marginal increase but do not pose a significant,

statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states. The public is welcome to submit any information, facts, or documents either supporting BSC’s initial determination or finding to the contrary.

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

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

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

BSC has assessed the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EV amendments: BSC is aware of initial cost impacts that a representative private person or business could incur in reasonable compliance with the proposed action. The cost impact has been determined to be up to 1.05 percent of all new applicable construction totals for all newly constructed nonresidential buildings, excluding office and retail. For newly constructed office and retail buildings, the cost impact is 1.46 percent.

However, it is also anticipated that such costs would be recouped in long–range savings expressed in utility and transportation costs, worker productivity, health costs, and goodwill. The Initial Statement of Reasons and the Economic and Fiscal Impact Statement support this statement.

Bicycle parking and CO2 monitoring: BSC is aware of initial cost impacts that a representative private person or business could incur in reasonable compliance with the proposed action. The cost impact has been determined to be:

- For CO2 monitoring = Initial installation costs range \$500–\$1,500.
- For Bicycle parking = Initial installation costs range \$300–\$4,500.

**ASSESSMENT OF EFFECT OF
REGULATIONS UPON JOBS
AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

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

The BSC has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations may cause some jobs to be created for the manufacturing, installation, and maintenance of Electric Vehicle Supply Equipment (EVSE), and for EV capable; installation of raceway and panel capacity to support future installation of EVSE. Some jobs may be created for the manufacturing, installation and maintenance of CO₂ monitoring and bicycle parking equipment installation. No jobs are expected to be eliminated.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will likely promote the expansion of businesses currently involved with EV manufacturing, installation, maintenance, and technology development, and some special trade construction businesses may be created for EV capable, CO₂ monitoring and bicycle parking equipment installations. No business is expected to be eliminated.

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

These regulations will likely promote the expansion of businesses currently involved with EV manufacturing, installation, maintenance, and technology development within the State of California, as well as the expansion of some businesses for CO₂ monitoring and bicycle storage equipment manufacturing, construction trades, installers & suppliers.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

These regulations will increase the sustainability of California’s natural resources by reducing fuel use, GHG emissions, criteria pollutants, and fossil fuel dependence. CO₂ monitoring will promote better indoor air quality for students and teachers. Bicycle parking will increase ridership, reduce vehicles on roads which reduces GHG emissions and traffic congestion. Additionally, updating and clarifying the minimum current CALGreen codes will provide increased protection of public health and safety, worker safety and the environment.

**ESTIMATED COST OF COMPLIANCE
OF STANDARDS THAT WOULD
IMPACT HOUSING**

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

BSC has determined that this proposal would not have a significant effect on housing costs. BSC does not have authority to impose building standards or regulations affecting housing.

CONSIDERATION OF ALTERNATIVES

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

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

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).
General questions regarding procedural and administrative issues should be addressed to:
Kevin Day, Acting Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263–0916

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

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

Primary Contact:

Enrique M. Rodriguez, Associate Construction Analyst
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone Number: (916) 263–0916
enrique.rodriguez@dgs.ca.gov

Back up Contact:

Irina Brauzman, Supervising Architect
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone Number: (916) 263–0916
irina.brauzman@dgs.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION**

NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
ELECTRICAL CODE (CEC) CALIFORNIA
CODE OF REGULATIONS, TITLE 24, PART 3
(BSC 01/23)

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. The CBSC is proposing build-

ing standards related to the 2025 California Electrical Code.

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).
A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

Note: Only comments received in an accessible format will be viewable via CBSC’s website. Use the e-Comment form to ensure accessibility.

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).
Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 18928, 18928.1, 18934.5, and 18934.7.

The Building Standards Commission is proposing this regulatory action based on Health and Safety Code Sections 18928, 18928.1, 18934.5, and 18934.7.

INFORMATIVE DIGEST

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

Summary of Existing Laws

HSC Section 18928 sets forth that each state agency adopting or proposing adoption of a model code shall adopt or propose adoption of the most recent edition of the model codes within one year after the date of publication of the model code, national standard, or specification.

HSC Section 18928.1 specifies that building standards adopted or approved by BSC shall incorporate text of the model codes, applicable national specifications or published standards, in whole or in part, only by reference, with appropriate additions or deletions therefrom.

HSC Section 18934.5 authorizes BSC to adopt, approve, codify, and publish building standards for the design and construction of state buildings, including California State University buildings and, to the extent permitted by law, University of California buildings, where no state agency has the authority to adopt building standards applicable to state buildings.

HSC Section 18934.7 mandates BSC to adopt the building standards of Appendix Chapter 1 of the International Existing Building Code for publication by reference in the California Building Standards Code.

Summary of Existing Regulations

The existing 2022 California Electric Code (CEC) is Part 3 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The 2022 CEC is based on the 2020 National Electric Code (NEC) of the National Fire Protection Association (NFPA), with amendments for state buildings and buildings constructed by California State University and University of California promulgated by the California Building Standards Commission.

Summary of Effect

BSC is mandated to adopt the most current editions of the model codes. This proposed action by BSC will repeal the 2020 NEC and adopt the 2023 NEC with existing and new editorial amendments into the 2025 edition of the California Electrical Code (CEC). This proposed action will make the 2022 CEC inoperative upon the effective date of 2025 CEC on January 1, 2026. BSC’s amendments are applicable to state buildings, state colleges and universities, pursuant to Health and Safety Code Section 18934.5. The Initial Statement of

Reasons (ISOR) provides a complete description of the proposed building standard amendments.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or regulations related to the proposed action by BSC.

Policy Statement Overview

This proposed adoption of the most current edition of the NEC, by reference through the California Code of Regulations, Title 24, makes it applicable to construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the State of California as specified in Article 89 of CEC. The adoption of the most current edition of the NEC provides an up-to-date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the next triennial edition of the California Electrical Code. BSC’s amendments are applicable to state buildings, state colleges and universities, as specified in Article 89 of CEC.

Evaluation of Consistency

The proposed regulation is not inconsistent or incompatible with existing state regulations.

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

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

BSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

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

BSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. BSC does not have authority to impose building standards or regulations on school districts. While local agencies (e.g. city and county building departments) are required to enforce the CEC, this proposal does not impose new mandates that would require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal makes only clarifying changes to existing code language and would have no change in regulatory effect.

ESTIMATE OF COST OR SAVINGS

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

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

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

Estimate: BSC has determined that this proposed action makes only clarifying changes to existing code language and have no intended change in regulatory effect. This proposal does not impose new mandates on local agencies that would require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

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

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

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

Declaration of Evidence

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

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

BSC affirms that the rulemaking action complies with the mandates set forth by the Health and Safety Code, Section 18928 and 18934.5. This rulemaking adopts the most current edition of the NEC with existing amendments and minor editorial changes with no intended change in regulatory effect.

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

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

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

N/A.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

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

BSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

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

The Building Standards Commission has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations will not affect the creation of or elimination of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation of new businesses or the elimination of existing businesses within the State of California.

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

These regulations will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

These regulations will update and clarify minimum building standards, which will provide increased protection of public health and safety, worker safety and the environment.

**ESTIMATED COST OF COMPLIANCE
OF STANDARDS THAT WOULD
IMPACT HOUSING**

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

BSC has determined there would be no cost to comply with these proposed building standards. BSC does not have authority to impose building standards or regulations applicable to housing.

CONSIDERATION OF ALTERNATIVES

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

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

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

**CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS**

Reference: Government Code Section 11346.5(a)(14).
General questions regarding procedural and administrative issues should be addressed to:

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

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

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

Primary Contact:

Tom Martin, Associate Construction Analyst
California Building Standards Commission
(916) 263–0677
Tom.Martin@dgs.ca.gov

Back up Contact:

Kevin Day, Deputy Director
California Building Standards Commission
(916) 263–5588
Kevin.Day@dgs.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
MECHANICAL CODE CALIFORNIA CODE
OF REGULATIONS, TITLE 24, PART 4
(BSC 01/24)**

Notice is hereby given that the California Building Standards Commission (BSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The BSC is proposing building standards related to 2025 California Mechanical Code.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

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

Following the public comment period, BSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which BSC adopts, amends, or repeals the regulation(s). BSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code 18928, 18928.1, 18930.5, 18934.5, 18940.5 and 18949.6.

The California Building Standards Commission is proposing this regulatory action based on Health and Safety Code 18928, 18928.1, 18930.5, 18934.5, 18940.5 and 18949.6.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code (HSC) 18928 authorizes BSC to adopt the most recent edition of the Uniform Mechanical Code.

HSC Section 18928.1 specifies that building standards adopted or approved by the commission shall incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions therefrom.

HSC Section 18930.5 states that if no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, the commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.

HSC Section 18934.5 sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

HSC Section 18940.5 authorizes BSC and other state agencies that propose green building standards for inclusion in Part 11 of the Title 24 of the California Code of Regulations to the extent feasible, reference or reprint green building standards in other parts of Title 24. For purposes of compliance with this section, the republication of these provisions in other parts of Title 24 shall not be considered duplication in violation of HSC Section 18930.

HSC Section 18949.6 requires BSC to adopt regulations setting forth the procedure for the adoption of building standards and administrative regulations that apply directly to the implementation or enforcement of building standards.

Summary of Existing Regulations

The California Mechanical Code (CMC) is Part 4 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The 2022 CMC incorporates, by adoption by the BSC, the 2021 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials (IAPMO), with amendments for state buildings and buildings constructed by the University of California and California State Universities promulgated by the California Building Standards Commission.

Summary of Effect

BSC is mandated to adopt the most current editions of the model codes. This proposed action by BSC will repeal the 2021 UMC and adopt the 2024 UMC with existing and new editorial amendments into the 2025 edition of the California Mechanical Code (CMC). This proposed action will make the 2022 CMC inoperative upon the effective date of 2025 CMC on January 1, 2026. BSC’s amendments are applicable to state buildings, state colleges and universities, pursuant to Health and Safety Code Section 18934.5. The Initial Statement of Reasons (ISOR) provides a complete description of the proposed building standard amendments.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or Regulations related to the proposed action by BSC.

Policy Statement Overview

This proposed adoption of the most current edition of the UMC, by reference through the California Code of Regulations, Title 24, makes it applicable to construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the State of California as specified in Chapter 1 of the CMC. The adoption of the most current edition of the CMC provides an up-to-date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the next triennial edition of the California Mechanical Code. BSC’s amendments are applicable to state buildings, state colleges and universities, as specified in Chapter 1 of the CMC.

Evaluation of Consistency

The proposed regulation is not inconsistent or incompatible with existing state regulations.

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

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

BSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation of class of regulations.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

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

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

ESTIMATE OF COST OR SAVINGS

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

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

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

Estimate: BSC has determined that this proposed action makes only clarifying changes to existing code language and would have no intended change in regulatory effect. This proposal does not impose new mandates on local agencies that would require state reimbursement pursuant to Part 7 (commencing with Section 17500) Division 4 of the Government Code.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

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

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

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

Declaration of Evidence

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

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

The BSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928 and 18934.5. This rulemaking

adopts the 2024 UMC with minor editorial changes and no intended change in regulatory effect.

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

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

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

N/A.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

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

BSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

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

The California Building Standards Commission has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations will not affect the creation of or elimination of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation of new businesses or elimination of existing businesses within the State of California.

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

These regulations will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

These regulations will bring California into compliance with the most recent edition of the national

model code (i.e., the 2024 UMC, developed by the International Association of Plumbing and Mechanical Officials), thereby benefiting the welfare of residents, worker safety, and the state’s environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

BSC has determined that there would be no cost to comply with these proposed building standards. BSC does not have authority to impose building standards or regulations applicable to housing.

CONSIDERATION OF ALTERNATIVES

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

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

AVAILABILITY OF RULEMAKING DOCUMENTS

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

require extending the period of public comment for the proposed action.

**CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS**

Reference: Government Code Section 11346.5(a)(14).
General questions regarding procedural and administrative issues should be addressed to:

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

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

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

Primary Contact:

Beth Maynard, Associate Construction Analyst
Department of General Services
The California Building Standards Commission
916–263–5383
Beth.Maynard@dgs.ca.gov

Back up Contact:

Irina Brauzman, Supervising Architect
Department of General Services
The California Building Standards Commission
916–263–5159
Irina.Brauzman@dgs.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
PLUMBING CODE CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PART 5
(BSC 02/24)**

Notice is hereby given that the California Building Standards Commission (BSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations

(CCR), Title 24, Part 5. BSC is proposing building standards related to 2025 California Plumbing Code.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

**POST–HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

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

Following the public comment period, BSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which BSC adopts, amends, or repeals the regulation(s). BSC will accept written comments on the modified building standards during the 15–day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code 18928, 18928.1, 18930.5, 18934.5, 18940.5, 18941.8, and 18949.6; and Water Code Section 14877.1.

The California Building Standards Commission is proposing this regulatory action based on Health and Safety Code Sections 18928, 18928.1, 18930.5, 18934.5, 18940.5, 18941.8, and 18949.6.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code (HSC) 18928 authorizes BSC to adopt the most recent edition of the Uniform Plumbing Code.

HSC Section 18928.1 specifies that building standards adopted or approved by the commission shall incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions therefrom.

HSC Section 18930.5 states that if no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, the commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.

HSC Section 18934.5 sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

HSC Section 18940.5 authorizes BSC and other state agencies that propose green building standards for inclusion in Part 11 of the Title 24 of the California Code of Regulations to the extent that it is feasible, reference or reprint the green building standards in other relevant portions of Part 2, 2.5, 3, 4, 5, or 6 of the Title 24 California Code of Regulations.

HSC Section 18941.8 authorizes BSC to adopt building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses in nonresidential occupancies.

HSC Section 18949.6 requires BSC to adopt regulations setting forth the procedure for the adoption of building standards and administrative regulations that apply directly to the implementation or enforcement of building standards.

Water Code Section 14877.1 specifies that the authority of the Department of Water Resources (DWR) to adopt standards for nonresidential occupancies shall terminate upon the adoption of standards by the

California Building Standards Commission pursuant to Section 18941.8 of the Health and Safety Code.

Summary of Existing Regulations

The California Plumbing Code (CPC) is Part 5 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The 2022 CPC incorporates, by adoption by the BSC, the 2021 Uniform Plumbing Code (UPC) of the International Association of Plumbing and Mechanical Officials (IAPMO), with amendments for state buildings and buildings constructed by the University of California and California State Universities promulgated by the California Building Standards Commission. Additional BSC amendments reference and/or reprint green building standards into the 2022 CPC, as appropriate, pursuant to HSC Section 18940.5.

BSC maintains existing amendments as follows:

- Chapter 1: Division I and II California Administration
- Chapter 2: Definitions
- Chapter 4: Flow rates, flush volumes, and plumbing fixture counts
- Chapter 6: Materials for building supply and water distribution
- Chapter 11: Storm Drainage
- Chapter 15: Construction, alteration, discharge, use and repair of alternate water source systems for nonpotable application
- Chapter 16: Installation, construction, alteration, and repair of nonpotable rainwater catchment systems.

Summary of Effect

BSC is mandated to adopt the most current editions of the model codes. This proposed action by BSC will repeal the 2021 UPC and adopt the 2024 UPC with existing and new editorial amendments into the 2025 edition of the CPC. This proposed action will make the 2022 CPC inoperative upon the effective date of 2025 CPC on January 1, 2026. BSC's amendments are applicable to state buildings, state colleges and universities, pursuant to Health and Safety Code Section 18934.5. Additionally, BSC promulgates amendments applicable to graywater systems for nonresidential construction, including green building standards reprinted in the CPC, as appropriate, pursuant to HSC 18940.5. The Initial Statement of Reasons (ISOR) provides a complete description of the proposed building standards effect.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or Regulations related to the proposed action by BSC.

Policy Statement Overview

This proposed adoption of the most current edition of the UPC, by reference through the California

Code of Regulations, Title 24, makes it applicable to construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the State of California as specified in Chapter 1 of the CPC. The adoption of the most current edition of the UPC provides an up-to-date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the next triennial edition of the CPC. BSC’s amendments are applicable to state buildings, state colleges and universities, as specified in Chapter 1 of the CPC.

Evaluation of Consistency

The proposed regulation is not inconsistent or incompatible with existing state regulations.

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

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

BSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation of class of regulations.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

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

BSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. This proposal makes only clarifying changes to existing code language and would have no change in regulatory effect. BSC’s amendments apply to elements of state buildings, state colleges, and universities only.

ESTIMATE OF COST OR SAVINGS

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

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

- A. Cost or Savings to any state agency: **NO**.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**.

- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**.
- E. Cost or savings in federal funding to the state: **NO**.

Estimate: BSC has determined that this proposed action makes only clarifying changes to existing code language and would have no intended change in regulatory effect. This proposal does not impose new mandates on local agencies that would require state reimbursement pursuant to Part 7 (commencing with Section 17500) Division 4 of the Government Code.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

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

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

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

Declaration of Evidence

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

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

The BSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928 and 18934.5. This rulemaking adopts the 2024 UPC with minor editorial changes and no intended change in regulatory effect.

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

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

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

N/A.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

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

Describe all cost impacts that a representative private person or business would necessarily incur in

reasonable compliance with the proposed action. If no cost impact, provide the following statement:

BSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

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

The California Building Standards Commission has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations will not affect the creation of or elimination of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation of new or elimination of existing businesses within the State of California.

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

These regulations will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

These regulations will bring California into compliance with the most recent edition of the national model code (i.e., the 2024 UPC, developed by the International Association of Plumbing and Mechanical Officials), thereby benefiting the welfare of residents, worker safety, and the state’s environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

BSC has determined that there would be no cost to comply with these proposed building standards. BSC does not have authority to impose building standards or regulations applicable to housing.

CONSIDERATION OF ALTERNATIVES

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

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

AVAILABILITY OF RULEMAKING DOCUMENTS

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

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

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

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

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

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

Primary Contact:

Beth Maynard, Associate Construction Analyst
Department of General Services
The California Building Standards Commission
916–263–5383
Beth.Maynard@dgs.ca.gov

Back up Contact:

Irina Brauzman, Supervising Architect
Department of General Services
The California Building Standards Commission
916–263–5159
Irina.Brauzman@dgs.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/CALFIRE (OFFICE OF
THE STATE FIRE MARSHAL)**

NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
MECHANICAL CODE CALIFORNIA CODE
OF REGULATIONS, TITLE 24, PART 4
(SFM 01/24)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the State Fire Marshal proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The SFM is proposing building standards related to 2023 Triennial rulemaking code cycle.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

**POST–HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15–day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.2. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, and 17921.

The SFM is proposing this regulatory action based on Health and Safety Code Sections 1250, 1502, 1568.02, 1569.72–1569.78, 1597.44–1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13145, 13146, 13211, 16022.5, 17921, 18928, 18949.2, 25500 through 25545; Government Code Sections 51176, 51177, 51178, 51179 and 51189; Public Education Code 17074.50; and Public Resources Code Sections 4201 through 4204.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code Section 1250

As used in this chapter, “health facility” means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24–hour stay or longer.

Health and Safety Code Section 1502

General provisions and Definitions for the California’s Community Care Facilities Act

Health and Safety Code Section 1568.02, 1569.72 through 1569.78

General provisions and Levels of Care for Residential Care Facilities for the Elderly

Health and Safety Code Section 1597.44 through 1597.65

General and Licensing provisions for Family Day Care

Health and Safety Code Section 13108(a).

The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state–owned building or in any state–occupied building.

Health and Safety Code Section 13108.5.

(a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.

Health and Safety Code Section 13113.

An automatic sprinkler system shall be installed in all 24–hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5.

The State Fire Marshal Shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24–hour per day care,

which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114(a).

The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132.

Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a non–ambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7.

Shall require fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133(a).

The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135.

The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are non–ambulatory.

Health and Safety Code Section 13143.

Grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children’s nursery, children’s home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room,

or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1(a).

The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.2.

The State Fire Marshal shall enforce building standards published in the California Building Standards Code and those other rules and regulations adopted by the State Fire Marshal for the provision of structural fire safety and fire-resistant exits in multiple-story structures existing on January 1, 1975, let for human habitation, including, and limited to, apartment houses, hotels, and motels wherein rooms used for sleeping are let above the ground floor.

Health and Safety Code Section 13143.6(a).

The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9.

The State Fire Marshal shall establish minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13145.

The State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire Marshal, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Health and Safety Code Section 13146.

- (a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:
 - (1) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and

other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:

- (A) The chief of the fire authority of the city, county, or city and county, or the chief’s authorized representative.
- (B) The chief building official of the city, county, or city and county, or the official’s authorized representative.

Health and Safety Code Section 13210.

- (a) “Existing high-rise structure” means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.
- (b) “High-rise structure” means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250.
- (c) “New high-rise structure” means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

Health and Safety Code Section 13211.

The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 16022.5.

Following completion of construction of a state-owned or state-occupied essential services building, the State Fire Marshal may conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.

Health and Safety Code Section 17921(b).

The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928 (a).

Requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18949.2

- (a) Any responsibilities of the State Fire Marshal to adopt, through a formal rulemaking process as

provided in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, relating to building standards, including, but not limited to, Sections 13108, 13143, 13143.6, and 13211, are hereby transferred to the commission.

- (b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state’s fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state’s codes related to fire and life safety.
- (c) The state’s fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state’s fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Health and Safety Code Section 25500 through 25545.

- (a) The Legislature declares that, to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The establishment of a statewide environmental reporting system for these plans is a statewide requirement. Basic information on the location, type, quantity, and health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is required to be submitted to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

Government Code Section 51176 through 51179.

The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials can identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

Government Code Section 51189.

No later than January 31, 2020, the State Fire Marshal, in consultation with the director and the Director of Housing and Community Development, shall, pursuant to Section 18930 of the Health and Safety Code, recommend updated building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures, based on information learned from the 2017 wildfire season

Public Education Code 17074.50.

- (a) On and after July 1, 2002, all new construction projects submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection, alarm, and sprinkler system as set forth in Section 17074.52 and approved by the State Fire Marshal.

Public Resources Code 4201 through 4204

The purpose of this article is to provide for the classification of lands within state responsibility areas in accordance with the severity of fire hazard present for the purpose of identifying measures to be taken to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 4, 2022 California Mechanical Code with SFM amendments and additional building standards relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to adopt the 2025 California Mechanical Code (California Code of Regulations, Title 24, Part 4) based upon updated information or recent actions of the SFM. This proposed action:

Repeal certain amendments to the 2024 Uniform Mechanical Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).

Adopt and implement additional necessary amendments to the 2025 California Mechanical Code that address inadequacies of the 2024 Uniform Mechanical Code as they pertain to California laws.

Codify non-substantive editorial and formatting amendments to the 2025 California Mechanical Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statues addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The specific purpose of this rulemaking effort by the SFM is to act accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section regarding the Triennial code adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2024 Uniform Mechanical Code and published as the 2025 California Mechanical Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Mechanical Code, establish and or maintain minimum requirements for the prevention of fire and panic for the protection of life and property against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Evaluation of Consistency

The proposed regulations are consistent with existing state regulations.

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

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

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and building standards relating to the 2025 California Mechanical Code.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

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

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

ESTIMATE OF COST OR SAVINGS

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

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or

savings to any state agency, local agency, or school district.

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

Estimate: N/A.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

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

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

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

Declaration of Evidence

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

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

The SFM affirms that this rulemaking action complies specifically with the mandates of HSC Sections 13143, 18928, 18949.2(b), 18949(c) and the mandates of the statutory authority of the SFM.

Therefore, the SFM’s initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents, or other evidence to support this action.

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

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

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that

it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

N/A.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

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

SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

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

The State Fire Marshal has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation of new businesses or the elimination of existing business within the State of California.

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

These regulations will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

These regulations will update and improve minimum building standards, which will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12). The SFM did not identify any impact on housing.

CONSIDERATION OF ALTERNATIVES

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

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

AVAILABILITY OF RULEMAKING DOCUMENTS

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

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

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

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

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

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

Primary Contact:

Crystal Sujeski, Division Chief
CALFIRE/Office of the State Fire Marshal
Code Development and Analysis Division
916-568-2916
Crystal.Sujeski@fire.ca.gov

Back up Contact:

Jena Garcia, Deputy State Fire Marshal III
Specialist
CALFIRE/Office of the State Fire Marshal
Code Development and Analysis Division
916-531-7650
Jena.Garcia@fire.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/CALFIRE STATE
FIRE MARSHAL**

NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
PLUMBING CODE CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PART 5
(SFM 02/24)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the State Fire Marshal proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The SFM is proposing building standards related to 2024 Triennial rulemaking code cycle.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

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

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.2. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, and 17921.

The SFM is proposing this regulatory action based on Health and Safety Code Sections 1250, 1502, 1568.02, 1569.72-1569.78, 1597.44-1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13145, 13146, 13211, 16022.5, 17921, 18928, 18949.2, and 25500 through 25545; Government Code Sections 51176, 51177, 51178, 51179 and 51189; Public Education Code

17074.50; and Public Resources Code Sections 4201 through 4204.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code Section 1250

As used in this chapter, “health facility” means a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24–hour stay or longer.

Health and Safety Code Section 1502

General provisions and Definitions for the California’s Community Care Facilities Act

Health and Safety Code Section 1568.02, 1569.72 through 1569.78

General provisions and Levels of Care for Residential Care Facilities for the Elderly

Health and Safety Code Section 1597.44 through 1597.65

General and Licensing provisions for Family Day Care

Health and Safety Code Section 13108(a).

The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state–owned building or in any state–occupied building.

Health and Safety Code Section 13108.5.

(a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.

Health and Safety Code Section 13113.

An automatic sprinkler system shall be installed in all 24–hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5.

The State Fire Marshal Shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24–hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114(a).

The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132.

Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a non–ambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7.

Shall require fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133(a).

The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135.

The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are non–ambulatory.

Health and Safety Code Section 13143.

Grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children’s nursery, children’s home or institution not otherwise excluded from the coverage of this

subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1(a).

The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.2.

The State Fire Marshal shall enforce building standards published in the California Building Standards Code and those other rules and regulations adopted by the State Fire Marshal for the provision of structural fire safety and fire-resistant exits in multiple-story structures existing on January 1, 1975, let for human habitation, including, and limited to, apartment houses, hotels, and motels wherein rooms used for sleeping are let above the ground floor.

Health and Safety Code Section 13143.6(a).

The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9.

The State Fire Marshal shall establish minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13145.

The State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire Marshal, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Health and Safety Code Section 13146.

(a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(l) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:

- (A) The chief of the fire authority of the city, county, or city and county, or the chief’s authorized representative.
- (B) The chief building official of the city, county, or city and county, or the official’s authorized representative.

Health and Safety Code Section 13210.

- (a) “Existing high-rise structure” means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.
- (b) “High-rise structure” means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250.
- (c) “New high-rise structure” means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

Health and Safety Code Section 13211.

The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 16022.5.

Following completion of construction of a state-owned or state-occupied essential services building, the State Fire Marshal may conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.

Health and Safety Code Section 17921(b).

The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928(a).

Requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition

of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18949.2

- (a) Any responsibilities of the State Fire Marshal to adopt, through a formal rulemaking process as provided in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, relating to building standards, including, but not limited to, Sections 13108, 13143, 13143.6, and 13211, are hereby transferred to the commission.
- (b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state’s fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state’s codes related to fire and life safety.
- (c) The state’s fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state’s fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Health and Safety Code Section 25500 through 25545.

- (a) The Legislature declares that, to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The establishment of a statewide environmental reporting system for these plans is a statewide requirement. Basic information on the location, type, quantity, and health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is required to be submitted to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons. The information provided by business and area plans is necessary to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of hazardous materials into the workplace and environment.

Government Code Section 51176 through 51179.

The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials can identify measures that will retard the rate of spread, and re-

duce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

Government Code Section 51189.

No later than January 31, 2020, the State Fire Marshal, in consultation with the director and the Director of Housing and Community Development, shall, pursuant to Section 18930 of the Health and Safety Code, recommend updated building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures, based on information learned from the 2017 wildfire season

Public Education Code 17074.50.

- (a) On and after July 1, 2002, all new construction projects submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection, alarm, and sprinkler system as set forth in Section 17074.52 and approved by the State Fire Marshal.

Public Resources Code 4201 through 4204

The purpose of this article is to provide for the classification of lands within state responsibility areas in accordance with the severity of fire hazard present for the purpose of identifying measures to be taken to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 5, 2022 California Plumbing Code with SFM amendments and additional building standards relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to adopt the 2025 California Plumbing Code (California Code of Regulations, Title 24, Part 5) based upon updated information or recent actions of the SFM. This proposed action:

Repeal certain amendments to the 2021 Uniform Plumbing Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).

Adopt and implement additional necessary amendments to the 2025 California Plumbing Code that

address inadequacies of the 2024 Uniform Plumbing Code as they pertain to California laws.

Codify non-substantive editorial and formatting amendments to the 2025 California Plumbing Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statues addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The specific purpose of this rulemaking effort by the SFM is to act accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section regarding the Triennial code adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2024 Uniform Plumbing Code and published as the 2025 California Plumbing Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Plumbing Code, establish and or maintain minimum requirements for the prevention of fire and panic for the protection of life and property against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Evaluation of Consistency

The proposed regulations are consistent with existing state regulations.

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

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

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and building standards relating to the 2025 California Plumbing Code.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

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

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

ESTIMATE OF COST OR SAVINGS

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

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

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

Estimate: N/A.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

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

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

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

Declaration of Evidence

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

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

The SFM affirms that this rulemaking action complies specifically with the mandates of HSC Sections 13143, 18928, 18949.2(b), 18949(c) and the mandates of the statutory authority of the SFM.

Therefore, the SFM’s initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents, or other evidence to support this action.

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

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

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

N/A.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

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

SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

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

The SFM has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation of new businesses or the elimination of existing business within the State of California.

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

These regulations will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

These regulations will update and improve minimum building standards, which will provide increased

protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).
The SFM did not identify any impact on housing.

CONSIDERATION OF ALTERNATIVES

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

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

AVAILABILITY OF RULEMAKING DOCUMENTS

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

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

**CBCS CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS**

Reference: Government Code Section 11346.5(a)(14).
General questions regarding procedural and administrative issues should be addressed to:

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

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

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

Primary Contact:

Crystal Sujeski, Division Chief
CALFIRE/Office of the State Fire Marshal
Code Development and Analysis Division
916–568–2916
Crystal.Sujeski@fire.ca.gov

Back up Contact:

Jena Garcia, Deputy State Fire Marshal III
Specialist
CALFIRE/Office of the State Fire Marshal
Code Development and Analysis Division
916–531–7650
Jena.Garcia@fire.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION/DEPARTMENT
OF HEALTH CARE ACCESS
AND INFORMATION (OFFICE
OF STATEWIDE HOSPITAL
PLANNING AND DEVELOPMENT)**

NOTICE OF PROPOSED ACTION
REGARDING THE 2025 CALIFORNIA
PLUMBING CODE CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PART 5
(OSHPD 02/24)

Notice is hereby given that the California Building Standards Commission (CBCS) on behalf of the

DEPARTMENT OF HEALTH CARE ACCESS AND INFORMATION (HCAI) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5, California Plumbing Code. HCAI is proposing building standards related to the construction of hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers.

PUBLIC COMMENT PERIOD

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

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBCS via:

Email: cbcs@dgs.ca.gov

U.S. Mail postmarked no later than **July 1, 2024**:

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

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

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

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

**POST–HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

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

Following the public comment period, CBCS may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBCS adopts, amends, or repeals the regulation(s). CBCS will accept written comments on the modified building standards during the 15–day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

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

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, or make specific the provisions of 1250.3, 1418.22, and 129675–130070.

HCAI is proposing this regulatory action based on Health and Safety Code, Sections 1275, 18928, 18929, and 129850.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code, Section 1250.3 provides the provisions for a Chemical dependency recovery hospital per Assembly Bill 2096 (Chapter 233, Statutes 2022) into regulations.

Health and Safety Code, Section 1275 authorizes HCAI to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers.

Health and Safety Code, Section 1418.22 requires that Skilled Nursing Facilities (SNFs) have an alternative source of power to protect resident health and safety for no fewer than 96 hours for power outages that may result from a public safety power shutoff, an emergency, a natural disaster, or other cause.

Health and Safety Code, Section 18928 requires HCAI to adopt and reference the most recent edition of applicable model codes, national standards, or specifications. The model code, national standard, or specification, with amendments or proposed changes, shall be adopted within one year after the publication date.

Health and Safety Code, Section 18929 requires OSHPD to submit administrative regulations that directly apply to the implementation or enforcement of building standards to the California Building Standards Commission for the Commission’s approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code, Section 18949.3 transfers the responsibilities of HCAI to adopt regulations relating to building standards, to the California Building Standards Commission.

Health and Safety Code, Sections 129675–130070 authorizes HCAI to provide plan review and

construction observation for hospitals, skilled nursing facilities and intermediate care facilities to assure that these health facilities are compliant with the California Building Standards Code.

Health and Safety Code, Section 129850 authorizes HCAI to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

Summary of Existing Regulations

Title 24, Part 5, California Plumbing Code (CPC) is based on the 2021 Uniform Plumbing Code with California amendments. The CMC contains regulations pertaining to plumbing system building standards.

Summary of Effect

The proposed action makes editorial and technical modifications to plumbing building standards. The proposed standards provide clarification and consistency within the code and alignment with national standards.

HCAI proposes to repeal the 2021 Uniform Plumbing Code, adopt the 2024 Uniform Plumbing Code, and carry forward existing amendments from the 2022 California Plumbing Code, Part 5 of Title 24 California Code of Regulations.

Also included are regulations in accordance with new statutes in the Health and Safety Code: Assembly Bill 2096 (Chapter 233, Statutes of 2022) which adds the requirements for Chemical Dependency Recovery Hospitals (CDRH).

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to this proposed action.

Policy Statement Overview

HCAI is responsible for the development of building standards for the physical plant of health facilities including hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers. The intent of this proposal is to provide editorial and minor technical modifications for clarification and consistency within the code; coordination with other parts of Title 24, and align the plumbing code provisions with nationally recognized standards.

Evaluation of Consistency

The proposed regulation is consistent and compatible with existing state regulations.

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

Reference: Government Code Section 11346.5(a)(4). There are no other matters to identify.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).
HCAI has determined that the proposed regulatory action **WOULD NOT** impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

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

Estimate: \$0.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

Reference: Government Code Section 11346.5(a)(8).
If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

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

Declaration of Evidence

Reference: Government Code Section 11346.5(a)(8).
In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

HCAI has not relied on any other facts, evidence, documents, testimony, or other evidence to make its final determination of no statewide adverse economic impact. The scope of the proposed action is to make

editorial and technical modifications to the existing code that are in alignment with health facility licensing requirements and national referenced standards.

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

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

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

HCAI has made an assessment and has determined that a report pursuant to Government Code Section 11346.3(d) is not required.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

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

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

HCAI is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF
REGULATIONS UPON JOBS
AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

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

HCAI has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

The proposed regulations will not create or eliminate jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The proposed regulations will not create new businesses, or eliminate existing businesses within the State of California.

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

The proposed regulations will not cause expansion of businesses currently doing business with the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

The proposed building standards and regulations regarding the design and construction of licensed health facilities ensure protection of the public’s health, safety, and welfare of California residents through updated amendments. The regulations will not affect worker safety, or the state’s environment.

**ESTIMATED COST OF COMPLIANCE
OF STANDARDS THAT WOULD
IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).
These proposed regulations will not result in any cost of compliance that would impact housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).
HCAI has determined that no reasonable alternative considered by HCAI or that has otherwise been identified and brought to the attention of HCAI would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by HCAI or that has otherwise been identified and brought to the attention of HCAI would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

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

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the *CBSC website*: dgs.ca.gov/BSC.

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

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the *CBSC website*: dgs.ca.gov/BSC.

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

HCAI shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability

for which effective communication is required under state or federal law. The statement shall note that providing the accessible description of proposed changes may require extending the period of public comment for the proposed action.

**CBSC CONTACT PERSON
FOR PROCEDURAL AND
ADMINISTRATIVE QUESTIONS**

Reference: Government Code Section 11346.5(a)(14).
General questions regarding procedural and administrative issues should be addressed to:

Kevin Day, Acting Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263–0916

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

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

Primary Contact:

Mia Marvelli, Health Facilities Review,
Supervisor, Building Standards Unit
Department of Health Care Access and
Information
Office of Statewide Hospital Planning and
Development
(916) 440–8300
RegsUnit@hcai.ca.gov

Back up Contact:

Lori Campbell, Staff Services Manager I
(Specialist), Building Standards Unit
Department of Health Care Access and
Information
Office of Statewide Hospital Planning and
Development
(916) 440–8300
RegsUnit@hcai.ca.gov

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CESA CONSISTENCY DETERMINATION
REQUEST FOR
ZACA STATION TO ORCUTT DRAINAGE
REHABILITATION PROJECT (05-1K510)
2080-2024-006-05
SANTA BARBARA

The California Department of Fish and Wildlife (CDFW) received a notice on May 1, 2024, that California Department of Transportation (Caltrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves restoring damaged culverts to maintain the purpose of the pipes and to protect the embankments and roadway from potential slope failure. The project would also improve traffic monitoring to maintain an efficient Intelligent Transportation System and would replace lighting elements beyond their useful life. Proposed activities will include, but are not limited to, digging trenches with excavators, culvert invert paving, vegetation and tree removal, stabilizing drainage channels and reconstructing ditches, replacing existing pipes, revegetation of disturbed locations, and installation of a small animal ramp. The proposed project will occur in Santa Barbara County, and runs from postmile 65, approximately 1.8 miles north of the intersection of US-101 and State Route 154 (SR-154) near Los Alamos, to postmile 84.1, approximately 0.2 miles south of the Santa Maria Way undercrossing at Orcutt.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (BO)(Service Ref. Number 2022-0029640-S7-001) in a memorandum to the Caltrans on March 29, 2024, which considered the effects of the proposed project on state threatened and federally endangered California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, Caltrans is requesting a determination that the Incidental Take Statement (ITS) and its associated BO are consistent with CESA for purposes of the proposed project. If CDFW determines the ITS and associated BO are consistent with CESA for the proposed project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

DEPARTMENT OF FISH AND WILDLIFE

CESA CONSISTENCY DETERMINATION
REQUEST FOR
BOGUE ROAD CULVERT
REPLACEMENT PROJECT
2080-2024-008-02
SUTTER COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on May 1, 2024, that the Department of Water Resources (DWR) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves replacing 2 deteriorated and undersized corrugated metal culverts with two precast box culverts. Proposed activities will include, but are not limited to, dewatering, soil excavation, placement of rock fill, placement of a concrete block headwall, pouring concrete, and paving. The proposed project will occur at the intersection of Bogue Road and Schlag Road in Sutter County on the collecting canal system 1 mile east of the Sutter Bypass.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (BO)(Service Ref. Number 2024-0027994) in a memorandum to the U.S. Army Corps of Engineers on March 19, 2024, which considered the effects of the proposed project on state and federally threatened giant garter snake (*Thamnophis gigas*).

Pursuant to California Fish and Game Code section 2080.1, DWR is requesting a determination that the Incidental Take Statement (ITS) and its associated BO are consistent with CESA for purposes of the proposed project. If CDFW determines the ITS and associated BO are consistent with CESA for the proposed project, DWR will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

PETITION DECISION

BOARD OF STATE AND COMMUNITY CORRECTIONS

April 30, 2024

Robert M. Vanleeuwen (Tafoya), #BS8619
P.O. Box 1050 (SVSP-A2-132)
Soledad, CA 93960

P.O. Box 495
Crawford, CO, 81415

RE: PETITION TO ADOPT, AMEND, OR
REPEAL REGULATION

Dear Mr. Vanleeuwen,

The Board of State and Community Corrections (BSCC) received your Petition to Adopt, Amend, or Repeal a Regulation on April 2, 2024¹, in which you describe specific amendments and adoptions related to law–library services in state and local detention facilities.

While we understand the importance of providing access to legal materials and services for incarcerated individuals, we must also consider the feasibility of implementing such requirements across all facilities. The Board of State and Community Corrections (BSCC) is tasked with establishing and revising minimum standards for local detention facilities², but we do not own, staff, operate, or fund the operation of any of those facilities. There are over 450 adult local detention facilities in California, owned, staffed, and operated by over 200 different local law enforcement entities. This is in contrast to the 33 adult institutions mentioned in the petition, which are centrally administered by the California Department of Corrections and Rehabilitation³.

Our regulations are intended to require a basic level of services that could be reasonably complied with by all applicable adult local detention facilities. We use performance–based standards, allowing flexibility in complying with our regulations, which is essential because not every agency or facility is equal in terms of facility space, staffing, operations, population, resources, or funding, among other things.

The current language of section 1064 already requires that facilities provide incarcerated persons with access to legal reference materials via paper documents or through electronic media sources. The proposed adoption of section 1064.1 would create additional requirements that many facilities across the state could not reasonably comply with. Many facilities may not have the space or resources to maintain

additional computer terminals specifically for law–library use, with keyboards and mice, machines capable of printing and duplication, or the maintenance and most recent versions of the 29 specific legal documents and publications, or equivalents, listed in the Petition.

In addition, the BSCC must be able to inspect to the regulations we adopt, but as an agency tasked with regulating the operations of facilities, we do not possess access to or maintain the most current versions of the 29 specific legal documents suggested for incorporation.

We appreciate the intent behind the proposed changes. However, after careful consideration, we are denying the Petition in whole based on the fact that requirements for access to legal materials exist in other standards and court decisions and would not be feasible for all detention facilities to comply with your proposed requirements.

Pursuant to Government Code section 11340.7(d)⁴, the BSCC may respond to the Petition in writing or by hearing. By provision of this letter, BSCC is notifying you that it has denied your Petition in whole; the basis for denial is described above. The Petition and this response will remain on file at the BSCC for interested persons who wish to request copies, as well as for review and reference during the BSCC’s next regularly scheduled regulation revision process for local detention facilities.

Thank you for your Petition and your efforts to improve the services provided to incarcerated individuals.

Sincerely,

/s/

KATHLEEN T. HOWARD
Executive Director

¹ Gov. Code § 11340.7(a) Upon receipt of a petition requesting the adoption, amendment, or repeal of a regulation pursuant to Article 5 (commencing with Section 11346), a state agency shall notify the petitioner in writing of the receipt and shall within 30 days deny the petition indicating why the agency has reached its decision on the merits of the petition in writing or schedule the matter for public hearing in accordance with the notice and hearing requirements of that article.

² Penal Code § 6030 states “the Board of State and Community Corrections shall establish minimum standards for local correctional facilities. The board shall review those standards biennially and make any appropriate revisions.”

³ BSCC does not possess the authority to establish minimum standards for state facilities.

⁴ Gov. Code § 11340.7(d) Any decision of a state agency denying in whole or in part or granting in whole or in part a petition requesting the adoption, amendment, or repeal of a regulation pursuant to Article 5 (commencing with Section 11346) shall be in writing and shall be transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register at the earliest practicable date. The decision shall identify the agency, the party submitting the petition, the provisions of the California Code of Regulations requested to be affected, reference to authority to take the action requested, the reasons supporting the agency determination, an agency contact person, and the right of interested persons to obtain a copy of the petition from the agency.

**OAL REGULATORY
DETERMINATION**

DEPARTMENT OF STATE HOSPITALS

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED
UNDERGROUND REGULATIONS

(Pursuant to Government Code
section 11340.5 and section 270 of title 1 of the
California Code of Regulations)

Exhibit A to the determination is not being printed for practical reasons or space consideration. If you would like to view Exhibit A, please contact Margaret Molina at (916) 324–6044 or Margaret.Molina@oal.ca.gov.

2024 OAL DETERMINATION NUMBER 1

(OAL MATTER NUMBER CTU2023–1027–01)

REQUESTED BY:

Christian Williams

CONCERNING:

Administrative Directive Number 738, dated July 31, 2023, Patient Visiting Guidelines, issued by the Department of State Hospitals — Coalinga

DETERMINATION ISSUED PURSUANT TO
GOVERNMENT CODE SECTION 11340.5

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. OAL review is limited to the sole issue of whether the challenged rule meets the definition of “regulation” as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA).

If a rule meets the definition of “regulation” but was not adopted pursuant to the APA and should have been, it is an underground regulation as defined in section 250 of title 1 of the California Code of Reg-

ulations (CCR).¹ Nothing in this analysis evaluates the advisability or wisdom of the underlying action or enactment.

CHALLENGED RULE

At issue is whether Administrative Directive Number 738 (A.D. 738), issued by the Department of State Hospitals — Coalinga (DSH–C), regarding Patient Visiting Guidelines, contains underground regulations. A.D. 738 is attached hereto as Exhibit A.²

DETERMINATION

OAL determines A.D. 738 contains rules meeting the definition of “regulation” that the Department of State Hospitals (Department) should have adopted pursuant to the APA but did not.

FACTUAL BACKGROUND

On October 27, 2023, OAL received the petition from Christian Williams (Petitioner).

On December 26, 2023, OAL accepted the petition for consideration.

OAL published a summary of the petition in the California Regulatory Notice Register on January 5, 2024, and solicited comments from the public until February 5, 2024. OAL received twelve timely public comments during the comment period. Commenters asserted that A.D. 738 is an underground regulation, that DSH–C amends A.D. 738 without notice to patients, and that DSH–C only makes A.D. 738 available to patients in binders in the library, among hundreds of other Administrative Directives.

OAL also received numerous phone calls and voice-mails from commenters asserting that A.D. 738 imposes unnecessary burdens on family and friends seeking to visit patients at DSH–C. There was no indication these oral comments were also transmitted to the Department for consideration.

On February 20, 2024, OAL received a response to the petition from the Department, which was due no later than February 20, 2024. The Department’s time-

¹ “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA. (Cal. Code Regs., title 1, § 250, subdivision (a)(1).)

² Although the petition includes A.D. 738 (dated July 31, 2023), Petitioner also submitted A.D. 738 (dated March 15, 2023) and A.D. 738 (dated April 10, 2018, and revised June 4, 2018) for this matter. This determination is based upon the most recent version of A.D. 738, which replaced prior versions.

ly response indicates the Department provided a copy of the response to Petitioner on February 20, 2024.

On February 29, 2024, OAL received a rebuttal from Petitioner, which was due no later than March 6, 2024.

THE DEPARTMENT’S RESPONSE
TO THE PETITION

In its response, the Department asserts A.D. 738 does not meet the definition of a regulation because it does not meet the elements set forth in *Tidewater Marine Western, Inc. v. Bradshaw*.³ The Department also asserts A.D. 738 is not a regulation because it is merely “a guide for DSH–C staff regarding hospital safety and security.”⁴

Also relevant to the analysis in this determination, the Department asserts A.D. 738 is exempt from the APA for the following seven reasons:

1. It relates only to the internal management of DSH–C;⁵
2. It relates to DSH–C audits;⁶
3. It embodies the only legally tenable interpretation of law and is a restatement of existing law;⁷
4. It governs the general control and direction of the property and concerns of each facility, and the duty to maintain an effective inspection of the hospital;⁸
5. It governs hospital contraband;⁹
6. It falls under the California Department of Corrections and Rehabilitation’s local rule exemption;¹⁰ and
7. It relates to a form utilized only by DSH–C staff.¹¹

EXISTING STATUTES AND REGULATIONS
RELATING TO THE CHALLENGED RULE

The following statutes and regulations relate to A.D. 738.

1. [The Department] ... may adopt and enforce rules and regulations necessary to carry out [its] ... duties under this division [regarding the care and treatment of persons with mental health disorders under the custody of the Department].¹²

³ *Tidewater Marine Western, Inc. v. Bradshaw* (1996) 14 Cal.4th 557.

⁴ Department Response to the Petition, page 2.

⁵ Gov. Code, § 11340.9, subdivision (d).

⁶ Gov. Code, § 11340.9, subdivision (e).

⁷ Gov. Code, § 11340.9, subdivision (f).

⁸ Welf. & Inst. Code, § 4109.

⁹ Welf. & Inst. Code, § 7295.

¹⁰ Pen. Code, § 5058, subdivision (c)(1).

¹¹ Gov. Code, § 11340.9, subdivision (c).

¹² Welf. & Inst. Code, § 4005.1.

2. [The Department] shall have jurisdiction over the execution of the laws relating to care and treatment of persons with mental health disorders under the custody of [the Department].¹³

3. [The Department] may adopt regulations concerning patients’ rights and related procedures applicable to the inpatient treatment of mentally ill offenders ... persons receiving treatment as mentally disordered sex offenders, and inmates of jail psychiatric units.¹⁴

4. [The Department] has general control and direction of the property and concerns of each state hospital ... The [D]epartment shall ... [t]ake care of the interests of the hospital, and see that its purpose and its bylaws, rules, and regulations are carried into effect, according to law ... [e]stablish such bylaws, rules, and regulations ... for regulating the duties of officers and employees of the hospital, and for its internal government ... and management ... [m]aintain an effective inspection of the hospital.¹⁵

5. To ensure its safety and security, a state hospital that is under the jurisdiction of [the Department] ... may develop a list of items that are deemed contraband and prohibited on hospital grounds and control and eliminate contraband on hospital grounds ... [The Department] shall develop a list of items that shall be deemed contraband at every state hospital ... Notwithstanding [the APA], the hospital and the [D]epartment may implement, interpret, or make specific this section without taking regulatory action.¹⁶

6. The mental health rehabilitation center, including the grounds, shall be maintained in a clean and sanitary condition and in good condition at all times to ensure safety and well–being of clients, staff and visitors.¹⁷

7. [A non–Lanterman–Petris–Short Act patient has a] right to personal visits during regularly scheduled visiting days and hours. The right to have visits shall not be denied except as is necessary for reasonable security of the facility and the safety of persons. The length and frequency of visits and the number of persons permitted to visit a patient at the same time may be limited consistent with safety, security, and to ensure that all patients have a fair opportunity to have visitors.¹⁸

¹³ Welf. & Inst. Code, § 4011, subdivision (a).

¹⁴ Welf. & Inst. Code, § 4027.

¹⁵ Welf. & Inst. Code, § 4109.

¹⁶ Welf. & Inst. Code, § 7295, subdivisions (a)–(b), (j).

¹⁷ Cal. Code Regs., title 9, § 787.15, subdivision (a).

¹⁸ Cal. Code Regs., title 9, § 884, subdivision (b)(4).

8. Facility visiting hours shall be scheduled seven days a week for a minimum of five hours each day.¹⁹
9. [A non–Lanterman–Petris–Short Act patient who] is being treated at an offsite hospital for longer than one week may be allowed to have visitors, subject to the visiting limitations of the hospital facility where the individual patient is being treated ... An individual patient who is being treated at an offsite hospital and is either in critical condition or is being treated for a terminal illness may be allowed to have visitors each day beginning on the first day of offsite treatment, subject to the visiting limitations of the hospital facility where the individual patient is being treated.²⁰
10. All persons entering ... visiting centers ... are subject to searches of their person using tools and methods including, but not limited to, metal detectors or metal detector wands, canine–sniffs, x–ray devices, cell phone detecting devices, devices to detect controlled substances, and pat–down searches.²¹
11. The property of all persons entering ... visiting centers ... are subject to searches, both visually and physically, using tools and methods including, but not limited to, the removal of hats, shoes, jewelry, jackets or coats for inspection; inspection of purses, bags, lunch boxes, and containers; the use of canine–sniffs, x–ray devices, cell phone detecting devices, devices to detect controlled substances, and metal detectors or metal detector wands.²²
12. Persons found with contraband listed on [the Department’s] ... statewide contraband list, or the specific state hospital’s contraband list, must be instructed to return the contraband to their vehicle, if the person arrived in a vehicle, or to remove the contraband from the hospital grounds. Failure to comply may result in a confiscation of the item or the person may be removed from the hospital grounds for failure to comply.²³
13. [The Department] shall conform to the regulations adopted by the State Fire Marshal establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic.²⁴

14. Patients have the right ... [t]o have daily visiting hours established [and] [t]o have visits from persons of the patient’s choosing at any time if the patient is critically ill, unless medically contraindicated.²⁵

UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides:

No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5, it creates an underground regulation as defined in section 250 of title 1 of the CCR.

OAL may issue a determination as to whether an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of “regulation” as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA.²⁶ An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to due deference in any subsequent litigation of the issue.²⁷

ANALYSIS

OAL’s authority to issue a determination extends only to the limited question of whether the challenged rule is a regulation subject to the APA. This analysis will determine (1) whether the challenged rule is a regulation within the meaning of Government Code section 11342.600; and (2) whether the challenged rule falls within any recognized APA exemption.

1. A.D. 738 satisfies the elements of a regulation.

“Regulation” is defined in Government Code section 11342.600 as:

... every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law en-

¹⁹ Cal. Code Regs., title 9, § 4300, subdivision (a).

²⁰ Cal. Code Regs., title 9, § 4310, subdivisions (a)–(b).

²¹ Cal. Code Regs., title 9, § 4353, subdivision (b).

²² Cal. Code Regs., title 9, § 4353, subdivision (c).

²³ Cal. Code Regs., title 9, § 4353, subdivision (d).

²⁴ Cal. Code Regs., title 22, § 73507.

²⁵ Cal. Code Regs., title 22, § 73523, subdivisions (a)(18) and (a)(20).

²⁶ Gov. Code, § 11340, subdivision (b).

²⁷ *Grier v. Kizer* (1990) 219 Cal.App.3d 422.

forced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Bradshaw*, the California Supreme Court expanded on this definition:

A regulation subject to the [APA] has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure.²⁸

As stated in *Tidewater*, the first element used to identify a regulation is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the State of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.²⁹ By its own terms, A.D. 738 applies to all staff, patients, and visitors at DSH–C and, therefore, applies to a class of persons. Moreover, each class of persons impacted by A.D. 738 is an open class with individuals regularly hired at, leaving from, committed to, discharged from, or visiting the facility. As such, the Department’s assertion that A.D. 738 does not apply generally because it applies only to DSH–C staff is without merit.

Also without merit is the Department’s argument that A.D. 738 is not a regulation because it “does not declare how a certain class of cases will be decided, nor does it provide restrictions to DSH–C’s patient population.”³⁰ However, by its own terms, A.D. 738 accomplishes both of those things.

For example, all persons under the age of 18 seeking to visit with a patient must comply with the requirements described in Section VI.D. These requirements include, but are not limited to, completion of a “Minor Visitation Clearance Request” (DSH–C 088) form by the minor’s parent(s), legal guardian(s), or a patient,³¹ submission of the completed DSH–C 088 form to External Affairs,³² referral of the DSH–C 088 form to the treatment team “for review and recommendations and/or restrictions,”³³ forwarding of the DSH–C 088 form and “Minor Visitation Request Supplement A” (DSH–C 092) form to the “Social Worker, Program Director, Clinical Administrator, and the Chief of

Police Services who shall provide a recommendation to the Executive Director,”³⁴ and issuance of a final determination by the Executive Director.³⁵ The aforementioned requirements clearly specify the process by which minor visitation must be requested. Additionally, the procedure contained in Section VI.D. specifically refers to the potential imposition of restrictions on patient visitation, further undermining the Department’s argument.

The second element of a regulation under *Tidewater* is that the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure.

The rules contained in A.D. 738 implement, interpret, and make specific the Welfare and Institutions Code sections enforced or administered by the Department and govern the Department’s procedure in at least the following ways:

1. They implement, interpret, and make specific sections 4005.1 and 4011(a) of the Welfare and Institutions Code in order to carry out the Department’s duty to execute the laws relating to care and treatment of persons under the Department’s custody.
2. They implement, interpret, and make specific section 4027 of the Welfare and Institutions Code because they concern patients’ rights and related procedures applicable to their treatment.
3. They implement, interpret, and make specific section 4109 of the Welfare and Institutions Code because they provide for the general control and direction of DSH–C. They also seek to ensure the purpose, rules, and regulations of the Department are carried into effect according to law, govern the duties of DSH–C staff, and establish DSH–C procedures.

The rules contained in A.D. 738 also implement, interpret, and make specific the CCR sections enforced or administered by the Department and govern the Department’s procedure in at least the following ways:

1. Sections IV.A. through F., and VI.A.4. through 7., of A.D. 738 implement, interpret, and make specific sections 884(b)(4), 4300(a) and (c), and 4310 of title 9 of the CCR, and section 73523(a)(18) and (a)(20) of title 22 of the CCR by establishing DSH–C visiting hours, notice requirements regarding changes to visiting hours, provisions regarding visits at irregular hours, provisions regarding visits at offsite hospitals, and a procedure regarding the imposition of limitations and/or conditions on patient visits, which impacts a pa-

²⁸ *Tidewater Marine Western, Inc. v. Bradshaw* (1996) 14 Cal.4th 557, 571.

²⁹ *Roth v. Department of Veterans Affairs* (1980) 110 Cal.App.3d 622, 630.

³⁰ Department Response to Petition, page 3.

³¹ A.D. 738, Section VI.D.1.a.

³² *Ibid.*

³³ A.D. 738, Section VI.D.1.c.

³⁴ A.D. 738, Section VI.D.1.d.

³⁵ A.D. 738, Section VI.D.1.e.

tient’s right to schedule visitors and limits visitor access to patients.

2. Sections IV.A. and VII.B. through C., of A.D. 738 implement, interpret, and make specific sections 884(b)(4), and 4300(a) and (c), of title 9 of the CCR, and section 73523(a)(18) and (a)(20) of title 22 of the CCR by establishing a required, electronic process to request to visit a patient, which impacts a patient’s right to schedule visitors and limits visitor access to patients.
3. Section VI.B.1. of A.D. 738 implements, interprets, and makes specific sections 884(b)(4) and 4353 of title 9 of the CCR by imposing specific limitations on allowable visitor attire, which may impact visitor access to patients.
4. Section VI.D. of A.D. 738 implements, interprets, and makes specific section 884(b)(4) of title 9 of the CCR by establishing a process to request minor visitation with a patient, including completion of specific forms, before a request for minor visitation will be reviewed and potentially approved, which impacts a patient’s right to schedule visitors and limits visitor access to patients.
5. Section VIII.C. of A.D. 738 implements, interprets, and makes specific section 884(b)(4) of title 9 of the CCR by establishing a process to restrict or terminate a visitor’s privilege to visit, which limits visitor access to patients.
6. Sections VIII.E. through F. of A.D. 738 implement, interpret, and make specific section 884(b)(4) of title 9 of the CCR by specifying a process for current and former Department of Corrections and Rehabilitation (CDCR) employees, current and former Department employees, former CDCR inmates, and former Department patients to request to visit a patient, which impacts a patient’s right to schedule visitors and limits visitor access to patients.

These examples illustrate how A.D. 738 meets the definition of “regulation” under *Tidewater*.

Although the Department’s Response repeatedly identifies A.D. 738 as “guidelines” for DSH–C staff, A.D. 738 satisfies the requirements necessary to be considered a regulation. The type of document is not an item of consideration in the underground regulations analysis. Rather, “if it looks like a regulation, reads like a regulation, and acts like a regulation, it will be treated as a regulation whether or not the agency in question so labeled it.”³⁶ Additionally, Government Code section 11340.5, subdivision (a), specifically prohibits the issuance of a “guideline” unless it is adopted pursuant to the APA.

³⁶ *State Water Resources Control Board v. Office of Administrative Law* (1993) 12 Cal.App.4th 697.

2. All of A.D. 738 is not APA exempt.

The final issue to examine is whether an express statutory exemption applies to the challenged rule. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. In any event, the procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation except to the extent that the legislation shall do so expressly.”³⁷

A. A.D. 738 does not relate only to the internal management of DSH–C.

A regulation that relates only to the internal management of the state agency is exempt from the APA.³⁸ However, this exemption applies only if the rule satisfies two conditions:

1. The rule affects only the employees of the issuing agency;³⁹ and
2. The rule does not involve a matter of serious consequence involving an important public interest.⁴⁰

Courts have interpreted the internal management exemption narrowly:

The internal management exception ... is a narrow one, as demonstrated by a line of cases consistently rejecting its application — even where the policies govern internal administrative matters — if the policies or procedures affect the interests of persons other than the agency itself.⁴¹

A.D. 738 contains numerous provisions that directly affect a DSH–C patient’s right to schedule visitors. For example, Section IV.A. states:

Visitors must submit a request utilizing the DSH website. Visiting Center Officers will send a confirmation email once the visit request has been cleared. Unscheduled visitors will not be permitted to visit without approval from the Chief of Police and/or Executive Director.

Another example, Section IV.F. states:

The Chief of Police or the Executive Director may modify the immediate visiting hours, limit the number of patients or visitors, assign tables or otherwise establish conditions based upon need. If changes are made by the Chief of Police, they are to relay their reason(s) for

³⁷ Gov. Code, § 11346.

³⁸ Gov. Code, § 11340.9, subdivision (d).

³⁹ See *Stoneham v. Rushen* (1982) 137 Cal.App.3d 729, 736; *Armistead v. State Personnel Board* (1978) 22 Cal.3d 198, 204.

⁴⁰ See *Poschman v. Dumke* (1973) 31 Cal.App.3d 932, 943; *Grier v. Kizer* (1990) 219 Cal.App.3d 422, 436.

⁴¹ *California School Boards Assn. v. State Board of Education* (2010) 186 Cal.App.4th 1298, 1334.

doing so to the Executive Director as soon as possible.

While these provisions may assist with the scheduling of Department staff to “ensur[e] there is enough staff present and working during visitation hours,”⁴² these provisions clearly affect DSH–C patients and visitors, in addition to Department staff.

A.D. 738 also imposes limitations on allowable visitor attire. Section VI.B.1. contains numerous limitations on allowable attire, including, for example, a prohibition on tank tops, underwire garments, skirts or dresses longer than knee length with slits extending above the knees, and exercise clothing. While these provisions may be necessary for general hospital security, these provisions clearly impact DSH–C visitors, in addition to Department staff.

A.D. 738 also imposes limitations on minor visitation with DSH–C patients. For example, Section VI.D1.c. states:

After the parents/legal guardians of the minor have signed and submitted the [Minor Visitation Clearance Request (DSH–C 088)] to the External Affairs Unit, the request will be referred to the TxT for review and recommendations and/or restrictions.

While this provision may be necessary for general hospital security, this provision clearly affects DSH–C patients, visitors, and the parent/legal guardian of the minor, in addition to Department staff.

In its response to the petition, the Department asserts that “the state hospitals must ensure the safety of patients housed within its facilities and the staff that work within the hospital” and that “DSH–C must evaluate the safety and security not only for each individual patient, but for its staff as well.”⁴³ Consistent with its duties to ensure safety and security for DSH–C patients and staff, the Department acknowledges:

A.D. 738 provides instruction to DSH–C staff on general hospital security including but not limited to contraband and controlled items, patient visitation, security protocols, patient privacy, as well as other procedures related to its patients. This guidance serves to ensure the safety of DSH–C’s patients and staff at its facility.⁴⁴

Despite this acknowledgement, the Department also states in its response to the petition that A.D. 738 “does not address a matter of serious consequence involving an important public interest.”⁴⁵ To the extent the Department believes that ensuring the safety and

security of patients, staff, and visitors does not involve a matter of serious consequence involving an important public interest, OAL disagrees.

Thus, A.D. 738 is not exempt from the APA based upon the internal management exemption.

B. A.D. 738 is not APA exempt as audit criteria or guidelines.

The APA contains a limited exemption regarding agency audits and material to be used in defense, prosecution, or settlement of a case.

[The APA] does not apply to ... [a] regulation that establishes criteria or guidelines to be used by the staff of an agency in performing an audit, investigation, examination, or inspection, ... or in the defense, prosecution, or settlement of a case, if disclosure of the criteria or guidelines would do any of the following:

- (1) Enable a law violator to avoid detection.
- (2) Facilitate disregard of requirements imposed by law.
- (3) Give clearly improper advantage to a person who is in an adverse position to the state.⁴⁶

The Department asserts that “DSH–C has regular audits and inspections for licensing requirements,”⁴⁷ which includes “ensuring that the facility has order and is safe.”⁴⁸ While this may be true, A.D. 738 has been distributed to patients and the public. Therefore, it is clear that “disclosure of the criteria or guidelines” was acceptable or necessary. Additionally, the Department has not established that disclosure of A.D. 738 would result in any of the outcomes enumerated in subdivisions (e)(1) through (e)(3) of Government Code section 11340.9.

Thus, A.D. 738 is not exempt from the APA based upon the audit exemption.

C. A.D. 738 does not embody the only legally tenable interpretation of law and is not a restatement of existing law.

Generally, a rule is excepted from the APA if it is the only legally tenable interpretation of a provision of law.

The exception for the lone “legally tenable” reading of the law applies only in situations where the law “can reasonably be read only one way [citation omitted], such that the agency’s actions or decisions in applying the law are essentially rote, ministerial, or otherwise patently compelled by, or repetitive of, the statute’s plain language.”⁴⁹

⁴² Department Response to Petition, page 4.

⁴³ Department Response to Petition, pp. 1–2.

⁴⁴ *Id.* at 4.

⁴⁵ *Ibid.*

⁴⁶ Gov. Code, § 11340.9, subdivision (e).

⁴⁷ Department Response to Petition, page 4.

⁴⁸ *Id.* at 5.

⁴⁹ *Morning Star Co. v. State Board of Equalization* (2006) 38 Cal.4th 324, 336–337 (internal citations omitted).

But to the extent any of the contents of the [statement of policy or procedure] depart from, or embellish upon, express statutory authorization, the [agency] will need to promulgate regulations.⁵⁰

A.D. 738 includes numerous provisions which are neither the only legally tenable interpretation of law nor a restatement of existing law.

The specific requirements, procedures, and limitations pertaining to patient visitation are not the only legally tenable interpretations of Welfare and Institutions Code section 4109, sections 884, 4300, 4310, or 4353 of title 9 of the CCR, or section 73523 of title 22 of the CCR. For example, in Section IV.A., the Department’s establishment of a specific procedure to request visitation further interprets the aforementioned laws and is not the only legally tenable interpretation of those laws. Another example, in Section VI.A., the visitor protocol, including the limitations on allowable visitor attire, further interpret the aforementioned laws and are not the only legally tenable interpretations of those laws. The Department could have adopted any number of other requirements, procedures, and limitations to implement, interpret, and make specific the laws listed above in order to ensure DSH–C patient and visitor safety during visitation.

The provisions governing facility safety and maintenance are not the only legally tenable interpretations of Welfare and Institutions Code section 4109, section 787.15 of title 9 of the CCR, or sections 71543 and 73507 of title 22 of the CCR. The Department could have adopted any number of other rules, procedures, or limitations to ensure “the safety of patients housed within its facilities and the staff that work within the hospital”⁵¹ and that the facilities are “maintained in a clean and sanitary condition.”⁵²

Additionally, with respect to Sections V.D. and VI.C.5., the Department asserts the contraband exemption contained in Welfare and Institutions Code section 7295 but does not allege that the Department or DSH–C formally added the items to the contraband list pursuant to the statutory procedures in Welfare and Institutions Code section 7295.

Thus, A.D. 738 is not exempt from the APA as the only legally tenable interpretation of existing law or a restatement of existing law.

⁵⁰ *Engelmann v. State Board of Education* (1991) 2 Cal.App.4th 47, 62.

⁵¹ Department Response to Petition, page 1.

⁵² Cal. Code Regs., title 1, § 787.15, subdivision (a).

D. A.D. 738 is not APA exempt because it governs the general control and direction of the property and concerns of each facility, and the duty to maintain an effective inspection of the hospital.

The Department asserts that A.D. 738 is exempt from the APA because existing statute provides that the Department has general control and direction of the property and concerns of each facility and the duty to maintain an effective inspection of the hospital.⁵³ Although the statute may delegate authority to the Department to implement the statutes the Department cites, the granting of authority does not confer an exemption from following the APA.

As discussed above, the procedural requirements established in the APA shall not be superseded or modified by any legislation except to the extent that the legislation shall do so expressly.⁵⁴ The statute the Department relies upon to support its assertion provides no express APA exemption. The Department must adopt regulations pursuant to the APA to implement, interpret, or make specific this statute unless an express statutory exemption applies.

E. It is unclear whether A.D. 738 contains items that have been adopted as contraband.

Welfare and Institutions Code section 7295 provides an APA exemption for the Department to develop a list of contraband items prohibited statewide on hospital grounds and for individual hospitals to develop hospital-specific contraband lists, using statutorily enumerated procedures.⁵⁵ The Department asserts that Section V. and Section VI. of A.D. 738 “provide guidance to staff responsible for ensuring the facility is safe and orderly.”⁵⁶ The contraband lists, which are exempt from the APA pursuant to Welfare and Institutions Code section 7295, will be utilized by DSH–C staff to search for contraband.⁵⁷ Accordingly, the Department asserts A.D. 738 falls within the contraband exemption with respect to its patient protocol and visitor protocol restrictions.⁵⁸

For purposes of the exemption, “contraband” means materials, articles, or goods that a patient is prohibited from having in their possession because the materials, articles, or goods present a risk to the safety and security of the facility.⁵⁹ To qualify for the contraband exemption, the Department or individual hospital must have added the item to the applicable contraband list pursuant to the enumerated statutory procedures. Development of the list must occur through a duly formed

⁵³ Welf. & Inst. Code, § 4109.

⁵⁴ Gov. Code, § 11346.

⁵⁵ Welf. & Inst. Code, § 7295.

⁵⁶ Department Response to Petition, page 9.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ Welf. & Inst. Code, § 7295, subdivision (i).

contraband committee with the participation of patient representatives and the Office of Patient’s Rights. A contraband list must be subject to timely review and approval of the Department’s Director. A hospital must post a contraband list prominently in every unit of the hospital, throughout the hospital, and online.⁶⁰

The Department’s response contains no evidence that the Department or DSH–C adopted the items sought to be characterized as prohibited contraband pursuant to these requirements. For example, Section V.C.1. prohibits patients from wearing “hats, caps, beanies, skull caps, bandanas or hairnets” during visitation. Another example, Section VI.B.1. contains numerous limitations on allowable attire for visitors, including a prohibition on tank tops, underwire garments, skirts or dresses longer than knee length with slits extending above the knees, and exercise clothing. The Department did not furnish the statewide or DSH–C contraband list in response to the petition. In addition, commenters objected to how DSH–C developed A.D. 738 and stated that A.D. 738 has not been posted prominently in every unit of the hospital, throughout the hospital, and online. Therefore, it is unclear if DSH–C adopted the purported contraband elements of A.D. 738 pursuant to the requirements of Welfare and Institutions Code section 7295 or whether the contraband exemption applies to those elements.

Also of note, in its response, the Department limits the intended application of the contraband exemption by stating, “Section V.D. and VI.C. of A.D. 738 (Contraband Search) specifically will be covered by the contraband search regulation currently being promulgated by DSH.” This statement acknowledges that at least several of the requirements contained in the patient protocol and visitor protocol sections of A.D. 738 fall outside the scope of the contraband exemption. In the absence of another applicable exemption, these requirements must be adopted pursuant to the APA.

F. The Penal Code section 5058(c)(1) (“local rule”) exemption for rules issued by the Secretary of CDCR applying to a particular prison or other facility does not apply to the Department.

Penal Code section 5058 contains a limited APA exemption applicable to rules issued by the Secretary of CDCR that apply to a particular prison or correctional facility.⁶¹ The Department asserts:

[Department] facilities must establish rules that apply to its particular hospital as each hospital has unique safety and security issues as the level of security differs based on the facility ... Each [Department] hospital must examine their facilities and its patients and make determinations as to how to ensure the security

of its units. Furthermore, because DSH–C receives patients from CDCR, the CDCR’s [Penal Code section 5058(c)(1) (“local rule”)] exemption should apply.⁶²

Penal Code section 5058, subdivision (c)(1), only applies to rules issued by the Secretary of CDCR for individual correctional facilities. The Department does not assert that A.D. 738 was issued by the Secretary of CDCR nor that state hospitals are correctional facilities.

A.D. 738 was not issued by the Secretary of CDCR. Rather, it was issued by the Department, which is a state agency with independent rulemaking authority. The fact that DSH–C “receives patients from CDCR” has no bearing on the application of the exemption contained in subdivision (c)(1) of Penal Code section 5058. Although the Department receives patients from CDCR, Department hospitals also house other patients.

G. A.D. 738 is not APA exempt solely because it references forms utilized by DSH–C staff.

The APA contains a limited APA exemption applicable to state agency forms.

The [APA] does not apply to ... [a] form prescribed by a state agency or any instructions relating to the use of the form, but *this provision is not a limitation on any requirement that a regulation be adopted pursuant to [the APA] when one is needed to implement the law under which the form is issued.*⁶³ [Emphasis added.]

The Department asserts A.D. 738 is exempt from the APA because “Request for Facility Entrance” (DSH–C 156) and “Minor Visitation Clearance Request” (DSH–C 088) are forms utilized by DSH–C staff. The Department goes on to state that “[t]he forms are required ... and there are no substitutes.”⁶⁴

The statutory exemption is clear on its face that it does not apply to a form containing a rule the APA requires to be adopted as a regulation. To the extent these forms contain regulations where no other exemption applies, the agency must adopt the forms pursuant to the APA. The lone fact that a form may be used by agency staff is of no import if the content of the form is regulatory and does not satisfy the internal management exemption or some other APA exemption.

Additionally, although not identified in the Department’s response, A.D. 738 also refers to a “Minor Visitation Request Supplement A” (DSH–C 092) form, “Denial of Rights” (MH–1763) form, and “Patient Photo Receipt” (DSH–C 101) form. In addition to the two forms specifically identified in the Department’s

⁶⁰ Welf. & Inst. Code, § 7295, subdivisions (c)–(h).

⁶¹ Pen. Code, § 5058, subdivision (c)(1).

⁶² Department Response to Petition, page 10.

⁶³ Gov. Code, § 11340.9, subdivision (c).

⁶⁴ Department Response to Petition, page 11.

response, none of these forms are referenced in the CCR. Without knowing the content of the forms, OAL cannot analyze them. Regardless, the assertion that the forms are APA exempt solely because Department staff utilize them is incorrect.

CONCLUSION

In accordance with the above analysis, OAL determines that A.D. 738 contains rules meeting the definition of “regulation” that the Department should have adopted pursuant to the APA. For example, the establishment of a required, electronic process to request to visit a patient, the imposition of limitations on allowable visitor attire, the establishment of a process to request minor visitation with a patient, the establishment of a process to restrict or terminate a visitor’s privilege to visit, and the specification of a process for current and former CDCR employees, current and former Department employees, former CDCR inmates, and former Department patients to request to visit a patient, are all rules meeting the definition of a regulation that the Department should have adopted pursuant to the APA. Thus, A.D. 738 contains underground regulations.⁶⁵

Date: May 6, 2024

/s/

Lindsey S. McNeill
Attorney III

For: Kenneth J. Pogue
Director

Copy: Stephanie Clendenin, Director, Department of State Hospitals
Loretta Davila, Attorney

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916)

⁶⁵ Please note, OAL’s review of A.D. 738 is limited to the sole issue of whether the challenged rule meets the definition of “regulation” as defined in Government Code section 11342.600 and is subject to the APA. As such, the Department’s request in its Response that OAL “allow DSH-C to continue to use of A.D. 738 until valid regulations can be promulgated” exceeds the scope of Government Code section 11340.5 and OAL’s authority.

653–7715. Please have the agency name and the date filed (see below) when making a request.

Commission on State Mandates
File # 2024–0328–02
General Cleanup

The Office of Administrative Law (OAL) grants the request of the Commission on State Mandates (Commission) to file and print amendments to the Commission’s regulations concerning test claims, review of Office of State Controller’s claiming instructions, incorrect reduction claims, quasi-judicial hearing procedures and decisions, and definitions of terms. This action is exempt from OAL review pursuant to Government Code section 17527(g).

Title 02
Amend: 1181.2, 1181.3, 1181.13, 1183.1, 1183.5, 1183.6, 1184.1, 1185.4, 1185.6, 1187.5, 1187.7, 1187.8
Filed 05/08/2024
Effective 07/01/2024
Agency Contact: Jill Magee (916) 323–3562

California Department of Tax and Fee Administration
File # 2024–0418–01
Credit for Tax–Paid Telecommunication Services

This action without regulatory effect repeals title 18, California Code of Regulations, section 2610, because all statutory authority for the regulation has been repealed, and the statute implemented by the regulation has also been repealed.

Title 18
Repeal: 2610
Filed 05/08/2024
Agency Contact: Kim DeArte (916) 309–5227

Department of Social Services
File # 2024–0325–04
Adoption Regulations Packet to incorporate Assembly Bill 120

This action repeals regulations related to the adoption facilitator program which was repealed by Assembly Bill 120 (Stats. 2023, chapter 43).

Title 22, MPP
Amend: 35000, 35001
Repeal: 35078
Filed 05/02/2024
Agency Contact: Tyler Penn (916) 204–0337

Board of Registered Nursing
File # 2024–0326–02
Required Curriculum

This action by the Board of Registered Nursing (“Board”) repeals provisions that mandate the mini-

imum percent of clinical hours that a clinical practice course must be in direct patient care, which will allow precicensure nursing programs to defer solely to Business and Professions Code section 2786(a)(2)'s statutory requirements for a program to meet a minimum of 500 direct patient care clinical hours with at least 30 hours dedicated to each nursing area specified by the Board.

Title 16
 Amend: 1426
 Filed 05/01/2024
 Effective 07/01/2024
 Agency Contact: Marissa Clark (916) 574–7438

Department of Pesticide Regulation

File # 2024–0327–01

Civil Penalty Actions by Commissioners

This regular rulemaking action by the Department of Pesticide Regulation amends section 6130 of Title 3 of the California Code of Regulations regarding civil penalty actions levied by county agricultural commissioners.

Title 03
 Amend: 6130
 Filed 05/06/2024
 Effective 07/01/2024
 Agency Contact: Lauren Otani (916) 445–5781

Department of Toxic Substances Control

File # 2024–0322–01

Generator Improvement Rule

In this rulemaking action, the Department revises its regulations related to hazardous waste to parallel federal regulation changes stemming from the Hazardous Waste Generator Improvements Rule (GIR), which was adopted by the United States Environmental Protection Agency (U.S. EPA). The Department's revisions affect acute hazardous waste, extremely acute hazardous waste, non–acute hazardous waste, small quantity generators, very small quantity generators, and large quantity generators. The revisions further address the accumulation of hazardous waste and exceptions to permit requirements for generators who accumulate hazardous waste. Moreover, the revisions discuss biennial reports as well as preparedness, prevention, and emergency procedures.

Title 22
 Adopt: 66262.13, 66262.15, 66262.16, 66262.17, 66262.18, 66262.250, 66262.251, 66262.252, 66262.253, 66262.254, 66262.255, 66262.256, 66262.260, 66262.261, 66262.262, 66262.263, 66262.264, 66262.265
 Amend: 66260.10, 66260.23, 66262.10, 66262.32, 66262.35, 66262.41, 66263.43, 66263.45, 66263.46, 66264.1, 66264.71, 66264.191, 66264.192, 66264.193, 66264.1030, 66264.1050, 66265.1, 66265.71, 66265.191, 66265.192, 66265.193, 66265.1030, 66265.1050, 66268.1, 66268.7, 66268.50, 66270.60, 66273.8, 66273.9, 66273.72, 66279.10, 67426.1
 Repeal: 66262.12, 66262.34
 Filed 05/06/2024
 Effective 07/01/2024
 Agency Contact:
 Gabby Nepomuceno (916) 251–8328

State Water Resources Control Board

File # 2024–0320–02

Total Maximum Daily Loads for Nitrogen Compounds in the Santa Ynez

This action under Government Code section 11353 amends the Water Quality Control Plan for the Central Coastal Basin to establish total maximum daily loads for nitrogen compounds and an associated implementation strategy for improving water quality in surface waters of the Santa Ynez basin in Santa Barbara County.

Title 23
 Adopt: 3929.21
 Filed 05/01/2024
 Effective 05/01/2024
 Agency Contact: Jamie Pratt (805) 549–3761

Department of Financial Protection and Innovation

File # 2024–0328–01

Investment Adviser Representative Continuing Education

This action adopts the North American Securities Administrators Association's (NASAA) Investment Adviser Representative Continuing Education Model Rule as the standard used for continuing education requirements for Investment Adviser Representatives (IARs).

Title 10
 Adopt: 260.236.2
 Filed 05/01/2024
 Effective 05/01/2024
 Agency Contact:
 Pamela Hernandez (415) 263–8514

**PRIOR REGULATORY
DECISIONS AND CCR
CHANGES FILED WITH THE
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit oal.ca.gov.