

**REVISION RECORD
FOR THE STATE OF CALIFORNIA

SUPPLEMENT**

July 1, 2018

2016 Title 24, Part 1, California Administrative Code

General Information:

1. The date of this supplement is for identification purposes only. See the History Note Appendix at the end of the code.
2. This supplement is issued by the California Building Standards Commission in order to provide new and/or replacement pages containing recently adopted provisions for California Code of Regulations, Title 24, Part 1, of the 2016 *California Administrative Code*. Instructions are provided below.
3. Health and Safety Code Section 18938.5 establishes that only building standards in effect at the time of the application for a building permit may be applied to the project plans and construction. This rule applies to both adoptions of building standards for Title 24 by the California Building Standards Commission and local adoptions and ordinances imposing building standards. The new building standards provided with the enclosed blue supplement pages must not be enforced before the effective date.
4. Not all code text on the enclosed blue supplement pages is a new building standard. New, amended, or repealed building standards are identified by margin symbols. An explanation of margin symbols is provided in the code before the table of contents.
5. You may wish to retain the superseded material with this revision record so that the prior wording of any section can be easily ascertained.

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CHAPTER 1

ADMINISTRATIVE REGULATIONS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION

ARTICLE 1 GENERAL

1-101. Abbreviations. The following abbreviations shall apply to Title 24, California Code of Regulations. Abbreviations may also be provided in each of the other 12 parts of Title 24. If an abbreviation in this section conflicts with an abbreviation within another part of Title 24, the abbreviation reference in the other part shall prevail within that part.

Note: For information regarding the code provisions adopted for a state agency and the application of such code provisions, see the agency administrative chapters in the appropriate parts of Title 24, *California Code of Regulations*.

AGR	Department of Food and Agriculture
BSC	Identifies code provisions by the Building Standards Commission
BSC-CG	Identifies the California Green Building Standards Code (CALGreen) provisions by BSC
BSCC	Identifies code provisions by the Board of State and Community Corrections
CA	Department of Consumer Affairs
CALGreen	California Green Building Standards Code (CALGreen), Part 11 of Title 24
CBC	<i>California Building Code</i> (Part 2 of Title 24)
CCR	California Code of Regulations
CEBC	<i>California Existing Building Code</i> (Part 10 of Title 24)
CEC	<i>California Electrical Code</i> (Part 3 of Title 24)
CEC	<i>California Energy Code</i> (Part 6 of Title 24)
CEC	<i>California Energy Commission</i>
CHBC	<i>California Historical Building Code</i> (Part 8 of Title 24)
CMC	<i>California Mechanical Code</i> (Part 4 of Title 24)
CPC	<i>California Plumbing Code</i> (Part 5 of Title 24)
CRC	<i>California Residential Code</i> (Part 2.5 of Title 24)
CRSC	<i>California Referenced Standards Code</i> (Part 12 of Title 24)
DPH	Identifies code provisions by the Department of Public Health
DWR	Identifies code provisions by the Department of Water Resources

DSA	Division of the State Architect, a division within the Department of General Services
DSA-SS	Identifies code provisions by the Division of the State Architect-Structural Safety
DSA-SS/CC	Identifies provisions by the Division of the State Architect-Structural Safety, applicable to Community Colleges as specified
DSA-AC	Identifies code provisions by the Division of the State Architect-Access Compliance
DOE	Department of Education
DOT	Department of Transportation
HCD	Housing and Community Development
HCD 1	Identifies code provisions by HCD
HCD 2	Identifies code provisions by HCD
HCD 1AC	Identifies Housing Accessibility code provisions by HCD
IBC	<i>International Building Code</i> ®
IFC	<i>International Fire Code</i> ®
IEBC	<i>International Existing Building Code</i> ®
IRC	<i>International Residential Code</i> ®
NEC	<i>National Electrical Code</i> ®
NFPA	National Fire Protection Association
OHP	Office of Historical Preservation
OSHPD	Office of Statewide Health Planning and Development
OSHPD 1	Identifies code provisions by OSHPD
OSHPD 2	Identifies code provisions by OSHPD
OSHPD 3	Identifies code provisions by OSHPD
OSHPD 4	Identifies code provisions by OSHPD
SFM	Identifies code provisions by the Office of the State Fire Marshal
SHBSB	Identifies code provisions by the State Historical Building Safety Board
SL	Identifies code provisions by the State Library
SLC	Identifies code provisions by the State Lands Commission
UBC™	<i>Uniform Building Code</i> ; the UBC is no longer published or adopted in the current edition of Title 24

UBC STDS *Uniform Building Code Standards*; the UBC STDS is no longer published, but relevant standards are referenced in the CEBC

UFC *Uniform Fire Code*; the UFC is no longer published or adopted in the current edition of Title 24

UHC *Uniform Housing Code*; adopted by HCD in Chapter 1 of Title 25

UMC *Uniform Mechanical Code*®

UPC *Uniform Plumbing Code*®

Authority: Government Code Section 11000, and Health and Safety Code Sections 18931 (f) and 18940.5.

Reference: Government Code Section 11000, and Health and Safety Code Sections 18931 (d) and 18940.5.

1-103. Definitions. The following definitions shall apply to this Chapter 1, of Part 1, of Title 24, California Code of Regulations. Definitions may also be provided in each of the other 12 parts of Title 24. If a definition in this section conflicts with a definition within another part of Title 24, the definition reference in the other part shall prevail within that part.

ADOPTING AGENCY (or state adopting agency). An agency of state government with authority in law to develop and adopt building standards for approval and publication in Title 24, California Code of Regulations, by the Commission. An adopting agency has authority to conduct public hearings aside from the public hearings conducted by the Commission. See Proposing Agency.

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

BUILDING STANDARDS ADMINISTRATION SPECIAL REVOLVING FUND (the Fund). The Fund established in the State Treasury to receive funds submitted by the Commission pursuant to the provisions of Health and Safety Code Section 18931.6 and Article 5.

CALGreen. The California Green Building Standards in Part 11 of Title 24, California Code of Regulations.

CODE ADVISORY COMMITTEE. An advisory panel or body appointed to advise the Commission with respect to building standards as authorized by Health and Safety Code Section 18927.

CODE CHANGE (proposed provision). A proposed addition, amendment, repeal or adoption of a building standard as defined by Health and Safety Code Section 18909, or of an administrative regulation of Title 24.

CODE CHANGE SUBMITTAL (rulemaking file). The rulemaking file submitted by a state proposing agency, which includes the proposed code change(s) or provision(s) for Title 24, along with justification and all other required documents, submitted to the Commission by a proposing agency.

COMMISSION. The California Building Standards Commission established under Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901.

DEPARTMENT. The Department of Housing and Community Development.

ENFORCING AGENCY (or Enforcement Agency). An agency, board, commission, department, division, office or individual assigned by law or ordinance as being responsible for the enforcement of building standards.

EXECUTIVE DIRECTOR. The Chief Executive appointed by the California Building Standards Commission pursuant to Health and Safety Code Section 18925, to carry out the duties assigned by the California Building Standards Commission as designated in Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901.

FEES, APPROPRIATE FRACTIONS THEREOF. Fee increments for permit values less than \$100,000 as described in Article 5, Section I-505.

JUSTIFICATION. An initial statement of reasons and the information needed to complete a notice of proposed action, including a determination as to the effect of the code change on housing costs.

OFFICE. The Office of the State Fire Marshal.

PETITION. A written submittal to the Commission by any local government agency, firm or member of the public for the purpose of proposing a new building standard or administrative regulation in Title 24, or the amendment or repeal of an existing building standard or administrative regulation in Title 24 that is currently effective.

PROPOSING AGENCY (or state proposing agency). A state agency having authority and responsibility to propose a building standard for adoption by the Commission and publication in Title 24, California Code of Regulations. A proposing agency does not have authority to conduct public hearings for the adoption of building standards. See Adopting Agency.

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

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

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

TITLE 24. The 24th title within the California Code of Regulations, also referred to as the California Building Standards Code. Title 24 is reserved for building standards and administrative regulations to implement building stan-

dards approved and published, or caused to be published, by the California Building Standards Commission.

Authority: Government Code 11000, and Health and Safety Code Sections 18929.1, 18931(f) and 18949.6.

Reference: Government Code 11000, and Health and Safety Code Sections 18927, 18929–18932, 18934, 18935, 18936, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6.

1-105. Use of Commission indicia.

(a) Other than the Commission, no person, firm, agency or organization shall copy, duplicate, reprint or otherwise use the indicia of the Commission without the express written approval of the Commission. For the purposes of this section, the Commission’s indicia shall include but not be limited to any logo, symbol or emblem used by the Commission to identify codes, standards, bulletins and other documents or properties as being issued, adopted, approved, published or maintained by the Commission.

(b) Requests for approval to copy, duplicate, reprint or otherwise use the indicia of the Commission shall be in writing and be submitted to the Executive Director, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. The address should be confirmed at the Commission’s website: www.bsc.ca.gov. Requests shall include the identification of the intended document or material that is to include the indicium or indicia of the Commission, and the time frame for the proposed usage.

(c) The Executive Director, or designee, shall provide a written response to requests received pursuant to subsection (b). Approvals of indicia usage may include limitations to a specific usage, type of document or material, and/or time frame. Denial of indicia usage shall include the reasoning for the denial. The Commission shall consider reasonably corrected resubmittals.

Authority: Health and Safety Code Section 18931(f)

Reference: Health and Safety Code Section 18931(f)

HISTORY:

1. (BSC 01/13) Supplement to add a website reference in Section 1-105. Approved by the California Building Standards Commission on July 22, 2014, filed with Secretary of State on July 30, 2014, effective August 30, 2014.

**ARTICLE 2
DUTIES AND RESPONSIBILITIES OF THE
BUILDING STANDARDS COMMISSION, THE
EXECUTIVE DIRECTOR, COMMISSION
PERSONNEL AND RESOURCES**

1-201. Duties.

(a) **Commission duties.** The Commission shall perform all functions relating to the adoption and publication of the California Building Standards Code in Title 24 of the California Code of Regulations prescribed by the California Building Standards Law in Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901.

(b) **Executive Director duties.** The Executive Director shall be the primary individual responsible for implementing the will of the Commission, and shall have the authority to:

1. Recommend to the Commission policies under which the office of the Commission will operate.

2. Interpret and implement the policies of the Commission.
3. Provide the administrative direction for the day-to-day work of the Commission.
4. Manage the technical and support staff of the Commission.
5. Represent the Commission before the Legislature.
6. Review and approve or disapprove agencies’ public notices for proposed building standards per Sections 11346.4 and 11346.5 of the Government Code.
7. Ensure that state agencies comply with Health and Safety Code Section 18930 and Government Code Section 11340 et seq. (as applicable), when adopting building standards, prior to submission to the Commission.
8. Negotiate and execute contractual agreements necessary to carry out the mission of the Commission.
9. Manage the Commission’s appeal and petition process.
10. Represent the Commission to all levels of state and local government, and with the private sector.
11. Perform other duties as required by the Commission and state statute(s).

Authority: Health and Safety Code Section 18931.

Reference: Health and Safety Code Sections 18925 and 18931.

1-203. Development of green building standards.

(a) The Commission shall adopt, approve, codify, update and publish green building standards for occupancies that are not under the explicit authority of another state agency. The Commission also may review and comment on proposals and proposed standards developed by other agencies in order to reduce or eliminate ambiguities or conflicts.

(b) A list of agencies with specific authority to propose and/or adopt building standards are identified in Title 24, Part 2, the *California Building Code*, Chapter 1, Division 1. The Commission shall work with these agencies to coordinate the adoption of green building standards for residential and nonresidential occupancies.

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

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

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

1. Environmental advocacy groups
2. Interested local government and code enforcement entities

3. Building construction and design industries
4. Interested public parties

(e) The Commission may consult with and seek input from the entities and representatives identified in subsections (c) and (d) either by written comment or in a meeting format and shall consider all input provided during the development of the green building standards which is relevant to specific standards. The Commission shall provide written responses to formal comments received during the public comment period for any proposed green building standards.

(f) See Section 1-404 for requirements concerning state agency participation in the development of green building standards.

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

Reference(s): Health and Safety Code Sections 18930.5, 18931.6, and 18931.7.

HISTORY:

1. (BSC 07/09) Supplement adding Section 1-1004 Development of Standards to Chapter 1. Effective on January 1, 2011.
2. (BSC 01/13) Supplement to correct title of Commission in Section 1-203. Approved by the California Building Standards Commission on July 22, 2014, filed with Secretary of State on July 30, 2014, effective August 30, 2014.

1-209. Code advisory committees.

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

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

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

(c) **Quorum.** A majority of the members of the code advisory committee(s) shall constitute a quorum for the transaction of business. A majority of the members present shall constitute a quorum for determining the outcome of a vote.

(d) **Members.** The code advisory committees shall be limited to a maximum of nine voting members, appointed by the Commission for one triennial code adoption cycle (3 years). The Commission can extend the term beyond 3 years if deemed necessary, and members shall hold appointments at the pleasure of the Commission. The appointments shall be made from individuals knowledgeable in the building standards or general subjects assigned to the specific committee. Members shall be solicited by the Commission based on the representations listed in this section. However, when there are no volunteers for a specific representation following a 30-day advertisement of an available committee position, the

Commission may make other appointments as deemed necessary to maintain the expertise and balance of a committee:

1. **Accessibility.** The Commission shall solicit nominations from:

- A. Ex-Officio Member(s)
 - (1) State Agency Representative(s)
- B. Voting Member(s)
 - (1) Disability Access Advocate Knowledgeable in Visually Impaired
 - (2) Disability Access Advocate Knowledgeable in Hearing Impaired
 - (3) Disability Access Advocate Knowledgeable in Mobility Impaired
 - (4) Disability Access Advocate Knowledgeable in Environmental Health Network or Other Cognitively Impaired
 - (5) Local Government Building Official¹
 - (6) Construction Industry
 - (7) Architect
 - (8) Fire Official
 - (9) Public Member

2. **Plumbing, electrical, mechanical and energy.** The Commission shall solicit nominations from:

- A. Ex-Officio Member(s)
 - (1) State Agency Representative(s)
- B. Voting Member(s)
 - (1) Local Government Building Official¹
 - (2) Environmental/Energy Organization
 - (3) Construction Industry
 - (4) Architect
 - (5) Fire Official
 - (6) Public Member or Local Government Water Efficiency Official¹
 - (7) Plumbing Inspector
 - (8) Mechanical Engineer
 - (9) Electrical Engineer or Electrical Inspector

3. **Building, fire and other.** The Commission shall solicit nominations from:

- A. Ex-Officio Member(s)
 - (1) State Agency Representative(s)
- B. Voting Member(s)
 - (1) Local Government Building Official¹
 - (2) Registered Fire Protection Engineer
 - (3) Construction Industry
 - (4) Architect
 - (5) Commercial Building Industry
 - (6) Fire Official

- (7) Disability Access Advocate
- (8) Public Member
- 4. **Structural design/lateral forces.** The Commission shall solicit nominations from:
 - A. Ex-Officio Member(s)
 - (1) State Agency Representative
 - B. Voting Member(s)
 - (1) Three (3) Structural Engineers
 - (2) Architect
 - (3) General Contractor
 - (4) Local Government Building Official¹
 - (5) Public Member
- 5. **Health facilities.** The Commission shall solicit nominations from:
 - A. Ex-Officio Member(s)
 - (1) State Agency Representative(s)
 - B. Voting Member(s)
 - (1) Acute Care Hospital Representative
 - (2) Skilled Nursing Facility Representative
 - (3) Architect
 - (4) General Contractor
 - (5) Mechanical Engineer
 - (6) Electrical Engineer or Electrical Inspector
 - (7) Fire Protection Engineer
 - (8) Local Government Building Official¹
 - (9) Primary Care or Specialty Clinic Representative
- 6. **Green building.** The Commission shall solicit nominations from:
 - A. Ex-Officio Member(s)
 - (1) State Agency Representative(s)
 - B. Voting Member(s)
 - (1) Residential Construction Industry Representative
 - (2) Commercial Building Industry Representatives
 - (3) Architect
 - (4) Environmental Organization Representative
 - (5) Local Government Building Official¹
 - (6) Public Member or Local Government Water Efficiency Official¹
 - (7) Fire Official
 - (8) Mechanical Engineer or Energy/Building Performance Specialist
 - (9) Electrical Engineer, Electrical Inspector or Energy/Building Performance Specialist

¹ The Local Government Building Official position may be filled by a consultant authorized to represent the local agency providing the consultant serves in the official capacity of a full-time building official for a single city, county or city and county local government. (Footnote shall apply to each Local Government Building Official position on every committee).

Section 1-211. Application for code advisory committee appointment.

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

(b) **Application required.** Persons desiring appointment to a position on a Code Advisory Committee must submit the application to the Commission as required by this section. A separate application is required for each advertised vacancy on a Code Advisory Committee. The Commission will not maintain applications on file for future consideration.

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

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

(d) **Application fee.** There is no application fee.

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

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

Authority: Health and Safety Code Sections 18909(c), 18929, 18930.5, 18949.6 and 18931(f).

Reference: Health and Safety Code Sections 18927, 18929, 18930.5, 18931(f), 18934, 18936 and 18949.6.

HISTORY:

1. (BSC 2/92) Regular order by the California Building Standards Commission to adopt Section 1-901, Part 1, Title 24, California Code of Regulations. Filed with the Secretary of State February 10, 1994; effective March 12, 1994. Approved by the Office of Administrative Law on February 10, 1994.
2. (BSC 02/08) Article 1-9, Code Adoption Process. Amend Section 1-902. Effective June 21, 2009.
3. (BSC 01/13) Supplement to correct website references in Section 1-211. Approved by the California Building Standards Commission on July 22, 2014, filed with Secretary of State on July 30, 2014, effective August 30, 2014.

**ARTICLE 3
APPEALS AND PETITION PROCEDURES**

1-301. Appeals and petitions.

(a) The public may submit appeals and petitions to the Commission as prescribed in this Article.

(b) Appeals and petitions concerning building standards that are not in effect at the time of submission will not be accepted by the Commission. An appeal or petition submitted on a proposed, approved and/or adopted building standard of Title 24, outside of its effective date, shall be considered invalid and returned to the submitter in accordance with this article.

(c) An appeal or petition, as defined in Section 1-103 of this chapter, is not the means to support or oppose a proposed, approved and/or adopted building standard for publication in Title 24, prior to its effective date. To provide comment on a proposed building standard, see Section 1-413 in this chapter.

(d) The Commission may accept appeals relating to actions and decisions by state and local agencies to enforce building standards, but may only make recommendations for reconsideration. The Commission has no authority to overturn a decision by a state or local agency when the matter is within the jurisdiction of that state or local agency.

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

Reference: Health and Safety Code Sections 18931, 18945 and 18946.

1-303. Scope of appeals and types of appellants. Appeals to the Commission and the matters which can be appealed are as follows:

(a) An appeal may be submitted by any person adversely affected by the administration of building standards or administrative regulations of Title 24, or the enforcement or the lack of enforcement of Title 24, by any state agency as prescribed in Health and Safety Code Section 18945(a) and this article.

(b) An appeal may be submitted by any person adversely affected by the enforcement of Title 24 by a local enforcement agency, in the company of the local enforcement agency, as prescribed in Health and Safety Code Section 18945(b) and this article. Joint appeals must have statewide significance.

(c) An appeal may be filed by any person, including a state or local agency adversely affected by an apparent conflict, duplication or overlap of any current Title 24 provision, or any other matter of statewide significance relating to the application of Title 24.

(d) When the basis of an appeal is the action of a state agency other than the Commission, the appellant must obtain a final determination from the state agency in question relating to the issue under appeal before the Commission will hear the appeal.

Exception: An apparent conflict, duplication or overlap in other available state appeals procedures or within the regulations or code.

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

Reference: Health and Safety Code Sections 18931, 18945 and 18946.

HISTORY:

1. (BSC 1/89) Regular order by the California Building Standards Commission to amend Section 1-601, Part 1, Title 24, California Code of

Regulations. Filed with the Secretary of State April 1990; effective April 17, 1990. Approved as a regular order by the California Building Standards Commission on April 16, 1990.

1-305. Time limitations for appeals.

Appeals will be accepted by the Commission only within six (6) months of when the act, interpretation, decision or practice complained of occurred.

Exception: The Commission, at its discretion, may accept and act on an appeal when more than six (6) months have passed if special circumstances are found to exist.

Authority: Health and Safety Code Section 18931.

Reference: Health and Safety Code Section 18931.

1-307. Appeal form and filing fee.

(a) An appeal shall be submitted using Appeal Form BSC-33, which is available on the Commission's website, or by contacting the Commission's office by telephone at (916) 263-0916, or by email (cbcs@dgs.ca.gov). The form contains instructions on providing the necessary information and the required documents, including but not limited to:

1. The specific regulation, rules, interpretation or decision of any state agency respecting the administration of any building standard being appealed.
2. The dates of any act, interpretation or decision of any state agency related to the complaint.
3. The nature of any act, interpretation or decision of any state agency related to the complaint.
4. The reasons for the appeal.
5. Documentation of the official action of the applicable state agency with respect to the agency's final determination on the issue.
6. Identification of witnesses, experts and other representatives of the appellant.

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

(c) Filing Fee: Health and Safety Code Section 18949 requires the Commission to recover the cost of administering appeals. Accordingly, a nonrefundable fee of \$450.00 shall accompany the submitted appeal form. In addition, any and all costs for an administrative law judge or costs related to a hearing before the appeals subcommittee will be the responsibility of the appellants.

Authority: Health and Safety Code Sections 18931 and 18945.

Reference: Health and Safety Code Sections 18931, 18945 and 18949.

HISTORY:

1. (BSC 01/13) Supplement to correct title of Commission and add a website reference in Section 1-307. Approved by the California Building Standards Commission on July 22, 2014, filed with Secretary of State on July 30, 2014, effective August 30, 2014.

1-309. Receipt and processing appeals.

(a) Receipt of any appeal shall be acknowledged in writing by the Executive Director within 45 days of receipt, advising the appellant and any state or local agency party to the appeal, of the acceptance or rejection of the appeal, as filed, or the

need for additional information to make a determination. The reply shall also set forth the planned action of the Commission in response to an accepted appeal, together with reasons for the proposed actions.

(b) If the Executive Director determines that additional information is needed in order to process the appeal and make a determination, the Executive Director may request the additional information in the written response required by subsection (a), and defer action on the appeal until the additional information is received. If the Executive Director requests additional information, the appellant shall have 30 days from the date of the Executive Director's request to submit the information. If the requested information is not received within 30 days, the Executive Director may treat the appeal as having been abandoned or may, upon written notice to the appellant and any state or local agency as a party to the appeal, process the appeal based on the information available. Upon written request, the Executive Director may for good cause, extend the 30-day period by one additional 30-day period.

(c) The Executive Director and Chair of the Commission's Appeals Committee, as appointed by the Chair of the Commission, shall, acting together, determine whether the appeal should be heard by the Appeals Committee, the full Commission, or by a hearing officer appointed by the Office of Administrative Hearings.

(d) The Executive Director shall, in writing, advise the appellant and any state or local agency as a party to the appeal within 15 days of the determination. The written notice shall identify the hearing authority, procedures, and the scheduled hearing date, time and location.

Authority: Health and Safety Code Sections 18931 and 18945.

Reference: Health and Safety Code Sections 18931, 18945 and 18946.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to amend Section 1-603, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-311. Appeal hearing procedures.

(a) When it is determined pursuant to subsection 1-309(c) that the appeal shall be heard by the Commission's Appeals Committee, the following provisions shall apply:

1. The Executive Director shall provide written notice of the date, time and location of hearing to interested parties, as provided in subsection 1-309(d), and may invite experts or other witnesses as necessary for the hearing.
2. The Appeals Committee shall not be bound by the rules of evidence or procedure applicable in the courts. Appellant, appellant's witnesses, and any other interested persons may present testimony, argument and/or documentary material concerning the matter(s) under consideration.
3. The Appeals Committee shall prepare its finding(s) and decision within 30 days after the appeal hearing.

4. The Executive Director shall, in writing, advise the appellant, any state or local agency as a party to the appeal, and the Commission, of the Appeals Committee decision within 15 days from the date of the decision.

5. When an appeal is heard by the Appeals Committee, either party may request a reconsideration of the decision by the Commission. The request must be submitted to the Executive Director in writing no more than 45 days after the date the original decision by the Appeals Committee is made.

6. Reconsideration by the Commission shall be conducted in accordance with subsection 1-311(b), and based upon the record of the appeal hearing and additional information or testimony that is specifically requested by the Commission.

(b) When it is determined an appeal hearing or reconsideration hearing is to be conducted by the Commission, the following provisions shall apply:

1. An appeal or request for reconsideration shall be acted on by the Commission during the next regularly scheduled public Commission meeting, or within 180 days, after the date the appeal or request for reconsideration is received by the Executive Director.

2. The Executive Director shall provide written notice of the time, date and location of the hearing to interested parties and invite expert or other witnesses as necessary for the hearing. The notice shall be issued at least 15 days before the scheduled hearing.

3. The hearing shall be conducted according to the Commission's own rules, accepting evidence as it requires, and chaired by its regular Chairperson. Appellant and other interested parties may present relevant testimony, argument or documentary material as acceptable to the Commission.

4. The Commission shall make a decision on the appeal at an open meeting thereof, provided that the matter may be continued or taken under advisement for decision at a later meeting of the Commission, or re-referred to the Appeals Committee for further consideration and report to the Commission. No Commissioner may cast a vote on the determination of an appeal unless the Commissioner was present at the hearing held for appeal.

5. Notwithstanding the foregoing, the appeal may be withdrawn at any time by the appellant upon written notice to the Executive Director. Upon withdrawal, no further proceedings as specified above shall take place. The withdrawal of the appeal shall be accepted with or without prejudice, as determined by the Commission.

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

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

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

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

Reference: Health and Safety Code Sections 18931, 18945 and 18946 and Government Code Section 13959.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to amend Section 1-604, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-313. Petitions.

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

(b) Petitions shall be submitted to the Commission using Petition Form BSC-30, available on the Commission’s website (www.bsc.ca.gov). The form contains instructions as to the information to be provided and documents to accompany the petition form.

(c) Petitions shall be filed by mail with the Executive Director at: CALIFORNIA BUILDING STANDARDS COMMISSION, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. The address should be confirmed at the Commission’s website (www.bsc.ca.gov).

(d) The Commission may refer received petitions to the state agency, or multiple agencies, having specific jurisdiction for the subject of the adopted building standard or for the subject of the proposed building standard as proposed by the petitioner. Except as provided in Section 1-329 of this chapter, a state agency receiving a petition referred by the Commission shall process the petition as required by this article, including the reporting of actions and decisions by the agency to the Commission.

(e) Petitions are not to be used to address matters relating to a currently proposed building standard or an adopted building standard prior to its effective date. Any concerns relating to currently proposed building standard should be brought forward during the public comment period designated for the proposed building standard.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Section 1-801, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-315. Criteria for petition. A petition for the adoption, amendment or repeal of a state building standard must meet the following criteria:

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

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

1. A current building standard conflicts with pertinent statute(s). To substantiate this criterion, the petitioner must cite the subject building standard and the conflicting statute(s), and provide a clear written description of why the two are inconsistent.
2. Compliance with a current building standard is routinely impossible or onerous. To substantiate this criterion, the petitioner must cite the current building standard, present written or photographic evidence of the difficulty in complying with it, and clearly show that the problem is common or potentially common to many different projects or project types in many different circumstances. This criterion shall not be used to justify a petition for the repeal or amendment of a current building standard that poses difficulty to a single project.
3. A current building standard is inefficient or ineffective. To substantiate this criterion, the petitioner must cite the subject building standard, provide clear and concise written or photographic evidence of its ineffectiveness or inefficiency, describe a proposed alternative, and provide clear and convincing written or photographic evidence that it is more efficient or effective.
4. A current building standard is obsolete. To substantiate this criterion, the petitioner must show at least one of the following facts:
 - A. A material or product specified in the building standard is not available, or
 - B. There is no statute authorizing the subject building standard, or
 - C. Significant developments in procedures, materials or other issues subject to the building standard have created a need for amendment or deletion of the building standard; that current state statutes permit amendment or deletion of the building standards; and that the building standard has the effect of prohibiting the use of a material or procedure that has demonstrated satisfactory performance and meets the intended purpose of building standards.
5. There is a need for a new building standard. To substantiate this criterion, the petitioner must provide a clear written description of the proposed building standard, explain why it is necessary, and cite the statute(s) that require or authorize the new building standard.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Section 1-802, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-317. Emergency petition.

(a) A petitioner may assert the petition requires immediate action because there is potential imminent danger to public health, safety or welfare. To substantiate the existence of potential imminent danger, the petitioner must include in the petition a written description of the specific facts showing the need for immediate action.

(b) If the emergency petition is approved by the Commission and if the petition is accepted pursuant to this article, the proposing agency or adopting agency shall develop and/or adopt new or amended building standards necessary to satisfy the cause for the petition. The new or amended building standards shall be proposed and adopted as emergency regulations as permitted by Health and Safety Code Sections 18934.8 and 18937.

Authority: Health and Safety Code Sections 18931, 18934.8, 18937 and 18949.6.

Reference: Health and Safety Code Sections 18931, 18934.8, 18937 and 18949.6.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Section 1-803, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-319. Petition processing by the Commission.

(a) Within 45 days after the date of receiving a petition, the Commission shall determine whether the petition meets the requirements of this article for petitions and provide the petitioner written notification on the Commission's determination and/or related action(s).

(b) If the Commission determines that the petition does not meet the requirements of this article for petitions, the petition shall be returned to the petitioner without action but with written notification including itemization of the missing or incomplete items. The Commission shall retain a copy of the petition being returned to the petitioner in accordance with subparagraph (f).

(c) If the Commission determines that the petition meets the requirements of this article for petitions and the subject matter of the petition is within the Commission's jurisdiction provided in statute, the Commission shall provide the petitioner written notification of the acceptance of the petition and planned action. The Commission shall act on the accepted petition during the next regularly scheduled code adoption cycle.

(d) If the Commission determines the subject matter of a petition is within the specific jurisdiction of another proposing or adopting agency, the Commission shall forward the complete petition to that agency for its review and determination. The forwarded petition shall be accompanied by a copy of the Commission's written notification to the petitioner, which shall indicate the petition has been forwarded to the identified proposing or adopting agency having jurisdiction for its review and determination.

(e) Upon receipt of a petition forwarded by the Commission, the proposing or adopting agency shall act in accor-

dance with Section 1-321. If a proposing or adopting agency disagrees with the Commission's determination in forwarding a petition to its agency, and thus sends the forwarded petition back to the Commission, the Commission shall return the petition to the petitioner, without action, within 30 days of receipt of the petition returned by the proposing or adopting agency, in accordance with the procedures provided in this section.

(f) The Commission shall maintain records relating to the submittal, status and correspondence of petitions received by the Commission.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Section 1-804, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-321. Petition processing by agencies. Upon receipt of a petition forwarded by the Commission, or a petition received directly from a petitioner, the proposing agency or adopting agency shall be responsible for the following duties:

(a) If the proposing or adopting agency receives a forwarded petition from the Commission but disagrees with the Commission's determination that a petition is complete, or if the proposing or adopting agency believes the petition is in the jurisdiction of a different agency, the proposing or adopting agency shall notify the Commission in writing within 45 days after the date of receiving the petition. In notifying the Commission, the agency shall include an itemization of the missing or incomplete items and/or reasons why the petition is not within the proposing or adopting agency's authority as provided in statute.

(b) If the proposing or adopting agency determines that a received petition, which has not been forwarded by the Commission, does not meet the requirements of this article for petitions, the agency shall, within 45 days after the date of receiving the petition, provide the petitioner written notification of the determination with itemization of the missing or incomplete items. The agency shall provide the Commission a copy of the notification at the time the notification is sent to the petitioner.

(c) If the proposing agency or adopting agency determines that it has jurisdiction and that a received petition is complete, it shall take one of the following actions, communicating with the petitioner and Commission, within the noted time lines:

1. The agency may reject, accept or approve a petition in part and may grant other relief or take other action as it may determine to be warranted by the petition and shall notify the petitioner and Commission in writing of the action.
2. If the agency denies the petition for cause pursuant to Section 1-323 of this article [Criteria for denying a petition], it shall do so in writing within 45 days after the date of receiving the petition from the petitioner, or the referral by the Commission.

3. If the agency accepts the petition, it shall notify the petitioner and Commission in writing within 45 days after the date of receiving the petition. For the purposes of this section, accepting the petition indicates that the agency believes the issue(s) merit(s) proceeding to the development of a code change submittal as prescribed in this chapter.
4. If the approved petition contains an emergency clause, the agency shall also rule on the existence of an emergency, and if it concurs that an emergency exists, shall schedule code development and adoption procedures on an emergency basis.

Authority: Health and Safety Code Sections 18931, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6.

Reference: Health and Safety Code Section 18931 and 18949.6.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Section 1-805, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-323. Criteria for denying a petition. The Commission, or other proposing or adopting agency, whichever is processing a petition, may deny a petition for cause using at least one of the following criteria:

(a) The subject building standard is already scheduled for review at the next regular triennial or other scheduled adoption. To substantiate this criterion, the Commission or other agency shall include in its written denial a schedule for the planned review. Alternatively, the Commission or other agency may approve a petition but defer its implementation until the next scheduled adoption.

(b) The issues cited by the petitioner are factually incorrect. To substantiate this criterion, the Commission or other agency shall identify in its written denial the incorrect facts.

(c) The issues cited by the petitioner are not within the state’s jurisdiction. To substantiate this criterion, the Commission or agency shall show in its written denial why the issues are outside its jurisdiction.

(d) The issues cited by the petitioner have been raised and answered through another petition or during the previous rulemaking. To substantiate this criterion, the Commission or agency shall include with its written denial a copy of the previous petition and its response or the pertinent rulemaking file information.

Note: If new facts or substantiating data, pertinent to a petition, are provided, this criterion shall not be grounds for denying a petition.

(e) Resolving the issues raised by the petitioner would compromise the agency’s ability to carry out its legal mandate. To substantiate this criterion, the Commission or agency shall include with its denial the specific ways in which its legal mandate would be compromised.

(f) The building standard proposed by the petitioner would do any of the following:

1. Create unnecessary hardship or expense

2. Inappropriately exclude materials, equipment or brands
3. Include only specific brands
4. Conflict with federal or state laws or regulations or existing building standards
5. Be otherwise without merit and public benefit

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Section 1-806, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-325. Reconsideration of denied petition.

(a) A petitioner may request reconsideration of any part or all of a decision of any proposing or adopting agency or the Commission on any denied petition.

(b) The request shall be submitted in accordance with the following:

1. Petition procedures of this article.
2. Include the reason(s) why the decision to deny the petition should be reconsidered.
3. Is submitted to and received by the agency having authority that denied the petition no later than the close of business on the 60th day after the date of the decision involved.

(c) The agency’s or Commission’s reconsideration of any matter relating to a petition shall be subject to the provisions of this article.

Authority: Health and Safety Code Sections 18931, 18945, and 18949.6.

Reference: Health and Safety Code Sections 18931, 18945, and 18949.6.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Section 1-807, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-327. Reconsideration by the Commission.

(a) The Commission shall have no authority to reevaluate or reverse the decisions on petitions made by a proposing agency or adopting agency when the subject of the petition is within the specific jurisdiction of the proposing agency or adopting agency.

(b) Requests for the reconsideration of a decision by the Commission shall meet the requirements of Section 1-325 of this article.

(c) Should the Commission reverse its previous decision made on a petition, the petition shall be considered accepted and a rulemaking process shall begin as provided in this chapter.

Authority: Health and Safety Code Sections 18931, 18945, and 18949.6.

Reference: Health and Safety Code Sections 18931, 18945, and 18949.6.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Section 1-808, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January

27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-329. Substitution of or supplementation by agency procedures.

(a) The provisions of this article pertaining to petitions shall not apply when an agency notifies the Commission that a petition process is mandated by specific statutes in addition to Government Code Sections 11340.6 and 11340.7, and/or that it has adopted its own regulations or procedures complying with Government Code Sections 11340.6 and 11340.7, and that it has notified the public of the existence of these statutes, regulations or procedures. Notification to the Commission shall consist of a written copy of the statutes, regulations or procedures and a description of the methods used to make the public aware of their existence. Upon receiving notification, the Commission shall exclude the agency from compliance with this article pertaining to petitions. If the Commission receives a petition pertaining to an excluded agency’s jurisdiction, the Commission shall forward the petition without undertaking any of the duties prescribed by this article pertaining to petitions directly to the agency and shall notify the petitioner of that fact.

(b) These regulations are not intended to be the sole means by which the proposing agency or adopting agencies and the interested public can raise, discuss and resolve issues pertaining to building standards. Agency procedures such as public participation meetings, advisory committees, written and verbal correspondence between members of the public and agency personnel, and other methods are considered alternatives that may be chosen by a member of the public instead of or in addition to the petition procedures described in this article.

Authority: Health and Safety Code Sections 18931 and 18949.6.

Reference: Health and Safety Code Sections 18931 and 18949.6.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to adopt Section 1-809, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

**ARTICLE 4
RULEMAKING FOR THE
ADOPTION OF BUILDING STANDARDS**

1-401. Purpose. This article establishes basic minimum procedural requirements for a code adoption cycle for proposing agencies to ensure adequate public participation in the development of building standards, to ensure adequate technical review and adequate time for technical review by code advisory committees and to ensure adequate notice to the public of compiled code change submittals prior to adoption by the Commission.

1-403. Public participation.

(a) **Precycle public participation.** Every state agency with authority to propose or adopt building standards shall develop proposed building standards in a manner to ensure

public participation. Methods for ensuring public participation may include but are not limited to the following:

1. Identify and maintain a listing of all interested groups or persons affected by building standards of the type within the jurisdiction of the agency.
2. Prior to commencing the development of proposed building standards, notify all interested groups and persons that building standards are to be developed, and solicit suggestions and a means for participation.
3. Conduct workshops to solicit input where the proposals are complex or large in number and cannot easily be reviewed during the comment period.
4. Make available draft proposals to interested groups or persons expressing interest.
5. Establish a procedure to provide interested groups or persons the opportunity to advise the agency of the impact of the proposed standards.

(b) **Written public comments.** The public may submit written comments in support or opposition to proposed building standards or proposed repeal of existing building standards. The written comment may be provided at a public meeting of a code advisory committee, and at any public meeting or hearing by the Commission conducted for the purpose of considering building standards published or proposed to be published in Title 24 of the California Code of Regulations, and during any public comment period announced by an issued Notice of Proposed Action or agenda. See Section 1-413 for additional information.

(c) **Oral public comments.** The public may provide oral comment in support or opposition to proposed building standards and the proposed repeal of existing building standards during a public meeting of a code advisory committee, or during any public meeting or hearing of the Commission conducted for the purpose of considering building standards published or proposed to be published in Title 24, California Code of Regulations.

Authority: Health and Safety Code Sections 18929.1 and 18934.

Reference: Government Code Section 11346.45, Health and Safety Code Sections 18929.1 and 18934.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to amend Section 1-501, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-404. State agency participation for green building standards. The Commission and other state agencies that propose green building standards shall allow for input by other state agencies that have expertise in green building subject areas but do not have the statutory authority to propose green building standards. The process for making recommended changes to proposing state agencies shall align with an 18-month code adoption cycle (triennial or intervening) and the proposing state agency’s rulemaking schedule as follows:

(a) **Timing for submittal.** The timing for receipt of recommended changes shall be determined by the state agency that has statutory authority to propose green building stan-

dards for a specific occupancy. Pursuant to 1-403(a)(2), prior to commencing the development of proposed building standards, proposing state agencies shall notify all interested parties that building standards are to be developed, and solicit suggestions and a means for participation.

(b) Mandatory or voluntary standards. The state agency recommending changes shall specify whether the recommended changes are intended to be mandatory or voluntary green building standards, and shall indicate, to the extent possible, if a recommended voluntary green building measure should be considered for possible adoption as a mandatory measure within the two subsequent adoption cycles. The proposing state agency shall determine if a recommended green building standard will be proposed as a mandatory or voluntary measure.

(c) Submittal documents. Submittal documents shall be submitted as a complete package and shall include, but are not limited to, all of the following:

1. Recommended regulatory text for new green building standards or revisions to existing green building standards, in strikeout/underline format;
2. Rationale that clearly explains the specific purpose and the need for the changes including the basis for recommending that the items be considered for adoption as mandatory or voluntary green building standards;
3. Fiscal and economic analysis and supporting documentation in a format specified by the proposing state agency, which shall include the cost of compliance;
4. Verifiable and appropriate technical analysis, data or other information in support of the recommended changes including information on product availability. Data or information shall include, but is not limited to, copies of reports, findings, data relied upon or other materials and analyses;
5. Certification by the state agency suggesting the recommended changes that the content of the aforementioned submittal documents are true and accurate; and
6. Any additional information as requested by the proposing state agency.

(d) Availability to the public. The proposing state agency, in complying with the provisions of Section 1-403 and having determined to propose the recommended changes as building standards, shall make the proposals available to interested groups, persons expressing interest, and the public pursuant to Government Code §§11346.45 and 11347.1.

(e) State agency declines to proceed. The proposing state agency may decline to proceed with recommended changes from the suggesting state agency with expertise in green building subject areas due to any of, including but not limited to, the following circumstances:

1. Recommended changes conflict with the proposing state agency’s mission, stated goals and/or other mission critical program requirements;
2. The suggesting state agency has failed to provide the submittal documents as required;

3. The suggesting state agency provides data, analysis or information that is flawed or otherwise determined by the proposing state agency to be unusable in-whole or in-part;
4. The suggesting state agency fails to provide a complete package of submittal documents within the timeframe directed by the proposing state agency in order to appropriately advance the suggested changes during the subject rulemaking cycle; and
5. Any other reason as determined by the proposing state agency.

(f) Rulemaking participation. When the proposing state agency determines that it will accept and advance a recommended change submitted by a state agency with expertise in green building subject areas during a rulemaking code adoption cycle, the state agency that submitted the recommended change shall be notified in writing of the acceptance within 30 days of receipt of the submittal documents.

The written notification of receipt of submittal documents shall identify any assistance the proposing state agency may require from the suggesting state agency during the rulemaking process. This may include, but is not limited to contributions and participation in pre-cycle workshops or focus group meetings, development of proposed express terms and statement of reasons, providing research or documentation needed to support the suggested changes and comply with the requirements of the initial statement of reasons, and the State of California Department of Finance Economic and Fiscal Impact Statement (Std. 399), code advisory committee presentations, and/or presenting the proposed code change before the Commission. The proposing state agency may request other documentation as necessary to comply with the rulemaking process.

Authority: Health and Safety Code Sections 18929.1, 18930.5 and 18934.

Reference: Government Code Section 11346.45, Health and Safety Code Sections 18929.1, 18930.5 and 18934.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to amend Section 1-501, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-405. State adopting agency hearing date. State adopting agencies planning to conduct hearings relative to building standards shall, prior to giving public notice, acquire the written approval of the Commission as to the date, time and place of the hearing(s). The approval may be in the form of the Commission’s approval of the proposed Notice of Proposed Action submitted by an adopting agency, when the date, time and place for the hearing is included in the proposed Notice of Proposed Action.

Authority: Health and Safety Code Sections 18931 and 18935.

Reference: Health and Safety Code Sections 18931 and 18935.

1-406. Commencement of rulemaking.

(a) In order to effectively administer the Triennial and Intervening Code Adoption Cycles, the Commission shall establish deadlines for state adopting agency and state pro-

posing agency submittals of rulemaking files of adopted or proposed building standards for publication in Title 24, California Code of Regulations.

(b) The Commission shall notify state adopting agencies and state proposing agencies in writing of the deadlines for acceptance of rulemaking files a minimum of 180 days prior to the deadline. State adopting agencies and state proposing agencies shall submit rulemaking files as specified in this article to the Commission on or before the deadline for acceptance specified in the written notice.

Authority: Health and Safety Code Sections 18929.1 and 18930.

Reference: Health and Safety Code Sections 18930, 18931 and 18933.

1-407. Initial rulemaking file submittals by a state proposing agency.

(a) State proposing agencies developing building standards, or administrative regulations to support building standards, to be published in Title 24, shall prepare a rulemaking file for submittal to the office of the Commission, which shall comply with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The Notice of Proposed Action required by this section shall be approved by the Commission prior to any official notice to conduct a hearing or comment period regarding the proposed rulemaking.

(b) File content. The initial rulemaking file submitted to the Commission shall include the following:

1. One (1) original Building Standards Face Sheet (BSC-1), with the wet signature of the agency director or designee.
2. One (1) copy of the Notice of Proposed Action. The Notice of Proposed Action shall be complete except for the public comment period portion. The public comment period will be determined by the Commission staff.
3. Two (2) copies of the Initial Express Terms showing the proposed building standards or amendments to existing building standards in strikeout/underline format. The language, including numbering and punctuation, of proposed new building standards or amendments to existing building standards shall be shown underlined. Proposed deletions of existing building standards shall be shown in strikeout type. Existing building standards to remain without amendment shall be shown without underlining or strikeout or other highlighting.
4. Two (2) copies of the Initial Statement of Reasons for proposing the adoption, amendment, or repeal of a regulation.
5. One (1) copy of the Department of Finance Economic and Fiscal Impact Statement (STD. 399). Wet signatures are not required on STD. 399 until final submittal of the rulemaking file.
6. Two (2) copies of the written Nine-Point Criteria Analysis substantiating compliance with Health and Safety Code Section 18930.

7. One (1) electronic file copy of each of the above documents listed under subsection 1-407(b), which shall be suitable for immediate placement on the Commission’s website (www.bsc.ca.gov) for public viewing.

(c) Upon approval of the Notice of Proposed Action for building standards, the Executive Director will forward the approved Notice of Proposed Action to the Office of Administrative Law for the sole purpose of publication in the California Regulatory Notice Register before the start of the public comment period, and return an approved copy to the proposing agency. If a Notice of Proposed Action is found to be incomplete or incorrect by Commission staff, the Executive Director shall return it to the proposing agency within 10 days with a written listing of the found deficiencies to enable the agency to make corrections for resubmittal to the Commission.

1. Any Notice of Proposed Action not acted upon within 20 days by the Commission staff shall be considered approved and may be published in the California Regulatory Notice Register.

Authority: Government Code Sections 11346–11348 and Health and Safety Code Sections 18930, 18931 and 18935.

Reference: Health and Safety Code Sections 18930, 18931 and 18935.

HISTORY:

1. (BSC 01/13) Supplement to correct grammatical editorial errors and add a website reference in Section 1-407. Approved by the California Building Standards Commission on July 22, 2014, filed with Secretary of State on July 30, 2014, effective August 30, 2014.

1-409. Code advisory committee review.

(a) Prior to conducting any hearing or public comment period as part of the rulemaking proceeding required by the Administrative Procedure Act, the Commission shall assign an initial rulemaking file, received on or before the deadline established under Section 406 of this article, to one or more code advisory committees specifically knowledgeable in the building standard being proposed and schedule the submittal for a noticed public hearing to ensure adequate opportunity for public participation and technical review.

(b) A state proposing agency responsible for developing an initial rulemaking file, shall attend the code advisory committee meeting to present its proposal, and be prepared to respond to committee comments and questions.

(c) **Code advisory committee reviews.** A code advisory committee shall conduct a public hearing to perform a technical review of all initial rulemaking files assigned to it by the Commission. A code advisory committee meeting shall be scheduled by the Commission and shall be open to the public.

(d) **Code advisory committee meeting notice.** The location, date and time of a code advisory committee meeting shall be noticed by the Commission and conducted in accordance with the Bagley-Keene Open Meeting Act (Gov. Code, §§ 11120–11132.).

(e) **Code advisory committee recommendations.** A code advisory committee shall make a recommendation on each proposed provision within the initial rulemaking file. A recommendation other than “approve” shall include a substantiating reason based on the Nine-Point Criteria in Health and Safety Code Section 18930. The recommendations to the

Commission shall be based on one of the following and shall become part of the rulemaking file:

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

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

(g) **State proposing agency action.** State proposing agencies shall address each code advisory committee recommendation in the revised Initial Statement of Reasons by explaining what, if any, action was taken or not taken to address the recommendation.

Authority: Health and Safety Code Sections 18931 and 18935.

Reference: Health and Safety Code Sections 18931 and 18935.

1-411. Public comment rulemaking file submitted by a state proposing agency.

(a) Public comment periods, including 45-day and 15-day periods, shall be conducted according to Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) State proposing agencies shall submit rulemaking files to the Commission on or before the deadline established by the Commission, in preparation for the 45-day public comment period.

(c) File content. The rulemaking file shall include the following items.

1. One (1) copy of the Notice of Proposed Action.
2. Two (2) copies of the 45-Day Express Terms, including any amendments made to address code advisory committee recommendations.
3. Two (2) copies of the Initial Statement of Reasons, including explanations of any revisions suggested in

the 45-Day Express Terms to address code advisory committee recommendations.

4. All other items required by Section 1-407 that have been amended since the initial rulemaking file was submitted for Code Advisory Committee review.
5. One (1) electronic file copy of each document submitted, which shall be suitable for immediate placement on the Commission’s website (www.bsc.ca.gov) for public viewing.

(d) In coordination with the Commission, and with the Commission’s approval of the submitted rulemaking file items, a state proposing agency shall perform the following to carry out the public comment periods:

1. Verify the rulemaking items submitted by the state proposing agency are posted and available to the public on the Commission’s website (www.bsc.ca.gov).
2. Distribute the Notice of Proposed Action to the parties on record with the state proposing agency that have requested to receive proposed rulemaking documents.
3. Provide printed or electronic files of the rulemaking documents described in the Notice of Proposed Action, if requested.
4. Maintain all written public comments received during the public comment periods in preparation for developing the final rulemaking file for submittal to the Commission for adoption.
5. Public comments received by a state proposing agency shall be forwarded to the Commission.

(e) Coordinate with the Commission should it be necessary to conduct additional 45-day and/or 15-day public comment periods.

Authority: Health and Safety Code Sections 18929.1, 18930, 18934 and 18935, and Government Code Section 11346 et seq.

Reference: Health and Safety Code Sections 18929.1, 18930, 18934 and 18935, and Government Code Section 11346 et seq.

1-413. Public comments and related actions.

(a) Anyone wishing to provide written or oral comment on a recommendation of the code advisory committee(s) and/or on a proposed building standard or the repeal of an existing building standard may do so in accordance with this section. The Commission, or state proposing agency, shall consider public comments received during a public comment period announced by a Notice of Proposed Action.

(b) When no public hearing is scheduled as part of a public comment period, a public hearing may be requested. Upon written request received, no later than 15 days prior to the close of the public comment period, a public hearing pursuant to Government Code Section 11346.8 shall be held by the Commission when the Commission is the proposing agency, or state proposing agency responsible for the proposal, to receive comment on the proposed building standard or repeal of an existing building standard, its justification or code advisory committee recommendations. At the hearing statements, arguments, or comments, either oral or in writing, or both, shall be permitted.

(c) The Commission provides a suggested public comment form at the Commission’s website (www.bsc.ca.gov).

(d) A written or oral public comment submitted pursuant to this section shall refer to a specific recommendation made by a code advisory committee on a proposed building standard or repeal of an existing building standard. The public comment shall clearly indicate the action desired and include a substantiating reason for the desired action based on the Nine-Point Criteria in Health and Safety Code Section 18930.

(e) The Commission shall make available to the public upon request a record of written and oral comments received at the Commission office, or during code advisory committee meetings and hearings by the Commission, and during public comment periods, in regard to a proposed building standard or the proposed repeal of an existing building standard.

(f) The Commission and/or state proposing agency, whichever is appropriate, shall consider the comments received during a code advisory committee meeting and during a public comment period from the public pursuant to this section. Any amendments to the proposed building standard or proposed repeal of an existing building standard as a result of the public comment and determinations shall be explained in the Final Statement of Reasons.

(g) Following all public comment periods for a proposed building standard or proposed repeal of an existing building standard, the Commission will conduct a public meeting to consider the approval or adoption of the proposal.

No new issues will be raised before the Commission that were not included in the record of comments.

Items not challenged but affected as a result of an action on another item may also be considered at the Commission meeting to eliminate conflict, duplication or overlap.

Authority: Health and Safety Code Sections 18929.1, 18930, 18934 and 18935, and Government Code Section 11346 et seq.

Reference: Health and Safety Code Sections 18929.1, 18930, 18934 and 18935, and Government Code Section 11346 et seq.

1-415. Final rulemaking file by state proposing agencies.

(a) After any hearings and the close of all public comment periods a final rulemaking file shall be submitted to the Commission with all rulemaking documents complete and ready for the Commission’s public meeting to consider adoption. Forms, templates, and checklists are available on the Commission website: www.bsc.ca.gov. Each final rulemaking file shall be organized and indexed to identify the following items required for inclusion:

1. One (1) original Building Standards Face Sheet (BSC-1) with the wet signature of the agency director or designee.
2. One (1) copy of the Notice of Proposed Action.
3. One (1) copy of the Informative Digest.
4. One (1) copy of the Initial Statement of Reasons.
5. One (1) copy of the Final Express Terms to illustrate the final proposed building standards.

6. One (1) copy of the Finding of Emergency Statement (submitted only with Emergency Regulations). Also see Section 1-419 of this article.

7. One (1) copy of the Department of Finance Economic and Fiscal Impact Statement (STD. 399) containing all required wet signatures as appropriate, together with fiscal analysis prepared by the submitting Agency.

8. One (1) copy of the written transcript or recorded minutes of any public hearings.

9. One (1) copy of each exhibit submitted or written comment received at any public hearing conducted by the agency and a transcript of any oral comments received.

10. One (1) copy of each written comment received during public comment period.

11. One (1) copy of the Final Statement of Reasons and any studies, surveys or documents used to support the rationale for the proposed building standard(s).

12. One (1) copy of the Updated Informative Digest.

13. One (1) copy of the proposed standards with any post hearing changes indicated, and a memo attesting to the 15-day public availability period (if applicable).

14. One (1) original Certification of Close and Complete of the Rulemaking File with the wet signature of the agency director or designee.

15. One (1) copy of the written Nine-Point Criteria Analysis, which shall justify the approval of the building standard(s) in terms of the criteria as set forth in the State Building Standards Law, Part 2.5, Division 13, Section 18930 et seq., of the Health and Safety Code.

16. One (1) copy of the Certification of Compliance, which is required to make emergency building standards permanent (submitted only with Emergency Regulations during certifying rulemaking).

17. One (1) electronic file copy of each of the above documents listed under this section. The electronic files shall be suitable for immediate placement on the Commission’s website for public viewing.

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

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

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

HISTORY:

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

1-417. Final actions by the Commission and proposing agency.

(a) Following the close of the public comment period, and any public hearing, the Commission shall take one of the fol-

lowing actions on each received final rulemaking file proposing to adopt new, repeal, or amend building standards.

1. **Approve.** The Commission approves a proposed code change as submitted. The change is justified in terms of Health and Safety Code Section 18930.
2. **Disapprove.** The Commission disapproves a proposed code change as not justified in terms of Health and Safety Code Section 18930.
3. **Further study required.** The Commission finds that a proposed code change has merit but does not meet specified criteria of Health and Safety Code Section 18930. The change requires further study and justification by the proposing agency. The proposed code change may be submitted in a future code adoption cycle with further study and justification.
4. **Approve as amended.** The Commission approves a proposed code change as modified by the proposing Agency Director or authorized representative in accordance with an approved written delegation order. No modification shall be made that materially alters a requirement, right, responsibility, condition or prescription in the text made available to the public for comment in accordance with this chapter. The proposing agency shall justify the modification pursuant to Health and Safety Code Section 18930 in an amended justification consistent with the approval action submitted to the Commission within 15 days. Failure to submit the amended justification within that time is cause for disapproval.

(b) **Withdrawal.** A proposing agency may withdraw a proposed code change as determined appropriate at any time during the rulemaking process.

Authority: Health and Safety Code Sections 18929.1, 18949.6 and 18931(f).

Reference: Health and Safety Code Sections 18927, 18929 through 18932, 18934, 18935, 18936, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6.

HISTORY:

1. (BSC 01/13) Supplement to clarify actions taken following public comment periods and clarify the application of “Approve as amended” in Section 1-415(a)4. Approved by the California Building Standards Commission on July 22, 2014, filed with Secretary of State on July 30, 2014, effective August 30, 2014.

1-419. Emergency building standards.

(a) Emergency building standards may be developed and acted on as provided in Health and Safety Code Sections 18937 through 18938 and other referenced or applicable provisions of California Building Standards Law (HS. Code, § 18901 et seq.) and the Administrative Procedure Act (Gov. Code, § 11340 et seq.). Emergency building standards shall be acted on within 30 days and shall not be effective until approved by the Commission and filed with the Secretary of State.

(b) Rulemaking files for emergency building standards submitted to the Commission for consideration shall include each of the following:

1. One (1) original Building Standards Face Sheet (BSC-1), with the wet signature of the agency director or designee.

2. Two (2) copies of the Finding of Emergency satisfying requirements of Government Code Section 11346.1.
3. Two (2) copies of the Express Terms illustrating the proposed emergency building standards.
4. Two (2) copies of the written Nine-Point Criteria Analysis substantiating compliance with Health and Safety Code Section 18930.
5. Any supporting documentation on which the proposed emergency building standards are based.
6. One (1) electronic file copy of each of the above documents listed under subsection 1-419(b). The electronic documents shall be suitable for immediate placement on the Commission’s website for public viewing.

(c) The Commission shall make a ruling on the state agency’s Finding of Emergency as to its compliance with Government Code Section 11346.1. If the Finding of Emergency is approved, the Commission shall consider the proposed emergency building standard and make a ruling to approve, disapprove, further study required, or approve as amended, consistent with Section 1-417(a) of this article.

(d) The Commission shall file approved emergency building standards with the Secretary of State at the earliest possible date following approval. Following the filing with the Secretary of State for an adopted emergency building standard, the Commission shall notify the affected state agency in writing of the filing date of the emergency building standard.

(e) Following the initial adoption of emergency building standards and if determined appropriate, the state agency responsible for the emergency building standards shall proceed to complete the certifying rulemaking process to make the emergency building standards permanent within 180 days in accordance with Government Code Section 11346.1 and Health and Safety Code Section 18938. Rulemaking files submitted to the Commission for certifying rulemaking shall include all applicable documents required by Section 1-415 of this article.

Authority: Government Code Sections 11346.1 and 11346.5 and Health and Safety Code Section 18937.

Reference: Government Code Section 11346.1 and 11346.5 and Health and Safety Code Sections 18913, 18937 and 18938.

HISTORY:

1. (BSC 2/93) Regular order by the California Building Standards Commission to amend Section 1-402, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.

1-420. State adopting agency submittals.

(a) All building standards and emergency building standards adopted by a state adopting agency must be approved by the Commission prior to codification pursuant to Health and Safety Code Section 18930. The submitted rulemaking file for approval shall satisfy all applicable provisions of the Administrative Procedure Act (Gov. Code, § 11340 et seq.).

(b) The submitted rulemaking files for adopted building standards and emergency building standards shall comply with the applicable related provisions in Sections 1-407, 1-411, 1-415 and 1-419 of this article.

(c) A representative of the submitting state adopting agency shall be present at the Commission’s public meeting at which approval will be considered. The representative shall do the following:

1. Summarize the adopted building standards or emergency building standards.
2. Summarize the agency’s activities to satisfy requirements for rulemaking.
3. Respond to any questions by the Commission.

Authority: Government Code Section 11346 et seq. and Health and Safety Code Section 18930.

Reference: Government Code Section 11346 et seq. and Health and Safety Code Section 18930.

1-421. A change without regulatory effect.

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

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

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

1. Renumbering, reordering or relocating a regulatory provision;
2. Deleting a regulatory provision for which all statutory or constitutional authority has been repealed;
3. Deleting a regulatory provision held invalid in a judgment that has become final, entered by a California court of competent jurisdiction, a United States District Court located in the State of California, the United States Court of Appeals for the Ninth Circuit, or the United States Supreme Court; however, the Commission shall not approve any proposed Change without Regulatory Effect if the change is based on a superior court decision which invalidated the regulatory provision solely on the grounds that the underlying statute was unconstitutional;
4. Revising structure, syntax, cross-reference, grammar or punctuation;
5. Changing an “authority” or “reference” citation for a regulation; and
6. Making a regulatory provision consistent with a changed California statute if both of the following conditions are met:

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

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

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

1. A completed Building Standards Face Sheet (BSC-1) as required by Section 1-419 of this chapter; and
2. Express Terms illustrating the change in the form required by Section 1-419 of this chapter; and
3. A written statement for each section explaining how the change meets the requirements of Subsection (c) above; and
4. Pursuant to Subsection (b) above, a written statement by each state Agency that has adopted the provision being changed, concurring with the regulatory change. All such statements shall be signed by a duly authorized representative of the Agency.

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

1. When the Commission determines that the submitted change meets the requirements of this section for a Regulatory Change without Effect, the regulatory change shall be filed with the Secretary of State and the Commission shall publish the change in Title 24, California Code of Regulations.
2. When the Commission determines that the submitted change does not meet the requirements of this section for a Regulatory Change without Effect, or does not comply with the rulemaking requirements of this section, the written determination by the Commission shall provide sufficient itemization of the deficiencies. The agency may correct the rulemaking file for reconsideration by the Commission, or begin proceeding with a regulatory action pursuant to Section 407 of this chapter.

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

Note: Authority cited: Health and Safety Code Sections 18909, 18930 and 18931(f).

Reference: Health and Safety Code Sections 18909, 18930 and 18931(f).

HISTORY:

1. (BSC 01/13) Supplement to clarify grammatical errors in Section 1-421. Approved by the California Building Standards Commission on July 22, 2014, filed with Secretary of State on July 30, 2014, effective August 30, 2014.

**ARTICLE 5
CITY, COUNTY, AND CITY AND COUNTY
BUILDING PERMIT FEES**

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

1-503. Definitions. The following terms are defined in Section 1-103. Definitions of this Chapter:

Building Standards Administration Special Revolving Fund (the Fund).

Department.

Fees, appropriate fractions thereof.

Office.

1-505. Fee assessment.

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

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

**TABLE 1-505
PERMIT VALUATION FEE**

PERMIT VALUATION	FEE
\$1 – 25,000	\$1
\$25,001 – 50,000	\$2
\$50,001 – 75,000	\$3
\$75,001 – 100,000	\$4
Every \$25,000 or fraction thereof above \$100,000	Add \$1

1. Cities, counties, and cities and counties may retain up to ten percent (10%) of the fees for related administrative costs, code enforcement, and education as permitted by Health and Safety Code Section 18931.6.
2. When a building permit is issued and no valuation is made, the city, county, or city and county may exempt that permit from fee assessment.

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

1-507. Fee collection.

(a) Cities, counties, and cities and counties shall submit fees each quarter, commencing with the quarter beginning

January 1 and ending March 31, 2009, due on the 15th day of the following month.

1. Each quarter, a city, county, and city and county shall submit a Fee Report Form (BSC-2) and a check made payable to the California Building Standards Commission, with the fees collected for that quarter.
2. A Contact Information Form (BSC-3) shall accompany the Fee Report Form and check only when contact information changes. Such changes include the city, county, or city and county address, telephone number(s), office or department contact, and/or building official.
3. The certified quarterly Fee Report Form, Contact Information Form as appropriate, and check shall be mailed together to the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833.

Note: The form templates are available at the Commission’s website: www.bsc.ca.gov/SB1473.

(b) The Commission shall deposit the moneys collected into the Building Standards Administration Special Fund for use, upon appropriation, by the Commission, the Department, and the Office for use as specified in Section 1-501.

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

Reference: Health and Safety Code Sections 18930.5, 18931.6 and 18931.7

HISTORY:

1. (BSC 02/08) Add new Article 1-10, City, County, and City and County Building Permit Fees. Effective on June 21, 2009.
2. (BSC 01/13) Supplement to correct grammatical errors, clarify fee collection forms and add a website reference in Article 5, Sections 1-503, 1-505, and 1-507. Approved by the California Building Standards Commission on July 22, 2014, filed with Secretary of State on July 30, 2014, effective August 30, 2014.

1-509. Request for refund of fees.

(a) When a city, county or city and county determine that excess fees were paid in error due to a miscalculation, a written request for refund may be filed with the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. The request for refund shall be submitted with all of the following:

1. A detailed summary describing the circumstances surrounding the miscalculation that occurred regarding the incorrect submission of fees;
2. Documentation that demonstrates how the amount error occurred, and showing the correct amount;
3. Written certification that the refund amount is accurate and true.

(b) Receipt of a request for refund of fees shall be acknowledged by the California Building Standards Commission in writing within 45 days of receipt. The acknowledgement shall include whether additional supporting documentation is required in order to verify the refund amount.

(c) Should a city, county, or city and county be delinquent in any past quarterly fee submissions, the past due quarterly fee reports and respective payments shall be made current prior to resolution regarding a refund.

HISTORY NOTE APPENDIX FOR CHAPTER 1

Administrative Regulations for the California Building Standards Commission (Title 24, Part 1, California Code of Regulations)

The format of the history notes has been changed to be consistent with the other parts of the *California Building Standards Code*. The history notes for prior changes remain within the text of this code.

1. (BSC 03/10) Repeal, amend and reformat Chapter 1 of the 2010 California Administrative Code, CCR Title 24, Part 1, effective on August 28, 2011.
2. (BSC 05/10) Add new Section 1-105 to Article 1 Use of Commission Indicia, effective on November 20, 2011.
3. (BSC 02/12) Amend Chapter 1, Article 1, Section 1-101, 1-105, Article 2, Section 1-201, 1-207, 1-209, 1-211, Article 4, Section 1-411, 1-421, Article 5, Section 1-503. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.
4. Errata to correct editorial errors within the preface and Chapter 1 of this code. Effective January 1, 2014.
5. (BSC 01/13) 2013 Intervening Cycle Supplement. Amendments and corrections to Article 1, Sections 1-101, 1-105; Article 2, Sections 1-203, 1-209, 1-211; Article 3, Section 1-307; Article 4, Sections 1-407, 1-413, 1-415, 1-419, 1-421; Article 5, Sections 1-503, 1-505, 1-507. Approved by the California Building Standards Commission on July 22, 2014, filed with the Secretary of State on July 30, 2014 effective August 30, 2014.
6. (BSC 01/15) Amend Chapter 1, Article 1, Section 1-101, 1-103, Article 2, 1-205, 1-207, 1-209, Article 4, 1-404, Article 5, 1-509. Approved by the California Building Standards Commission on December 16, 2015, filed with the Secretary of State on December 21, 2015, and effective 30 days after filing with Secretary of State.
7. Errata to correct editorial errors within the preface as well as throughout various chapters in this code. Effective January 1, 2017.
8. 2016 Intervening Cycle Supplement (BSC 01/16) adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective thirty days after filing.

CHAPTER 4

ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS)

ARTICLE 1 ESSENTIAL SERVICES BUILDINGS

4-201. Purpose. Essential services buildings constructed pursuant to these rules and regulations shall be designed and constructed to resist gravity forces, to minimize fire hazards and to resist, insofar as practical, the forces generated by winds and major earthquakes of the intensity and severity of the strongest anticipated at the building site without catastrophic collapse, but may experience some repairable architectural or structural damage. An essential services building as designed and constructed shall be capable of providing essential services to the public after a disaster. In addition, the equipment and other accessories which are necessary for the continued functioning of the essential services operation shall be anchored and braced to resist earthquake forces.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16001.

4-202. Scope. These regulations apply to the administrative procedures concerning the construction, reconstruction, alteration of or addition to any essential services building under the jurisdiction of a city, city and county, county (including special fire districts) or the State of California.

When the enforcement agency is the Division of the State Architect (DSA) all parts of the *California Building Standards Code*, as contained in Title 24 of the California Code of Regulations and adopted by that agency designate the building regulations which shall apply to an essential services building. The term “essential services building” shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 4-207.

These rules and regulations establish reasonable standards and minimum requirements for the design and construction of an essential services building. An essential services building shall also be designed and constructed to conform to the regulations adopted by the California State Fire Marshal in Title 24, CCR, for the particular occupancy concerned.

When the enforcement agency is a local agency, the locally adopted editions of the model codes and the administrative regulations contained in Part 1 (Sections 4-201 through 4-222 and 4-243 through 4-249) Title 24, California Code of Regulations (CCR) designate the building regulations which shall apply to an essential services building. The term “essential services building” shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 4-207.

If the building standards and regulations adopted by the city, city and county or county agency responsible for building safety are more restrictive than those adopted in the applicable sections of Title 24, CCR, then the local building standards and regulations shall govern within its jurisdiction.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16001.

4-203. Interpretation. No regulation shall be construed to deprive the enforcing agency of its right to exercise the powers conferred upon it by law or limit the enforcing agency in such enforcement as is necessary to secure the safety of construction as required in the Essential Services Seismic Safety Act (see “Act,” Section 4-207.)

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16001.

4-204. Delegation of authority. Any powers, duties and responsibilities pursuant to carrying out the provisions of the Essential Services Buildings Seismic Safety Act for the State Architect may be delegated by the State Architect to the Chief Structural Engineer, Division of the State Architect, subject to the direction of the State Architect.

Those powers, duties and responsibilities so delegated may include the observation of the implementation and administration of the Act, the adoption in consultation with local jurisdictions of the regulations necessary for carrying out the provisions of the Act, providing advice and assistance to local jurisdictions in matters concerning the Act or these regulations and acting as an appeals agency relative to the administration of the Act.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16022.

4-205. Application of building standards. Building standards are set forth in Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12 of Title 24, CCR, and have been adopted as a basis for the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards nor to restrict the use of new or innovative design or construction techniques.

Where the designer desires to use innovative design or construction techniques not addressed in these regulations, it shall be necessary to submit for review and approval information including computations, test data and recommendations covering the design in question. The Division of the State Architect or local enforcement agency must be satisfied that the degree of safety achieved is equivalent to that achieved by the standards contained in Title 24, CCR. The enforcement agency review and approval of the innovative design or construction techniques shall precede the submission of plans and specifications utilizing these techniques.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16001.

4-206. Approval of new essential services buildings. Plans and specifications shall be submitted to the appropriate enforcement agency for every new owned or leased essential services building before the plans are adopted by the governing board, authority, owner, corporation or other agency proposing to construct any essential services building.

Before any agency may convert an existing building into an essential services building, that agency shall submit plans

and specifications for the alteration of the building to the appropriate enforcement agency for approval. The plans shall provide for the alterations necessary for compliance with the requirements of these rules and regulations.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16011.

4-207. Definitions. The words defined in this section shall have the meaning stated therein throughout the rules and regulations contained in Part 1 (Administrative), Title 24, CCR.

ACT shall mean the Essential Services Buildings Seismic Safety Act of 1986, Sections 16000-16023, inclusive, of the Health and Safety Code.

ADDITION shall mean an increase in floor area or volume of enclosed space which is physically attached to an existing building by connections which are required for transmitting vertical or horizontal loads between the addition and the existing structure. The area exemption in Section 16010 of the Act does not apply to additions to essential services buildings when the total area of the existing building and the addition exceeds 2,000 square feet. An “addition” which is not required to be physically attached either for its own support or for support of the existing building shall be separated as required by Part 2, Title 24, CCR, and shall be deemed to be the construction of a new essential services building.

ALTERATION shall mean changes within an existing building as defined in Part 2, Title 24, CCR. Alterations to existing essential services buildings shall conform to the requirements of Title 24, CCR. Major alterations will be permitted, provided the entire essential services building as modified, including the structural alterations or additions, conforms to the requirements of Title 24, CCR, if the area of the existing building, including additions, exceeds 2,000 square feet.

APPROVED PLANS AND SPECIFICATIONS shall mean plans, specifications, addenda and construction change documents which have been duly approved by the appropriate enforcement agency pursuant to Sections 16013 and 16016 of the Health and Safety Code and which are identified by a stamp bearing the name of the enforcement agency, the identification number, the date and the signature of the qualified reviewer as required in Section 16011 of the Act.

COMPLYING BUILDING shall mean a building which has been constructed or reconstructed in accordance with these rules and regulations.

CONSTRUCTION CHANGE DOCUMENT shall mean a construction document submitted by the responsible project architect or registered engineer and approved by DSA depicting a change to the approved plans and/or specifications after the construction contract has been let.

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

ENFORCEMENT AGENCY shall mean the Division of the State Architect for state-owned or state-leased buildings and shall mean the enforcement agency of any city, county or city and county having jurisdiction over locally owned or locally leased essential services facilities.

ESSENTIAL SERVICES BUILDING means any building, or any building a portion of which is used or designed to be used as a fire station, police station, emergency operations center, California Highway Patrol office, sheriff’s office or emergency communication dispatch center.

EQUIPMENT shall mean all new or replacement equipment installed in any new or existing owned or leased building which is required for the functioning of the essential services operation. The installation of such equipment shall meet the support, bracing and anchorage requirements of Title 24, CCR. The area exemption in Section 16010 of the Act does not apply to the anchorage or bracing of equipment necessary to the operation of the essential services function.

FIRE STATION shall mean any building that contains the operational facilities, fire suppression, alarm and communications equipment necessary to respond to fire emergencies.

MAINTENANCE shall mean and include ordinary upkeep or repair work such as replacement in kind, repainting, replastering and reroofing.

NEW ESSENTIAL SERVICES BUILDING shall mean any newly erected essential services building or any existing building converted to essential services use subsequent to the effective date of the Act regardless of whether the building is owned or leased by the public agency. Existing buildings housing essential services facilities owned or leased by the state, a city, a city and county or a county prior to the effective date of the Act are exempt from these regulations. When a portion of a building is to be utilized for an essential services operation, the area so utilized and the utilities systems and components servicing the area shall be constructed according to these rules and regulations and shall be separated or protected from damage due to failures of other portions of the structure to the extent determined by the enforcement agency to insure continued functioning after an earthquake or other disaster. Ancillary buildings and facilities related to the essential services building function may be exempt from these regulations if the enforcement agency determines that such buildings and facilities are not necessary to the functioning of the essential services operation after an earthquake or other disaster.

NONSTRUCTURAL ALTERATIONS shall mean only such alterations which do not affect the safety of the essential services building and do not change, in any manner, its structural elements.

OWNER for the purposes of these regulations shall mean the public agency responsible for the essential services functions performed under its authority within an essential services building. The owner is responsible for applying for and obtaining the approvals and certifications required by these regulations.

PLANS as used in these regulations shall mean the drawings associated with the project such as, but not limited to, vicinity maps, site plans, foundation plans, floor plans, ceiling plans, roof plans, cross-sections, interior elevations, exterior elevations and details which are used in conjunction with the project specifications and which are necessary to accomplish construction in conformance with the requirements of the Act.

when these elements are significant to the safety of the building or its occupants or the continuing functioning of the building. The requirement for observation of construction of the mechanical and electrical portions of the work by the mechanical and electrical engineers may be waived where the mechanical and electrical elements are not considered to be significant to the safety of the building or its occupants or its continuing functioning and when special mechanical and electrical inspection in accordance with Section 4-211 is provided.

No delegation to or employment or retention of others shall be construed as relieving the architect, structural engineer or civil engineer in general responsible charge of his/her rights, duties and responsibilities under Section 16015 of the Act and Section 4-217 of these regulations.

(b) **Assumption of responsibility.** The architect, structural engineer or civil engineer who submits for approval plans and specifications for any project or any portion of any project which have been prepared by others shall assume responsibility for the safety of design of the completed construction and for the interpretation of and any necessary amplification of the plans and specifications of the project. He/she shall stamp and sign all plans submitted for approval to indicate his/her assumption of responsibility or may in lieu thereof, stamp and sign, and submit plans prepared under his/her own charge. (See Section 4-210 for other signatures.) When an architect, structural engineer or civil engineer accepts the responsibility for completion of a project or a portion of a project relinquished by another, that architect, structural engineer or civil engineer thereby assumes responsibility as follows:

1. If the relinquishment occurs prior to the completion of the design documents, all responsibility shall be assumed. [See Section 4-225 (c) for the procedure.]
2. If the relinquishment occurs after the design drawings and specifications have been completed and approved by the enforcement agency, the assuming architect or registered engineer shall be responsible for the construction of the project in accordance with the design of the relinquishing architect or engineer. The assuming architect or registered engineer shall assume responsibility for the interpretation of and any necessary amplification of the plans and specifications and shall stamp and sign any such documents prepared for that purpose.

(c) **Acceptance of responsibility.** The assumption of general responsible charge or of delegated responsibility shall be clearly outlined, accepted and approved by the parties concerned including the owner. The enforcement agency shall be notified when any change is made in the individuals in general responsible charge or delegated responsible charge.

Form DSA-1, Application for Approval of Plans and Specifications, provides for the delegation of responsibility, but for unusual cases, or for changes in responsibility taking place after the plans have been submitted for approval, the delegation of responsibility, acceptances and approvals thereof, shall be submitted in letter form, which shall include an indication that the owner has been notified.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16011 and 16015.

4-226. Alternates in general responsible charge or delegated responsible charge. Alternates may be named on Form DSA-1, Application for Approval of Plans and Specifications, or in letter form. Letter forms shall be submitted to DSA prior to performance of work by the alternate and shall include an indication that the owner has been notified.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16015.

4-227. Estimate of cost. Estimates of cost shall be based on the cost of construction prevailing at the time the plans and specifications for the project are submitted to DSA. The estimated cost of a project shall be increased as necessary to include the estimated cost of every alternate building or portion thereof shown on the plans and specifications as if each alternate building and portion were to be constructed separately and simultaneously.

When a contract amount, or the cumulative total of two or more contract amounts, exceeds the estimated cost by more than 30 percent, the estimated cost shall be revised. An additional fee based on the contract amount shall be paid before proceeding with the work. When the actual cost of constructing all the work shown on the approved plans is less than 70 percent of the estimated cost, a refund of overpaid fees may be claimed. (See Section 4-232 for actual cost.)

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009 and 16011.

4-228. Procedure for approval of application and voidance of application.

(a) **General.** After DSA has completed its review of the documents submitted with the application, the checked prints of the plans and specifications with the requests for corrections and/or additional information noted thereon shall be returned to the responsible architect or registered engineer. When plans and/or specifications require extensive corrections, a corrected set of prints of the plans and specifications shall be submitted for review if requested by DSA.

When the requested corrections have been made and/or the additional information as requested has been provided by the responsible architect or registered engineer, an employee representative of the architect or registered engineer shall return the check set of plans and specifications along with the original plan tracings, the corrected specification pages and specification master cover sheet to DSA for backchecking. The backcheck is a comparison of the corrected plans and specifications with the check set of plans and specifications and shall be accomplished either by a conference at the DSA office between the architect or registered engineer or his/her employee representative and the checking engineer or by mail in the case of minor corrections to which all parties have agreed.

Changes in plans and specifications, other than changes necessary for correction, made after submission for approval shall be brought to the attention of DSA in writing or by submission of revised plans identifying those changes clearly at the time of back-checking. Failure to give such notice may result in the voidance of any subsequent approval given to the plans and specifications.

All requested corrections shall be made, additional requested information furnished or original designs justified and a list of materials to be tested and special inspections to be made shall be supplied to DSA at the time of backcheck. When DSA deems that the corrected plans and specifications comply with these regulations and all parts of Title 24, CCR, that pertain to essential services building construction, DSA shall place its stamp of identification on the reproducible sheets of drawings and master cover sheet of the specifications. This stamp is affixed for purposes of identification only and shall not be construed as authorization to let the construction contracts.

One set of prints of the stamped plans and specifications shall be submitted to DSA. The submittal of the stamped prints of the plans and specifications is required before DSA will issue the written notice of approval of the application.

(b) **Approval of the application.** DSA shall issue to the owner of the essential services building a letter approving the application for the project upon receipt of the stamped copies of the approved plans and specifications. This letter shall constitute the approval of drawings and specifications as required by Section 16016 of the Health and Safety Code. No contract for construction shall be let or approved by the owner of the essential services building and no monies shall be spent for construction work on an essential services building project until this approval in writing has been had and obtained.

DSA will retain one set of the stamped plans and specifications and other pertinent project information in its files as a permanent record of the compliance of the approved project documents.

(c) **Voidance of the application.** Any change, erasure, alteration or modification of any plans or specifications bearing the identification stamp of DSA may result in voidance of the approval of the application. However, the “written approval of plans” may be extended by DSA to include revised plans and specifications after documents are submitted for review and approved. (See Section 4-233 for revised plans and Section 4-215 for addenda and construction change documents.)

The procedures leading to written approval of plans shall be carried to conclusion without suspension or unnecessary delay. The application shall be void where either (1) prints from corrected plans or corrected original plans are not filed for backcheck and the backcheck is not completed within six months after the date of return of the checked plans to the architect or registered engineer, or (2) prints of the stamped plans and one set of the stamped specifications are not submitted to DSA files within two months after the date shown on the stamp of identification.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009, 16011 and 16013.

4-229. Deferred approvals. Where a portion of the construction cannot be adequately detailed on the approved plans because of variations in product design and manufacture, the approval of plans for such portion, when specifically accepted by the enforcement agency, may be deferred until

the material suppliers are selected provided the following conditions are met:

- (a) The project plans clearly indicate that a deferred approval by the enforcement agency prior to the fabrication and installation is required for the indicated portions of the work.
- (b) The project plans and specifications adequately describe the performance and loading criteria for such work.
- (c) An architect or registered engineer stamps and signs the plans and specifications for the deferred approval items. The architect or engineer in general responsible charge of the design of the project shall submit the plans and specifications for the deferred approval item to the enforcement agency, with notation indicating that the deferred approval documents have been found to be in general conformance with the design of the building.
- (d) Deferred approval shall not apply to the requirements of Section 4-210 (b), (c) and (d) with regard to the vertical and lateral load resisting systems and elements of the building. The plans, details, specifications and computations for the structural portions of the building shall provide sufficient information to permit a complete review when the project is submitted.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009, 16011, 16012, 16013 and 16014.

4-230. Withdrawal of application. If a request is made by the owner of an essential services building for cancellation of the application and return of the plans and specifications, together with the fee paid, it will be granted only when the review of plans and specifications has not actually started. If the review of the plans and specifications has started, 30 percent of the paid fee will be refunded or applied to a new application for the same project.

No refund will be allowed for projects upon which only the minimum fee has been paid. No refund will be allowed after a contract has been let for any portion of the work except as provided in Section 4-228.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16009.

4-231. Fees. The filing fee required by DSA to accompany the submittal of project plans and specifications for essential services buildings shall be one and one-half percent (1.5%) of the first \$1,000,000 of estimated cost and one and one-quarter percent (1.25%) of the excess of the estimated cost over \$1,000,000 except that the minimum filing fee for any project shall be \$250.

The words “filing fee” mean the fee which must accompany the application and the words “further fee” mean the fee which shall be paid to DSA if the actual cost exceeds the estimated cost by more than 5 percent.

The application for an essential services building is considered received when it, accompanied by the plans and specifications, structural design computations, site data and filing fee has been received by DSA and an application number has been assigned.

An Essential Services Building Account is hereby established in the Architecture Public Fund for the purpose of crediting the application fees paid by state agencies into the state treasury.

Authority: Health and Safety Code Sections 16022 and 16023.

Reference: Health and Safety Code Sections 16006, 16007 and 16009.

4-232. Project cost. For purposes of determining fees, both the estimated and actual costs of the project shall be the total outlay for all work included in the approved plans and specifications (exclusive of fees paid, but not recovered, for architectural engineering, inspection and testing services) regardless of whether the funds are provided by the state, local government authorities or agencies, or by private groups or individuals. In the event a building is converted to essential services building use, the cost shall include the value of the building. If work is done in portions, the actual cost shall be determined at the completion of each contract.

The estimated cost and the fee based thereon shall not be amended after plan check has started except as provided by Section 4-227 or for a permissible increase in the scope of the project. The scope of the project shall not be amended after bids for all or part of the project are opened. No portion of the fee can be returned after checking has started except as provided by Sections 4-227 and 4-230.

Actual project cost shall include all items which are normally considered to be contractor's operation costs such as owner furnished labor and materials, bond insurance and use of owner's facilities and shall not be reduced by chargebacks such as those for testing, inspection or overrun of contract time. All fees and/or reimbursable charges paid the construction managers shall be included in the actual cost of construction. When the contract for the work includes items not otherwise subject to the approval of DSA and not included in the approved plans and specifications, the actual cost shall include this work unless such costs are segregated bid items or by separately priced items of change orders, or by certified copy of a subcontractor's bid. Such segregation shall not be made by contract price breakdown or estimates.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Sections 16009 and 16011.

4-233. Revisions of plans and specifications.

(a) **General.** No additional fee is charged upon submission of revisions to the approved plans and specifications, provided that the entire matter is actually one transaction having to do with the same essential services building and the revisions do not require substantial review for safety of design. If the original plans are abandoned and the plans and specifica-

tions submitted in lieu thereof are in fact for a new project rather than an identical building or where a modified set of plans is for an essentially different structural concept, it is necessary that a new application be filed and fee paid. This is regardless of the fact that the building may have the same name, be of the same general size and be situated at the same location as the essential services building for which the original application was submitted.

(b) **Addenda.** Changes or alterations of the approved plans or specifications prior to letting a construction contract for the work involved shall be made by means of addenda. Addenda shall be stamped and signed by the architect or registered engineer in general responsible charge of preparation of the plans and specifications, and by the architect or registered engineer delegated responsibility for the portion affected by the addenda. Addenda shall be submitted to DSA for review and approval and as such become part of the approved contract documents.

(c) **Construction change documents.** Changes or alterations of the approved plans or specifications after a contract for the work has been let shall be made by means of construction change documents. Construction change documents shall state the reason for the change and shall be accompanied by supplementary drawings and calculations where necessary. All construction change documents shall be stamped and signed by the architect or registered engineer in general responsible charge of the work of construction of the project, and by the architect or registered engineer delegated responsibility for observation of the portion of the work of construction affected by the construction change documents. Construction change documents shall be submitted to DSA for review and approval and as such become part of the approved contract documents.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16009.

4-234. Billing for further fees. The owner shall be billed for further fees upon completion of the project or portion thereof if fee is due. Claims for refunds of five dollars or less due to errors in cost reporting or fee computation shall be made within six months from the date of filing.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16009.

4-235. Time of beginning construction and partial construction. Construction work whether for a new essential services building, or for a reconstruction, alteration or addition project for an essential services building, shall not be commenced, and no contract shall be let until the owner has applied for and obtained from DSA the required written approval of plans and specifications. Construction of all work shown in the approved plans and specifications shall be commenced within one year after the approval of the application; otherwise the approval of the part not commenced shall be void unless DSA has been notified and an extension of the

approval has been granted. DSA may require that the plans and specifications be revised to meet its current regulations before a renewal of the voided approval is granted. Renewal shall not be granted after a period of four years beyond the date of the application approval.

State agencies may complete all work or proceed with construction of any part of the work included in the approved plans and specifications with the intent of completing the work later.

All work done and materials used and installed must be in accordance with and in conformity to the approved plans and specifications. DSA shall be notified whenever work is being carried on and failure to give such notice may result in voidance of the approval of the plans and specifications.

An uncompleted building shall not be construed as having been constructed under the provisions of the Essential Services Building Seismic Safety Act.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16016.

4-236. Notice of start of construction. The architect or registered engineer responsible for the project shall give DSA written notification before construction is to be started. As soon as a contract has been let, the architect or registered engineer shall furnish to DSA on Form DSA-102, Contract Information, the name of the contractor, the contract price, and the date of starting of construction. DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any of the DSA regional offices.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16016.

4-237. Notice of suspension of construction. DSA shall be notified by the project inspector when (1) the construction is suspended for more than two weeks or (2) the construction is suspended or abandoned for any reason for a continuous period of one year following its commencement at which time the approval of DSA becomes void. DSA may reinstate the approval upon the request of the owner.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16009.

4-237.1 Stop work order.

(a) Whenever DSA finds any construction work being performed in a manner contrary to the provisions of this code and which would compromise the structural integrity of the building, the Department of General Services, State of California, is authorized to issue a stop work order.

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

(c) Any person who continues working the cited work after having been served with a stop work order, except such work as that person is directed to perform to remove a viola-

tion or unsafe condition, shall be subject to penalties as prescribed by law.

Authority: Health and Safety Code Section 16022.

Reference: Health and Safety Code Section 16017.5.

4-238. Application for approval of project inspectors, assistant inspectors and special inspectors. For each essential services building project, an Inspector's Qualification Record, Form DSA-5, shall be submitted for the proposed project inspector, a proposed assistant inspector, and may be required by DSA to be submitted for a proposed special inspector. The proposed project inspector and any proposed assistant inspector shall be interviewed by the architect or registered engineer in general responsible charge of the project to determine his/her qualifications. The architect or registered engineer shall recommend to DSA the approval of the inspector based upon his/her determination of the competency of the candidate to perform the inspection work.

Form DSA-5 for the proposed inspector, with the signatures of the architect or registered engineer and the owner, shall be submitted to DSA for review and approval. In addition to the information supplied on the qualification record, DSA may require a personal interview with the proposed inspector which may include oral and written examinations concerning inspection and testing procedures.

The submittal of the Inspector's Qualification Record for the project inspector shall be made a minimum of 10 days prior to the start of construction on the project. The submittal of the Inspector's Qualification Record for an assistant inspector, or when required for a special inspector, shall be made a minimum of 10 days prior to the use of the assistant inspector or special inspector on the project. DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any of the DSA regional offices.

Authority: Health and Safety Code Sections 16017 and 16022.

Reference: Health and Safety Code Sections 16017 and 16021.

4-239. Tests. In addition to the requirements of Section 4-213, Article 1 of these regulations, the following provisions shall apply:

(a) **Performance of tests.** The owner, with the recommendation of the architect or registered engineer shall select a qualified testing laboratory to conduct the tests. Sampling, preparation of samples and tests shall be in accordance with the standards as provided in the approved plans and specifications and in the applicable building regulations. Where a sample has failed to pass the required tests, the architect or registered engineer, subject to the approval of the enforcement agency, may permit retest of the sampled material.

(b) **Payments.** The owner shall pay for all tests. When in the opinion of the architect or registered engineer additional tests are required because of the manner in which the contractor executes his work, such tests shall be paid for by the owner but the amount paid may be collected from the contractor. Examples of such tests are: Tests of materials substituted for previously approved materials, retests made necessary by the failure of materials to comply with the requirements of the specifications and load tests necessary

GROUP 1

SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS

ARTICLE 1 GENERAL PROVISIONS

4-301. Purpose. School buildings constructed pursuant to these regulations are expected to resist earthquake forces generated by major earthquakes of the intensity and severity of the strongest experienced in California without catastrophic collapse, but may experience some reparable architectural or structural damage.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

HISTORY:

1. Repealer of Group 1, Articles 1-6 (§§ 1-80) and new Group 1, Articles 1-5 (§§ 1-6, 8, 10, 10.5, 11-14, 16-26, 26.1, 26.2, 26.5-26.9, 27-40, 50, 51, 60, 61, 62, 80 and Appendix), filed 11-1-66; effective thirtieth day thereafter (Register 66, No. 38). For history of former sections see Registers 53, Nos. 15, 18; 54, No. 24; 55, No. 12; 56, No. 10; 59, No. 14; 60, Nos. 8, 16; 61, No. 19; 64, No. 13.
2. Amendment filed 6-29-76 as an emergency; designated effective 7-1-76 (Register 76, No. 27).
3. Certificate of Compliance filed 10-15-76 (Register 76, No. 42).
4. Amendment of NOTE filed 6-19-79; effective thirtieth day thereafter (Register 79, No. 25).
5. Repealer filed 9-24-82 by OAL pursuant to Government Code Section 11349.7 (j); effective thirtieth day thereafter (Register 82, No. 39).
6. Repealer of Group 1 (Articles 1-5, Sections 2-80, not consecutive) and new Group 1 (Articles 1-9, Sections 1-55, not consecutive and Appendix) filed 9-8-83; effective 9-15-83 pursuant to Government Code Section 11346.2 (d) (Register 83, No. 40). For prior history, see Registers 79, No. 25; 77, No. 40; 76, No. 42; 76, No. 27; and 74, No. 38.
7. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-301, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-302. Scope.

(a) **General.** Part 2, Title 24, California Code of Regulations (C.C.R.), also known as the California Building Code, designates the structural building regulations that shall apply to the design, construction, reconstruction, rehabilitation, alteration of or addition to any school building as defined in Sections 17283 and 81130.5 of the Education Code. The term “school building” shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 4-314.

These regulations establish reasonable standards and minimum requirements for the structural integrity of public school buildings to resist, insofar as practicable, the forces of gravity, wind and earthquake for the protection of life and property.

The design and construction of the mechanical and electrical systems in school buildings shall conform to the applicable building regulations in Title 24, C.C.R.

Further, the design and construction of school buildings shall comply with the regulations adopted by the Division of the State Architect/Access Compliance (DSA-AC) and the

Office of the California State Fire Marshal for the particular occupancies concerned. (See Title 24, C.C.R.)

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

(b) **Emergency buildings.** Installation of relocatable school buildings, used or designed to be used for school purposes following disasters such as earthquakes, fires, floods or unanticipated emergency classroom needs require approval by DSA. DSA has determined that compliance with the strict letter of the regulations may be impractical in these circumstances. The modifications to the regulations granted by DSA are as indicated here and are recorded and entered in the files of DSA in accordance with Section 4-304.

Emergency relocatable buildings must meet all the requirements of regulations with the following modifications and limitations:

1. The building is a one-story relocatable building no greater than 2,160 square feet in area.
2. Documentation is provided indicating the construction of the building superstructure is DSA certified in accordance with Section 4-339.
3. A foundation system is provided that has been accepted by DSA.
4. Observation and inspection of construction shall be in compliance with Section 4-333.
5. Verified reports shall be prepared and provided in compliance with Section 4-336.
6. DSA must be notified immediately by the district of the emergency need and the intent to use this section.
7. Within 14 days following the installation of these emergency buildings, the school district will notify DSA of the extent of the damage to their permanent school buildings or extent of emergency need and the number of emergency buildings installed to house displaced students.
8. Within 60 days following installation of these emergency buildings, the design professional representing the school district shall provide DSA with a complete project submittal in compliance with Article 3 of these regulations.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17282 and 17298.

HISTORY:

1. Editorial correction of printing error (Register 83, No. 45).
2. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-302, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.
3. (DSA/SS 2/95) Regular order by the Division of the State Architect/Structural Safety Section to amend Section 4-302(b). Filed with the Secretary of State on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

* The reorganization of Group 1 is printed as a repealer and adoption for clarity.

4-303. Delegation of authority. All powers, duties, responsibilities pursuant to carrying out the provisions of the Field Act vested by law in the Department of General Services have been delegated by the Department to the State Architect.

Authority: Education Code Sections 17310 and 81142.

Reference: Government Code Section 14607.

4-304. Alternate materials and methods of construction and modifications. The provisions of these regulations are not intended to prevent the use of any material or method of construction not specifically prescribed by these regulations, provided any alternate has been approved and its use authorized by DSA.

DSA may approve any such alternate, provided DSA finds that the proposed design is satisfactory and complies with the provisions of these regulations and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in these regulations in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

DSA shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting acceptance of an alternate shall be recorded and entered in the files of DSA.

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

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-304, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-305. Application of building standards. Building standards applicable to public school buildings are set forth in Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12, Title 24, C.C.R., and have been adopted as minimum design and construction standards upon which to base the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards nor to restrict the use of new or innovative design or construction techniques.

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

DSA must be satisfied that the degree of safety achieved by these innovative design and construction techniques is at least

equivalent to that achieved by the regulations. This requirement shall apply to all buildings proposed for public school use for educational purposes as defined in these regulations. The proposed use of archaic building materials and structural systems such as those desired to be retained in buildings which have been designated as historically important shall be included in this provision. The determination of the equivalency of the degree of safety shall be the responsibility of DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-305, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-306. Approval of new school buildings, rehabilitation of school buildings and additions to school buildings. Plans and specifications for any new school building or the rehabilitation of or addition to any school building, regardless of cost, shall be submitted to DSA for approval in accordance with Section 4-315.

All new construction work which is part of an addition project shall comply with currently effective regulations. Existing school buildings for which an addition project is proposed shall be retrofitted when required by Section 4-309 (c).

Before the school board may award a contract or commence construction work for the rehabilitation of a structure already owned (including those pre-1933 buildings not retrofitted or subsequently abandoned for school use under the provisions of the Garrison Act), or an existing building which has been purchased or leased, into a school building, the school board shall submit application and plans of the building to DSA for approval. The plans shall provide for the retrofit necessary for full compliance with the requirements of currently effective regulations. Refer to Section 4-307 for rehabilitation of an existing nonconforming building for use as a school building.

When a structural rehabilitation of an existing school building is required by Section 4-309(c) and DSA, the school board shall submit to DSA, prior to submittal of project application, a pre-application for the rehabilitation project, fees in accordance with Section 4-326, and an Evaluation and Design Criteria Report for approval. If the school board voluntarily elects to rehabilitate an existing school building to full compliance with the code, then a pre-application may be required by DSA. The report shall propose the methodologies for evaluation and design, and determination of acceptance criteria for nonconforming construction, and shall propose the material testing and condition assessment requirements for the rehabilitation. The approved Evaluation and Design Criteria Report shall establish the criteria for the evaluation and design to be used by the project design professionals and the material testing and condition assessment requirements. The seismic evaluation and retrofit design shall comply with the provisions of Sections 317 through 323, Part 10, Title 24, C.C.R.

The relocation or moving of an existing school building within the same school district or from one school district to

another regardless of cost requires approval by DSA. (See Section 4-314 for definition of “relocation.”)

The provisions of this section shall not apply to a “temporary-use building community college.” (See Section 4-314 for definitions of “new school building” and “temporary-use building community college.”)

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-306, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-307. Rehabilitation of an existing nonconforming building for use as a school building.

(a) An existing nonconforming building rehabilitated for use as a school building is considered, for the purpose of the application of Title 24, to be a new school building. Plans and specifications for rehabilitation of any existing nonconforming building, or portion thereof, for use as a school building shall provide for the retrofit necessary for compliance with the health and safety standards contained in Title 24, C. C. R., currently effective edition. Existing materials or systems not specifically prescribed in current safety standards are permitted to be evaluated for equivalency and approved in accordance with Section 4-304. The seismic evaluation and retrofit design shall comply with the provisions of Sections 317 through 323, Part 10, Title 24, C. C. R.

(b) A site, which is currently not an existing school site, on which one or more existing nonconforming buildings are rehabilitated for use as school building(s) is considered to be a new school site for the purpose of the application of Title 24. Any building on a new school site which is not rehabilitated and approved as a school building shall not be used for school purposes and shall be subject to the provisions of Section 4-310.

(c) Prior to submittal of a project application for the rehabilitation of an existing nonconforming building, the school board shall submit to DSA a pre-application for the rehabilitation project, fees in accordance with Section 4-326, and an Evaluation and Design Criteria Report for approval. The report shall propose the methodologies for evaluation and design, and determination of acceptance criteria for nonconforming construction; and shall propose the material testing and condition assessment requirements for the rehabilitation. The approved Evaluation and Design Criteria Report establishes the criteria for the evaluation and design to be used by the project design professionals, and the material testing and condition assessment requirements.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

4-308. Reconstruction or alteration projects not in excess of \$100,000 in cost. Projects involving only reconstruction or alterations whose estimated costs do not exceed \$100,000 do not require approval by DSA, but such approval can be obtained at the request of the school board and by compliance with these regulations. The cost of work classified as maintenance as defined in Section 4-314 shall not be considered for purposes of this section. The regulations of the Division of

the State Architect/Access Compliance and of the California State Fire Marshal may apply to any project, including maintenance, regardless of cost. See Section 4-302.

In authorizing and completing the design and construction of projects with an estimated cost below \$100,000 as described in this section, the school board assumes responsibility for employing an architect or a registered engineer to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the currently effective provisions of Title 24, C.C.R.

The dollar amount cited in this section shall be increased on an annual basis, according to an inflationary index governing construction costs that is selected and recognized by the Division of the State Architect. This annually adjusted dollar amount shall be published by DSA and made available to school boards and the public.

School construction projects shall not be subdivided for the purpose of evading the cost limitations of this section.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17295, 81130 and 81133.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-308, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.
2. (DSA/SS 9/96) 1996 Annual Code Adoption Cycle will amend Section 4-308, of Part 1, Title 24, C.C.R. Filed with the Secretary of State on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

4-309. Reconstruction or alteration projects in excess of \$100,000 in cost.

(a) **General.** Plans and specifications for any reconstruction or alteration project exceeding \$100,000 in cost shall be submitted to DSA for approval in accordance with Section 4-315, except as provided within this section. The cost of work classified as maintenance as defined in Section 4-314 shall not be considered for purposes of this section.

The dollar amounts cited in this section shall be increased on an annual basis, according to an inflationary index governing construction costs that is selected and recognized by DSA. This annually adjusted dollar amount shall be published by DSA and made available to school boards and the public.

School construction projects shall not be subdivided for the purpose of evading the cost limitations of this section.

All new construction work, which is part of a reconstruction or alteration project shall comply with currently effective regulations for design and construction, where not otherwise regulated in this section.

Exception: Fire damage repair may be accomplished utilizing the approved plans and specifications for the original construction work. All regulations and standards in effect at the time of approval shall be complied with except that the testing and inspection requirements of current regulations shall apply to the reconstruction work. Minor modifications to the original approved plans may be made, subject to the approval of DSA, provided that they do not reduce the structural capacity of the building.

All modifications affecting the existing structural elements carrying gravity load shall comply with Section 403.3, Part 10, Title 24, C.C.R.

Where any modifications to an existing school building results in an increase to the seismic or wind forces in, or decrease the capacity or stiffness of, any lateral force-resisting structural component by more than 5 percent cumulative since the original construction, then those affected components shall be made to comply with Section 319.1 or 317.7, Part 10, Title 24, C.C.R and Section 1609A, Part 2, Title 24, C.C.R. Only the affected components need be strengthened unless a rehabilitation is required for the entire building per Section 4-309(c). The capacity of the lateral force-resisting structural component may include past strengthening that was approved and certified by DSA as the basis for the percentage comparison.

Voluntary lateral force-resisting system modifications may be used where permitted in Section 4-309(d).

When the estimated cost of a reconstruction or alteration project exceeds \$100,000 but does not exceed \$225,000, and a licensed structural engineer determines that the project does not include any work of a structural nature, approval of the project plans and specifications by DSA is not required, provided the following three items are completed:

1. The structural engineer shall submit a written statement to DSA, indicating that the project does not contain any work of a structural nature.
2. The design professional in general responsible charge of the project shall certify, in writing, that the plans and specifications for the project meet any applicable fire and life-safety standards, and do not specify any work of construction that is regulated by the accessibility standards of Title 24. This certification shall be submitted to DSA, and shall bear the stamp and signature of the design professional.
3. Within 10 days of the completion of the project, a DSA certified project inspector shall sign and submit to DSA a verified report on a form prescribed by DSA, indicating that the project was completed in conformance with the plans and specifications.

(b) **Existing noncomplying, nonstructural elements.** Existing noncomplying, nonstructural elements discovered during the design or construction of a reconstruction, alteration or addition to an existing complying school building and directly affected by the work of construction shall be corrected to comply with the bracing and anchorage requirements of currently effective regulations.

(c) **Required rehabilitation.** Existing school buildings for which a reconstruction, alteration or addition project is proposed shall be evaluated and retrofitted as required to comply with currently effective regulations applicable to the rehabilitation of structural systems per Section 4-306, including wind and seismic force requirements, when any of the following conditions occur:

1. When the cost of the reconstruction, alteration, or addition project exceeds 50 percent of the replacement value of the existing building. Air-conditioning equip-

ment and insulation materials costs, including installation, need not be included in the percentage of replacement value calculation. For the purposes of this section, the cost of the reconstruction, alteration or addition project need not include the cost of voluntary lateral force-resisting system modifications in accordance with Section 4-309(d), except the cost shall be included when the structure is located in a fault hazard zone and a geologic hazard report demonstrates that the structure is located within 50 feet of the trace of an active fault as defined in Section 4-317(e).

2. When the cost of the reconstruction, alterations or addition project does not exceed 50 percent of the replacement value of the existing building, and the proposed modifications result in any of the following:
 - A. An increase in the effective seismic weight, or wind force due to increase in surface area exposed to wind, in any story by more than 10 percent, cumulative since the original construction.
 - B. A reduction in the lateral-force-resisting capacity or stiffness of any story in any one direction by more than 10 percent, cumulative since the original construction. For the purposes of evaluating the strength or stiffness reduction, any new strengthening as part of the project shall not be included.

Exception to A and B: A rehabilitation of the structure will not be required if the elements of the existing lateral-force resisting system, without considering new strengthening as part of the project, comply with Section 319.1 or 317.7, Part 10, and Section 1609A, Part 2. The capacity of the lateral force resisting system may include past strengthening that was approved and certified by DSA as the basis for the percentage comparison.

- C. A structural irregularity that is prohibited in ASCE 7 Section 12.3.3.1 and Section 1616A.1.10, Part 2.
3. When a change of occupancy results in a structure being reclassified to a higher risk category.

(d) **Voluntary lateral force-resisting system modifications.** Alterations to existing structural components or additions of new structural components that do not exceed the limitations of Section 4-309(c)2 for required rehabilitation and are initiated for the purpose of increasing the strength or stiffness of the lateral force-resisting system of an existing structure are permitted to be evaluated and designed in accordance with Section 317.11 of Part 10, Title 24, C.C.R. and Section 1609A, Part 2, Title 24, C.C.R. for voluntary lateral force-resisting system modifications.

(e) When building damage due to an earthquake or wind is repaired, all portions of the building associated to this damage shall be retrofitted to comply with currently effective regulations.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17295, 81130 and 81133.

HISTORY:

1. New section filed 2-28-86; effective 30th day thereafter (Register 86, No. 9).

2. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-309, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-310. School garages, warehouses, storage and similar buildings, dwellings for employees and miscellaneous structures. The Act does not apply to buildings or structures constructed by a school district for the purpose of, and used solely for housing, buses and minor mechanical equipment or for nonschool use where such buildings or structures do not provide facilities for either pupils or teachers and are not intended to be entered by them as such for school purposes. Similarly, the Act does not apply to dwellings for employees or to district-wide administrative buildings on sites separate from school sites, which are not to be used or entered by pupils or teachers, for school purposes. DSA approval for accessibility is required in accordance with Section 5-101. Approvals from other agencies may also be required. Such buildings or structures shall not be used for school purposes.

The Act does not apply to school-based health centers, social services or support services qualifying under the provisions of Education Code, Section 17296, housed in stand-alone buildings located on school property which are not to be used for school purposes. Approvals from other agencies will be required for these facilities. Proof of qualification and a copy of the building permit from the local building official will be required to be provided to DSA prior to start of construction.

It shall be the responsibility of the school board to take all necessary measures and precautions to prevent such use and to prevent injuries to pupils or teachers on school grounds as a result of collapse of such buildings or structures. Any such building excluded from the provisions of these regulations shall be posted with a sign pursuant to Sections 17368 and 81160 of the Education Code.

In authorizing and completing the design and construction of district-owned buildings as described in this section, the school board assumes responsibility for employing appropriately licensed architects or registered engineers to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the provisions of Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12, Title 24, C.C.R., as adopted by the Building Standards Commission.

For these cases DSA requires that a resolution be passed by the school board stating that the building or structure shall not be used for school purposes and that no pupils or teachers, as such, will be permitted to use or enter the said building for said purposes or be subjected to a hazard resulting from its collapse. A copy of the resolution shall be submitted to DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17296, 17368, 81130 and 81160.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-310, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-311. Condemnation. DSA has no authority under the Act to order the closing of any school building. However, if requested by the school district or on DSA's own volition, DSA shall examine and report on the safety of structural aspects of any school building that appear to be deficient. The report shall state in writing to the school board whether or not the investigated structural aspects of the building are in compliance with the code in effect at the time of construction, and shall also state whether or not the building is safe for school use. (See Sections 4-345 and 4-346.)

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17311 and 81143.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-311, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-312. Demolition. Demolition is the entire razing or destruction of a school building or a school building unit. It is not necessary to secure the approval of DSA for such demolition. It is the responsibility of the school board to notify DSA of such demolition.

Approval by DSA is required for any partial demolition of existing buildings or any demolition which is part of a reconstruction, rehabilitation, alteration or addition.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17310 and 81142.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-312, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

ARTICLE 2 DEFINITIONS

4-313. General. The words defined in Section 4-314 shall have the meaning stated therein throughout the regulations contained in Part 1, Section 4-300, et. seq, Title 24, C.C.R.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17283, 81130, 81130.5 and 81529.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-313, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-314. Definitions.

ACT shall mean the Field Act, Sections 17280-17316 and 81130-81147, inclusive of the Education Code.

ADDITION as that term is used in these regulations shall mean an increase in permanently constructed floor area or volume of enclosed space placed immediately adjacent to or above and sharing use with an existing certified building. The addition may be of the same occupancy or a different occupancy and may be either structurally attached or structurally detached from the existing building. An existing building with an existing expansion joint, indicating that it was previously

added on to at one time in the past, is considered one single building.

ALTERATION Any construction or renovation to an existing certified building other than reconstruction, rehabilitation, or addition. The relocation or moving of an existing certified school building is considered to be a relocation, not an alteration, requiring filing of the plans and specifications with, and certification by, DSA.

APPROVED PLANS AND SPECIFICATIONS as used in these regulations shall mean plans, specifications, addenda, construction changes and other documents which have been duly approved by DSA pursuant to Sections 17295 and 81133 of the Education Code. The plans and specifications shall be identified by a stamp bearing the name “Division of the State Architect,” the application number, initials of the plan reviewers and date of stamping. The written approval as required by Section 17297, Education Code, shall not be issued until a copy of plans and specifications bearing DSA’s identification stamp is on file at the DSA.

ARCHITECT shall mean a certified architect holding a valid license under Chapter 3, Division 3, of the *California Business and Professions Code*.

CERTIFIED BUILDING shall mean a building which was constructed or reconstructed in accordance with Article 3 or 7 commencing with Sections 17280 and 81130, respectively, of the Education Code and with the regulations in effect at the time of their certification.

CONSTRUCTION CHANGE DOCUMENT shall mean a construction document submitted by the responsible project architect or registered engineer and approved by DSA depicting a change to the approved plans and/or specifications after the construction contract has been let.

DIVISION OF THE STATE ARCHITECT or **DIVISION**, or initials **DSA**, shall mean the Division of the State Architect in the Department of General Services, State of California. Approval, disapproval, orders and certificates of compliance shall be issued directly by the State Architect who shall act for the Department of General Services in carrying out the provisions of the Act.

GARRISON ACT (1939), Sections 17280–17316 and 81160–81192 of the Education Code, as amended, prescribes the actions to be taken by school board members to preclude personal liability for the continued use of unsafe school buildings.

GEOTECHNICAL ENGINEER shall mean a professional engineer holding a certificate to use the title geotechnical engineer, soil engineer or soils engineer under the law regulating the practice of civil engineering comprising Chapter 7 of Division 3, of the *California Business and Professions Code*.

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

MAINTENANCE shall mean and include ordinary upkeep or repair work such as replacements in kind, repainting, replastering and reroofing. Reroofing shall be limited to one additional application and shall include an examination of the structural elements of the roof, walls, ceilings and all other elements which may have suffered deterioration from moisture resulting

from roof leaks. Maintenance shall not include work, other than repainting, on structural framing nor include the replacement of large mechanical, electrical or plumbing units or systems.

NEW SCHOOL BUILDING shall mean any newly erected school building and/or existing owned, leased or purchased building converted to school use and certified by DSA.

NONCONFORMING BUILDING is a building that has not been certified by DSA as a school building.

NONSTRUCTURAL ALTERATIONS shall mean only such alterations as do not affect the structural safety of the school building and that do not change, in any manner, its structural elements.

OFFSITE LOCATION is a building designated by the governing board to be used for less than full-time instruction in educational programs which require such offsite facilities in order to fulfill the objectives of the programs. Such designated buildings shall not be located on, or adjacent to, a school site and its primary use shall be for other than public school purposes. The designation of off-site location is subject to review by DSA. (See Education Code Section 81529.)

PLANS as used in these regulations shall mean the drawings associated with the project such as, but not limited to, vicinity maps, site plans, foundation plans, floor plans, ceiling plans, roof plans, cross sections, interior elevations, exterior elevations and details.

PROFESSIONAL ENGINEER as used in these regulations shall mean an engineer holding a valid certificate under Chapter 7, Division 3, of the *California Business and Professions Code*, in that branch of engineering which is applicable.

PUPILS as used in these regulations shall mean persons who are performing a required activity or entering a building by virtue of being a pupil enrolled in an elementary or secondary school district or a community college district.

RECONSTRUCTION is the repair of damage to an existing certified school building.

REGISTERED ENGINEER as used in these regulations shall mean a structural engineer or a professional engineer as defined in this section.

REHABILITATION is the evaluation and resulting retrofit of an existing nonconforming building or a school building conforming to earlier code requirements to bring the building, or portion thereof, into conformance with the safety standards of the currently effective regulations, Parts 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12, Title 24, C. C. R.

RELOCATABLE BUILDING is any building with an integral floor structure which is capable of being readily moved. (See Education Code Section 17350.) Relocatable buildings that are to be placed on substandard foundations not complying with the requirements of Part 2, Title 24, C.C.R., require a statement from the school district stating that the durability requirements for those foundations may be waived and acknowledging the temporary nature of the foundations.

RELOCATION shall mean the physical moving of any certified building either as a single unit or in parts from its original location to a new location on the same campus or on a different campus. Relocation of a building requires the approval of DSA.

When the requested corrections have been made and/or the additional information has been provided by the architect or registered engineer in general responsible charge, an employee representative shall return the check set of plans and specifications along with the original plan tracings, the corrected specification pages and specification master cover sheet to DSA for backchecking. The backcheck is a comparison of the corrected plans and specifications with the check set of plans and specifications and shall be accomplished by either a conference between a knowledgeable employee representative or the architect or registered engineer in general responsible charge and the checking engineer, or by mail in the case of minor corrections to which all parties have agreed.

Changes in plans and specifications, other than changes necessary for correction, made after submission for approval, shall be brought to the attention of DSA in writing or by submission of revised plans identifying those changes clearly at the time of back-checking. Failure to give such notice may result in the voidance of any subsequent approval given to the plans and specifications.

All requested corrections shall be made, additional requested information furnished or original design justified prior to or at the time of the backcheck. When DSA deems that the corrected plans and specifications comply with these regulations and those parts of Title 24, CCR, that pertain to public school construction, DSA shall place its stamp on the reproducible sheets of drawings and master cover sheet of the specifications. The stamped drawings and specifications will be temporarily retained by DSA so that a record set can be created. DSA may direct the school district to create portions of the record set, and DSA may charge a fee to the school district to recover the costs of creating the record set.

(b) **Approval of application.** DSA shall issue to the school district written approval of the application for the project within five working days of stamping the approved plans and specifications. This written approval shall constitute the “written approval of the plans, as to safety of design and construction” required by Sections 17297 and 81134, Education Code, before letting a contract for any construction. (See Section 4-330 for construction time limitations.)

(c) **Voidance of application.** Any change, erasure, alteration or modification of any plans or specification bearing the stamp of DSA may result in voidance of the approval of the application. However, the “written approval of plans” may be extended by DSA to include revised plans and specifications after documents are submitted for review and approved. (See Section 4-323 for revised plans and Section 4-338 for addenda and construction changes.)

The procedures leading to written approval of plans shall be carried to conclusion without suspension or unnecessary delay. At the discretion of DSA, the entire application may be voided where either (1) prints from corrected plans or corrected original plans are not filed for backcheck within 6 months after the date of return of checked plans to the architect or engineer, or (2) at the discretion of DSA, any remaining unapproved increment(s) of the application may be voided when more than six months have elapsed since the last

approval of an increment has been issued, and subsequent incremental plans and specifications have not been received by DSA for checking.

For voided applications, upon request by the school district, 30 percent of the total structural portion of the fee will be refunded; however, no refund will be allowed for projects upon which only the minimum fee has been paid, or upon which only an increment was voided.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17297, 17307, 81133 and 81134.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-318, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-319. Withdrawal of application. If a request is made by the school board for the cancellation or withdrawal of the application and return of the plans and specifications, together with the paid fee, it will be granted only when the check of plans and specifications has not actually started. If the checking of plans and specifications has started, 30 percent of the total structural fee will be refunded or applied to a new application for the same project.

No refund will be allowed for projects upon which only the minimum fee has been paid. No refund will be allowed after a contract has been let for any portion of the work except as provided by Section 4-317(f).

For projects using the collaborative process for project review per Education Code Section 17319 or 81133.1, if the project is voided by DSA or a request by the applicant is made to withdraw the application prior to submittal of completed plans and specifications, filing fees minus costs incurred by DSA will be refunded.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17300, 81133 and 81136.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-319, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

ARTICLE 4 FEES

4-320. Application fees. The fees required by Sections 17300 and 81136 of the Education Code shall be in accordance with Section 4-321. The fee schedule in effect at the time of filing shall apply throughout the duration of such application. A list of prior fee schedules is available upon request from DSA. The words “filing fee” mean the fee which shall accompany the application, or as corrected pursuant to Section 4-317(f), and the words “further fee” mean the fee which shall be paid to DSA if the actual cost exceeds the estimated cost by more than 5 percent. The application is considered to be received when it, accompanied by the plans and specifications, structural design computations, other required

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documents and filing fee, has been received by DSA, and the application number assigned.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-320, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-321. Fee Schedule 11. The filing fee for projects shall be 0.7 percent of the first \$1,000,000 of estimated cost and 0.6 percent on the excess of the estimated cost over \$1,000,000, except that the minimum fee in any case shall be \$250.00.

If the actual cost exceeds the estimated cost by more than 5 percent, the further fee for such projects shall be equal to the difference between the filing fee paid and the amount computed under Fee Schedule 11 on the actual cost, the actual cost being determined according to Section 4-322.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-321.1, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.
2. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-321.2, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-322. Project cost. For purposes of determining fees, both the estimated and actual costs of the project shall be the total outlay for all work included in the approved plans and specifications (exclusive of fees paid, but not recovered, for architectural, engineering, inspection and testing services) regardless of whether the funds are provided by the school district, by other public or private agencies or by individuals. The cost shall include any moving or relocation. In the event a building is converted to school use (see Section 4-306) the cost shall include the current replacement cost of the building. The current replacement cost shall be computed by multiplying an appropriate square foot cost by the total square foot area of the building being converted to school use. If work is done in portions the actual cost shall be determined at the completion of each contract. (See Section 4-325.)

The estimated cost and the fee based thereon shall not be amended after plan check has started except as provided by Section 4-317(f) or for permissible increase in scope of project. The scope of a project shall not be amended after bids for all or part of the project are opened. No portion of the fee can be returned after checking has been started except as provided by Sections 4-317(f) and 4-319.

Actual cost shall include all items which are normally considered to be contractor's operation costs such as district-furnished labor and materials, bond, insurance and use of district facilities, and shall not be reduced by charge-backs such as those for testing, inspection or overrun of contract time. All fees and/or reimbursable charges paid to construction managers for performance of construction work shall be included in

the actual cost of construction. When the contract for the work includes items not otherwise subject to the approval of DSA and not included in the approved plans and specifications the actual cost shall include this work unless such costs are segregated by separate bid items or by separately priced items of change orders, or by a certified copy of a subcontractor's bid. Such segregation shall not be made by contract price breakdown or estimates. An hourly fee may be charged to the school district for the review of bid alternates.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

HISTORY:

1. Editorial correction of printing error (Register 83, No. 45).
2. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-322, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-323. Revisions of plans and specifications. Revisions are changes to the DSA approved plans or specifications made after DSA approval. Revisions shall be submitted to and approved by DSA.

An hourly fee may be charged to the school district for the review of revisions to approved plans and specifications in accordance with the published rates and collection procedures established by DSA.

If determined by the enforcement agency that the original plans which add buildings to the project scope are abandoned and the plans and specifications submitted in lieu thereof are for a new project rather than for an identical building, or a modified set of plans is for an essentially different structural concept, then it is necessary that a new application be filed and fee paid. This is regardless of the fact that the school building may have the same name, be of the same general size, and be situated at the same location as the school building for which the original application was made.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

4-324. Examples and explanations of fee computation.

(a) Filing fee to accompany application.

Filing Fee under Schedule 11			
Estimated Cost \$8,000			
0.7% × \$8,000	=		\$ 56.00
Filing Fee is the minimum charge			\$250.00
Filing Fee under Schedule 11			
Estimated Cost: \$925,000.00			
0.7% × \$925,000	=		\$6,475.00
Filing Fee under Schedule 11			
Estimated Cost: \$1,260,000.00			
0.7% × \$1,000,000	=		\$7,000.00
0.6% × \$260,000			<u>1,560.00</u>
			\$8,560.00
Corrected Estimate under Schedule 11			
Estimated Cost on Application: \$925,000.00			
0.7% × \$925,000	=		\$ 6,475.00
1st Contract			700,000.00
2nd Contract			<u>525,000.00</u>
			\$1,225,000.00

(Exceeds \$925,000 by more than 30%)

Corrected Estimated Cost: \$1,225,000.00*		
0.7% × \$1,000,000	=	\$7,000.00
0.6% × 225,000	=	<u>1,350.00</u>
		\$8,350.00
Fee previously paid		\$6,475.00
Corrected filing fee due		\$1,875.00

(b) Further fees where the actual cost exceeds the estimated or corrected estimated cost by more than 5 percent.

Further Fee under Schedule 11		
Corrected Estimated Cost: \$1,225,000*		
Actual Cost \$1,352,740.50		
0.7% × \$1,000,000.00	=	\$7,000.00
0.6% × 352,740.50	=	<u>2,116.44</u>
		\$9,116.44
Filing Fee Paid		
0.7% × \$1,000,000	=	\$7,000.00
0.6% × 225,000	=	<u>1,350.00</u>
		\$8,350.00
Further Fee	=	\$ 766.44

*The corrected estimated cost could be more than the sum of contracts if all work called for on plans is not yet under contract.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-324, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-325. Billing for further fees. The school district shall be billed for further fees upon completion of the project or portion thereof if fee is due. Claims for refunds due to errors in cost reporting or fee computation shall be made within six months from date of billing.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

4-326. Fees for approval of an evaluation and design criteria report for rehabilitation of an existing nonconforming building for use as a school building. A retainer fee of \$2,000.00 shall be required with submittal of the pre-application for a rehabilitation project in accordance with Section 4-307(c). Fees incurred in excess of the retainer fee for DSA review of the Evaluation and Design Criteria Report shall be based on the established hourly billing rate of the Department. Prior to approval of the Evaluation and Design Criteria Report, any additional fees incurred by DSA shall be fully paid. Any unused portion of the retainer fees shall be returned to the school district.

Authority: Education Code Section 17310.

Reference: Education Code Section 17280.5.

HISTORY:

1. (DSA/SS (EF 02/03) Emergency adoption/approval of administrative and procedural requirements for the adaptive reuse of existing buildings for public school use; CCR Title 24, Part 1. Approved as emergency by the California Building Standards Commission on May 14, 2003, and filed with the Secretary of State on May 15, 2003. Effective May 15, 2003.

4-327. Fees for DSA review prior to application filing. An hourly fee may be charged to the school district for the

review of draft drawings and specifications or consultations with DSA during project development, as requested by the school district and in accordance with the published rates and collection procedures established by DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17319 and 81133.1.

4-328. Fees for DSA certification of construction. A fee may be charged to the school district for the review and processing of all required documents submitted for the issuance of certification in accordance with the published rates and collection procedures established by DSA.

Authority: Education Code Sections 17310, 17315 and 81142.

Reference: Education Code Section 17315(c).

ARTICLE 5 CERTIFICATION OF CONSTRUCTION

4-330. Time of beginning construction and partial construction. Construction work, whether for a new school building, reconstruction, rehabilitation, alteration or addition, shall not be commenced, and no contract shall be let until the school board has applied for and obtained from DSA written approval of plans and specifications. Construction shall be commenced within one year after the approval of the application, otherwise the approval may be voided. DSA may require that the plans and specifications be revised to meet its current regulations before an extension of approval is granted.

Renewals may be granted in annual increments. Renewal shall not extend beyond a period of four years from the initial date of the application approval.

A written request for extension of approval must be made by the school board to DSA.

The school board may complete all work or proceed with the construction of any part of the work included in the approved plans and specifications with the intent of completing the work later. All work done and materials used and installed must be in accordance with and in conformity to the approved plans and specifications.

An uncompleted building shall not be considered as having been constructed under the provisions of Article 3 or 7 commencing with Sections 17280 and 81130 of the Education Code, respectively. Section 17372 of the Education Code restricts the use of such a building.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17297, 17307, 17372 and 81130.

4-331. Notice to DSA at start of construction. The architect or registered engineer responsible for the project or the school district shall promptly notify DSA of the start of construction using forms and procedures specified by DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17295, 81130 and 81133.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-331, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-332. Notice of suspension of construction.

(a) When construction is suspended for more than one month, the project inspector shall notify DSA [see Section 4-336(c)3].

(b) If all construction is suspended or abandoned for any reason for a continuous period of one year following its commencement, the approval of DSA shall become void. DSA may reinstate the approval on the request of the school board.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17310 and 81142.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-332, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-333. Observation and inspection of construction.

(a) **Observation by architect or registered engineer.** The Act requires that the observation of the work of construction, reconstruction, rehabilitation, alteration or addition shall be under the general responsible charge of an architect, structural engineer, or under certain conditions a professional engineer registered in that branch of engineering applicable to the work. (See Section 4-316.)

The responsible geotechnical engineer, or his or her qualified representative, shall perform all testing and special inspection of all earth materials, the placement and compaction of engineered fills, and the geotechnical aspects of foundations, retaining walls and foundation anchors. The responsible geotechnical engineer shall submit verified reports in accordance with Section 4-336 and Title 24, Part 2, Section 1704A.7.1.

(b) **Inspection by a project inspector.** The school board must provide for and require competent, adequate and continuous inspection by an inspector satisfactory to the architect or registered engineer in general responsible charge of observation of the work of construction; to any registered structural engineer delegated responsibility for a portion of the work; and to DSA.

1. The cost of project inspection shall be paid for by the school board. An inspector shall not have any current employment relationship with any entity which is a contracting party for the construction or any entity providing any services for the school district except for services directly related to project inspection.
2. Project inspectors are prohibited from any activities involving the actual performance of construction, or the scheduling, coordination or supervision of construction contractors for the project.
3. For every project there shall be a project inspector who shall have personal knowledge as defined in Sections 17309 and 81141 of the Education Code of all work done on the project or its parts as defined in Section 4-316. No work shall be carried on except under the inspection of an inspector approved by DSA. On large projects adequate inspection may require the employment of one or more approved assistant inspectors in accordance with Section 4-333(d). The employment of

special inspectors or assistant inspectors shall not be construed as relieving the project inspector of his or her duties and responsibilities under Sections 17309 and 81141 of the Education Code and Sections 4-336 and 4-342 of these regulations.

4. The project inspector shall be capable of performing all essential functions of the job.
5. The project inspector and any assistant inspector must be approved by DSA for each individual project. Prior to being eligible for approval, any project inspector or any assistant inspector shall establish, to the satisfaction of DSA that he or she:
 - A. is appropriately certified by DSA, per Section 4-333.1; and
 - B. has adequate knowledge and experience to perform the required duties for the project. He or she shall have at least three years experience in inspection or construction work on building projects of a type similar to the project. For newly certified inspectors without prior DSA project inspection experience, attendance of DSA-specified training is required; and
 - C. will provide sufficient time on the project to fulfill all inspection responsibilities required by these regulations.
6. An approved project inspector may be replaced in accordance with the process outlined in Section 4-341(d). The school district shall ensure that a replacement inspector is provided prior to continuation of construction work. DSA may withhold approval of the replacement inspector until a verified report by the previous project inspector is submitted in accordance with Section 4-336(c)5.
7. DSA may withdraw the inspector's approval for the project due to failure of project inspector to comply with the requirements contained in Section 4-342(b). DSA shall communicate the withdrawal of the project inspector's approval in writing to the school district and the architect or registered engineer in general responsible charge. The school district shall ensure that a replacement inspector is provided prior to continuation of construction work.
8. The project inspector may perform special inspections if the project inspector has been specially approved by DSA for such purpose and has the time available to complete the special inspections in addition to project inspection work.
9. The detailed inspection of all work, as specified in Section 4-335(f), is the responsibility of the project inspector when a special inspector is not provided.

(c) **Special inspection.** Special inspection by qualified inspectors shall be in accordance with Title 24, Part 2, Chapter 17A.

DSA may require special inspectors for types of construction in addition to those listed in Chapter 17A, Title 24, Part 2 if found necessary because of the special use of materials or methods of construction.

(d) **Assistant inspectors.** Assistant inspectors are approved by DSA to assist the project inspector with the inspection of one or more aspects of the construction. Assistant inspectors must work under the supervision of a Class 1 or 2 certified project inspector.

1. On large projects DSA may require the employment of assistant inspectors when the project inspector is not able to provide continuous inspection of all aspects of the construction in a timely manner. When assistant inspectors are required by DSA the project inspector shall remain on-site providing supervision of all assistants during all construction.
2. All assistant inspectors must be approved by DSA prior to performing any inspection work in accordance with Section 4-341(d). Prior to being approved by DSA as an assistant inspector the individual must satisfy all of the following requirements:
 - A. Be certified as a Class 1, Class 2, Class 3 or Class 4 inspector in accordance with Section 4-333.1.
 - B. Must possess adequate experience for the type of construction that the assistant will be assigned to inspect.
 - C. Document at least three years of experience in the types of construction that the assistant will inspect. Experience must be obtained in construction or inspection of buildings similar to the buildings for which the individual is applying.
3. The assistant inspector shall establish, to the satisfaction of DSA that he or she meets all of the requirements established in Section 4-333(b)5.
4. Failure of the assistant inspector to perform any of the duties specified in these regulations may be cause for DSA to take action as outlined in Section 4-342(c).

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17309, 17311, 81130, 81138, 81141 and 81143.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-333, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.
2. (DSA/SS 2/95) Regular order by the Division of the State Architect/Structural Safety Section to amend Section 4-333. Filed with the Secretary of State on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

4-333.1. Project inspector certification. To become a DSA certified project inspector, an applicant must successfully complete a written examination administered by DSA. The examination measures the applicant's ability to read and comprehend construction plans as well as the construction, inspection and testing requirements of the *California Building Standards Code*. Examinations are given in four classes.

1. A Class 1 certified inspector may be approved to inspect any project.
2. A Class 2 certified inspector may be approved to inspect any project, except a project containing one or

more new structures or additions with a primary lateral force resisting system of steel, masonry or concrete.

3. A Class 3 certified inspector may be approved to inspect projects containing alterations to approved buildings, site placement of relocatable buildings and construction of minor structures.
4. A Class 4 certified inspector may be approved to inspect projects containing site placement of relocatable buildings and associated site work.

An applicant shall be not less than 25 years of age, possess a high school diploma or equivalent, and shall meet the following minimum qualifications:

- (a) For Class 1 inspector exam, one of the following:
 1. Six years of experience as an architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection of non-residential construction with a valid certification as a commercial combination building inspector by a state- or nationally-recognized organization, as accepted by DSA. (Note: Possession of a valid California registration as a civil engineer responsible for the design and/or construction of buildings and structures may be substituted for four years of required experience.); or,
 2. Six years of qualifying experience as the lead project construction superintendent on:
 - A. new building public school construction projects subject to the requirements of Education Code Sections 17280 or 81130, and these regulations; and/or,
 - B. construction of new hospital buildings as defined by Section 129725 of the Health and Safety Code; or,
 3. Two years of qualifying experience as a DSA certified Class 2 project inspector and valid certification as a special inspector for steel, or concrete, or masonry construction by a state- or nationally-recognized organization, as accepted by DSA, with two years of experience in special inspection of steel, concrete or masonry construction; or,
 4. Possession of certification as a DSA Class 2 project inspector and three years of experience as an assistant project inspector in Class 1 school construction projects. (Note: DSA Class 2 project inspector experience on Class 2 projects may be substituted for the required assistant project inspector experience on a month-for-month basis; similarly, special inspector experience (inspecting steel, concrete or masonry construction) may be substituted for the required assistant project inspector experience on a month-for-month basis up to a maximum of one year of assistant project inspector experience.); or,
 5. Three years of qualifying experience as a DSA certified Class 2 project inspector; or,
 6. Possession of a valid California registration as a structural engineer or a valid California license as an architect, and one year qualifying experience in construction observation as a structural engineer or architect.

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(b) For Class 2 inspector exam, one of the following:

1. Four years of experience as an architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection of non-residential construction with a valid certification as a commercial combination building inspector by a state- or nationally-recognized organization, as accepted by DSA. (Note: Possession of a valid California registration as a civil engineer responsible for the design and/or construction of buildings and structures may be substituted for three years of required experience.); or,
2. Four years of qualifying experience as the lead project construction superintendent on:
 - A. new building public school construction projects subject to the requirements of Education Code Sections 17280 or 81130, and these regulations; and/or,
 - B. construction of new hospital buildings as defined by Section 129725 of the Health and Safety Code; or,
3. Two years of qualifying experience as a DSA certified Class 3 project inspector; or,
4. Possession of certification as a DSA Class 3 project inspector and three years of experience as an assistant project inspector in Class 1 or 2 school construction projects. (Note: DSA Class 3 project inspector experience on Class 3 projects may be substituted for the required assistant project inspector experience on a month-for-month basis; similarly, special inspector experience (inspecting steel, concrete or masonry construction) may be substituted for the required assistant project inspector experience on a month-for-month basis up to a maximum of one year of assistant project inspector experience.); or,
5. Possession of a valid California registration as a structural engineer or a valid California license as an architect, and one year qualifying experience in construction observation as a structural engineer or architect.

(c) For Class 3 inspector exam, one of the following:

1. Three years of experience as an architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection of non-residential construction with a valid certification as a commercial combination building inspector by a state- or nationally-recognized organization, as accepted by DSA. (Note: Possession of a valid California registration as a civil engineer responsible for the design and/or construction of buildings and structures may be substituted for two years of required experience.); or,
2. Possession of a valid California registration as a structural engineer, civil engineer, or a valid California license as an architect, and one year qualifying experience in construction observation as a structural engineer or architect; or,
3. Four years of qualifying experience as the lead project construction superintendent. (Note: Experience may be substituted with college education with major work in architecture, engineering, building inspection and/or

construction on a year-for-year basis for a maximum of two years); or,

4. Two years of qualifying experience as a DSA certified Class 4 project inspector and two years of qualifying education with major work in architecture, engineering, building inspection and/or construction; or,
5. Possession of certification as a DSA Class 4 project inspector and three years of experience as an assistant project inspector in Class 1, 2, or 3 school construction projects. (Note: DSA Class 4 project inspector experience on Class 4 projects may be substituted for the required assistant project inspector experience on a month-for-month basis; similarly, special inspector experience (inspecting steel, concrete or masonry construction) may be substituted for the required assistant project inspector experience on a month-for-month basis up to a maximum of one year of assistant project inspector experience.); or,
6. Six years of relevant construction experience at a minimum of journeyman level in the carpentry, steel, concrete or masonry trades on projects consistent with the DSA Class 3 project classification with a valid certification as a building code enforcement inspector or structural special inspector by a state- or nationally-recognized organization as accepted by DSA. (Note: Experience may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years.)

(d) For Class 4 inspector exam, one of the following:

1. Two years of experience as an architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection with a valid certification as a commercial combination building inspector by a state- or nationally-recognized organization, as accepted by DSA; or,
2. Two years of qualifying experience as the lead project construction superintendent. (Note: One year of experience may be substituted with one year of college education with major work in architecture, engineering, building inspection and/or construction); or,
3. Four years of relevant construction experience at a minimum of journeyman level in the carpentry, steel, concrete or masonry trades on commercial or residential construction projects. (Note: Experience may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years); or,
4. Valid certification as a building code-enforcement inspector by a state- or nationally-recognized organization, as accepted by DSA, and three years of qualifying inspection experience. Certification and experience may be gained in building inspection or structural special inspection.

An applicant for the certification examination or an inspector possessing a valid certificate issued by DSA, shall

file changes of name, mailing address or telephone number with the DSA headquarters office within 10 working days of that change. The information filed shall include the new and former name, mailing address or telephone number.

Certification will be valid for a period of four years unless revoked in accordance with Section 4-342(d) or upgraded by achieving certification in a different class. Certification may be renewed by passing a recertification examination and attending DSA training classes, which may include applicable continuing education courses acceptable to DSA that are presented by other entities acceptable to DSA.

DSA may charge an examination fee and training fee to recover reasonable costs.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17311 and 81143.

4-334. Supervision by the Division of the State Architect.

During construction, reconstruction, rehabilitation, repair, alteration of, or addition to any school building, DSA, as provided by the Act, shall make such site visits as in its judgment are necessary for proper enforcement of the Act and the protection of the safety of the pupils, the teachers and the public. If at any time as the work progresses, prior to the issuance of the certification of compliance it is found that modifications or changes are necessary to secure safety or to comply with code requirements, DSA shall notify the architect or registered engineer in general responsible charge, the contractor, and school district, of the necessity for such modifications or changes.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17311 and 81143.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-334, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-334.1. Stop work order.

(a) Whenever DSA finds any construction work being performed in a manner contrary to the provisions of this code and that would compromise the structural integrity of the building, the Department of General Services, State of California, is authorized to issue a stop work order.

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

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

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17307.5 and 81133.5.

4-335. Structural tests and special inspections.

(a) **General.** Structural tests and special inspections are required as set forth in these regulations and Part 2 of Title 24, C.C.R.

Whenever there is insufficient evidence of compliance with any of the provisions of Title 24, C.C.R., or evidence that any material or construction does not conform to the requirements of Title 24, C.C.R., DSA may require tests/inspections as proof of compliance to be made at no expense to DSA.

Test/inspection methods shall be as specified by Title 24, C.C.R. and by applicable referenced standards, as listed in Chapter 35 of Part 2 of Title 24, C.C.R. If there are no recognized and accepted test/inspection methods, the responsible architect or structural engineer shall submit written alternate test/inspection procedures for review and acceptance by DSA.

The school board shall, with the advice of the architect or registered engineer in general responsible charge, select the laboratory of record, acceptable to DSA in accordance with Section 4-335.1, to conduct all required tests for the project, and special inspections which are contracted to the laboratory of record. The laboratory of record shall be directly employed by the school board and not be in the employ of any other agency or individual.

All tests shall be made by a laboratory acceptable to DSA, as described in Section 4-335.1. Where job conditions warrant, the architect or registered engineer in general responsible charge may waive certain tests with the approval of DSA. The responsible architect or structural engineer shall prepare a statement of structural tests and special inspections, obtain DSA approval and provide a copy of the approved statement of structural tests and special inspections to the laboratory of record and the project inspector prior to the start of construction.

(b) **Payments.** The school board shall pay for all tests/inspections, but if so specified the amount or a portion thereof may be collected from the contractor by the school board. When in the opinion of the architect or registered engineer, additional tests/inspections are required because of the manner in which the contractor executes his or her work, such tests/inspections shall be paid for by the schoolboard, but if so specified the amount paid may be collected from the contractor by the school board. Examples of such tests/inspection are: tests of material substituted for previously accepted materials, retests or re-inspections made necessary by the failure of material to comply with the requirements of the approved construction documents and specifications, and load tests necessary because certain portions of the structure have not fully met specification or plan requirements.

(c) **Sampling and testing of materials.** Samples or specimens of material for testing shall be taken by a qualified representative of the laboratory of record. For a minor scope of work, the project inspector may, if qualified and other duties permit, be authorized in writing by DSA to obtain, handle, prepare, protect, transport, and/or store test specimens.

In general, samples may be selected at random; however, if there is reason to believe that specific materials may be defective, sample locations may be selected by the project inspector, responsible architect or structural engineer or DSA representative. In no case shall the contractor or vendor select the sample location or obtain specimens.

Obtaining, handling, preparing, protecting, transporting or storing of samples and testing shall be in accordance with the standards as provided for in the approved plans, specifications and in the applicable building regulations.

In cases where a tested sample has failed to meet the requirements of the DSA approved documents, the responsible architect or structural engineer, subject to the approval of DSA, may permit retest of the material or in-place work.

(d) Test reporting requirements.

1. The laboratory of record shall complete detailed test reports outlining all structural material tests. Report format shall be as prescribed by DSA.
2. Reports shall include all tests made, regardless of whether such tests indicate that the material is satisfactory or nonconforming.
3. The reports shall clearly state that the material or materials were sampled and tested in accordance with the requirements of these regulations and the approved plans and specifications. Reports shall also clearly state whether or not the material or materials tested met the requirements of the DSA approved documents.
4. All reports of tests performed on-site shall be submitted to the project inspector within one work day of the day the tests were performed.
5. Within 7 calendar days of the date of any material test, the laboratory of record shall submit all such test reports to the design professional in general responsible charge, the structural engineer, the project inspector, the contractor, and the school district. DSA may request test reports as proof of compliance.
6. Reports of material tests not conforming with the requirements of the DSA approved documents shall be forwarded immediately to DSA, the design professional in general responsible charge, the structural engineer, the project inspector, the contractor, and the school district.

(e) Verified reports by the laboratory of record. The laboratory of record shall submit a verified report to DSA, and provide a copy to the architect or registered engineer in general responsible charge, the school board and the project inspector, covering all of the tests and special inspections that were required to be made by that laboratory. Such report shall be furnished within 14 days of the completion of the testing/special inspection program, whenever required by DSA, or any time that work on the project is suspended, or services of the laboratory of record are terminated. The report shall cover the tests and special inspections completed at that time.

The verified report shall be signed, under penalty of perjury, by the California registered civil engineer charged with engineering managerial responsibility for the laboratory of record. The verified report shall state that the structural tests and special inspections required by the DSA approved documents were made. The report shall include a list of any non-compliant material or inspected work that has not been resolved by the date of the verified report. Any required tests or special inspection work that was not conducted by the laboratory of record shall be listed on the verified report, with an explanation why they were not performed.

(f) Special inspection. A special inspector shall not be less than 25 years of age, shall have had at least three years of experience in construction work or special inspection work on one or more projects similar to the project for which the inspector is applying, shall have a thorough knowledge of the building materials of his or her specialty, and shall be able to read and interpret plans and specifications.

DSA may require evidence of the proposed special inspector's knowledge and experience by requiring proof of valid certification, as appropriate, from national, regional, or state authorities and/or by successful completion of a written and/or oral examination by the applicant before approval is granted. DSA may charge a fee to administer such examinations. DSA will maintain a list of special inspectors who have successfully completed an examination by DSA, and continued eligibility to remain on that list will be dependent on demonstrated acceptable performance of duties assigned and/or attendance at continuing education classes.

1. Special inspectors shall be employed by the laboratory of record or contract individually and directly with the school board.

A. Special inspectors employed by laboratory of record.

Assignment to a project: Special inspectors employed by the laboratory of record, under the supervision of the laboratory's engineering manager, do not require DSA project specific approval.

Supervision: Supervision of special inspectors employed by the laboratory of record shall be provided by the engineering manager, whose supervision duties shall include but are not limited to the following tasks:

- (i) Providing oversight and responsible control of special inspection services and associated report documents.
- (ii) Verifying that special inspectors meet all employment requirements and possess the training, education, technical knowledge, experience, and/or certifications necessary to perform the duties assigned. The engineering manager shall also ensure that records of relevant certifications, qualifications, training, and experience of inspection personnel, are maintained at the laboratory facility, and made available upon request to DSA.
- (iii) Verifying that special inspectors conduct the required field-related services in strict accordance with DSA approved documents and applicable standards.
- (iv) Monitoring special inspection activities to assure that the qualified special inspector is performing his or her duties as required.
- (v) Verifying that special inspectors properly document their activities, and that reports and logs are prepared and distributed in accordance with these regulations.

lations. No laboratory shall conduct any test or special inspections for which the laboratory is not qualified or approved by DSA to perform. The laboratory of record may subcontract tests/special inspections for which it is not approved to another LEA accepted laboratory possessing that approval.

5. **Equipment and tools.** A DSA accepted laboratory shall have adequate facilities, equipment, personnel expertise and technical references to permit the performance of testing and special inspections in compliance with applicable national standards and regulations. The laboratory shall possess and maintain all tools and equipment required to perform the specific tests and special inspections for which it is approved. Such tools and equipment shall be maintained and calibrated periodically in accordance with applicable nationally accepted standards.
6. **Documentation.** A laboratory shall maintain records of all tests and special inspections on a job-by-job basis for at least six (6) years, and shall make such records available to the school board, design professional in responsible charge, and DSA upon request. Such records shall include all laboratory test reports, special inspection reports, noted deficiencies and dates of resolution of such deficiencies, verified reports, photographs, and such other information as may be appropriate to establish the sufficiency of the testing/special inspection program.

The laboratory's engineering manager shall review test and special inspection reports and progress reports for conformance of inspected work with the approved plans, specifications and workmanship provisions of the California Building Code (CBC) and referenced standards. Such supervision and control shall be evidenced by the engineering manager's signature and seal on the verified reports required by these regulations.
7. **Obligation to avoid conflict of interest.** Laboratories shall not engage in any activities that may conflict with their objective judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect, test, verify, or certify.
8. **Evaluations.** The qualifications and capabilities of testing laboratories statewide are subject to evaluation by DSA LEA program personnel. Evaluations occur upon application for initial acceptance, application for renewal, a change in responsible engineering manager, laboratory location, supervisory personnel, and company name and/or services. Evaluations may include but are not limited to a review of the application submittal, consultation with the engineering manager as well as an on-site examination/evaluation of the quality system, equipment, personnel and records.
9. **Audits.** The operations of a DSA accepted laboratory may be subject to audit by DSA. Audits may occur upon receipt of complaints or evidence of failure by the laboratory to meet the requirements of these regula-

tions. Audits may include but are not limited to the following: review of LEA program records, project specific records, on-site examination of equipment, and records of special inspection and testing services. An audit may result in a requirement that the laboratory be re-evaluated.

10. **Obligation to cooperate with inquiries.** All accepted laboratories shall cooperate in any investigation by DSA into the activities at any school project site or fabricating/manufacturing facility for which they have provided special inspection and/or testing services and shall provide prompt, accurate and complete responses to reasonable inquiries by DSA and other appropriate individuals or agencies.

(c) **Duration of LEA laboratory acceptance.** Acceptance will remain valid for a period of four years unless approval is withdrawn for failure to comply with the requirements of these regulations. Examples of such failure include, but are not limited to:

1. Making changes in engineering management, supervisory personnel, laboratory location, major equipment, or other key factors without prior notification to the DSA LEA program.
2. Failing to have the laboratory facility evaluated and accredited as outlined in Section 335(b)1, as applicable to services offered.
3. Reporting that materials and/or workmanship meet the requirements of DSA approved documents when they do not.
4. Failing to sample, handle and/or test materials as required by the approved documents, code and referenced standards.
5. Utilizing technicians or special inspectors that do not meet the qualification and/or certification requirements.
6. Failing to adequately supervise technicians and/or special inspectors.
7. Failing to comply with any of the other requirements of these regulations or the DSA approved documents for a project.

(d) **Fees for testing laboratory evaluation.** DSA may charge a fee to cover the costs of evaluating and re-evaluating the laboratory. DSA reserves the right to visit, audit and observe the laboratories.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17309 and 81141.

4-336. Verified reports.

(a) **General.** As the work of construction progresses, the architect or registered engineer in general responsible charge of observation of construction of the work, each architect or registered engineer delegated responsibility for a portion of observation of construction of the work, the project inspector, the geotechnical engineer, the laboratory of record, approved special inspectors contracting individually and directly with the school board, and the contractor shall each make and sign under penalty of perjury, a duly verified report to DSA and provide a copy of the same report to the project inspector.

The verified report shall be made upon a prescribed form or forms attesting that of his or her own personal knowledge the work during the period covered by the report has been performed and materials have been used and installed in every material respect in compliance with the duly approved plans and specifications, and setting forth such detailed statements of fact as shall be required.

The term “personal knowledge” as applied to an architect or registered engineer means the personal knowledge that is obtained from periodic visits of reasonable frequency to the project site for the purpose of general observation of the work, and that is obtained from the reporting of others on the progress of the work, testing of materials, inspection and superintendence of the work. The exercise of reasonable diligence to obtain the facts is required.

The term “personal knowledge” as applied to the project inspector means the actual personal knowledge that is obtained from the inspector’s personal continuous inspection of the work in all stages of its progress. For work performed away from the site, the project inspector may obtain personal knowledge from the reporting of testing or special inspection of materials and workmanship for compliance with approved plans, specifications and applicable standards. The exercise of reasonable diligence to obtain the facts is required.

The term “personal knowledge” as applied to a special inspector means the actual personal knowledge which is obtained from the inspector’s personal inspection of the work assigned. The verified report shall clearly describe the work assigned to each individual special inspector. The exercise of reasonable diligence to obtain the facts is required.

The term “personal knowledge” as applied to the contractor means the personal knowledge gained from constructing the building. The exercise of reasonable diligence to obtain the facts is required.

(b) **Verified report form.** Verified reports shall be made on specific forms prescribed by DSA.

(c) **Required filing.** Verified reports shall be made as follows:

1. By each contractor having a contract with the school board, at the completion of the contract.
2. By the architect, registered engineers and project inspector at the completion of construction as determined acceptable to DSA.
3. By the architect, registered engineers, engineering manager of the laboratory of record, as required by Section 4-335(e), project inspector, and approved special inspectors contracting individually and directly with the school board, at the suspension of all work for a period of more than one month and at identified milestones of completed construction prescribed by DSA.
4. By the project inspector when any building included in the scope of the project is occupied or re-occupied.
5. By any of the following, whenever their services in connection with the project have been terminated for any reason: the architect or registered engineer in general responsible charge, engineering manager of the

laboratory of record, project inspector, approved special inspector contracting individually and directly with the school board, or the contractor.

6. By the responsible geotechnical engineer, as required by Section 4-333(a), upon completion of his or her duties.
7. By the engineering manager of the laboratory of record, as required by Section 4-335(e), at the completion of the testing program.
8. By the approved special inspector contracting individually and directly with the school board at the conclusion of work requiring special inspection.
9. By any party listed above at any time a verified report is requested by DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17309 and 81141.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-336, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-337. Semimonthly reports. In addition to the verified reports (Section 4-336) the project inspector shall make semi-monthly reports of the progress of construction to the architect or registered engineer in general responsible charge and the structural engineer if delegated to observe the structural portion of the construction. A copy of each such report shall be sent to the school board and DSA, and a copy kept in the project inspector’s job file.

Semimonthly reports shall state the name of the building, the school and the school district, and give the file and application number. The reports shall include a list of official visitors to the project and whom they represent, a brief statement of the work done, instructions received from the architect or registered engineer during the period covered by the report and pertinent information regarding any unusual conditions or questions that may have arisen at the job. The semimonthly report shall include problems or noncomplying conditions which have occurred on the project and how they were resolved or brought into compliance. Failure to comply with this section, in a timely manner, may be cause for DSA to withdraw approval of the inspector.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17309, 17310, 81130, 81141 and 81142.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-337, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-338. Addenda and construction changes.

(a) **General.** Work shall be executed in accordance with the approved plans, addenda and construction change documents. Changes in the plans and specifications shall be made by addenda or construction change documents approved by DSA. [See Section 4-318(b).]

(b) **Addenda.** Changes of the approved plans or specifications made during the bidding phase and prior to letting a construction contract for the work involved shall be made by means of addenda. Addenda for changes to the structural, accessibility or fire-life safety portions of the project shall be submitted to and approved by DSA prior to commencement of the work shown thereon. Addenda shall refer to the portions of the approved plans and specifications being changed, clearly describe the work to be accomplished, and, where necessary, shall be accompanied by supplementary drawings, technical data and calculations. Addenda shall be numbered sequentially for easy reference. All addenda shall be stamped and signed by the architect or registered engineer in general responsible charge.

If required by DSA, all other addenda shall be submitted to the DSA for concurrence that they do not contain changes to the structural, accessibility and/or fire-life safety portions of the project.

(c) **Construction changes.** Changes of the approved plans or specifications after a contract for the work has been let shall be made by means of construction change documents. Construction change documents for changes to the structural, accessibility or fire-life safety portions of the project shall be submitted to and approved by DSA prior to commencement of the work shown thereon. Construction change documents shall refer to the portions of the approved plans and specifications being changed, clearly describe the work to be accomplished, and, where necessary, shall be accompanied by supplementary drawings, technical data and calculations. Construction change documents shall be numbered sequentially for easy reference. All construction change documents shall be stamped and signed by the architect or engineer in general responsible charge, or by the architect or registered engineer delegated responsibility for the portion of the work of construction affected by the change.

If required by DSA, all other construction change documents shall be submitted to the DSA for concurrence that they do not contain changes to the structural, accessibility and/or fire-life safety portions of the project.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17927 and 81134.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-338, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-339. Final certification of construction. The certification of compliance by DSA for public school building projects will be issued when the work has been completed in accordance with the requirements as to safety of design and construction of Sections 17280-17316 and 81130-81147 of the Education Code. The final certification of compliance will not be issued until the school board has filed a notice of completion and has filed a statement of final actual project cost as identified in Section 4-322, and has paid all required fees to the Department of General Services.

The certification by DSA may be evidenced either by letter or by certificate. A certificate of compliance will, in gen-

eral, be issued only for large new projects where the board may desire to display such certificate in a conspicuous place. The letter or certificate of compliance will be directed to the school board.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17310 and 81142.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-339, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

ARTICLE 6 DUTIES UNDER THE ACT

4-341. Duties of the architect, structural engineer or professional engineer.

(a) **General.** The architect or registered engineer in general responsible charge is responsible to the school board and to DSA to see that the completed work conforms in every material respect to these regulations and to the approved plans and specifications. (See Section 4-316.) The architect or registered engineer in general responsible charge may, if so authorized, act as agent for the school board in completing and submitting the application for approval of plans and specifications to DSA. (See Section 4-315.)

The architect or registered engineer in general responsible charge in no way is relieved of any responsibility by the activities of DSA in the performance of its duties.

(b) **General responsible charge.** The architect, structural engineer or professional engineer in general responsible charge shall advise the school board in regard to filing of the application for approval of plans, the selection of an inspector and the selection of a testing laboratory. The architect or registered engineer in general responsible charge shall prepare plans, specifications, design calculations and other data and shall prepare addenda and construction change documents authorized by the school board and as required by conditions on the project.

The architect or registered engineer in general responsible charge shall make, or cause to be made, the corrections required on the various documents to comply with the requirements of these regulations. The architect or registered engineer in general responsible charge shall perform general observation of the work of construction, interpret the approved drawings and specifications and shall provide the project inspector and testing facility with a complete set of stamped plans, specifications, addenda and construction change documents prior to the start of construction.

In general, DSA directs all technical correspondence to the architect or registered engineer in general responsible charge of the project.

(c) **Delegated responsibility.** An architect or registered engineer to whom responsibility has been delegated shall, under the general direction of the architect or registered engineer in general responsible charge, prepare plans, specifications, calculations and other data, and make corrections on

these documents as required to comply with these regulations. Such architect or registered engineer shall consult with the architect or registered engineer in general responsible charge in the preparation of addenda, deferred submittals and construction change documents and the selection of inspectors and the testing facility. The architect or registered engineer to whom responsibility has been delegated shall provide evidence of his or her responsibility for the documents, which affect his or her portion of the work and are presented to DSA for approval, by his or her stamp and signature thereon.

(d) **Approval of inspectors.** The school district or architect or registered engineer in general responsible charge shall obtain DSA approval for a project inspector, assistant inspector, and a replacement inspector, if any, prior to commencement or continuation of construction work, as applicable, in accordance with the project inspector approval process specified by DSA. The following shall be submitted to DSA:

1. The name of the person proposed as project inspector of the work, together with an outline of his or her experience and pertinent qualifications on a form prescribed by DSA, in accordance with the project inspector approval process specified by DSA.
2. The name of any proposed assistant inspector together with an outline of his or her experience and pertinent qualifications on a form prescribed by DSA, in accordance with the project inspector approval process specified by DSA.
3. The name of any special inspector to be used, in accordance with Section 4-335(f)1(B).
4. When a replacement project inspector is retained, the name of the person proposed as the new project inspector, together with an outline of his or her experience and pertinent qualifications on a form prescribed by DSA.

The architect or registered engineer in general responsible charge shall provide general direction of the work of the project inspector and shall immediately notify the school board and DSA in writing if the project inspector is found to be unable or unwilling to perform such duties properly. This notification shall include a statement as to whether the architect or engineer is recommending that the school board terminate the inspector's employment. Prior to termination, the school district shall confer with DSA and provide the basis for the termination, and the architect or structural engineer in general responsible charge shall obtain DSA approval of a replacement project inspector. No work on the project may proceed until a new project inspector has been approved by DSA. Upon completion of a terminating verified report, the inspector's duties and responsibilities for the project are ended.

In view of the architect or engineer's responsibilities for directing the activities of the inspector, such architect or registered engineer in general responsible charge shall review and evaluate the inspector's qualifications before recommending the approval of the inspector to DSA.

(e) **Report of contract.** The architect or registered engineer in general responsible charge or the school board shall report contract information and time of starting work to DSA. (See Section 4-331.)

(f) **Architect or engineer verified reports.** The architect or registered engineer in general responsible charge and all architects and registered engineers delegated responsibility for observation of the work of construction shall observe the work of construction of his or her portion of the project; when delegated, consult with the design professional in general responsible charge in the interpretation of the approved drawings and specifications; and shall maintain such personal contact with the project as is necessary to assure themselves of compliance in every material respect with the approved plans and specifications. Personal contact shall include visits to the project site by the architect, engineer or their qualified representative to observe the construction. The architect or registered engineer in general responsible charge and each architect or engineer delegated responsibility for observations of the work of construction shall submit verified reports to DSA and provide a copy to the project inspector as required by Section 4-336. The architect or registered engineer in general responsible charge shall also require that verified reports from the project inspector, special inspectors, testing facility, the geotechnical engineer, contractors and the other architects and engineers are submitted as required.

(g) **Structural tests and special inspection program.** The architect or registered engineer in general responsible charge shall establish the extent of the structural tests and special inspection program consistent with the needs of the particular project (see Section 4-335) and shall issue specific instructions to the testing facility and special inspectors prior to start of construction. He or she shall also notify DSA as to the disposition of materials noted on laboratory testing, and/or special inspection, reports as not conforming to the DSA approved documents.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17302, 17309, 17310, 81138, 81141 and 81142.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-341, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-342. Duties of the project inspector.

(a) **General.** The project inspector shall act under the direction of the architect or registered engineer in general responsible charge. The project inspector is also subject to supervision by DSA.

(b) **Duties.** The general duties of the project inspector in fulfilling his or her responsibilities are as follows:

1. **Continuous inspection requirement.** The project inspector must have actual personal knowledge, obtained by personal and continuous inspection of the work of construction in all stages of its progress, that the requirements of the approved plans and specifications are being completely executed.

Continuous inspection means complete inspection of every part of the work. Work, such as concrete work or masonry work which can be inspected only as it is placed, shall require the constant presence of the inspector. Other types of work which can be completely

inspected after the work is installed may be carried on while the inspector is not present. In any case, the inspector must personally inspect every part of the work. In no case shall the inspector have or assume any duties that will prevent the inspector from giving continuous inspection. DSA may require verification from the project inspector of time spent at the construction site during all phases of the work. The project inspector may obtain personal knowledge of the work of construction, either on-site or off-site, performed under the inspection of special inspectors and/or assistant inspectors (Section 4-333). The project inspector may obtain personal knowledge that materials used in the construction conform to the DSA approved documents by verifying test reports performed by DSA accepted testing facilities, verifying materials certifications shipped with the materials, or other means as specified in the DSA approved documents and referenced codes and standards. The project inspector shall verify that special inspectors possess valid certifications for the work being inspected. The project inspector shall be responsible for monitoring the work of the special inspectors and testing laboratories to ensure that the testing program is satisfactorily completed. The project inspector shall be responsible for supervising the work of all assistant inspectors in accordance with Section 4-333(d). The exercise of reasonable diligence to obtain the facts shall be required.

2. **Relations with architect or engineer.** Any uncertainties in the inspector's comprehension of the plans and specifications or inconsistencies or seeming errors in the approved construction documents shall be reported promptly to the architect or registered engineer in general responsible charge for interpretation and instructions. In no case shall the instruction of the architect or registered engineer be construed to cause work to be done which is not in conformity with the DSA approved documents.
3. **Job file.** The project inspector shall keep and maintain a file on the job at all times with all of the following:
 - A. DSA approved plans and specifications including DSA approved addenda and all construction change documents.
 - B. Applicable parts of the edition of Title 24, C.C.R., referred to in the plans and specifications, and any pertinent reference standards.
 - C. DSA approved statement of structural tests and special inspections.
 - D. Copies of project inspector's semi-monthly reports.
 - E. Copies of all deviation notices and a log of all deviation notices. The log shall reference all applicable details and specification sections related to nonconforming materials and workmanship including construction change documents, addenda and deferred submittals. The log shall describe all corrective actions taken whether performed in accordance with DSA approved documents or not, the current status of each deviation issue and the resolution for each issue.

- F. Log documenting all significant communications with the design professionals, contractors, DSA representatives and other persons involved in the project. Significant communications include, but are not limited to, interpretations, clarifications or directions from the design professionals, issues identified by DSA representatives, directives from the school district, and start notices from the contractor.
- G. Laboratory tests and inspection reports.
- H. Contractor's request for information (RFI) and responses to the RFIs.
- I. Interpretations and clarifications from the design professional in general responsible charge.
- J. Special inspection reports.
- K. Concrete placing operation records showing the time and date of placing concrete and the time and date of removal of forms in each portion of the structure.
- L. Welding operation records including identification marks of welders, lists of defective welds, manner of correction of defects, etc.
- M. Pile driving operation records including penetration under the last 10 blows for each pile when piles are driven for foundations.
- N. Verified reports for all persons required by this code to file verified reports.
- O. Any other applicable documents required to provide a complete record of construction.

The job file shall be kept on the job site until the completion of the project and shall be readily accessible to DSA personnel during site visits. A copy of the job file shall be made available to DSA upon request. The job file, with the exception of building codes and reference standards, shall be made a part of the permanent school district records.

4. **Project inspector's semimonthly reports.** The project inspector shall keep the architect or registered engineer in general responsible charge thoroughly informed as to the progress of the work by making semimonthly reports in writing as required in Section 4-337.
5. **Notifications to DSA.** The project inspectors shall notify DSA at the following times:
 - A. When construction work on the project is started, or restarted if previously suspended per Item D below.
 - B. At least 48 hours in advance of the time when foundation trenches will be complete, ready for footing forms.
 - C. At least 48 hours in advance of the first placement of foundation concrete and first grout placement for masonry construction and, when requested by the enforcement agency, 24 hours in advance of any subsequent and significant concrete placement, or grout placement for masonry construction.
 - D. When all work on the project is suspended for a period of more than one month.

E. By email at least 48 hours prior to scheduled work covering up uncorrected deviations.

6. **Deviations.** The project inspector shall notify the contractor, in writing, of any deviations from the approved plans and specifications which are not immediately corrected by the contractor when brought to the contractor's attention. Copies of such notice shall be forwarded immediately to the architect or registered engineer, and to DSA.

Failure on the part of the project inspector to notify the contractor of deviations from the approved plans and specifications shall in no way relieve the contractor of any responsibility to complete the work covered by his or her contract in accordance with the approved plans and specifications and all laws and regulations.

7. **Inspector verified report.** The project inspector shall make and submit directly to DSA verified reports (see Section 4-336). The project inspector shall prepare and deliver to DSA detailed statements of fact regarding materials, operations, etc., when requested.
8. **Performance of duties.** The inspector shall perform all duties and render all services with honesty. Inspectors who fail to carry out their duties in an ethical manner or who engage in illegal activities may be subject to disciplinary action as defined in Section 4-342(d).

(c) **Violations.** Failure, refusal or neglect on the part of an inspector to notify the contractor of any work which does not comply with the requirements of the approved plans and specifications, or failure, refusal or neglect to report immediately, in writing, any such violation to the architect or registered engineer, to the school board, and to DSA shall constitute a violation of the Act and shall be cause for DSA to take action which may result in the withdrawal of the inspector's approval. The State Architect or designee may take appropriate action as described in Section 4-342(d) when any of the following conditions exist:

1. The inspector has failed to fulfill any of the relevant requirements of this code.
2. The inspector has been convicted of a crime considered to be substantially related to the qualifications, functions or duties of an inspector in a manner consistent with the public health, safety or welfare.

(d) **Disciplinary actions.** Failure to satisfactorily perform inspector duties identified in this code may be cause for DSA to take action(s) which include but are not limited to the following:

1. Requiring the inspector to meet with DSA in the regional office for counseling.
2. Requiring the inspector to attend training classes.
3. Withdrawal of the inspector's approval for the project.
4. Downgrading of the inspector's class of certification.
5. Suspension of the inspector's certification.
6. Withdrawal of the inspector's certification.

(e) **Notice of disciplinary actions.** Notice of disciplinary action shall specify the grounds for the actions taken.

(f) **Criteria for reinstatement.** When considering reversal of any disciplinary action taken pursuant to Section 4-342(d), the State Architect or designee evaluating the reinstatement of an inspector's approval for a project, or certification, may consider the following criteria:

1. Nature and severity of the act(s) or offense(s).
2. The time that has elapsed since the commission of the act(s) or offense(s).
3. If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(g) **Filing an appeal.**

1. The State Architect or his/her designee has the discretion to immediately order that approval of a project inspector for a project, or certification, be temporarily invalidated or to seek additional information, pending a final determination by the State Architect or his/her designee pursuant to Section 4-342(c). The decision to temporarily invalidate approval of a project inspector for a project, or certification, will be made on a case by case basis, as necessary to ensure public health, safety and welfare.
2. The State Architect or his/her designee shall provide the appellant with written notice that their approval for a project, or certification, has been temporarily invalidated as of a specific date or is subject to suspension or denial pursuant to Section 4-342(d), pending a final determination. The written notice shall include the reasons for the action being taken or investigated, as applicable, and provide a summary of the facts and allegations. Service of the written notice of the proposed action shall be confirmed by certified mail.
3. Written notice of the final determination by the State Architect or his/her designee shall be confirmed by certified mail within 60 days from the initial written notification. The time to render his/her determination may be extended an additional 30 days, as necessary to consider any additional supporting documentation provided to the State Architect relevant to the issue being investigated.
4. An appeal of an action by the State Architect or his/her designee to suspend approval of a project inspector for a project, or certification, or to deny renewal of a certification must be filed in writing with DSA within 60 days of the date posted on the certified service of the written notice of the final determination from the State Architect. Unless a hearing is specifically requested as provided in Section 4-342(g)6 the appeal will be based on an analysis of the materials available.
5. Within 60 days from the date of receipt of the appeal the State Architect or his/her designee shall render his/her determination on the appeal. The time to render the determination may be extended an additional 30 days, as necessary to conclude any research or investigation required, at the discretion of the State Architect or his/her designee.
6. Should an individual submit a written request for a hearing, the State Architect may designate an appropriate hearing officer to conduct the hearing. Written

notice of the date and time of the hearing and the reasons for the action being taken or investigated, as applicable, shall be provided to the appellant. The hearing shall be limited in scope to the actions stated in the written notice. The appellant may bring a representative of his/her choice.

7. The appellant shall be notified in writing of the determination made by State Architect or his/her designee regarding the appeal. Service of the written notice of the decision shall be confirmed by certified mail.
8. Any appeal of a decision rendered by the State Architect or his/her designee to rescind approval for a project or certification may be appealed to the Superior Court.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17309, 17311, 81141 and 81143.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-342, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-343. Duties of the contractor.

(a) **Responsibilities.** It is the duty of the contractor to complete the work covered by his or her contract in accordance with the approved plans and specifications thereof. The contractor in no way is relieved of any responsibility by the activities of the architect, engineer, inspector or DSA in the performance of such duties.

(b) **Performance of the work.** The contractor shall carefully study the approved plans and specifications and shall plan a schedule of operations well ahead of time. If at any time it is discovered that work is being done which is not in accordance with the approved plans and specifications, the contractor shall correct the work immediately.

All inconsistencies or items which appear to be in error in the approved plans and specifications shall be promptly called to the attention of the architect or registered engineer, through the inspector, for interpretation or correction. In no case, however, shall the instruction of the architect or registered engineer be construed to cause work to be done which is not in conformity with the approved plans, specifications and construction change documents.

The contractor must notify the project inspector, in writing, of the commencement of construction of each and every aspect of the work at least 48 hours in advance.

The contractor must notify the inspector of the completion of each aspect of the work.

(c) **Contractor verified reports.** The contractor shall make and submit to DSA from time to time, verified reports as required in Section 4-336.

If work on the building is being done by independent contractors, having contracts with the school board, verified

reports shall be submitted by each contractor regardless of the type of work involved.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17309, 81130 and 81141.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-343, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-344. Duties of mechanical and electrical engineers. The architect or structural engineer in general responsible charge is responsible for the designs prepared by the mechanical and electrical engineers, except that where plans, specifications and estimates for alterations or repairs do not involve architectural or structural changes said plans, specifications and estimates may be prepared and work of construction may be observed by a professional engineer in general responsible charge who is duly qualified to perform such services and who holds a valid certificate under Chapter 7 of Division 3 of the Business and Professions Code for performance of services in that branch of engineering in which said plans, specifications, and estimates and work of construction are applicable.

The mechanical or electrical engineer shall fulfill the duties outlined in Section 4-341 when assuming general responsible charge and shall submit verified reports as required in Section 4-336. When accepting delegated responsibility he or she shall comply with the requirements of Sections 4-336 and 4-341 insofar as these may relate to the work delegated to him or her.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17302, 17309, 81133, 81138 and 81141.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-344, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

ARTICLE 7 EXAMINATION AND REPORT OF EXISTING BUILDINGS

4-345. Request for examination.

(a) **Examination and report requested of DSA by the school district.** Upon written request by the governing board of any school district or by at least 10 percent of the parents having pupils enrolled in any school district as certified to by the county superintendent of schools, DSA shall make an examination and report on the structural condition of any school building of the district. DSA must report whether or not each building examined is substantially compliant with applicable code provisions. Whether or not such examination is requested of DSA is entirely optional with the school district or parents concerned, and consequently, in making such

examination and report DSA acts as the agent of the school district to whom DSA makes its report and by whom it is guided in determining the extent and character of the examination made.

DSA may prescribe a form, which shall be filled out by the applicant, supplying such information as is available.

DSA is not authorized to prepare plans or make estimates of the cost necessary to make such repairs to the building or buildings as are necessary to meet structural safety standards. (See Sections 17367 and 81162 of the Education Code.)

(b) **Examination and report by school district's structural engineer.** The school district may retain a structural engineer, at the school district's expense, to examine and report on the structural condition of any school building of the district. The structural engineer shall consult with DSA for guidance as to the standard of safety to which the structural condition must measure. The structural engineer must report on whether or not each of the buildings examined is safe or unsafe for school use, and whether or not each of the buildings is substantially compliant with applicable code requirements as required by DSA under Section 4-345(a) above.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17313 and 81162.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-345, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-346. Cost of examinations done by DSA. Upon completion of the examination by DSA and the submission of the report thereof to the school board, DSA shall submit a statement of the actual expense involved in the examination and preparation of report. Payment by the school board shall be made to DSA upon receipt of the statement of expense involved unless waived by DSA upon recommendation of the state superintendent of public instruction.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17313 and 81145.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-346, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

ARTICLE 8 DOCUMENTS AND RECORDS

4-350. Records. The records retained by DSA pertaining to the supervision of the construction of school buildings by DSA are public documents and are open to inspection during office hours. Documents shall not be taken from the custody of DSA except as required by law.

Examination reports prepared under the provisions of Sections 17313 and 81162 of the Act (See Section 4-345) are considered to be the property of the school board. Inquiries

regarding examination reports shall be referred to the school board concerned.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17315, 81133 and 81147; and Health and Safety Code Sections 19850 through 19853.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-350, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-351. Location of records. A file of school building plans, specifications and documents for currently active school projects in each of four regions of the state is maintained in the respective DSA regional office: Oakland (Region I), Sacramento (Region II), Los Angeles (Region III) and San Diego (Region IV). Completed or certified project records including plans and specifications are stored in the State Records Center in Sacramento or in electronic format at the regional offices.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17299, 17309, 81133, 81135 and 81141.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-351, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-352. Submission of documents.

(a) **Application.** Applications for approval of plans and specifications shall be submitted to the DSA regional office serving the project location unless specific approval for submittal elsewhere is given by the State Architect. Processing shall be completed by the receiving office but portions of the work may be reassigned.

(b) **Construction documents.** All documents such as notices (see Sections 4-331 and 4-332), qualification records (see Sections 4-333 and 4-341), test reports (see Section 4-335), special inspection reports (see Section 4-335), verified reports (see Section 4-336), and semimonthly reports (see Section 4-337) shall be submitted to the appropriate DSA regional office according to location of project.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17299, 17309, 81133, 81135 and 81141.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-352, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

ARTICLE 9 STATE ADVISORY BOARD TO THE DIVISION OF THE STATE ARCHITECT FOR THE FIELD ACT

4-355. Advisory board.

(a) **General.** The State Architect may appoint an advisory board whose duty it is to serve in an advisory capacity to

GROUP 3

SUSTAINABLE CONSTRUCTION OF PUBLIC SCHOOLS AND COMMUNITY COLLEGES OUTDOOR WATER USE

ARTICLE 1 GENERAL PROVISIONS

4-501. Purpose. These regulations implement sections of the Education Code to ensure that elementary, secondary, or community college buildings and facilities constructed or altered pursuant to these regulations are in compliance with the California Code of Regulations (C.C.R.), Title 24 related to the design aspects of sustainable building elements, components, and systems specifically irrigation systems for landscape areas.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 81130 and 81142.

4-502. Scope. California Code of Regulations, Title 24, Part 11; known as the “CALGreen Code”, designates building regulations that are applicable to the Green Building Standards portions of the design, construction, or addition to any school building as defined in Sections 17283 and 81131 of the Education Code.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

ARTICLE 2 DEFINITIONS

4-506. General. The definition(s) in Sections 4-507 shall have the meaning stated therein throughout the regulations contained in Part 1, Chapter 4, Group 3, et. seq, Title 24, C.C.R.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17283, 81130, 81131, and 81529.

4-507. Definitions.

SELF-CERTIFICATION shall mean a registered architect, landscape architect, or civil engineer in general responsible charge prepares a set of construction documents which comply with the California Code of Regulations (C.C.R.), Title 24 or other referenced regulations, and provides their signature ensuring that the construction documents and related reports meet or exceed the code requirements.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17283, 17405, 81130, 81131, and 81529.

ARTICLE 3 APPLICATION FOR VERIFICATION OF SELF-CERTIFICATION OF DRAWINGS AND SPECIFICATIONS

4-508. Plans, specifications, and other data. When an application for review of the self-certification of compliance with the Outdoor Water Use regulations is filed, it shall be accompanied by a site landscape area location plan, set of plans and specifications, and a fee payment.

Plans, specifications, or self-certification forms which, when submitted, are determined by DSA to be incomplete or incorrect, shall be returned to the architect, landscape architect, or civil engineer in general responsible charge with a request for additional information or revisions.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

4-509. Application for self-certified drawings and specifications. The irrigation plans and specifications shall meet the California Code of Regulations, Title 24, Part 11 (CALGreen Code), Section 5.304.5, Outdoor Water Use. The architect, landscape architect, or civil engineer in general responsible charge shall self-certify that the project’s landscape planting and irrigation design is compliant with the current version of the Model Water Efficient Landscape Ordinance (MWELO) per Section 5.304.6 of the CALGreen Code and built in accordance to these regulations. All related drawings and specifications must display their registration seal and signature.

Before commencing with construction of a landscape irrigation project and any associated buildings, the architect, landscape architect, or civil engineer in general responsible charge shall submit the forms prescribed by the DSA certifying that the landscape irrigation design complies with the Outdoor Water Use regulations, and obtain approval of the self-certified plans and specifications from the DSA intake specialist.

When construction is complete, a self-certification form prescribed by the DSA certifying that the landscape irrigation system is installed in compliance with the Outdoor Water Use regulations shall be filed with the DSA intake specialist.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

ARTICLE 4 FEES

4-510. Fees. The filing fee for the self-certification review shall be \$500 due at the time of submission of the project and is non-refundable.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

HISTORY:

1. (DSA-SS EF 03/15) Rulemaking file number DSA-SS EF 03/15 Emergency rulemaking added Group 3, Articles 1 through 4, to Part 1 Title 24, Chapter 4. It was originally approved by the Commission July 21, 2015 and filed with Secretary of State July 23, 2015, which is the effective date. An emergency supplement was not issued for the initial emergency building standards but was provided in Building Standards Commission Information Bulletin 15-03, dated July 24, 2015, which is now superseded. The rulemaking was made permanent pursuant to Government Code Sections 11346.2 to 11347.3. The supplement provides emergency building standards which were adopted by the Building Standards Commission on January 20, 2016, and filed with Secretary of State on January 26, 2016.

HISTORY NOTE APPENDIX FOR CHAPTER 4

Administrative Regulations for the Division of State Architect, Structural Safety (Title 24, Part 1, California Code of Regulations)

The format of the history notes has been changed to be consistent with the other parts of the *California Building Standards Code*. The history notes for prior changes remain within the text of this code.

1. (DSA-SS 1/02) Chapter 4, Section 4-309. Reconstruction or Alternation Projects in Excess of \$25,000 in Cost. Approved by the Building Standards Commission on May 14, 2003 and effective 180 days after publication.
2. (DSA-SS EF 02/03) Emergency adoption/approval of technical design and construction building standards for the adaptive reuse of existing building public school use: C.C.R., Title 24, Part 1. Approved by the California Building Standards Commission on May 14, 2003 and filed with Secretary of State on May 15, 2003. Effective May 15, 2003.
3. (DSA-SS EF 04/03) Emergency re-adoption/re-approval of technical design and construction building standards for the adaptive reuse of existing building public school use; C.C.R., Title 24, Part 1. Approved by the California Building Standards Commission on July 16, 2003 and filed with Secretary of State on September 10, 2003. Effective September 10, 2003.
4. (DSA-SS EF 04/03) Emergency re-adoption/re-approval of technical design and construction building standards for the adaptive reuse of existing building public school use; C.C.R., Title 24, Part 1. Approved as permanent by the California Building Standards Commission on January 7, 2004 and filed with the Secretary of State on January 8, 2004. Effective January 8, 2004.
5. (DSA-SS 03/06) Editorial amendments to administrative standards for public elementary and secondary schools and community colleges which correlate with DSA-SS adoption of the 2006 *International Building Code* into Part 2 of Title 24. Effective January 1, 2008.
6. (DSA-SS EF 01/09) Modification to project renewal timeframes. Approved by the commission January 22, 2009 and filed with the Secretary of State on January 26, 2009 with an effective date of January 26, 2009.
7. Erratum to correct editorial errors in preface and Chapter 4.
8. (DSA-SS EF 02/10) Emergency rulemaking to amend Articles 2 through 6, Part 1 Title 24, Chapter 4, effective on August 17, 2010, approved as permanent on January 19, 2011.
9. (DSA-SS 01/12) Amend Chapter 4, Article 1, Section 4-302, 4-305, 4-306, 4-307, 4-309, 4-310, Article 2, Section 4-314, Article 3, Section 4-315, 4-316, 4-317, Article 4, Section 4-320, 4-323, 4-324, 4-325, 4-326, 4-327, Article 5, Section 4-330, 4-331, 4-332, 4-333, 4-335, 4-336, 4-337, 4-339, Article 6, Section 4-341, 4-342, 4-343, Article 7, Section 4-345, Article 8, Section 4-350, 4-352, Article 9, Section 4-355. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.
10. Rulemaking file number DSA-SS EF 03/15: Emergency rulemaking added Group 3, Articles 1 through 4, to Part 1 Title 24, Chapter 4. It was originally approved by the Commission July 21, 2015 and effective upon filing with Secretary of State on July 23, 2015. An emergency supplement was not issued for the initial emergency building standards but was provided in Building Standards Commission Information Bulletin 15-03, dated July 24, 2015, which is now superseded. The rulemaking was made permanent pursuant to Government Code Sections 11346.2 to 11347.3. The supplement provides emergency building standards which were adopted by the Building Standards Commission on January 20, 2016, and filed with Secretary of State on January 26, 2016.
11. (DSA-SS 01/15) Amend Chapter 4, Article 1: Section 4-205, 4-207, 4-208, 4-210, 4-211, 4-219, 4-220, 4-221; Article 2: Section 4-236; Group 1, Article 1: Section 4-302, 4-305, 4-306, 4-307, 4-309, 4-310, Article 2: Section 4-313, 4-314, Article 3: Section 4-315, 4-316, 4-317, 4-318, 4-319; Article 4: Section 4-320, 4-321, 4-323, 4-324, 4-325; Article 5: Section 4-333, 4-333.1, 4-334, 4-335, 4-335.1, 4-336, 4-338; Article 6: Section 4-341, 4-342, 4-343, 4-345; Article 8, Section 4-350; Group 2, Article 1: Section 4-401, 4-402; Article 2: Section 4-410, 4-411; Article 5: Section 4-430; Article 6: Section 4-435. Approved by the California Building Standards Commission on December 16, 2015, filed with the Secretary of State on December 21, 2015, and effective 30 days after filing with Secretary of State.
12. Errata to correct editorial errors within Chapter 4 in this code. Effective January 1, 2017.
13. 2016 Intervening Cycle Supplement (DSA-SS/CC 01/16) adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective thirty days after filing.

3. A civil engineer may prepare construction documents or reports for the anchorage and bracing of nonstructural equipment.

(c) A licensed specialty contractor may prepare construction documents and may administer the work of construction for health facility construction projects, subject to the following conditions:

1. The work is performed and supervised by the licensed specialty contractor who prepares the construction documents,
2. The work is not ordinarily within the standard practice of architecture and engineering,
3. The project is not a component of a project prepared pursuant to 7-115 (a) and (b),
4. The contractor responsible for the design and installation shall also be the person responsible for the filing of reports, pursuant to Section 7-151,
5. The contractor shall provide with the application for plan review to the Office a written and signed statement stating that he or she is licensed, the number of the license, and that the license is in full force and effect, and
6. The work is limited to one of the following types of projects:
 - A. Fire protection systems where none of the fire sprinkler system piping exceeds 2½ inches (63.5 mm) in diameter.
 - B. Low voltage systems not in excess of 91 volts. These systems include, but are not limited to, telephone, sound, cable television, closed circuit video, nurse call systems and power limited fire alarm systems.
 - C. Roofing contractor performing reroofing where minimum ¼ inch (6.4 mm) on 12 inch (305 mm) roof slopes are existing and any roof mounted equipment needing remounting does not exceed 400 pounds.
 - D. Insulation and acoustic media not involving the removal or penetration of fire-rated walls, or ceiling and roof assemblies.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-115. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-117. Site data.

(a) The site data reports shall be required for all proposed construction except:

1. As provided in Part 2, Title 24.
2. One-story, wood-frame or light steel frame buildings of Type II or V construction and 4,000 square feet or less in floor area not located within Earthquake Fault Zones or Seismic Hazard Zones as shown in the most recently published maps from the California Geological Survey

(CGS) or in seismic hazard zones as defined in the Safety Element of the local General Plan.

3. Nonstructural alterations.
4. Structural repairs for other than earthquake damage.
5. Incidental structural additions or alterations.

(b) Three copies of site data reports shall be furnished to the Office for review and evaluation prior to the submittal of the project documents for final plan review. Site data reports shall comply with the requirements of these regulations and Part 2, Title 24. Upon the determination that the investigation of the site and the reporting of the findings was adequate for the design of the project, the Office will issue a letter stating the site data reports are acceptable.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7.117. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-119. Functional Program.

(a) **General.**

1. **Functional program requirement.** The owner or legal entity responsible for the outcome of the proposed health care facility design and construction project shall be responsible for providing a functional program to the project's architect/engineer and to the Office. The requirement applies to all scopes and disciplines of the project that affect patient care directly or indirectly, by means of new construction, additions, or modifications to specific hospital departmental functions which form an integral part of the facility. Projects that only involve equipment replacement, fire safety upgrades, or renovations that will not change the occupancy, function, or use of existing space shall not require a functional program.

2. **Functional program purpose.**

- A. An owner-approved functional program shall be made available for use by the design professional(s) in the development of project design and construction documents, and shall be submitted to the Office, at the time of application for plan review, to serve as a reference for the review of the application documents.
- B. Revisions to the functional program shall be documented and a final updated version shall be submitted to the Office prior to approval of the construction documents.
- C. The facility is encouraged to retain the functional program with other design data to facilitate future alterations, additions, and program changes.

3. **Nomenclature in the functional program.**

- A. The names for spaces and departments used in the functional program shall be consistent with those used in the *California Building Code*. If acronyms are used, they should be defined clearly.

B. The names and spaces indicated in the functional program shall also be consistent with those used on submitted floor plans.

(b) **Functional program executive summary.** An executive summary of the key elements of the functional program shall be provided and, at a minimum, shall include the following narrative:

1. **Purpose of the project.**

A. The narrative shall describe the services to be provided, expanded, or eliminated by the proposed project.

B. The narrative shall describe the intent of the project and how the proposed modifications will address the intent.

2. **Project type and size.**

A. The type of health care facility(ies) proposed for the project shall be identified as defined by the *California Building Code*.

B. Project size in square footage (new construction and renovation) and number of stories shall be provided.

3. **Construction type/occupancy and building systems.**

A. **New construction.** If the proposed project is new construction that is not dependent on or attached to an existing structure, the following shall be included:

- (1) A description of construction type(s) for the proposed project.
- (2) A description of proposed occupancy(ies) and, if applicable, existing occupancy(ies).
- (3) A description of proposed engineering systems.
- (4) A description of proposed fire protection systems.

B. **Renovation.** For a project that is a renovation of, or addition to, an existing building, the following shall be included in the project narrative:

- (1) A description of the existing construction type and the construction type for any proposed renovations or additions shall be described.
- (2) A general description of existing engineering systems serving the area of the building affected by the proposed project and how these systems will be modified, extended, augmented, or replaced by the proposed project.
- (3) A general description of existing fire protection systems serving the area of the building affected by the proposed project and how these systems will be modified, extended, augmented, or replaced by the proposed project.

(c) **Functional program content.** The functional program for the project shall include the following:

1. **Purpose of the project.** The physical, environmental, or operational factors, or combination thereof, driving

the need for the project and how the completed project will address these issues shall be described.

2. **Project components and scope.**

A. The department(s) affected by the project shall be identified.

B. The services and project components required for the completed project to function as intended shall be described.

3. **Indirect support functions.** The increased (or decreased) demands throughout, workloads, staffing requirements, etc., imposed on support functions affected by the project shall be described. (These functions may or may not reside adjacent to or in the same building or facility with the project.)

4. **Operational requirements.** The operational requirements, which include but are not limited to the following, shall be described:

A. Projected operational use and demand loading for affected departments and/or project components.

B. Relevant operational circulation patterns, including staff, family/visitor, and materials movement.

C. Departmental operational relationships and required adjacencies

5. **Environment of care requirements.** The functional program shall describe the functional requirements and relationships between the following environment of care components and key elements of the physical environment:

A. **Delivery of care model (concepts).** This shall include:

- (1) A description of the delivery of care model, including any unique features.
- (2) A description of the physical elements and key functional relationships necessary to support the intended delivery of care model.

B. **Patients, visitors, physicians, and staff accommodation and flow.** Design criteria for the following shall be described:

- (1) The physical environment necessary to accommodate facility users and administration of the delivery of care model.
- (2) The physical environment (including travel paths, desired amenities and separation of users and workflow) necessary to create operational efficiencies and facilitate ease of use by patients, families, visitors, staff, and physicians.

C. **Building infrastructure and systems design criteria.** Design criteria for the physical environment necessary to support organizational, technological, and building systems that facilitate the delivery of care model shall be described.

D. **Physical environment.** Descriptions of and/or design criteria for the following shall be provided:

- (1) Light and views – How the use and availability of natural light, illumination, and views are to

be considered in the design of the physical environment.

- (2) Wayfinding.
- (3) Control of environment – How, by what means, and to what extent users of the finished project are able to control their environment.
- (4) Privacy and confidentiality – How the privacy and confidentiality of the users of the finished project are to be protected.
- (5) Security – How the safety and security of patients or residents, staff, and visitors shall be addressed in the overall planning of the facility consistent with the functional program.
- (6) Architectural details, surfaces, and furnishing characteristics and criteria.
- (7) Cultural responsiveness – How the project addresses and/or responds to local or regional cultural considerations.
- (8) Views of, and access to, nature.

6. Architectural space and equipment requirements.

A. Space list.

- (1) The functional program shall contain a list organized by department or other appropriate functional unit that shows each room in the proposed project, indicating its size by gross floor area and clear floor area.
- (2) The space list shall indicate the spaces to which the following components, if required, are assigned:
 - (a) Fixed and movable medical equipment.
 - (b) Furnishings and fixtures.
 - (c) Technology provisions.

B. Area.

- (1) Gross floor area for the project shall be aggregated by department, and appropriate multiplying factors shall be applied to reflect circulation and wall thicknesses within the department or functional area. This result shall be referred to as department gross square footage (DGSF).
- (2) DGSF for the project shall be aggregated, and appropriate multiplying factors shall be applied to reflect inter-departmental circulation, exterior wall thickness, engineering spaces, general storage spaces, vertical circulation, and any other areas not included within the intra-department calculations. This result shall be referred to as building gross square footage (BGSF) and shall reflect the overall size of the project.

7. Technology requirements. Technology systems for the project shall be identified to serve as a basis for project coordination and budgeting.

- A. Any technology systems integration strategy shall be defined.
- B. Department and room specific detail for system and device deployment shall be developed.

8. Short- and long-term planning considerations. A statement addressing accommodations for the following, as appropriate for the project shall be included:

- A. Future growth.
- B. Impact on existing adjacent facilities.
- C. Impact on existing operations and departments.
- D. Flexibility.

9. Patient Safety Risk Assessment. Projects associated with acute psychiatric hospitals, acute psychiatric nursing units in general acute-care hospitals, and special treatment program service units in skilled nursing facilities shall include a Patient Safety Risk Assessment. At a minimum, a Behavioral and Mental Health Risk Assessment shall be addressed as part of the Patient Safety Risk Assessment. The Patient Safety Risk Assessment shall be subject to review and approval by the California Department of Public Health.

A. Behavioral and Mental Health Risk Assessment.

A Behavioral and Mental Health Risk Assessment shall be prepared for all acute psychiatric hospitals, psychiatric nursing units within general acute-care hospitals, and special treatment program units in skilled nursing facilities. The risk assessment shall include evaluation of the population at risk and the nature and scope of the project, taking into account the model of care and operational considerations, and proposed built environment solutions to mitigate potential risks and hazards.

B. Behavioral and Mental Health Elements (Psychiatric Patient Injury and Suicide Prevention).

The safety risk assessment report shall identify areas that will serve patients at risk of mental health injury and suicide.

Informational Note: Behavioral and mental health risk should be determined through simultaneous consideration of the inherent danger of any individual environmental feature because of patient profile and acuity, the anticipated level of staff supervision for each area, and space visibility and supervision.

The governing body should develop a detailed assessment of the level of risk for each program area where mental health patients will be served (e.g., emergency department, nursing units). Refer to Appendix Table A1.2-a Safety Risk Assessment Team Member Expertise of the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities* published by The Facility Guidelines Institute for areas of expertise needed on the behavioral and mental health assessment team.

Each area should be evaluated to identify the architectural details, surfaces, and furnishings and exposed mechanical and electrical devices and components to be addressed in the risk assessment. Examples of areas to be included in a mental health risk assessment include the following:

Highest Level of Risk

1. Seclusion rooms (where patient acuity poses an increased risk).
2. Patient bedrooms and toilet rooms (areas where patients spend long periods of time out of direct supervision of the staff).
3. Psychiatric emergency department (comprehensive psychiatric emergency program) and area under good supervision but dealing with unpredictable patients under initial evaluation and often under heavy medication.

Moderate Level of Risk

1. Activity spaces, group rooms, and treatment spaces (supervised with good visibility).
2. Dining rooms and recreation spaces, both indoor and outdoor.
3. Corridors (always visible).

Lowest Level of Risk

1. Exam rooms, private offices, and conciliation rooms (always supervised).
2. Staff and support areas (not accessible by patients).

Other information that could be considered can be found in *Patient Safety Standards, Materials and Systems Guidelines* published by the New York State Office of Mental Health, and the *Design Guide for the Built Environment of Behavioral Health Facilities* distributed by The Facility Guidelines Institute.

C. Behavioral and Mental Health Response.

- (1) The safety risk assessment team shall identify mitigating features for the identified at-risk locations.
- (2) The design of behavioral and mental health patient care settings shall address the need for a safe treatment environment for those who may present unique challenges and risks as a result of their mental condition.
 - (i) The patient environment shall be designed to protect the privacy, dignity, and health of patients and address the potential risks related to patient elopement; and harm to self, to others, and to the environment.
 - (ii) The design of behavioral/mental health patient areas shall accommodate the need for clinical and security resources.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675-129998.

7-121. Presubmittal meeting.

(a) A presubmittal meeting between the Office and the design professionals is required for construction or alteration projects for hospital buildings and buildings described in paragraphs (2) and (3) of Subdivision (b) of Section 129725 of the Health and Safety Code with estimated construction costs of twenty million dollars (\$20,000,000) or more. The presubmittal meeting shall be held prior to the submittal of preliminary plans and specifications or final construction documents. Prior to scheduling a presubmittal meeting, the architect or engineer in responsible charge shall submit the following information to the Office:

1. Meeting agenda listing major points of discussion.
2. New and if applicable, existing floor plans.
3. Description and scope of the project.
4. Functional Program as described in Section 7-119.
5. Description of structural systems—vertical, lateral, foundation, etc.
6. Alternate method of compliance and program flexibility issues.
7. Type of construction.

8. Occupancy—existing and proposed, with justification.
9. Accessibility considerations, including path of travel.
10. Preliminary means of egress plan.
11. Architectural, structural, mechanical, plumbing, electrical, and fire and life safety issues.

(b) The architect or engineer in responsible charge shall record all resolutions of substantive issues in a letter of understanding that shall be submitted to the Office for acceptance prior to the submittal of final construction documents. The letter of understanding shall be based on the assumptions presented at the presubmittal meeting. Subsequent changes in design, program requirements, project delivery, or other unforeseen issues may necessitate modifications to the letter of understanding.

(c) **Phased plan review and collaborative review and construction.** A request for Phased Plan Review (PPR) or Collaborative Review and Construction (CRC) must be submitted to the Office in writing, prior to the presubmittal meeting being scheduled. In addition to the items listed in Section 7-121 (a), for PPR or CRC reviewed projects, the architect or engineer in responsible charge shall submit the following information to the Office:

1. Complete project schedule.
2. Proposed review matrix outlining all phases, milestones, increments, and segments for the project.
3. Initial draft of the Memorandum of Understanding (MOU) proposed, defining roles and accountability of the participants.

Authority: Health and Safety Code Section 18929 and 129675–130070

Reference: Health and Safety Code Section 129850

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-121. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-123. Preliminary plans and outline specifications.

(a) The governing board or authority or their designated representative may submit preliminary plans and outline specifications to the Office for review prior to submittal of the final construction documents.

(b) The Office's review of the preliminary plans and outline specifications shall be limited to the content of the preliminary plans and outline specifications submitted. A copy of the marked-up preliminary plans and outline specifications or of the approved preliminary plans and outline specifications shall accompany the submittal of the final construction documents.

Authority: Health and Safety Code Section 18929 and 129675–130070

Reference: Health and Safety Code Section 129850

7-125. Final review of construction documents.

(a) Final construction documents shall be submitted in accordance with Section 107, Part 2. Title 24. Final construction documents that are incomplete shall be returned to the applicant for completion prior to acceptance by the Office for plan review.

(b) Local government entity zoning approvals or clearances shall be furnished to the Office, when applicable, prior to approval of the final construction documents by the Office.

(c) When the Office finds items on the final construction documents that do not comply with these regulations and/or applicable sections of the *California Building Standards Code*, the noncomplying items shall be noted in writing with a proper code citation. The marked-up set of construction documents will be returned to the architect or engineer in responsible charge. A set of prints from corrected construction documents shall be filed for backcheck when the original check or subsequent backchecks(s) indicates that extensive changes are necessary. Where necessary corrections are of a minor nature, corrected original construction documents may be filed for backcheck. The architect or engineer in responsible charge must provide a written response to all comments made by the Office. The written response must include a description and a location of the corrections made to the construction documents. The written response may be provided as a letter, or may be provided as responses written directly on the marked-up set of drawings. Changes in construction documents, other than changes necessary for correction, made after submission for approval, shall be brought to the attention of the Office in writing or by submission of revised construction documents identifying those changes. Failure to give such notice voids any subsequent approval given to the construction documents.

(d) The Office's approval of the final construction documents shall be in accordance with Section 107.3.1, Part 2, Title 24.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-125. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD 7/96) 1996 Annual Code Adoption Cycle will amend Section 7-125, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

7-126. Deferred submittals.

(a) **Conditions.** Where a portion of the design cannot be fully detailed on the approved construction document because of variations in product design and manufacture, the approval of the construction documents for such portion may be deferred until the material suppliers are selected under the following conditions:

1. The construction documents clearly describe the deferred submittals that shall be approved by the Office prior to fabrication and installation for the indicated portions of the work.
2. The construction documents fully describe the performance and loading criteria for such work.
3. After the construction documents are approved and within 30 calendar days after commencement of construction, the architect or engineer in responsible charge shall submit a schedule to the Office indicating

when the deferred submittals will be submitted to the Office for review.

Exception: Seismic Force Resisting System (SFRS), Primary Gravity Load Resisting System (PGLRS) and stairs shall not be deferred.

(b) **Submittal process and notation.** Submittal documents for deferred submittal items shall be submitted to the architect or engineer to whom responsibility has been delegated for preparation of construction documents, as listed on the application, for review prior to submittal to the Office. The architect or engineer to whom responsibility has been delegated for preparation of construction documents, as listed on the application, shall review and forward submittal documents for deferred submittal items to the Office with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the project.

(c) **Stamping and signing.** Stamping and signing of deferred submittals shall comply with Section 7-115 (a) and (b).

(d) **Fabrication and installation.** The deferred submittal items shall not be fabricated or installed until their design and submittal documents have been approved by the Office.

(e) **Limitations.** The Office shall have sole discretion as to the portions of the design that may be deferred.

7-127. Projects exempt from plan review process.

(a) The Office may exempt from the plan review process construction or alteration projects for hospitals, skilled nursing facilities and intermediate care facilities, if the project meets the following criteria:

1. The estimated construction cost is \$50,000 or less. For the purpose of determining eligibility for exemption from the plan review process, the estimated construction cost excludes imaging equipment costs; design fees; inspection fees; off-site work; and fixed equipment costs, including but not limited to sterilizers, chillers and boilers.
2. The construction documents are stamped and signed pursuant to Section 7-115 (a) and (b).
3. The entire project or an element of the project shall not pose a clear and significant risk to the health and safety of the patients, staff or public.

(b) Projects subdivided into smaller projects for the purpose of evading the cost limitation requirement shall not be exempt from the plan review process. (c) All requirements of Article 4, Construction must be met, except Section 7-135 (a) 1.

7-128. Work performed without a permit.

(a) **Compliance examination.** Construction or alteration of any health facility, governed under these regulations, performed without the benefit of review, permitting, and/or observation by the Office when review, permitting and/or observation is required, and without the exemption by the Office provided for in Section 7-127, shall be subject to examination by the Office to assess relevant code compliance.

1. Whenever it is necessary to make an inspection to enforce any applicable provision of the *California*

Building Standards Code or the Alfred E. Alquist Hospital Facilities Seismic Safety Act, or the Office, or its authorized representative, has reasonable cause to believe that there exists in any building or upon any premises any condition or violation of any applicable building standards that makes the building or premises unsafe, dangerous, or hazardous, the Office or its authorized representatives may enter the building or premises at any reasonable time for the purpose of inspection and examination authorized by this chapter.

2. Examination by the Office may include, but is not limited to:
 - A. Review of existing plans;
 - B. Site visit(s) as necessary to assess the extent of unpermitted work;
 - C. Inspection of work for the purpose of determining compliance including destructive demolition as necessary per *California Building Code* Section 110.1 including the removal and/or replacement of any material required to allow inspection, and potentially destructive testing needed to demonstrate compliance with *California Building Code* Chapter 34A; and
 - D. Participation in a predesign conference with architects/engineers to resolve code issues relevant to the corrective or remedial work necessary.

(b) **Plan review.** Construction or alteration of any health facility, governed under these regulations, performed without the benefit of review, permitting and/or observation by the Office, and construction or alteration found in violation of any applicable section of the *California Building Standards Code* during examination, shall be brought into compliance with the current enforceable edition of the *California Building Standards Code*. Application for Office review of construction documents and reports for the construction or alteration and corrective work necessary to remedy any violations, unsafe, dangerous, or hazardous conditions, shall be made in accordance with Sections 7-113 through 7-126. The construction documents and reports shall be prepared under an architect or engineer in responsible charge pursuant to Section 7-115 and shall clearly and separately delineate the following:

1. Portions of the building or structure that existed prior to the unpermitted construction or alteration;
2. The unpermitted construction or alteration work that is proposed to remain, including all associated dimensions, assemblies, specifications and details; and
3. New corrective or remedial work necessary to bring the unpermitted construction or alteration work into compliance with all applicable parts of the current *California Building Standards Code*.

(c) **Construction observation.** The construction, inspection and observation of any construction or alteration of any health facility, governed under these regulations, previously performed without the benefit of review, permitting, and/or observation, and of any new corrective or remedial work deemed necessary by the Office, shall be in accordance with

Article 4 of this Chapter. The Office shall make such observation as in its judgment is necessary or proper for the enforcement of these regulations and all applicable parts of the *California Building Standards Code*. Any violations found in existing, previously constructed or altered, or new corrective or remedial work shall be corrected as required under *California Building Code* Section 110.6.

(d) **Fees.** Fees associated with compliance examination, plan review and field observation shall be in accordance with the following:

1. The fee for examination shall be the Office's actual costs associated with:
 - A. Field investigation and Office support as described in Section 7-128 (a) 2; and
 - B. Legal and administrative costs associated with documentation and reporting of violations of licensing statutes and/or pursuing claims of misconduct with the relative Departments and Boards, including but not limited to:
 - 1) The California Department of Public Health;
 - 2) The California Architects Board;
 - 3) The Board for Professional Engineers, Land Surveyors, and Geologists; and
 - 4) The Contractors State License Board.
2. A separate, additional, fee for plan review described in Section 7-128 (b) and field observation described in Section 7-128 (c) shall be based on the estimated cost of construction as specified below:
 - A. The fee for hospital buildings is 2.0 percent of the estimated construction cost. The estimated construction cost shall include fixed equipment cost or estimated value (including shipping, installation, and taxes) but exclude design fees, inspection fees and off-site construction work.
 - B. The fee for skilled nursing and intermediate care facilities, as defined in Subdivision (c), (d), (e) or (g) of Section 1250, Health and Safety Code, is 1.5 percent of the estimated construction cost. The estimated construction cost shall include fixed equipment but exclude design fees, inspection fees and off-site work.
 - C. The estimated construction cost for a project shall be determined as described in Section 7-133(a)4 and shall include the value of the previously unpermitted construction, or alteration, plus the value of any new corrective and remedial work.
 - D. The final approval of the work shall be in accordance with Section 7-133 (a) 7.

(e) **Occupancy.** Upon determination that construction or alteration of any health facility, governed under these regulations, has occurred without the benefit of review, permitting, and/or observation by the Office, and without the exemption by the Office provided for in Section 7-127, the Office may order the area of construction or alteration to be vacated and remain unoccupied, or that the current certificate of occupancy for the building be revoked under *California Building*

Code Section 111.4, until the Office provides a certificate of occupancy upon the completion of all field observation and final construction inspection of the construction or alteration, and associated corrective and remedial work.

Authority: Health and Safety Code Sections 18929 and 129765 -130070.

Reference: Health and Safety Code Section 129850.

7-129. Time limitations.

(a) Final construction documents shall be submitted to the Office within one year of the date of the Office's report on preliminary plans and outline specifications or the application shall become void unless an extension has been requested and approved. The architect or engineer in responsible charge may request one extension of up to 180 calendar days; however, the Office may require that the construction documents meet current regulations. The extension must be requested in writing and justifiable cause demonstrated.

(b) The procedures leading to obtaining written approval of final construction documents shall be carried to conclusion without suspension or unnecessary delay. Unless an extension has been approved by the Office, the application shall become void when either paragraph 1 or 2 occurs:

1. Prints from corrected construction documents are not filed for backcheck within 90 calendar days after the date of return of checked construction documents to the architect or engineer in responsible charge. Backcheck submittals that do not contain a written response to all comments in accordance with Section 7-125 (c) shall not be considered an official submittal to the Office. The architect or engineer in responsible charge may request one extension of up to 90 calendar days; however, the Office may require the construction documents be revised to meet current regulations. The extension must be requested in writing and justifiable cause demonstrated.
2. A set of prints of the stamped construction documents are not submitted to the Office within 45 calendar days after the date shown with the identification stamp by the Office.

(c) Construction, in accordance with the approved construction documents, shall commence within one year after obtaining the written approval of construction documents, or this approval shall become void. Prior to the approval becoming void, the applicant may apply for one extension of up to one year. The Office may require that the construction documents be revised to meet current regulations before granting an extension. The extensions must be requested in writing and justifiable cause demonstrated.

(d) If the work of construction is suspended or abandoned for any reason for a period of one year following its commencement, the Office's approval shall become void. Prior to the approval becoming void, the applicant may apply for one extension of up to one year. The Office may require that the construction documents be revised to meet current regulations before granting an extension. The extensions must be requested in writing and justifiable cause demonstrated.

Exception: The time limitations and deadlines specified in Section 7-129 shall not apply to managed projects as defined in Section 7-111. This includes, but is not limited to, projects approved for phased plan review, as described

in Section 7-130, or incremental review, as described in Section 7-131.

Authority: Health and Safety Code Sections 18929 and 129675-130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-129. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-130. Phased submittal, review and approval.

The Office, in its sole discretion, may enter into a written agreement with the hospital governing board or authority for the phased submittal, review and approval of construction documents.

7-131. Incremental design, bidding and construction.

(a) In accordance with Section 107.3.3, Part 2, Title 24, the Office is authorized to review and approve construction documents and issue a permit for increments of a building or structure prior to the construction documents for the entire building or structure have been submitted and approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of applicable codes. For other regulations pertaining to incremental design, bidding and construction, see Section 107.3.3, Part 2, Title 24.

(b) Increments shall be limited to complete phases of construction, such as demolition, site work and utilities, foundations and basement walls, structural framing, architectural work, mechanical work, electrical work, etc. A master plan indentifying the work to be completed in each increment, an estimated cost for each increment, and a chart showing the proposed coordination of the design, bidding and construction schedules, state and local plan review times, and estimated completion and occupancy of the project shall be submitted with the first increment.

(c) The incremental submittals and construction shall be continuous to conclusion without suspension or unnecessary delay unless specifically approved by the Office.

Authority: Health and Safety Code Sections 18929 and 129675-130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-131. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-132. Design/build method.

Projects prepared under the design/build delivery method shall comply with all applicable requirements of Title 24, Part 1, California Administrative Code including but not limited to Sections 7-115, 7-141, 7-143, 7-144, 7-145, 7-149, 7-151, 7-153 and 7-155.

Authority: Health and Safety Code Section 18929 and 129675-130070.

Reference: Health and Safety Code Section 129850.

7-133. Fees.

(a) **Plan review and field observation.** The fee for plan review and field observation shall be based on the estimated

cost of construction as specified below. If the actual construction cost for a hospital or skilled nursing facility project exceeds the estimated construction cost by more than five percent (5%), a further fee shall be paid to the Office, based on the applicable schedule specified in (a) (1) or (2) and computed on the amount by which the actual cost exceeds the estimated cost.

1. The fee for hospital buildings is 1.64 percent of the estimated construction cost. The estimated construction cost shall include fixed equipment cost or estimated value (including shipping, installation, and taxes) but exclude design fees, inspection fees and off-site construction work.
 - A. The Office shall charge actual costs for review and approval of seismic evaluations and compliance plans prepared pursuant to Article 8, Chapter 1, Part 7, Division 107, (commencing with Section 130000) of the Health and Safety Code. Total cost paid for these review services shall be nonrefundable.
2. The fee for skilled nursing and intermediate care facilities, as defined in Subdivision (c), (d), (e) or (g) of Section 1250, Health and Safety Code, is 1.5 percent of the estimated construction cost. The estimated construction cost shall include fixed equipment (including shipping, installation, and taxes) but exclude design fees, inspection fees and off-site work.
3. The minimum filing fee shall be \$250.00. This filing fee is nonrefundable.
4. The estimated construction cost for a project shall be determined as follows:
 - A. An applicant shall submit the estimated cost of construction for a project as part of the project application. Applicants for projects with an estimated construction cost greater than \$20 million, and any others as requested by the Office, shall submit justification of the estimated construction costs as part of the project application.
 - B. In the event that the Office believes that a project's estimated construction cost may be inaccurate or undervalued, the Office may request that the applicant provide supplemental documentation to substantiate the estimated construction cost. The documentation may include, but is not limited to, design estimates, construction contracts, bid estimates, and/or budget estimates.
 - C. If, upon review, the Office determines that reasonable grounds exist to find that the estimated construction cost is underestimated or undervalued, the Office will provide the applicant in question an opportunity to participate in a formal conference and/or present additional evidence before a final determination as to the validity of the estimated construction cost is made.
 - D. The Office will make a final determination as to the validity of the estimated construction cost after considering all of the evidence on record, including the

formal conference and/or any supplemental documentation provided by the applicant.

- E. In the event the Office makes a final determination that the estimated construction cost is underestimated or undervalued, the Office may deem the application incomplete and deny the project application until the applicant either: (a) revises the estimated construction cost to the Office's reasonable satisfaction, or (b) produces further documentation to substantiate the estimated construction cost to the Office's reasonable satisfaction. A notice of denial will be provided to the applicant in writing and may be appealed to a Hearing Officer consistent with Article 5.5.
5. Upon receipt of an application, the Office will calculate the fee for the proposed project or process and send an invoice to the applicant for the required fee amount. Payment is due within thirty (30) days of receipt of the invoice. A project application is incomplete until payment in full is received by the Office for the invoiced fee amount.
6. The Office may, but is not required to, provide plan review, field observation and other services for projects or processes with incomplete applications. The Office may, at its discretion, cease work on any project or process until the relevant application is deemed complete. The Office may, at its discretion, prioritize projects or processes with complete applications before projects or processes with incomplete applications, and may allocate resources for the plan review or process based upon the date that each respective application is deemed complete.

If the Office, as a courtesy, provides plan review, field observation or other services for a project or process with an incomplete application, it shall not be deemed a waiver of the Office's right to: (a) cease or postpone work on the project or process in question at a future date; (b) cease or postpone work on other projects or processes with incomplete applications until the applications in question are deemed complete; and/or (c) pursue any and all legal remedies for collection of monies owed.
7. Upon completion of all work in accordance with the approved construction documents and receipt of all required verified compliance reports and testing and inspection reports, the Office will grant final approval of the work when all remaining fees based on the actual construction cost, if any, have been paid to the Office. The actual construction cost for a project shall be determined as follows:
 - A. The hospital governing board or authority shall submit the actual construction cost for a project as part of the final approval of the work.
 - B. In the event that the Office believes that a project's actual construction cost may be understated, the Office may request that the hospital governing board or authority provide supplemental documentation to substantiate the actual construction cost. This sup-

plemental information may include, but is not limited to, executed construction contracts, paid invoices, approved change orders, cancelled checks, etc.

- C. If, upon review of the supplemental information, the Office determines that reasonable grounds exist to find that the actual construction cost is understated, the Office may provide the hospital governing board or authority in question an opportunity to participate in a formal conference and/or present additional evidence before a final determination as to the validity of the actual construction cost is made.
- D. The Office will make a final determination as to the validity of the actual construction cost after considering all of the evidence on record, including the formal conference and/or any supplemental information provided by the hospital governing board or authority.
- E. In the event that the Office makes a final determination that the actual construction cost is understated, the Office may deem the project as non-compliant with the Alfred E. Alquist Hospital Facilities Seismic Safety Act until the hospital governing board or authority either: (a) revises the actual construction cost to the Office's reasonable satisfaction, or (b) produces further supplemental information to substantiate the actual construction cost to the Office's reasonable satisfaction. A notice of denial will be provided to the hospital governing board or authority in writing and may be appealed to a Hearing Officer consistent with Article 5.5.

The Office may, but is not required to, provide a final construction inspection, field observation, issue a certificate of occupancy or other services for projects or processes for which all fees have not been paid. The Office may, at its discretion, cease work on any project or process until all remaining fees have been paid to the Office's satisfaction in accordance with Section 7-155. The Office may, at its discretion, prioritize projects or processes for which all remaining fees have been paid, before projects or processes for which outstanding fees are owed the Office and may allocate resources for its services based upon the date that all outstanding fees for each respective project or process has been paid to the Office's satisfaction.

If the Office, as a courtesy, provides a final construction inspection, field observation, certificate of occupancy, or other services for a project or process for which remaining fees have not been paid, it shall not be deemed a waiver of the Office's right to: (a) cease or postpone work on the project or process in question at a future date; (b) cease or postpone work on other projects or processes in non-compliance until the remaining fees have been paid to the Office's satisfaction; and/or (c) pursue any and all legal remedies for collection of monies owed.

(b) The fee for submitting an amended seismic evaluation report or compliance plan is \$250. The fee for review and

approval of the amended report or compliance plan shall be subject to Section 7-133 (a) 1A above.

(c) The fee for submitting an application for extension to seismic compliance is \$250. The fee for review and approval or granting of a seismic extension shall be subject to Section 7-133 (a) 1 A above.

(d) **Preliminary review.** The fee for review of preliminary plans and outline specifications pursuant to Section 7-121 is 10 percent of the fee indicated in Section 7-133 (a) and shall be due upon the submission of preliminary plans and outline specifications. The preliminary review fee shall be deducted from the application fee specified in Section 7-133 (a).

(e) **Incremental projects.** The fee for incremental projects pursuant to Section 7-131 is based upon the estimated construction cost of each increment, as calculated in accordance with Section 7-133 (a), and shall be due upon the submission of the construction documents of each construction increment. The final fee shall be based upon the determination of the final actual construction cost of all increments in accordance with Section 7-133 (a).

(f) **Annual permit for hospital projects.** A hospital may choose to apply for an annual permit for one or more small projects of \$50,000 or less in cumulative total estimated construction cost. The annual permit is applicable to only the project(s) submitted within the state's fiscal year in which the Office issues the annual permit. An application filing fee of \$500.00 is due upon submittal of the annual permit and is in lieu of an application filing fee specified in (a) of this Section.

(g) **Annual permit for skilled nursing facility projects.** A skilled nursing facility may choose to apply for an annual permit for one or more small projects of \$25,000 or less in cumulative total estimated construction cost. The annual permit is applicable to only the project(s) submitted within the state's fiscal year in which the Office issues the annual permit. An application filing fee of \$250.00 is due upon submittal of the annual permit and is in lieu of an application filing fee, as specified in (a) of this Section.

(h) **Phased submittal review and collaborative review.**

1. The fee for phased submittal, review and approval pursuant to Section 7-130 shall be based on the written agreement, which shall include a schedule for payment. The phased review fee shall not exceed the fee required by Section 7-133 (a).
2. The fee for collaborative review shall be 1.95 percent of the estimated construction cost as calculated in accordance with Section 7-133 (a) 4 through 7.

(i) **Geotechnical/Geohazard reports.** The fee for review of a geotechnical/geohazard report shall be \$5,000.00.

(j) **Deferral of fee payment for disaster-related projects.**

1. A health facility may request to defer payment of the filing fee, as described in this section, for up to one year, for a construction or alteration project to repair damage resulting from an event which the governor has declared as a disaster. The request for payment deferral must be submitted to the Office, in writing, and accom-

pany the application for plan review. The request may be on a form, as provided by the Office, or other written format and shall identify the facility name, project number, estimated construction cost and shall certify to the following:

- A. The repair project is necessary due to damage sustained by the [name of the specified event] which was declared to be a disaster by the governor on [date of the declaration].
- B. The facility cannot presently afford to pay the filing fee.
- C. On [date of application], the health facility applied for federal disaster relief from the Federal Emergency Agency (FEMA) with respect to the disaster identified in this request.
- D. The facility expects to receive financial assistance within one year of the date of the application for disaster relief.

Payment deferral requests shall be signed by the health facility's chief executive officer or chief financial officer.

2. Within ten business days of receipt of a facility's payment deferral request, the facility will be given written notice by the deputy director either approving or denying the deferral of the project plan review fee. Incomplete requests will be returned to the facility by facsimile within five business days, accompanied by a statement describing what is needed for the request to be complete.
3. If the deferral request is denied by the deputy director, the health facility may appeal this decision to the director of the Office. The appellant must submit a written appeal to the Office within ten business days of receipt of the denial. If an appeal is not received by the Office within the ten business days, the project will be returned to the health facility as incomplete.
4. The plan review fees deferred under this section shall be due and paid in full by the applicant facility within one year from the date of the Office's approval of the project plans. Failure to submit the deferred fee payment will result in an offset against any amount owed by the state to the health facility.

(k) **Seismic examination.** The Office shall charge actual costs for the seismic examination of the condition of a hospital building upon written request to the Office by the governing board or authority of any hospital, pursuant to Section 129835 of the Health and Safety Code. In addition, the minimum filing fee of \$250.00 shall apply to each application pursuant to Health and Safety Code Section 129785(a). The total cost paid for these services shall be nonrefundable.

(l) **OSHPD Special Seismic Certification preapproval (OSP).** The fee for review of a new OSP application shall be \$5,000.00. The fee for renewal of an OSP is \$1,000.00. The total cost paid for these services shall be nonrefundable.

(m) **OSHPD Preapproval of Manufacturer's Certification (OPM).** The Office shall charge for actual review time

of the OPM at prevailing hourly rates applicable for the review personnel, pursuant to Section 129895 of the Health and Safety Code. In addition, the minimum filing fee of \$250.00 shall apply to each new and renewal application, pursuant to Section 129785 (a) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

(n) **Work performed without a permit.** Fees associated with examination, plan review, and construction observation for construction or alteration of any health facility, governed under these regulations, performed without the benefit of review, permitting, and/or observation by the Office, and without the exemption by the Office provided for in Section 7-127, shall be determined in accordance with Section 7-128 (d).

(o) **SPC-1 hospital building seismic compliance extensions.** The Office shall charge actual costs to cover the review and verification of the extension documents submitted, pursuant to Section 130060(g) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

(p) **Alternate Method of Compliance.** The fee for an Alternate Method of Compliance/Protection (AMC) application is \$250.00. In addition, the Office shall charge actual costs for review of AMCs involving examination on the condition of any hospital building, including but not limited to review for equivalency to the California Building Standards Code. The total cost paid for these services shall be nonrefundable.

(q) **Amended Construction Documents.** The fee for submission and review of Amended Construction Documents shall be as follows:

1. **Additional Costs.** The minimum filing fee for Amended Construction Documents which result in additional construction costs shall be \$250.00.
2. **Cost Reductions.** The minimum filing fee for Amended Construction Documents with cost reductions or no cost shall be \$500.00.

Exception: Projects that have been submitted and approved using the Collaborative Review Process shall have a minimum filing fee of \$250.00.

3. **Review by Examination.** The filing fee for Amended Construction Documents with a change in scope, as defined in Section 7-153(d) exception, shall be \$250.00. In addition, the Office shall charge actual costs associated with the examination and review of such documents.

The filing fees established in this subsection are nonrefundable.

Authority: Health and Safety Code Sections 18929 and 129675-130070.

Reference: Health and Safety Code Section 129785 and 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-133. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD/EF 1/91) Emergency order by the Office of Statewide Health Planning and Development to amend Section 7-133, Part 1, Title 24, California Code of Regulations. Filed as an emergency order

with the secretary of state September 25, 1991; effective September 25, 1991. Approved as an emergency by the California Building Standards Commission on September 20, 1991.

3. (OSHPD/EF 1/91) Permanent order by the Office of Statewide Health Planning and Development to amend Section 7-133, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state February 25, 1992; effective September 25, 1991. Approved as an emergency by the California Building Standards Commission on February 24, 1992.

7-134. Fee refund

(a) Upon written request from the applicant, a fee refund may be issued pursuant to this section.

1. The written refund request must be submitted to the Office within:
 - a. One year of the date that a project is closed,
 - b. One year of the date the project is withdrawn by the applicant, or
 - c. One year of the date when an application may become void, based on the requirements of Section 7-129, Time Limitations for Approval.
2. No refund shall be issued before the date the project is closed or withdrawn or the application is voided.
3. If delinquent fees are owed to the Office for any health facility construction project at the subject facility, no refund shall be issued until the delinquent fees are paid.
4. Refunds, pursuant to Section 7-134, shall be exclusive of the \$250 filing fee.
5. Refunds shall be calculated pursuant to Sections 7-134 (b) or (c).

(b) Refunds for projects that are completed. If the estimated construction cost of a project exceeds the actual construction cost by more than five percent (5%), the excess portion of the fees paid pursuant to Section 7-133 (a) (1) or (2) shall be refunded to the applicant health facility. The refund amount shall be computed based on the amount by which the estimated cost exceeds the actual construction cost.

Exception: The Office will not issue a refund if the applicant did not complete construction of at least 75% of the square footage included in the original approved construction documents for the project, or if the applicant reduces the scope of the project shown on the original approved plans by more than 25%.

(c) Refunds for projects that are withdrawn or cancelled. A portion of the fees paid to the Office, pursuant to Section 7-133, may be refunded to the applicant under the following specified circumstances:

1. If the applicant withdraws a project prior to commencement of plan review, the total fee, exclusive of the \$250 filing fee, shall be refunded to the applicant.
2. If the applicant withdraws a project after commencement of plan review and prior to commencement of construction, 30% of the fee submitted for that project shall be refunded to the applicant.
3. If the applicant cancels a project after commencement of construction, the Office shall not issue a refund.

4. If a project submitted under an annual permit is withdrawn by the applicant, the \$250 filing fee shall not be refunded by the Office.
5. If fees are paid for a project that is determined by the Office to be exempt from the plan review process or otherwise not reviewable under the Office's jurisdiction, the total fee, exclusive of the \$250 filing fee, shall be refunded to the applicant.

(d) If the applicant is able to demonstrate extraordinary circumstances, the Director of the Office may authorize refunds in addition to those specified above.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129785.

ARTICLE 4 CONSTRUCTION

7-135. Time of beginning construction.

(a) Construction shall not commence until the health facility has applied for and obtained from the Office:

1. Written approval of the construction documents.
2. A building permit.
3. Written approval of the testing, inspection and observation program.
4. Written approval of the inspector of record for the project pursuant to Section 7-212 (a).

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-135. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-137. Notice of start of construction.

(a) As soon as a contract has been awarded, the governing board or authority of the health facility shall provide to the Office, on a form provided by the Office, the following:

1. Name and address of the contractor.
2. Contract price.
3. Date on which contract was awarded.
4. Date of construction start.

Authority: Health and Safety Code Sections 127015, 129785 and 129850; and Government Code, Section 11152.

Reference: Health and Safety Code Section 129785.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-137. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-139. Notice of suspension of construction.

(a) When construction is suspended for more than two weeks, the governing board or authority of the hospital shall notify the Office in writing.

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(b) If the work of construction is suspended or abandoned for any reason for a period of one year following its commencement, the Office's approval shall become void. The Office may reinstate the approval as described in Section 7-129 (c).

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-139. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-141. Administration of construction.

(a) The administration of the work of construction, including the testing, inspection and observation program, shall be under the responsible charge of an architect and structural engineer. When a structural engineer is not substantially involved, the architect shall be solely responsible. Where neither structural nor architectural elements are substantially involved, a mechanical or electrical engineer registered in the branch of engineering most applicable to the project may be in responsible charge.

(b) All architects and engineers to whom responsibility has been delegated for preparation of construction documents as listed on the application shall observe the work of construction for their portion of the project. They shall consult with the architect or engineer in responsible charge in the interpretation of the approved construction documents, the preparation of changes to the approved construction documents and deferred submittals and the selection of inspectors and testing laboratories.

(c) The architect or engineer in responsible charge or having delegated responsibility may name one or more persons to act as alternate(s) for observation of the work of construction provided such persons are architects or engineers qualified under these regulations to assume the responsibility assigned.

(d) The architect and/or engineer in responsible charge of the work shall prepare and administer a testing, inspection and observation program which shall be submitted to the Office for approval prior to the issuance of the building permit.

(e) The testing program shall identify materials and tests to be performed on the project. The firm(s) and/or individual(s) to perform each of the required tests shall also be identified. The testing program shall include, at a minimum, those tests required by applicable sections of the *California Building Standards Code*.

(f) The inspection program shall include a completed application for inspector(s) of record for the project. If a project has more than one inspector of record, the distribution of responsibilities for the work shall be clearly identified for each inspector of record. The inspection program shall also identify all special inspections to be performed on the project and the individual(s) to perform the inspections. The special inspections shall include, at a minimum, those special inspec-

tions required by applicable sections of the *California Building Standards Code*.

(g) The inspection program shall also identify all special inspections to be performed on the project and the individual(s) to perform the inspections. The special inspections shall include, at a minimum, those special inspections required by applicable sections of the *California Building Standards Code*.

(h) The observation program shall identify each design professional that must, through personal knowledge as defined in Section 7-151, verify that the work is in compliance with the approved construction documents.

(i) The design professionals, contractor or owner/builder and the inspector(s) of record shall verify that the work is in compliance with the approved construction documents in accordance with the requirements for personal knowledge as it applies to each participant. The program shall give specific intervals or project milestones at which such reporting is to occur for each affected participant. Each required observation report shall be documented by a Verified Compliance Report form prepared by each participant and submitted to the Office.

(j) The testing, inspection and observation program shall include samples of test and inspection reports and provide time limits for the submission of reports.

(k) All completed test and inspection reports shall be submitted to the inspector of record, the owner and the architect or engineer in responsible charge by the author of the report.

Authority: Health and Safety Code Sections 129825 and 129675-130070.

Reference: Health and Safety Code Sections 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-141. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-143. Responsibility of the contractor.

(a) The contractor shall complete the work in accordance with the approved construction documents. The contractor shall not be relieved of any responsibility by the activities of the architect, engineer, inspector or the Office in the performance of their duties.

(b) The contractor shall submit verified compliance reports to the Office in accordance with Section 7-151.

(c) Where no general contractor is involved, the governing body or authority of a health facility shall designate an agent who shall be responsible for the construction of the project in accordance with the approved contract documents and such agent shall submit the verified reports to the Office.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-143. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-144. Inspection.

(a) The hospital governing board or authority shall provide for competent, adequate and continuous inspection by one or more inspectors satisfactory to the architect or structural engineer or both, in responsible charge of the work, or the engineer in responsible charge of the work and the Office.

(b) When the hospital governing board or authority proposes more than one inspector for a construction project, a lead inspector shall be identified to coordinate construction inspection and communication with the Office. The lead inspector shall be certified in a class appropriate to the overall scope of the project.

(c) Inspector(s) for a hospital construction project shall be approved by the Office in accordance with the provisions of Section 7-212. If an inspector on a project is not competently or adequately performing inspection or has violated a provision of these regulations, as determined by the Office, the provisions of Sections 7-213 and, if necessary, Section 7-214 shall be applicable.

Authority: Health and Safety Code Sections 18929 and 129675 - 130070.

Reference: Health and Safety Code Section 129825.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-144. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD 1/96) 1996 Annual Code Adoption Cycle will amend Section 7-144, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

7-145. Continuous inspection of the work.

(a) The general duties of the inspector shall be as follows:

1. The inspector shall have personal knowledge, obtained by continuous inspection of all parts of the work of construction in all stages of its progress to ensure that the work is in accordance with the approved construction documents.
2. Continuous inspection means complete inspection of every part of the work. Work, such as concrete or masonry work which can be inspected only as it is placed or assembled, shall require the constant presence of the inspector. Other types of work which can be completely inspected after the work is installed may be carried on while the inspector is not present. In no case shall the inspector have or assume any duties which will prevent continuous inspection.
3. The inspector shall work under the direction of the architect or engineer in responsible charge. All inconsistencies or seeming errors in the approved construction documents shall be reported promptly to the architect or engineer in responsible charge for interpretation and instructions. In no case, however, shall the instructions of the architect or engineer in responsible charge be construed to cause work to be done which is not in conformity with the approved construction documents.

4. The inspector shall maintain a file of approved construction documents on the job at all times including all reports of tests and inspections required by the construction documents and shall immediately return any unapproved documents to the architect or engineer in responsible charge for proper action. The inspector shall also maintain on the job at all times, all codes and regulations referred to in the approved construction documents.
5. The inspector shall notify the Office:
 - A. When the work is started or resumed on the project.
 - B. At least 48 hours in advance of the time when foundation trenches will be complete, ready for footing forms.
 - C. At least 48 hours in advance of the first placing of concrete.
 - D. When work has been suspended for a period of more than two weeks.
6. The inspector(s) of record shall maintain field records of construction progress for each day or any portion of a day that they are present at the project site location. The field record shall state the time of arrival, time of departure, a summary of work in progress and noted deficiencies in the construction or deviations from the approved construction documents. This field record shall document the date, time and method of correction for any noted deficiencies or deviations. In addition, this record shall contain the following as applicable:
 - A. The time and date of placing concrete; time and date of removal of forms and shoring in each portion of the structure; location of defective concrete; and time, date and method of correction of defects.
 - B. Identification marks of welders, lists of defective welds, and manner of correction of defects and other related events.
 - C. A list of test reports of all nonconforming materials or defective workmanship and shall indicate the corrective actions taken.
 - D. When driven piles are used for foundations, the location, length and penetration under the last ten blows for each pile. It shall also include a description of the characteristics of the pile driving equipment.
7. All field records of construction progress shall be retained on the job until the completion of the work and shall, upon request, be made available to the Office, the architect or engineer in responsible charge and the owner. Upon completion of the project, these original field records shall be submitted to the hospital governing board or authority.

(b) The inspector shall notify the contractor, in writing, of any deviations from the approved construction documents or new construction not in compliance with the *California Building Standards Code*, which have not been immediately corrected by the contractor. Copies of such notice shall be

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forwarded immediately to the architect or engineer in responsible charge, owner and to the Office.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-145. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-147. Observation by the Office.

(a) During the construction, of any health facility, the Office shall make such observation as in its judgment is necessary or proper for the enforcement of these regulations and all applicable parts of the *California Building Standards Code*.

Whenever the Office finds a violation of these regulations and/or applicable parts of the *California Building Standards Code* that requires correction, the citation of the violation shall be issued to the hospital governing board or authority in writing and shall include a proper reference to the regulation or statute being violated.

Authority: Health and Safety Code Sections 127015, 129825 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-147. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-149. Tests.

(a) Pursuant to Section 7-141, the architect or engineer in responsible charge shall establish and administer the testing program. Where job conditions warrant, the architect and/or engineer may waive certain specified tests contingent upon the approval of the Office. The Office shall be notified as to the disposition of materials noted on laboratory reports. One copy of all test reports shall be forwarded to the inspector of record, owner and the architect or engineer in responsible charge by the testing agency. The reports shall state definitely whether the material tested complies with the approved construction documents.

(b) The governing board or authority of a health facility shall select a qualified person or testing laboratory as the testing agency to conduct the tests. The selected person or testing laboratory must be approved by the architect or engineer in responsible charge. The governing board or authority shall pay for all tests.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-149. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-151. Verified compliance reports.

(a) In accordance with Section 7-151 (e), or when required by the Office, the architect(s), engineers(s), inspector(s) of

record, special inspector(s) and contractor or owner/builder shall each submit to the Office a verified compliance report, with their signature and based on their own personal knowledge, as defined by this section. The report shall:

1. Verify that the work during the period, or a portion of the work, covered by the report has been performed and materials used and installed are in accordance with the construction documents.
2. Set forth detailed statements of fact as are required by the Office.

(b) The term “personal knowledge,” as used in this section and as applied to the licensed architect or engineer or both, means personal knowledge that is obtained by periodic visits to the project site, of reasonable frequency, for the purpose of general observation of the work. It also includes knowledge that is obtained from the reporting of others as to the progress of the work, testing of materials, and inspection and supervision of the work that is performed between the periodic visits of the architect or the engineer. Reasonable diligence shall be exercised in obtaining the facts.

(c) The term “personal knowledge,” as applied to the inspector, means the actual personal knowledge that is obtained from the inspector’s personal continuous inspection of the work of construction, in all stages of its progress at the site where the inspector is responsible for inspection. Where work is carried out away from the site, personal knowledge is obtained from the reporting of others on the testing or inspection of materials and workmanship, for compliance with plans, specifications or applicable standards. Reasonable diligence shall be exercised in obtaining the facts.

(d) The term “personal knowledge,” as applied to the contractor, means the personal knowledge that is obtained from the construction of the building. Reasonable diligence is required to obtain the facts.

(e) Verified compliance reports shall be submitted to the Office at the intervals or stages of the work as stated in the approved testing, inspection and observation program. In no case shall the submittal of verified compliance reports be less than:

1. One copy prepared and signed by each required participant or discipline at the completion of the work.
2. One copy prepared and signed by any participant or discipline at any time a special verified compliance report is required by the Office.

(f) The architect or engineer in responsible charge of the work shall be responsible for ensuring all required verified compliance reports are submitted to the Office.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-151. Filed with the secretary of state on August 4, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-152. Replacement of an architect, engineer, inspector of record, special inspector or contractor.

(a) When replacing any of the listed individuals, the following shall be submitted to the Office:

1. Prior to plan approval
 - A. Revised application(s) listing the new responsible individual(s).
2. Following construction document approval
 - A. Revised application(s) listing the new responsible individual(s).
 - B. An initial report, prepared by the new responsible individual(s), based on field observation(s) that the work performed and materials used and installed to date are in accordance with the project's construction documents. Any observed issues of nonconformance shall be listed in the report. The new individual(s) shall be responsible for verification of project compliance, pursuant to Section 7-151, for the remainder of the project.
 - C. A final verified report from the individual(s) being replaced.

Exception to (C): In the event that the individual(s) being replaced refuse to, or cannot provide a final verified report, the owner shall submit a letter to the Office verifying that the work performed and materials used and installed are in accordance with the project's construction documents. The letter shall also list the reason the verified report could not be obtained.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

7-153. Changes to the approved work.

(a) **Changes in the work.** Work shall be executed in substantial conformance with the construction documents approved by the Office. Changes in the work shall be made by amended construction documents approved by the Office. Changes in the work include, but are not limited to, the following: Correction of errors in design and/or construction to bring the construction documents and/or construction into compliance with applicable codes; change(s) in the scope of the work; and additional work required because of discovered conditions. Only changes that materially alter the work shall be submitted to the Office for review and approval as amended construction documents.

1. **Amended construction documents.** Changes or alterations of the approved construction documents shall be made by means of amended construction documents. Amended construction documents shall be submitted with a form provided by the Office and shall state the reason for the change, and show the estimated or actual addition to or deduction from the current, estimated or actual, contract amount. The form shall be signed by the architect or engineer, or delegated architect or engineer as allowed by Section 7-115, and shall be accompanied by supplementary construction documents, when necessary. The construction documents shall be stamped and signed pursuant to Section 7-115. All

changes shall be clearly described. Two copies of the form and construction documents shall be submitted for review and approval by the Office. All amended construction documents shall be approved by the Office prior to installation of the work.

2. **Emergencies.** Emergency changes in the work relating to the safety of persons at the construction site may be made immediately. Such emergency changes shall be documented by subsequent amended construction documents and may require modification to comply with these regulations.

(b) **Changes that do not materially alter the work.** The following types of changes in the work do not materially alter the work and do not require the submission of amended construction documents to the Office:

1. Clarification and interpretation of plans and specifications by the responsible design professional.

Note: If calculations by the structural engineer in responsible charge, or by the delegated structural engineer, are necessary to determine structural or nonstructural adequacy, an amended construction document submittal must be made to the Office for review.

2. Construction means and methods, such as construction sequencing, coordination of the work, and methods of assembly/construction. Construction means and methods do not include work that would require Alternate Method of Compliance or an Alternate Means of Protection.

Note: Temporary construction, such as temporary exiting, temporary air handlers, temporary bulk oxygen tanks, or temporary shoring supporting an occupied building under Office jurisdiction are not considered means and methods and thus would require a separate permit or the submittal of an amended construction document to the Office for review.

3. Substitution of equipment, products, or materials. The equipment, product or material substituted must be code compliant; perform the same function as the equipment, product, or material that it is replacing; must not increase the mechanical or electrical loads to the building systems; must not increase loads to lateral or gravity load-bearing structural frame members; and must meet the design requirements for the project.

Note: Changing from one kind of equipment, product or material to another, such as changing from drilled-in concrete anchors to concrete screw anchors or changing the top-of-wall fire-resistive material/design are not considered substitutions and require the submittal of an amended construction document to the Office for review. If calculations by a structural engineer are necessary to determine structural or nonstructural adequacy, an amended construction document must be submitted to the Office for review.

4. New details that are based on other approved details, in whole or in part, including referenced standards or pre-

approved details. Reference to the approved details must be shown.

5. Final routing configurations of ducts, conduits, pipes, etc., where these are shown diagrammatically on the approved plans.

Note: Submittal of an amended construction document will be required when additional fire/smoke dampers, non pre-approved seismic fittings, or specially engineered braces or hangers are necessary to accommodate the final configuration or routing.

6. Dimensional changes to rooms that do not affect code required minimum dimensions, fixed dimensions, minimum room or space requirements and required clearances.

Note: Applicable code sections and minimum dimension and space requirements must be shown on plans for confirmation by Office field staff.

7. Relocation of doors, windows, electrical switches and outlets, plumbing fixtures, etc., that do not require additional changes to the work to make the relocation code compliant.
8. Relocation or reconfiguration of cabinetry that does not affect code required minimum dimensions and clearances, minimum room or space requirements, or minimum storage requirements. Such cabinetry reconfiguration shall not increase loads to supporting members, such as wall studs and ceiling framing.

Note: Applicable code sections and minimum dimensions and space requirements must be shown on plans for confirmation by Office field staff.

If the architect or engineer in responsible charge of a project determines that plans and/or specifications are necessary for a change that does not materially alter the work, all such plans or specifications shall be stamped and signed by the appropriate design professional(s) pursuant to Section 7-115. All changes in the work are subject to concurrence of the Office field staff as to whether or not the change materially alters the work.

(c) **Code compliance.** Changes in the work that do not require amended construction documents shall not be deemed to grant authorization for any work to be done in violation of the provisions of any applicable code.

(d) **Changes in scope.** At the discretion of the Office, amended construction documents that change the scope of the original project may be required to be submitted as a separate project.

Exception: At the discretion of the Office, changes in scope may be submitted as amended construction documents. The documents shall be reviewed by examination and subject to fees required by Section 7-133 (q)(3).

(e) **Documentation of changes.** The architect or engineer in responsible charge shall maintain a log of all changes to the work of construction. The log shall indicate whether the Office has made a determination as to whether each change materially alters the work, the date such determination was

made, and the name of the Office staff who made the determination.

Authority: Health and Safety Code Sections 18929 and 129675-130070

Reference: Health and Safety Code Sections 129850.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-153. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD 7/96) 1996 Annual Code Adoption Cycle will amend Section 7-153, of Part 1, Title 24, C.C.R. Filed with the secretary of state on February 19, 1997; effective March 21, 1997. Approved by the California Building Standards Commission on February 6, 1997.

7-155. Final approval of the work.

(a) The Office shall schedule a final state agency inspection of the work subsequent to the receipt of the responsible architect's or engineer's statement that the contract is performed or substantially performed.

(b) The final approval of the construction shall be issued by the Office when:

1. All work has been completed in accordance with the approved construction documents.
2. The required verified compliance reports and test and inspection reports have been filed with the Office.
3. All remaining fees have been paid to the Office.

(c) Final approval shall be confirmed by a letter sent to the Department of Public Health with a copy to the applicant. The letter shall state that the work has been constructed in accordance with the *California Building Standards Code*, Title 24, California Code of Regulations.

(d) Upon completion of the project, all copies of construction procedure records as required by Section 7-145 (a) 6 shall be transmitted to the Office.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675-129998.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-155. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-156. Certification of correctional treatment centers.

(a) Construction documents prepared by or under the supervision of the Department of Corrections and Rehabilitation for the new construction, reconstruction, alteration or addition of any hospital building and/ or correctional treatment center, as defined in Section 1250, Health and Safety Code, or any building specified in Section 129875, Health and Safety Code shall be certified to the Office by the Department of Corrections and Rehabilitation. Construction documents and construction of these facilities shall be in full compliance with all applicable building standards including, but not limited to, architectural, structural, mechanical, plumbing, electrical, and fire and life safety.

The Department of Corrections and Rehabilitation shall use a secondary peer review procedure to review the design of new construction, reconstruction, alteration or addition in

order to ensure that the construction documents are in compliance with the building standards of Title 24, Parts 2, 3, 4, 5 and 9. The secondary peer review shall be performed by a California licensed architect, structural engineer, mechanical engineer and electrical engineer, as applicable.

Upon completion of construction, a written certification signed by the Director or designee of the Department of Corrections and Rehabilitation shall be submitted to the Office and shall include:

1. Description of the project scope;
2. Certification that construction documents and construction are in full compliance with all applicable building standards of Title 24, Parts 2, 3, 4, 5 and 9;
3. Certification that a secondary peer review has been completed and the peer review indicates that the design for new construction, reconstruction, alteration or addition to the facility adheres to all building standards of Title 24, Parts 2, 3, 4, 5 and 9;
4. Certification that construction inspection was performed by a competent on-site inspector and that all work was completed in accordance with the complying construction documents; and
5. Attachments which include the final as-built construction documents.

(b) Construction documents prepared by or under the supervision of a city, county or city and county law enforcement agency for the new construction, reconstruction, alteration or addition of any hospital building and/or correctional treatment center, as defined in Section 1250, Health and Safety Code, or any building specified in Section 129875, Health and Safety Code shall be certified to the Office by the law enforcement agency. Construction documents and construction of these facilities shall be in full compliance with all applicable building standards including, but not limited to, architectural, structural, mechanical, plumbing, electrical and fire and life safety.

Upon completion of construction a written certification signed by the law enforcement agency head or designee shall be submitted to the Office and shall include:

1. Description of the project scope;
2. Certification that construction documents and construction are in full compliance with all applicable building standards of Title 24, Parts 2, 3, 4, 5 and 9; and
3. Attachments which include the final as-built construction documents.

Authority: Health and Safety Code Sections 1275, 127010, 127015, 129790 and 129850.

Reference: Health and Safety Code Section 15076.

HISTORY:

1. (OSHPD 2/96) 1996 Annual Code Adoption Cycle will add Section 7-156, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

7-157. Records. (Deleted)

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to delete Section 7-157. Filed with the secretary of state on August 14, 1996, becomes effective September 13,

1996. Approved by the California Building Standards Commission on March 19, 1996.

**ARTICLE 5
APPEALS TO THE HOSPITAL
BUILDING SAFETY BOARD**

7-159. Grounds for appeal.

(a) The Hospital Building Safety Board shall act as a board of appeals in the following:

1. All matters relating to the administration and enforcement of building standards relating to the design, construction, alteration and seismic safety of health facility projects submitted to the Office pursuant to the Health and Safety Code, notwithstanding Health and Safety Code Section 13142.6 and except as provided in Health and Safety Code Section 18945.
2. Matters relating to all fire and panic safety regulations and alternate means of protection determinations for health facility projects submitted to the Office pursuant to the Health and Safety Code, notwithstanding Health and Safety Code Section 13142.6.
3. Explicitly enumerated matters identified in Health and Safety Code Sections 130060, 130061, and 130064 of the Health and Safety Code.

Only those matters identified in this section shall be appealable to the Hospital Building Safety Board. An appeal pursuant to this section may be made only by the current or prospective licensee of a health facility or their authorized agent, hereafter known as the appellant.

(b) Appeals made pursuant to this section shall be considered by the Hospital Building Safety Board only following the completion of the Comment and Process Review, held in accordance with Section 7-161.

7-161. Comment and Process Review (CPR).

(a) **First Level Review.** In the event that the appellant disagrees with a ruling, order, decision or act of the Office in a matter listed in Section 7-159(a), the appellant must first seek to resolve the issue informally with the original decision maker.

(b) **Second Level Review.** In the event that the appellant disagrees with a ruling, order, decision or act of the Office following First Level Review as described in (a) of this section, the appellant may submit a request for Second Level Review to the immediate supervisor of the original decision maker. A request for Second Level Review must be submitted in writing within ten (10) calendar days of issuance of the initial ruling, order, decision or act, and must include the following:

1. The name, mailing or e-mail address, and telephone number of appellant;
2. Identification of the specific ruling, order, decision or act to be reviewed;
3. The reason for the requested review;
4. Specific aspects of the decision with which the appellant disagrees and a proposal of alternatives the appellant would like for the reviewer to consider; and

5. Copies of any documents or data the appellant believes support the appellant's case or that the appellant believes would assist the reviewer.

(c) **Third Level Review.** In the event that the appellant disagrees with a determination made pursuant to (b) of this section, or in the event that the Second Level Reviewer does not issue to the appellant a response to the request for Second Level Review within ten (10) calendar days of submission of the request, the appellant may submit a request for Third Level Review by submitting in writing the information described in Section 7-161 (b)(1)-(5) to the Deputy Division Chief.

(d) **Fourth Level Review.** In the event that the appellant disagrees with a determination made pursuant to (c) of this section, or in the event that the Third Level Reviewer does not issue to the appellant a response to the request for Third Level Review within ten (10) calendar days of submission of the request, the appellant may submit a request for Fourth Level Review by submitting in writing the information described in Section 7-161(b)(1)-(5) to the Deputy Director. The Deputy Director shall provide the appellant with the written notice of his or her final determination.

(e) In the event that the appellant disagrees with the final determination of the Deputy Director pursuant to (d) of this section, or in the event that the Deputy Director does not issue to the appellant a response to the request for Fourth Level Review within ten (10) calendar days of submission of the request, appellant may request a formal hearing before the Hospital Building Safety Board pursuant to Section 7-163.

7-163. Formal hearing request.

Consistent with Section 7-159 and upon completion of the Comment Process Review procedure identified in Section 7-161, the appellant may appeal the final determination of the Deputy Director to the Hospital Building Safety Board. To request a formal hearing, the appellant shall submit a written request for appeal containing the information described in Section 7-161(b)(1)-(5) to the Hospital Building Safety Board through the Office within fifteen (15) calendar days of issuance of the Deputy Director's final determination pursuant to Section 7-161(d). Any request for appeal submitted more than fifteen (15) calendar days after issuance of the Deputy Director's final determination pursuant to 7-161(d) may be considered at the discretion of the Office.

7-165. Formal hearing.

(a) The Hospital Building Safety Board shall act as the hearing body for appeals submitted pursuant to Section 7-163 and shall conduct a public hearing on the appeal.

(b) The Chair of the Hospital Building Safety Board shall call a hearing on an appeal. The hearing shall be convened at a location selected by the Chair.

(c) The hearing shall be held within thirty (30) calendar days of issuance of the written request for appeal described in Section 7-163. The parties to the appeal shall be notified in writing of the time and place of the hearing within fifteen (15) calendar days of receipt by the Office of the request for appeal.

(d) At least nine (9) voting members of the Board shall be present at the hearing. The decision shall bear the endorsement of a simple majority of the Board members present.

(e) The proceedings shall be recorded. Transcripts shall be made available to anyone making a request therefor upon deposit with the Hospital Building Safety Board of the amount of money which the Office has determined necessary to cover the costs of transcript preparation.

(f) The appellant may, at his or her own expense, arrange for stenographic recording and transcription of the hearings.

7-167. Rights of the appellant.

The appellant shall have the right to counsel, to submit documentary evidence and exhibits, to present and rebut evidence, to have witnesses appear and testify, and to question representatives of the Office and other witnesses presenting testimony or documents in the hearing. These rights shall be executed by the appellant at the appellant's own expense.

7-169. Appeal hearing procedure.

(a) An appeal hearing conducted by the Hospital Building Safety Board shall not be conducted in accordance with strict rules of evidence or courtroom procedure. During the hearing, the Chair may accept into the record without formal proof any generally accepted technical or scientific matter related to seismic, architectural, structural, mechanical, electrical, fire and life safety or health facilities. Hearsay evidence may be allowed for the purpose of supplementing or explaining other evidence, but shall not be sufficient by itself to support the findings.

(b) The Chair of the hearing shall determine the order of witnesses and presentation and introduction of documents, evidence and exhibits into the record of the hearing. The Chair may impose reasonable time limits, rule on admissibility of evidence, maintain decorum in the hearings, call recesses and rule on continuation of the hearings.

(c) The Chair may request counsel from the Office for advice on points of law.

(d) Prior to closing of the hearing, the Chair shall announce the decision of the Board.

7-171. Decision on appeal.

(a) A decision on an appeal heard by the Hospital Building Safety Board shall be reached as follows:

1. The Board shall render a decision prior to the closing of the hearing.
2. The Board may affirm, reverse or amend the ruling, order, decision or act being appealed.
3. Decision of the Hospital Building Safety Board shall become effective immediately upon their announcements by the Chair of the Board, unless otherwise specified by the Chair.

(b) The decision of the Board shall be provided in writing to the parties within fifteen (15) calendar days of the formal hearing held pursuant to Section 7-165.

Authority: Health and Safety Code Sections 18929 and 129675-130070.

Reference: Health and Safety Code Section 129955.

HISTORY:

- I. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-171. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

ARTICLE 5.5 APPEALS TO A HEARING OFFICER

7-173. Grounds for appeal.

(a) A hearing officer selected by the Director of the Office shall hear appeals in only the following:

1. Underestimation, undervaluation, or understatement of construction costs pursuant to Section 7-133(a)(4)(E) and Section 7-133(a)(7)(E).
2. Inspector of Record certification suspension or revocation pursuant to Section 7-214(d).

(b) An appeal pursuant to subsection (a) may be made only by one of the following:

1. In the case of a dispute regarding underestimation, undervaluation, or understatement of construction costs, the current or prospective licensee of a health facility or their authorized agent.
2. In the case of a dispute regarding Inspector of Record certification suspension or revocation pursuant to Section 7-214(d), only an Inspector of Record whose certification has been suspended or revoked pursuant to Section 7-214(d).

7-175. Formal hearing request.

(a) Consistent with Section 7-173, the appellant may appeal a final ruling, order, decision or act of the Office to a hearing officer. The appellant must submit a request for a formal hearing in writing to the Office within fifteen (15) calendar days of issuance of the written result of the formal conference and must contain the following:

1. The name, mailing or e-mail address, and telephone number of appellant;
2. Identification of the specific ruling, order, decision or act to be reviewed;
3. The reason for the requested review;
4. Specific aspects of the decision with which the appellant disagrees and a proposal of alternatives the appellant would like the reviewer to consider; and
5. Copies of any documents or data the appellant believes support the appellant's case or that the appellant believes would assist the reviewer.

(b) All appeals submitted after fifteen (15) calendar days of issuance of the result of the formal conference shall be considered only at the discretion of the Office.

7-177. Formal hearing.

(a) A hearing officer selected by the Director of the Office shall act as the sole adjudicator for an appeal pursuant to Article 5.5 and shall conduct a hearing on the appeal.

(b) The hearing officer shall call a hearing on an appeal. The hearing shall be convened at either the Sacramento or the Los Angeles location of the Office.

(c) The hearing shall be held within thirty (30) calendar days of issuance of the written request for formal hearing pursuant to Section 7-175. The parties to the appeal shall be noti-

fied in writing of the time and place of the hearing within fifteen (15) calendar days of receipt by the Office of the written request for formal hearing.

(d) The decision shall reflect the judgment of the hearing officer selected to hear the appeal.

7-179. Rights of the appellant.

The appellant shall have the right to counsel, to submit documentary evidence and exhibits to present and rebut evidence, to have witnesses appear and testify, and to question representatives of the Office and other witnesses presenting testimony or documents in the hearing. These rights shall be executed by the appellant at the appellant's own expense.

7-181. Appeal hearing procedure.

(a) An appeal hearing conducted by the hearing officer shall not be conducted in accordance with strict rules of evidence or courtroom procedure. During the hearing, the hearing officer may accept into the record without formal proof any generally accepted technical, supportive, or validating matter related to the issue.

(b) The hearing officer shall determine the order of witnesses and presentation and introduction of documents, evidence and exhibits into the record of the hearing. The hearing officer may impose reasonable time limits, rule on admissibility of evidence, maintain decorum in the hearings, call recesses and rule on the continuation of the hearings.

(c) The hearing officer may request counsel from the Office for advice on points of law.

(d) The hearing officer shall adjourn the appeal hearing after both the appellant and the Office have had an opportunity to present and rebut evidence.

7-183. Decision on appeal.

A decision on an appeal heard by a hearing officer shall be reached as follows:

(a) The hearing officer shall issue a written decision to the appellant within fifteen (15) calendar days of adjournment of the appeal hearing.

(b) The hearing officer may affirm, reverse or amend the ruling, order, decision or act being appealed.

(c) Decisions of a hearing officer made pursuant to this section shall be final and binding and shall become effective immediately upon issuance of a written decision by that hearing officer unless otherwise specified by that hearing officer.

Authority: Health and Safety Code Sections 18929 and 129675-130070.

Reference: Health and Safety Code Section 129850 and 129935-129955.

ARTICLE 6 CONTRACTS

7-191. Contract qualification criteria.

(a) Individuals performing services under contracts entered into with the Office pursuant to Health and Safety Code, Section 129855 shall meet the following qualifications:

1. Plan reviews shall be performed only by architects or engineers validly certified under Division 3 of the Business and Professions Code as follows:

A. Selection criteria. The director shall establish selection criteria which will comprise the basis for the selection of eligible firms or local government entities to independently perform the required architectural and engineering services. The criteria will include such factors as:

- (1) Professional experience in performing services of similar nature.
- (2) Knowledge of applicable codes, regulations and technology associated with the services required.
- (3) Quality and relevance of recently completed or ongoing work.
- (4) Reliability, continuity and proximity of firm or local government entity to the Office.
- (5) Demonstrated competence.
- (6) Staffing capability.
- (7) Education and experience of key personnel to be assigned.
- (8) Current workload and ability to meet review deadlines according to schedule.
- (9) Other technical factors the director deems relevant to the specific service to be performed.

These factors shall be weighed by the director according to the nature of the proposed project or service, the complexity and special requirements of the specific services and the needs of the Office.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Sections 4526 and 4527.

B. Announcement.

- (1) A statewide announcement of specific services sought from firms shall be published in the California State Contracts Register, in accordance with the Government Code (commencing with Section 14825), and whenever possible, in the publications of the respective professional societies. Failure of any professional society to publish the announcement shall not invalidate any contract. Services sought from the local government entities are exempt from advertising in the California State Contracts Register pursuant to standard State of California operating procedures.
- (2) The announcement for each proposed project or service shall include, at a minimum, a brief description of the project or services required, location, duration, submittal requirements, contact person for the Office, and the final response date for receipt of statements from firms of their demonstrated competence and professional qualifications.

- (3) The director shall identify potentially qualified minority, women and disabled veteran business enterprises and small businesses interested in contracting with the Office, and shall provide copies of announcements to those businesses that have indicated an interest in receiving the announcements. Failure of the director to send a copy of an announcement to any business shall not invalidate any contract.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Sections 4526 and 4527.

C. Selection of qualified firms.

- (1) After the expiration of the final response date in the published announcement, the director shall review and evaluate the written responses to the announcement, using the selection criteria contained in Section 7-191 (a) 1 A, and rank, in order of qualifications, the firms determined as eligible to perform the required services.
- (2) The director shall conduct discussions with at least the three most eligible firms, or a lesser number if fewer than three eligible firms have responded, to further expand on those qualifications and experience required to perform the services sought. From the firms with which discussions are held, the director shall select, in order of qualification, not less than three firms, or lesser number if fewer than three eligible firms responded, deemed to be the most highly qualified to perform the required services.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Sections 4526 and 4527.

D. Selection of qualified local government entities.

- (1) For specific services to be performed by local government entities, the director shall solicit, review and evaluate the qualifications of the local government entities using the selection criteria contained in Section 7-191 (a) 1 A.
- (2) The director shall select, in order of qualification, those local government entities deemed to be the most highly qualified to perform the required services.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Sections 4526 and 4528.

E. Estimate of value of services.

- (1) Before entering into fee negotiations with any firm or local government entity selected pursuant to Section 7-191 (a) 1 C (2) or D, the Office shall prepare an estimate of the value of the proposed services based on accepted billable rates for comparable services.
- (2) At any time the director determines the Office's estimate to be unrealistic, the director shall require the estimate to be reevaluated and, if deemed necessary, modified. If the director

modifies an estimate, negotiations will resume with the best qualified firm or local government entity.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129855 and Government Code Section 4526.

F. Fee Negotiation with firms.

- (1) The director shall ask firms selected pursuant to Section 7-191 (a) 1 C (2) to submit a fee schedule of hourly billable rates. The director shall then attempt to negotiate hourly billable rates determined to be fair and reasonable with the firms, beginning with the best qualified and continuing with the remaining firms, in order of qualifications.
 - (i) The firm negotiating with the director shall be given two opportunities to respond to the Office's request to meet the fair and reasonable estimate for hourly billable rates for the contract services;
 - (ii) The firm must respond within 7 business days to each request by the Office for a new estimate which either meets or does not exceed by more than 10 percent the Office's fair and reasonable estimate for hourly billable rates; and
 - (iii) If after the second attempt, the firm is nonresponsive or a satisfactory hourly billable rate cannot be negotiated, the director shall terminate negotiations with that firm.
- (2) After successful negotiations, a retainer contract will be executed with the firm. There may be multiple contracts awarded and each shall specify a contract period and monetary limitation. Work shall commence only upon execution of an assignment. Assignments will be negotiated pursuant to Section 7-191(a)1G.
- (3) For firms selected pursuant to Section 7-191 (a) 1 C (2) to provide services for a specific project where the scope of work is extremely complex or unusual, fee negotiations will proceed in accordance with Section 7-191 (a) 1 G.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129855 and Government Code Sections 4526 and 4528.

G. Services negotiations with firms.

- (1) From among the firms selected in Section 7-191 (a) 1 C (2), as most highly qualified to perform services required, the director shall attempt to negotiate a satisfactory assignment or contract with the best qualified firm at a compensation which the Office determines to be fair and reasonable.
 - (i) The firm negotiating with the director shall be given two opportunities to respond to the Office's request to meet

the fair and reasonable estimate for assignment or contract services;

- (ii) The firm must respond within 7 business days to each request by the Office for a new estimate which either meets or does not exceed by 10 percent the Office's fair and reasonable estimate;
 - (iii) If after the second attempt, the firm is nonresponsive or a satisfactory rate cannot be negotiated, the director shall terminate negotiations with that firm; and
 - (iv) Negotiations with the next best-qualified firm shall commence.
- (2) The director shall continue the negotiation process with the remaining qualified firms, if any, in order of qualifications, until a satisfactory assignment or contract is reached. If unable to negotiate a satisfactory assignment or contract with any of the qualified firms, the director shall abandon the negotiation process for the required services.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129855 and Government Code Sections 4526 and 4528.

H. Fee and services negotiation with local government entities.

- (1) From among the local government entities selected in Section 7-191 (a) 1 D (2), as most highly qualified to perform services required, the director shall attempt to negotiate a satisfactory contract with the best qualified local government entity at a compensation which the Office determines to be fair and reasonable.
- (2) If the director is unable to negotiate a satisfactory contract with the best qualified local government entity at a compensation which is determined to be fair and reasonable, negotiations with that local government entity shall be terminated and negotiations undertaken with the second best qualified local government entity. If unable to negotiate a satisfactory contract with the second best qualified local government entity at a compensation which the Office determines is fair and reasonable, negotiations with that local government entity shall be terminated and negotiations undertaken with the third best qualified local government entity. If unable to negotiate a satisfactory contract with the third best qualified local government entity at a compensation which the Office determines is fair and reasonable, negotiations with that local government entity shall be terminated.

The director shall continue the negotiation process with the remaining qualified local government entities, if any, in order of qualifications, until a satisfactory contract is reached. If unable to negotiate a satisfactory contract with any of the qualified local government entities,

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the director shall abandon the negotiation process for the required services.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Sections 4526 and 4528.

- I. **Amendments.** When the director determines that a change in the assignment or contract is necessary during the performance of the services, the parties may, by mutual consent, in writing, agree to modifications, additions or deletions in the general terms, conditions and specifications for the services involved, with an appropriate adjustment in the firm's or local government entity's compensation, if necessary.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Sections 4526 and 4528.

- J. **Contracting in phases.** When the director determines it is necessary or desirable for a project to be performed in separate phases, increments or stages due to a change in design or scope of work, the director may negotiate compensation for the initial phase, increment or stage of the services required; provided, however, the director first determines that the firm selected is best qualified to perform the entire project. The assignment shall include a provision that the Office may, at its option, utilize the firm to perform other phases, increments or stages of the services under terms which the Office determines to be fair and reasonable, to be later negotiated and included in a mutual written agreement. In the event that the Office exercises its option under the contract to utilize the firm to perform other phases, increments or stages of the project, the procedures of this article regarding estimates of value of services and negotiation shall be followed.

Authority: Health and Safety Code Sections 18929 and 129675-130070.

Reference: Health and Safety Code Section 129855 and Government Code Sections 4526 and 4528.

- K. **Statewide participation goals.** In the negotiation of a satisfactory contract as provided in Section 7-191 (a) 1 F and G, qualified firm(s) must meet the statewide participation goals for minority, women and disabled veteran business enterprises or demonstrate that a good faith effort was made to meet them. The best qualified firm shall comply with the statewide participation goals or demonstrate a good faith effort as required by the regulations contained in Title 2, California Code of Regulations, Sections 1896.61-1896.67 and 1896.90-1896.96.

Authority: Government Code Section 4526; Public Contract Code Section 10115.3.

Reference: Government Code Section 4528; Public Contract Code Sections 10115, 10115.1, 10115.2 and 10115.3.

- L. **Emergency.** When the director makes a finding that the public health, safety or welfare would be adversely affected in a significant way because insufficient time exists within which to implement

the foregoing procedure to secure necessary services, the director may negotiate a contract for such services without the necessity of following such procedure, or any part thereof.

Authority: Health and Safety Code Sections 129850, 129855 and 18949.3; Government Code Section 4526.

Reference: Government Code Section 4526.

- M. **Unlawful considerations.** Each contract shall include a provision by which the firm or local government entity warrants that the contract was not obtained or secured through rebates, kickbacks or other unlawful considerations either promised or paid to any Office employee. Failure to adhere to this warranty may be cause for contract termination and recovery of damages under the rights and remedies due the Office under the default provision of the contract.

Authority: Government Code Section 4526.

Reference: Government Code Section 4526.

- N. **Prohibited relationships.** No Office employee who participates in the evaluation or selection process leading to award of a contract shall have a relationship with any of the firms or local government entity seeking that contract, if that relationship is subject to the prohibition of Government Code Section 87100.

Authority: Government Code Section 4526.

Reference: Government Code Sections 4526, 87100 and 87102.

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-191. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD/EF 1/92) Emergency order by the Office of Statewide Health Planning and Development to amend Sections 7-111 and 7-191, Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state September 1, 1992; effective September 1, 1992. Approved as an emergency by the California Building Standards Commission on August 27, 1992.
3. (OSHPD/EF 1/92, permanent) Emergency order by the Office of Statewide Health Planning and Development to amend Sections 7-111 and 7-191, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state on March 9, 1993; effective March 9, 1993. Approved as a permanent order by the California Building Standards Commission on March 5, 1993.

ARTICLE 7 TESTING AND INSPECTION

Testing and inspection requirements are found in the *California Building Standards Code*.

ARTICLE 8 CALIFORNIA BUILDING STANDARDS

Architectural, mechanical, electrical, structural, and fire and life safety and accessibility standards are found in the *California Building Standards Code*.

**ARTICLE 19
CERTIFICATION AND APPROVAL
OF HOSPITAL INSPECTORS**

7-200. Administration of hospital inspector examination and certification.

(a) The Office shall test and certify inspectors in one or more of the following classes:

1. Class "A" Hospital Inspector may inspect all areas of construction, including: architectural, mechanical, plumbing, electrical, fire and life safety, and structural elements.
2. Class "B" Hospital Inspector may inspect only the following areas of construction: architectural, mechanical, plumbing, electrical, fire and life safety, and anchorage of nonstructural elements.
3. Class "C" Hospital Inspector may inspect one or more areas of construction specialty, including but not limited to the areas listed in Section 7-204(c)1, but may not inspect the complete scope of construction authorized for "A" or "B" inspectors.

(b) In order to be certified in and perform the scope of responsibilities of a hospital inspector as specified in paragraph (a) (1), (2) or (3), an individual must be successful in the examination for that classification.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129825.

7-201. Location of office. All correspondence, applications and remittances related to the certification or recertification of Hospital Inspector shall be directed to: Office of Statewide Health Planning and Development, Facilities Development Division, Hospital Inspector Certification Program, 400 R Street, Suite 200, Sacramento, CA 95811.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

7-202. Filing change of name, address or telephone number. An applicant for the certification examination or a Hospital Inspector possessing a valid certificate issued by the Office, shall file name, mailing address or telephone number changes with the Office in Sacramento within 10 working days of that change. The information filed shall include both the new and former name, mailing address or telephone number.

Authority: Health and Safety Code Sections 1275, 127010, 127015, 129680 and 129825.

Reference: Health and Safety Code Sections 129680 and 129825.

7-203. Applying for the certification examination.

(a) An applicant may apply for the Hospital Inspector Certification Exam by submitting, to the Office, the following items prior to the final filing date announced for a scheduled exam:

1. A completed application, provided by the Office, shall be submitted to the Office in Sacramento and shall include the exam title, preferred examination location, applicant's name, mailing address and telephone number. An application for an examination is valid for one year commencing with the first avail-

able examination date. If applicant has not taken an exam within that one-year period, a new application and exam fee must be submitted to participate in a future exam.

2. Certificates or transcripts indicating educational courses completed by the applicant which relate to the minimum qualifying requirements stated in Section 7-204.
3. Work verification form or letter from current and/or previous employer(s) regarding any job which meets the minimum qualifications for the certification examination and which includes the applicant's name, dates of employment, job description and employer's signature.
4. An "Application Review Fee" in the amount specified on a certification examination announcement for a scheduled exam and pursuant to Section 7-206.

(b) Incomplete submittals may be rejected by the Office. The application, documents and fees will be returned to the applicant with a statement of reason for nonacceptance.

(c) Upon review, verification and evaluation of the applicant's qualifications, the Office will notify the applicant, in writing, of eligibility or ineligibility for entrance to the requested certification examination.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

7-204. Minimum qualification for examination.

An applicant must meet the following criteria to be eligible to participate in the certification examination for a Class "A," "B," or "C" Hospital Inspector:

(a) Minimum qualifications for Class "A" Hospital Inspector Exam:

1. High school graduation or the equivalent and six years experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection or inspection supervision [Note: Experience in subsection (a) 1 may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years.]; or
2. Possess a valid California registration/license as a mechanical, electrical, or civil engineer and two years experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection or inspection supervision; or
3. High school graduation or the equivalent and two years of working experience as a Class "B" Hospital Inspector; or
4. Possess a valid California registration/license as a structural engineer or a valid California license as an architect.

(b) Minimum qualifications for Class “B” Hospital Inspector Exam:

1. High school graduation or the equivalent and four years experience involving building projects of Type I or II construction as an architect’s, engineer’s, owner’s, local building official’s or general contractor’s representative in technical inspection or inspection supervision [Note: Experience in subsection (b) 1 may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years.]; or
2. Possess a valid California registration/license as a civil engineer and two years experience involving building projects of Type I or II construction as an architect’s, engineer’s, owner’s, local building official’s or general contractor’s representative in technical inspection or inspection supervision; or
3. Possess a valid California registration/license as a structural, mechanical or electrical engineer, or a valid California license as an architect.

(c) Minimum qualifications for Class “C” Hospital Inspector Exam:

1. High school graduation or the equivalent and four years experience involving building projects as the representative in testing, inspection or observation of construction for an architect, engineer, owner, local building official, local fire authority, testing lab, specialty contractor or general contractor and possess a valid certificate issued by:
 - Fire Alarm—National Institute for the Certification of Engineering Technologies (NICET), Level III
 - Fire Extinguishing Systems—NICET, Level III
 - Fire Resistive Construction—International Code Council (ICC) Building Inspector Certification
 - Medical Gas Systems—National Inspection Testing Certification (NITC) Certification
 - Plumbing—International Association of Plumbing and Mechanical Officials (IAPMO) Certification
 - Mechanical—IAPMO Certification
 - Electrical—ICC Certification
 - Concrete (Prestressed and Reinforced)—ICC Certification
 - Masonry—ICC Certification
 - Steel—ICC, Structural Steel Certification
 - Welding—American Welding Society (AWS) Certification
 - Framing and Drywall—ICC Commercial Building Inspector Certification
 - Roofing—National Roofing Contractors Association Anchorage/Bracing of Nonstructural Components— Certification to be administered by the Office
 - Architectural—Certification to be administered by the Office

In addition to these certification organizations listed, the Office may accept the equivalent certification by a state- or

nationally-recognized organization. [Note: Experience in subsection (c) (1) may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years.]; or

2. Possess a valid California registration/license as an engineer and two years experience involving building projects as an architect’s, engineer’s, owner’s, local building official’s, local fire authority’s, specialty contractor’s or general contractor’s representative in testing inspection or observation of construction and must possess at least one valid certificate issued by an organization that is listed or described in (c) (1) above; or
3. Possess a valid California registration/license as a structural, mechanical or electrical engineer, or a valid California license as an architect and must possess at least one valid certificate issued by an organization that is listed or described in (c) (1) above.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129825.

7-206. Fees.

(a) Fees required pursuant to subsection (b), shall be transmitted by credit card, money order, cashier check, certified check or personal check, and payable to the Office of State-wide Health Planning and Development.

(b) The prescribed fees relative to the Hospital Inspector Certification Program shall be specifically charged to the applicant to recover reasonable costs of administering the certification program. Fees shall be charged as follows:

Application review	\$100.00 (nonrefundable)
Exam for Class “A” Inspector Certification	\$300.00
Exam for Class “B” Inspector Certification	300.00
Exam for Class “C” Inspector Certification	100.00 (for each specialty certificate)
Recertification exam	100.00
Delinquency fee	100.00
Duplicate certificate	25.00

(c) An application review fee must accompany an application for a certification examination. This fee is nonrefundable.

(d) An exam fee shall be submitted by an applicant for a specified examination prior to participation in the examination.

(e) An applicant shall forfeit the exam fee if the applicant fails to appear for any portion of the exam for which the applicant is scheduled.

(f) If the Office has a need to reschedule an exam, a qualified applicant who has submitted the exam fee prior to the reschedule will be either reimbursed or credited for the exam fee amount.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129825.

7-207. Examination for certification.

(a) The Office shall administer an exam not less than once in every calendar year in the Sacramento and Los Angeles areas. The certification exam will consist of a written exam.

(b) The scope of the written certification examinations is as follows:

1. The examinations for Class “A” and “B” Hospital Inspectors will measure the applicant’s ability to read and understand construction documents; ability to identify and understand the application of various *California Building Standards Code* requirements; knowledge of appropriate inspector duties and ability to communicate in writing. The test will be divided into sections covering the following code enforcement areas of construction inspection, where applicable: structural, architectural, mechanical, electrical, fire and life safety, and administrative.
2. The examination for Class “C” Hospital Inspectors will measure the applicant’s ability to identify and understand the application of various *California Building Standards Code* requirements; knowledge of appropriate inspector duties and ability to communicate in writing. The candidate’s inspection certification, pursuant to Section 7-204(c)(1) above, may be substituted for the technical aspect of the written certification examination for Class “C” Hospital Inspector.

(c) In order to be successful in the Class “A,” “B” or “C” certification exam, a candidate must obtain a passing score of at least 75 percent in each section of the written exam.

(d) It is not necessary for a candidate who has passed the administrative section of the Class “C” certification exam to retake this section if the candidate applies for additional certification(s) within three years of passing the administrative section of the exam.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

7-208. Conduct relative to the examination.

(a) An applicant who participates in any of the following acts before, during or after the administration of the examination, shall be disqualified by the Office. The applicant shall not:

1. Copy any portion of the exam.
2. Participate in collusion regarding the exam.
3. Disclose the contents of the examination questions to anyone other than a person authorized by the Office.
4. Solicit, accept or compile information regarding the contents of the examination.
5. Falsify documents required for exam entrance.

(b) If an applicant is disqualified from the exam, it shall result in denial of the application and forfeiture of fees submitted to the Office as specified in Section 7-206.

Authority: Health and Safety Code Sections 1275, 127010, 127015, 129680 and 129825.

Reference: Health and Safety Code Sections 129680 and 129825.

7-209. Reexamination.

(a) A candidate who has failed an examination may participate in a reexamination no sooner than six months from the exam previously taken by the candidate. In order to participate in a reexamination, the candidate must submit an application for a retest accompanied by the examination fee pursuant to Section 7-206.

(b) An applicant or candidate who is disqualified from an examination may not participate in an examination or reexamination for a period of one year from the date of disqualification.

(c) The applicant may refile for an examination by submitting an application, documents and fees pursuant to Sections 7-203 and 7-206.

(d) A candidate who passes all sections of the Class “A” or “B” exam except one and obtains a score of at least 50 percent in the one failed section, may retest that section within six weeks of the original exam date. Failure to achieve a minimum score of 75 percent on the retested section, will be considered failure of the entire exam. The candidate may apply for a new exam pursuant to subsections (a) and (c).

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

7-210. Issuance of certification.

(a) If a candidate is successful in the certification or recertification examination, a certificate will be issued to the Hospital Inspector by the Office. Certificates will expire three years from the date of issuance with the following exception:

1. Certification may be revoked or suspended pursuant to Section 7-214.

(b) A duplicate certificate will be granted to a Hospital Inspector for replacement of an original certificate that is lost, destroyed or mutilated upon written request and payment of the duplication fee, as required in Section 7-206.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129825.

7-211. Renewal of a hospital inspector certificate.

(a) A Hospital Inspector shall participate in a written recertification exam prior to the expiration of the certification in order to renew and maintain valid certification.

(b) To be eligible for the recertification exam, a Hospital Inspector shall meet the following minimum criteria:

1. Possess a valid unexpired Hospital Inspector Certificate or an expired certificate that meets the delinquency criteria in subsection (c).
2. Complete a seminar conducted, sponsored, or cosponsored by the Office within the three-year certification period.
3. Submit a recertification exam fee pursuant to Section 7-206.

(c) Expired certification may be renewed after the expiration date, but within six months past that date. The Hospital Inspector will be required to pay a delinquency fee, pursuant to Section 7-206, in order to recertify during the six-month delinquency period. If an inspector fails to recertify within this time

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frame, the inspector will be required to pass a certification exam to obtain new certification as a Hospital Inspector.

(d) The scope of the recertification exam will be a written test measuring the Hospital Inspector's knowledge of new and/or revised *California Building Standards Codes*, new construction materials and inspection procedures.

(e) If a Hospital Inspector fails the recertification exam, the inspector must meet the requirements of provision (b) to maintain a valid certificate.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129850.

7-212. Approval of hospital inspector of record for construction projects.

(a) It is incumbent upon the hospital governing board or authority and the architect or structural engineer, or both, in responsible charge of the work, or the engineer in responsible charge of the work, to select the appropriate inspector(s) for a project. The hospital governing board or authority shall submit to the Office an application for each Hospital Inspector of Record proposed to perform construction inspection on a specified hospital construction project. The hospital governing board or authority shall obtain Office approval of proposed Hospital Inspector(s) of Record prior to commencement of the hospital construction project in accordance with Section 7-135.

(b) The Office shall not approve a proposed Hospital Inspector of Record for a specified hospital construction project if the Office determines one of the following:

1. The Hospital Inspector of Record applicant does not hold a valid Hospital Inspector certificate pursuant to the provisions of these regulations.
2. The Hospital Inspector is not appropriately certified in the class of inspection required for the scope of the construction project. The Class "C" inspector does not possess a current certificate for the area of inspection proposed per Section 7-204(c)l.
3. The Hospital Inspector is a former Office employee pursuant to subsection (c) and is within the one year restriction period governing the Office's approval of an inspector.
4. The Hospital Inspector is committed to a workload outside the specified hospital construction project and is unable to allot adequate time to perform the work on the specified construction project, as determined by the process set forth in subsection (d).
5. The Hospital Inspector is the architect or engineer in responsible charge of the work for the construction project specified on the Hospital Inspector of Record application.

Exception: The Office may approve the architect or engineer in responsible charge of the work, when in the determination of the Office: (A) the project scope, duration and complexity do not merit a separate individual to serve as the Hospital Inspector of Record, and (B) the ability of the Office to obtain accurate and impartial inspection will not be jeopardized.

(c) A former employee of the Office who performed field inspections/observations or supervised staff performing field inspections/observations during employment with the Office shall not be approved for a project by the Office as a Hospital Inspector of Record within one year from the effective date of separation from the Office.

(d) When the Office determines that the cumulative workload of a Hospital Inspector of Record applicant appears excessive and may hinder competent and adequate inspection of a specified hospital construction project, the Office may request that the Hospital Inspector of Record applicant submit a written plan including a work schedule and indicating a means to perform inspection on the specified hospital construction project.

The Office will consider specific work-related factors when reviewing the Hospital Inspector's work schedule to determine approval, pursuant to subsection (b) 4. These work-related factors are limited to the following:

1. The geographic location of current work sites,
2. The scope of current projects,
3. The current phase of each project, and
4. The number of current projects.

(e) When an inspector is approved by the Office, written notification will be sent to the hospital governing board or authority; the architect and/or engineer in responsible charge of the construction project; and the inspector of record applicant. The inspector must be in possession of this approval notice prior to commencement of construction.

(f) A Hospital Inspector of Record who has been approved by the Office must maintain valid certification throughout the term of the specified project in order to remain a Hospital Inspector of Record on the project. The Office shall rescind approval of a Hospital Inspector of Record on a project if the inspector does not comply with this provision.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129825.

7-213. Monitoring of the hospital inspector of record's performance. When the Office determines that a Hospital Inspector of Record has violated a provision of these regulations or that the inspector is not competently or adequately providing inspection of a facility to ensure the hospital construction is in compliance with the construction documents, the Office will notify that inspector, the hospital governing board or authority, and the architect and/or engineer in responsible charge. The written notification will include the Office's findings, reference to the statute and/or regulation being violated, and statement of the Office's intent to issue a "stop work" order unless the violation ceases and is rectified immediately.

Authority: Health and Safety Code Sections 1275, 127010, 127015, 129680 and 129825.

Reference: Health and Safety Code Sections 129680, 129825 and 129998.

7-214. Suspension or revocation of certification.

(a) A hospital inspector of record certification, issued by the Office, may be suspended or revoked, as determined by the Office. A certification may be suspended or revoked if:

(1) the Office determines that one or more grounds for suspension/revocation exist and the immediate suspension of a certification is necessary for health and safety reasons, or (2) the Office determines that reasonable grounds exist for the suspension/revocation of a certification based upon the evidence presented.

(b) **Grounds for suspension and/or revocation.** The Office or third parties may propose the suspension/revocation of a certification to the Office based on evidence of a certificate holder's (1) incompetent inspection(s); (2) inadequate inspection(s); (3) misrepresentation(s); (4) misconduct; and/or (5) violation(s) of these regulations.

(c) **Process for suspension and/or revocation.** The Office shall investigate the alleged inappropriate activity, as identified in Section 7-214(b), of the certificate holder, gather evidence related to the incident(s) in question, and interview witnesses, if appropriate. Based upon consideration of the evidence presented, the Office shall determine whether or not reasonable grounds exist for the suspension/revocation of certification.

In the event that the Office determines that reasonable grounds exist for suspension/revocation, the Office will notify the certificate holder in writing. The notice shall provide the certificate holder with an opportunity to participate in a formal conference and/or present additional evidence before a final determination is made. The Office must receive a written request for a formal conference and/or additional evidence from the certificate holder within 15 calendar days of the issuance of notice. If the Office does not receive a timely request for a formal conference, the Office may issue a final determination as to the suspension/revocation.

A formal conference may be conducted in person or by telephone. The Office shall make a final determination as to the suspension/revocation after considering all the evidence on record, including the formal conference and/or any additional information submitted by the certificate holder. Written notification of the Office's final determination will be provided to the certificate holder within 15 calendar days of the formal conference, if applicable.

(d) **Suspension** is appropriate when the Office determines any of the following: (1) a certificate holder negligently or incompetently commits an act amounting to one or more grounds for suspension identified in Section 7-214(b); (2) the evidence demonstrates solitary, limited or isolated incident(s) rather than a course of negligent/incompetent conduct on the part of the certificate holder in question; and/or (3) other factors, including but not limited to mitigating circumstances or facts relating to the certificate holder's course of conduct, support the suspension of the certification in lieu of revocation.

A certification may be suspended for a minimum of one month to a maximum of six months. The duration of suspension will be determined by the Office upon consideration of all of the evidence on record, and account for the severity of the action(s) constituting grounds for suspension.

(e) **Revocation** is appropriate when the Office determines any of the following: (1) a certificate holder knowingly, willfully or with gross negligence commits an act amounting to one

or more grounds for revocation identified in Section 7-214(b); (2) the evidence demonstrates a course of actionable conduct and/or a history of repeated or continuous deviations from the general standard of care in the inspection industry; and/or (3) the Office determines that other factors, including but not limited to damages to third parties or facts related to the certificate holder's course of conduct, justify the revocation of the certification in lieu of suspension.

A certification, once revoked, is no longer valid and may not be renewed pursuant to Section 7-211. In the event that a certificate holder has his or her hospital inspector certification revoked consistent with this Section, he or she may not apply for a new certification for a period of three years from the date of the Office's final written determination identified in Section 7-214(c).

(f) **Appeal.** A final written determination of the Office related to the suspension and/or revocation of a certificate may be appealed by the certificate holder pursuant to Article 5.5 of these regulations.

Authority: Health and Safety Code Sections 18929 and 129675-130070.

Reference: Health and Safety Code Section 129850.

ARTICLE 20 REPAIR OF DAMAGE AFTER AN EMERGENCY

7-300. Plan review and approval.

(a) All repair projects are subject to prior plan review, plan approval and construction permit by the Office except as noted in subsection (b).

(b) For emergency repairs carried out without the Office plan review and permit the aftermath of an emergency, an application for plan review must be submitted with construction documents, fees and a letter of transmittal stating the reasons for emergency repairs. Photographs, if available, and reports of damage and repairs should also be submitted with the application. Additional repairs may be required if the emergency repairs do not comply with the code. For alternate fee payment methodology, see Section 129787 of the Health and Safety Code.

(c) Plan reviews for emergency damage repairs will be performed on a priority basis. The application for plan review should clearly state that the scope of the project is to repair the damage from the emergency. Where possible, reviews will be made over the counter.

(d) Plan review fees shall be payable for all damage repair projects per the following:

1. 1.64 percent of estimated construction costs for hospitals.
2. 1.50 percent of estimated construction cost for skilled nursing facilities (SNF) or intermediate care facilities (ICF).
3. For alternate fee payment methodology, see Section 129787 of the Health and Safety Code.
4. An examination fee where review of existing plans is required. The fee will be calculated on a time and mate-

rial basis at the prevailing hourly rates applicable for the review personnel.

(e) Office recommends predesign conference with architects/ engineers to resolve code issues relevant to the repair projects.

Authority: Health and Safety Code Section 129850.

Reference: Health and Safety Code Sections 129785, 129787 and 129820.

7-301. Appeals. The Hospital Building Safety Board shall act as a board of appeals with regard to disagreements between the Office and hospital/SNF/ICF authorities on interpreting the repair policy or the establishment of the degree of damage. (Section 7-159 of Administrative Regulations for the Office)

Authority: Health and Safety Code Section 129850.

Reference: Health and Safety Code Section 129925.

7-305. All buildings.

Where the repairs to damage caused by an emergency are required, facilities may reopen, after temporary repairs, for a limited period of time subject to the following:

1. **Temporary repairs:** The hazard resulting from damage to the facility is abated and the facility is at least restored to its pre-emergency condition or its equivalent.
2. **Permanent repairs/retrofit:** The owner successfully negotiates with the Office a time bound plan for the permanent repairs/retrofit of the damaged facilities required by these regulations.

Authority: Health and Safety Code Section 129850.

Reference: Health and Safety Code Sections 129725 and 129820.

HISTORY:

1. (OSHPD/EF 1/95) Emergency order by the Office of Statewide Health Planning and Development to add Sections 7-300 through 7-305, Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state on September 8, 1995; effective September 8, 1995. Approved as an emergency by the California Building Standards Commission on September 7, 1995.
2. (OSHPD/EF 1/95, permanent) Emergency order by the Office of Statewide Health Planning and Development to add Sections 7-300 through 7-305, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state on November 30, 1995. Since there were no changes, effective date remains September 8, 1995.

**ARTICLE 21
PLAN REVIEW, BUILDING INSPECTION AND
CERTIFICATION OF SURGICAL CLINICS,
CHRONIC DIALYSIS CLINICS AND
OUTPATIENT SERVICES CLINICS**

7-2100. Scope of responsibilities.

(a) Except as otherwise provided in these regulations, a city or county building jurisdiction shall be responsible for plan review and building inspection of new construction or alteration of clinic facilities specified in 7-2100 (a) (1), (2), (3) and (4) and shall also provide certification that the clinic facilities identified in 7-2100 (a) (1), (2) and (3) are in conformance with the applicable clinic provisions in the latest edition of the *California Building Standards Code*. For clinic facilities identified in 7-2100 (a) (1), (2) or (3), construction

or alteration shall include buildings converted to the specific purpose.

1. Surgical clinic as defined in Health and Safety Code, Section 1204 (b) (1).
2. Chronic dialysis clinic as defined in Health and Safety Code, Section 1204 (b) (2).
3. Surgical and/or chronic dialysis clinic building which is freestanding from a building where hospital services are provided and as defined in Health and Safety Code, Section 129725 (b) (1).
4. Any building where hospital outpatient clinical services are provided that is freestanding from a hospital building, as defined in Health and Safety Code, Section 129725 (a), except those buildings identified in 7-2100 (a) (3).

(b) The city or county shall not establish or apply building standards for the construction or alteration of hospital licensed freestanding clinics, as described in Section 7-2100 (a) (3) and (4), which are more restrictive or comprehensive than comparable building standards established or applied to clinic facilities which are not hospital licensed pursuant to Health and Safety Code, Chapter 1 (commencing with Section 1200) of Division 2.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129885.

7-2101. Surgical clinic and chronic dialysis clinic project submittal to the local building jurisdiction.

(a) The governing authority or owner of a clinic, as described in Section 7-2100 (a) 1 and 2, shall submit construction plans to the city or county, as applicable, for plan review, building inspection and certification. Certification by the local building jurisdiction shall indicate that the project clinic is in conformance with the applicable clinic provisions in the latest edition of the *California Building Standards Code*.

Exception: Notwithstanding Section 7-2100 (a) (1) and (2), the governing authority or owner may request the Office to perform the plan review and certification, pursuant to Section 7-2102.

(b) Upon the clinic's initial submittal of project plans, the city or county shall advise the governing authority or owner, in writing, of its decision that plan review services will either include certification or not include certification.

(c) If the city or county indicates to the governing authority or owner that it will include certification with plan review of the specified clinic project, the city or county shall:

1. Review plans to all applicable provisions in the latest edition of the *California Building Standards Code* and;
2. Provide written certification to the applicant within 30 days of completion of construction that the applicable clinic provisions have been met.

(d) If the city or county indicates to the applicant that it will not include certification with plan review of the specified clinic project, the city or county shall review the plans to the provisions of the latest edition of the *California Building Standards Code*, excluding the clinic provisions. The govern-

ing authority or owner shall also submit the following items to the Office:

1. A completed application and construction documents for the clinic project, pursuant to Section 7-113, and;
2. A fee, pursuant to Section 7-2106.

(e) The Office shall review the construction documents to determine whether or not the clinic project meets the applicable clinic provisions in the latest edition of the *California Building Standards Code*.

(f) Upon completion of plan review and receipt of all applicable fees, the Office shall provide the clinic applicant with written certification that the project construction documents meet the clinic provisions in the latest edition of the *California Building Standards Code*.

(g) Building construction inspection for the clinic project shall be performed by the local jurisdiction.

7-2102. Request for the office to provide plan review for surgical clinics and chronic dialysis clinics.

(a) If the governing authority or owner of a clinic, as described in Section 7-2100 (a) (1) or (2), elects to request the Office to provide plan review services for a clinic project, in lieu of the city or county, the request shall be submitted to the Office in writing. The Office will consult with the applicable local building jurisdiction prior to acceptance or nonacceptance of the plan review request and subsequently notify the clinic, in writing, of its decision.

(b) If the Office agrees to provide plan review and certification services for the governing authority or owner, the applicant shall submit the following items to the Office:

1. A completed application and design construction documents for the clinic project, pursuant to Section 7-113, and;
2. A fee, pursuant to Section 7-2106.

(c) The Office shall review the plans to all applicable provisions in the latest edition of the *California Building Standards Code*.

(d) Upon completion of plan review and receipt of all applicable fees, the Office shall provide the applicant with written certification that the project construction documents meet the applicable clinic provisions in the latest edition of the *California Building Standards Code*.

(e) Building construction inspection for the project clinic shall be performed by the local building jurisdiction. Therefore, the governing authority or owner shall submit to the city or county applicable project documents required for these building inspection services.

7-2103. Hospital outpatient services clinic project submittal to local building jurisdiction.

(a) The hospital governing authority or owner of a free-standing outpatient services clinic, as described in Section 7-2100 (a) (3) or (4), shall submit construction plans to the city or county, as applicable, for plan review and building inspection, pursuant to this section or may request the Office to perform plan review and building inspection, pursuant to Section 7-2104. Certification by the local building jurisdiction that

the project clinic is in conformance with the applicable clinic provisions in the latest edition of the *California Building Standards Code* is also required for clinics described in 7-2100 (a) (3).

(b) If the hospital governing authority or owner of a clinic, as described in Section 7-2100 (a) (3), initially submits clinic plans to the city or county for plan review, the city or county shall respond to the clinic owner, in writing, stating its decision of whether or not the plan review will include certification.

(c) If the city or county indicates to the hospital governing authority or owner that it will include certification with plan review of the specified clinic project, the city or county shall:

1. Review plans to all applicable provisions in the latest edition of the *California Building Standards Code* and;
2. Provide written certification to the applicant within 30 days of completion of construction that the applicable clinic provisions have been met.

(d) If the city or county indicates to the hospital governing authority or owner that it will not include certification with plan review of the specified clinic project, the city or county shall review the plans to the provisions of the latest edition of the *California Building Standards Code*, excluding the clinic provisions. The applicant shall also submit the following items to the Office:

1. A completed application, construction documents for the clinic project, pursuant to Section 7-113, and;
2. A fee, pursuant to Section 7-2106.

(e) The Office shall review the construction documents for certification to determine whether or not the clinic project meets the applicable clinic provisions in the latest edition of the *California Building Standards Code*.

(f) Upon completion of plan review and receipt of all applicable fees, the Office shall provide the clinic applicant with certification that the project construction documents meet the applicable clinic provisions in the latest edition of the *California Building Standards Code*.

(g) Building construction inspection for the project clinic shall be performed by the local building jurisdiction.

7-2104. Plan review and building inspection by the office for hospital outpatient services clinics.

(a) The hospital governing authority, as described in Section 7-2100 (a) (3) or (4), may request that the Office perform plan review and building inspection for a clinic project, in lieu of the city or county performing these services. This request shall be submitted to the Office in writing.

(b) The Office shall perform the requested plan review and building inspection services when the hospital governing authority submits the following items to the Office:

1. A completed application, construction documents for the clinic project, pursuant to Section 7-113; and
2. A fee, pursuant to Section 7-2106.

(c) For clinic facilities described in Section 7-2100 (a) (3), upon completion of the building construction and receipt of all applicable fees, the Office will provide certification that

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the construction documents and construction comply with the applicable provisions in the *California Building Standards Code*.

(d) A clinic building which has been accepted by the Office, pursuant to paragraph (a) of this section, shall remain under the jurisdiction of the Office for plan review and building inspection of any subsequent alterations, unless the hospital governing authority or owner submits written notification to the Office, requesting the applicable city or county building jurisdiction to conduct plan review and building inspection for subsequent construction projects of the specified clinic.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129885.

7-2105. “Hospital Building” designation of a freestanding hospital-owned clinic.

(a) A building which is under the Office’s jurisdiction, pursuant to Section 7-2104 (d) may be designated as a “hospital building” by the hospital governing authority or owner under the following conditions:

1. The hospital governing authority or owner submits written notification to the Office indicating the determination to designate the building as a “hospital building” and;
2. The subject building remains under the jurisdiction of the Office for plan review and building inspection.

(b) A building designated as a “hospital building,” pursuant to Section 7-2105 (a), shall be reviewed and inspected to verify compliance with the standards and requirements for a hospital building, as defined in Health and Safety Code, Part 7, Chapter 1, (commencing with Section 129675).

7-2106. Fees for review of specified clinics.

(a) Fees for plan review services of clinic buildings described in Section 7-2100 (a) 1, 2 and 3, shall be in an amount not to exceed the actual cost of performing the services.

Exception: When the Office accepts a request from the hospital governing authority or owner to perform plan review and building inspection services for those buildings described in Section 7-2100 (a) 3, the fee requirements of Section 7-133 (a) (1) which apply to hospital buildings shall also apply to the project building.

(b) When the Office accepts a request from the hospital governing authority or owner to perform plan review and building inspection services for those buildings described in Section 7-2100 (a) (4), the fee requirements of Section 7-133 (a) (1) which apply to hospital buildings shall also apply to the project building.

(c) Fees shall be paid as follows:

1. A nonrefundable filing fee of \$250.00 shall accompany the application for plan review. This filing fee will be applied toward the total fees due for the project.
2. After a preliminary review of the required documents received and determination of the services to be performed, the Office will provide an estimate of the total review fee due based on costs to be incurred.

3. The applicant shall submit payment of the estimated fee prior to start of the plan review and building inspection services.

4. If during the review/inspection process it appears that actual costs will exceed the estimate by more than five percent (5%), the applicant will be informed that additional fees, not to exceed the actual cost will be due and payable immediately upon project completion.

5. All applicable fees for a completed project shall be paid prior to certification by the Office.

Authority: Health and Safety Code Sections 18929 and 129675–130070.

Reference: Health and Safety Code Section 129885.

7-2107. Fee refund.

(a) Upon written request from the applicant, a fee refund may be issued pursuant to this section.

1. The written request must be submitted to the office within:
 - a. One year of the date of written certification of compliance with the applicable clinic provisions.
 - b. One year of the date the project is withdrawn by the applicant.
 - c. The time limits specified in Section 7-134 for building(s) as described in Section 7-2104.
2. No refund shall be issued before written certification is provided, or the project is withdrawn or closed.
3. Refunds shall be exclusive of the \$250 filing fee.
4. Refunds shall be calculated pursuant to Section 7-2107(b), (c) or (d).

(b) Fees paid for a project, involving a building(s) as described in Section 7-2100 (a) (1), (2) or (3), which exceed the actual cost for performing plan review and inspection services by more than five percent (5%), shall be refunded by the Office.

Exception: Refunds for building(s) described in Section 7-2104 shall be calculated pursuant to the applicable requirements of Section 7-134.

(c) If an applicant withdraws a project that has been submitted to the Office for plan review of a building(s), as described in Section 7-2100 (a) (1), (2) or (3), the unexpended balance of fees paid to the Office for actual cost of plan review services provided shall be refunded to the applicant.

Exception: Refunds for building(s) described in Section 7-2104 shall be calculated pursuant to the applicable requirements of Section 7-134.

(d) If an applicant requests a refund of fees for a project that has been submitted to the Office for plan review and building inspection, as described in Section 7-2100(a) (4), a fee may be refunded to the applicant pursuant to the applicable requirements of Section 7-134.

Authority: Health and Safety Code Sections 1226, 18929 and 129675–130070.

Reference: Health and Safety Code Section 129885.

HISTORY NOTE APPENDIX FOR CHAPTER 7

Administrative Regulations for the Office of Statewide Health Planning and Development (Title 24, Part 1, California Code of Regulations)

The format of the history notes has been changed to be consistent with the other parts of the *California Building Standards Code*. The history notes for prior changes remain within the text of this code.

1. (OSHDP 1/97) Regular order by the Office of Statewide Health and Planning and Development to amend Chapters 6 and 7 as a result of SB 1953. Filed at the secretary of state on March 25, 1998; effective March 25, 1998. Approved by the California Building Standards Commission on March 18, 1998.
2. (OSHDP-EF 1/98) Emergency order by the Office of Statewide Health Planning and Development to adopt administrative regulations specific to Hospital Inspector Citizenship/Alien Certification. Filed at the secretary of state on March 25, 1998; effective March 25, 1998. Approved by the California Building Standards Commission on March 18, 1998.
3. BSC 1997 Triennial Code Adoption Cycle (OSHDP 1/97, OSHDP 2/97, OSHDP 3/97). Approved by the California Building Standards Commission on May 6, 1998. Filed at the secretary of state's office on September 29, 1998, effective October 29, 1998.
4. Erratum to correct printing errors. Correction to Section 7-101 to change the date of the Alfred E. Alquist Act to 1983. Correction of grammatical error in Section 7-111. Publication date February 15, 2001.
5. (OSHDP 9/99) Testing, Inspection, and Observation Program. Various sections in Chapter 7. Approved as submitted by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on June 8, 2000, effective July 7, 2000.
6. (OSHDP 10/99) Filing Fee/Personal Knowledge Verified Reports. Amend Sections 7-103, 7-111, 7-113, 7-133, 7-151. Approved as submitted by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on June 8, 2000, effective July 7, 2000.
7. (OSHDP 3/99) Class C Hospital Inspector. Amend Sections 7-200, 7-204, 7-206. Approved as submitted by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on June 8, 2000, effective July 7, 2000.
8. (OSHDP 01/01) 7-115 Preparation of Plans and Specifications. 7-152 Supplantation of an Architect, Engineer or Inspector of Record, Special Inspector or Contractor. Approved as submitted by the California Building Standards Commission on September 25, 2001. Files with the Secretary of State on November 6, 2001, effective December 6, 2001.
9. October 1, 2002 Errata adding Number 8 above.
10. (OSHDP EF 01/02) Amend Chapter 6 and 7 of Part 1. Approved as emergency by the California Building Standards Commission on January 15, 2003, and filed with the Secretary of State on January 16, 2003. Effective January 16, 2003.
11. (OSHDP 4/02) Chapter 7, amend various sections. Safety Standards for Health Facilities. Article 3, Section 7-125, Final Review of Plans and Specification. Article 3, Section 7-129, Time Limitations for Approval. Article 4, Section 7-135, Time of Beginning Construction. Article 4, Section 7-141, Administration of Construction. Article 4, Section 7-155, Final Approval of the Work. Article 19, Section 7-203, Applying for the Certification Examination. Article 21, Section 7-2100 through 7-2106, Scope of Responsibilities. Approved by the Building Standards Commission on May 14, 2003 and effective June 13, 2003.
12. (OSHDP EF 01/02) Amend Chapters 6 and 7 of Part 1. Approved as permanent emergency by the California Building Standards Commission. Permanent approval on May 14, 2003. Certification of Compliance filed with the Secretary of State on May 15, 2003. Effective January 16, 2003.
13. (OSHDP 01/04) Amend Chapter 6, Article 1 for change in Seismic Performance Category nonconforming building. Amend Chapter 7, Article 3 for plan review, Article 4 for construction inspection, Article 5 for appeals to the Hospital Building Safety Board, Article 6 for contract services, Article 19 for certification of hospital inspectors, and Article 21 for fees for review of specified clinics. Filed with Secretary of State on May 23, 2006, and effective on the 30th day of filing with the Secretary of State.
14. (OSHDP 01/06) Amendments to administrative standards for the review and construction of health facilities: preparation of plans and specifications, Hospital Inspector certification, and plan review and inspection of outpatient clinics. Filed with the Secretary of State on February 15, 2007, and effective 30 days thereafter.
15. (OSHDP EF 01/07) Amend Title 24, Part 1, Chapter 7, Article 1, Article 2, Article 3, Article 20. Approved by the California Building Standards Commission on July 19, 2007. Filed with the Secretary of State on July 20, 2007, effective on January 1, 2008.
16. (OSHDP 01/07) Amend Chapter 7, Safety Standards for Health Facilities. Approved by the California Building Standards Commission on July 17, 2008. Filed with the Secretary of State on July 18, 2008, and effective 30 days thereafter.
17. (OSHDP 04/09) Amend Chapter 7, Safety Standards for Health Facilities. Effective on February 13, 2010.
18. (OSHDP EF 01/10) Amend Chapter 7 with HAZUS updates pursuant to SB 499 (Chapter 601, Statutes of 2009). Effective on February 13, 2010.
19. (OSHDP 01/10) Amend Article 1, Title 24, Chapter 7, Article 7-111, effective on August 28, 2011.

SAFETY STANDARDS FOR HEALTH FACILITIES

20. (OSHPD 02/12 and OSHPD 03/12) Amend Chapter 7, Safety Standards for Health Facilities. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.

21. (OSHPD 01/15) Amend Chapter 7, Safety Standards for Health Facilities: Article 2: Section 7-111; Article 3: Section 7-131, 7-133; Article 4: Section 7-141, 7-144, 7-149, 7-153; Article 5: Section 7-159, 7-161, 7-165, 7-167, 7-169, 7-171; Article 5.5: Section 7-173, 7-175, 7-177, 7-181, Article 19: Section 7-214, 7-215. Approved by the California Building Standards Commission on December 16, 2015, and effective 30 days after filing with Secretary of State.

22. Errata to correct editorial errors within Chapter 7 in this code. Effective January 1, 2017.

23. 2016 Intervening Cycle Supplement (OSHPD 01/16) adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective thirty days after filing.

intends to establish a Type III or Type IV facility in an existing building or buildings, notice shall be given to the Board whose staff shall complete a survey to determine capacity of such buildings and shall make recommendations for necessary modifications. The proposing local government shall secure the appropriate clearance from the health authority, building official, and State Fire Marshal.

5. Submittal of plans and specifications. All plans and specifications shall be submitted to the Board in compliance with Penal Code Section 6029.

1. For design-bid-build projects, one set of plans and specifications shall be submitted at the schematic design phase, at the design development phase and the construction document phase.
2. For design-build projects, one set of performance criteria or performance criteria and concept drawings shall be submitted before the county issues a request for proposals for the services of a design-build entity. One set of construction document drawings shall be submitted. Board staff shall respond in writing indicating compliance or non-compliance with these regulations.

6. Design requirements.

A. The design of a local detention facility shall comply with provisions of California Code of Regulations, Title 24, Part 2, Section 2-1013.

B. The design of a Type I, Type II, Type III or Type IV facility, shall provide the following:

- (1) **Fire safety.** The provisions of Title 19 and Title 24, Part 2 as they relate to detention facilities shall be incorporated into the facility design.
- (2) **Suicide hazards.** Architectural plans shall be reviewed by the Board for the purpose of reducing hazards posed by fixtures and equipment which could be used for an act of suicide by an inmate. The facility design shall avoid any surfaces, edges, fixtures or fittings that can provide an attachment for self-inflicted injury. The following features shall be incorporated in the design of temporary holding cells, temporary staging cells sobering cells, safety cells, single occupancy cells and any other area where an inmate may be left alone:
 - a. plumbing shall not be exposed. Operation of control valves shall use flush buttons or similar. The drinking fountain bubbler shall be without curved projections;
 - b. towel holders shall be ball-in-socket or indented clasp, not pull-down hooks or bars;
 - c. supply and return grilles and any other vent or security cover shall have openings no greater than $\frac{3}{16}$ inch or have 16-mesh per square inch;

- d. beds, desk surfaces and shelves shall have no sharp edges and be configured to prevent attachment;
- e. light fixtures shall be tamper resistant;
- f. fixtures such as mirrors shall be mounted using tamper-resistant fasteners; and
- g. fire sprinkler heads inside rooms shall be designed to prevent attachment.
- h. telephone cords shall be at a length that reduces the potential for use as a ligature.

(3) **Health and sanitation.** Provisions of Subchapter 4, Title 15, California Code of Regulations, and of the California Retail Food Code as they relate to detention facilities shall be incorporated into the facility design.

(4) **Single- and/or double-occupancy cells.** In any local detention system, the number of single- and/or double-occupancy cells shall be that number, determined by the facility/system administrator in conjunction with the Board, necessary to safely manage the population of the facility/system based on a comprehensive needs assessment which accounts for those inmates projected to be:

- a. administrative segregation cases,
- b. persons with disabilities,
- c. custodial problems, and/or
- d. likely to need individual housing for other specific reasons as determined by the facility/system administration.

The total number of single- and/or double-occupancy cells shall not be less than 10 percent of the system's Corrections Standards Authority rated capacity. The local detention facility/ system shall comply with all other design requirements contained in these regulations.

(5) **Staff and inmate safety.** Facilities shall be designed and/or equipped in such a manner that staff and inmates have the ability to summon immediate assistance in the event of an incident or an emergency.

(6) **Heating and cooling.** Provision shall be made to maintain a living environment in accordance with the heating, ventilating, and air conditioning requirements of Parts 2 and 4, and the energy conservation requirements of Part 6, Title 24, California Code of Regulations.

(7) **Acoustics.** Housing areas shall be designed and constructed so that the average noise level does not exceed 70 decibels during periods of activity and 45 decibels during sleeping hours.

(8) **Living areas.** Living areas shall be separated from the area for reception and booking.

(9) **Spaces for persons with disabilities.**

- a. Spaces within the security perimeter such as day rooms and activity areas shall be located such that persons with disabilities will not be excluded from participating in any program for which he or she would otherwise be eligible. Accessible showers for inmates with disabilities shall be available.
- b. All spaces of a local detention facility shall comply with the applicable chapters of Title 24, Part 2 of the California Code of Regulations.

- (10) **Security.** The design should facilitate security and supervision appropriate to the level of inmate custody.
- (11) **Glazing.** Internal and external facility glazing shall be appropriate to the security level of the detention area or room.
- (12) **Hair care space.** Space and suitable equipment must be provided in all Type II or Type III facilities for men’s haircutting and/or female hair-dressing.
- (13) Floor drains shall be provided where operationally and mechanically appropriate.
- (14) A sewage system design capable of addressing items that could potentially impact waste water systems.
- (15) Medical/mental health care housing shall be designed in consultation with the health authority. Medical/mental health areas may contain other than single occupancy rooms.

C. The design of a Court Holding or Temporary Holding facility must include and comply with the following subsections of Section 13-102(c)6B: (1), (2), (3), (5), (6), (7), (9), (10) and (13). Court holding facilities shall have separate paths of travel for inmates from those used by the public.

7. **Pilot projects.** The pilot project is the short-term method used by a local detention facility/system, approved by the Board, to evaluate innovative programs, operations or concepts which meet or exceed the intent of these regulations.

The Board may, upon application of a city, county, or city and county, grant pilot project status to a program, operational innovation or new concept related to the operation and management of a local detention facility. An application for a pilot project shall include, at a minimum, the following information:

- A. The regulations which the pilot project will affect.
- B. Review of case law, including any lawsuits brought against the applicant's local detention facility, pertinent to the proposal.

- C. The applicant’s history of compliance of noncompliance with standards.
- D. A summary of the “totality of conditions” in the facility or facilities, including but limited to:
 - (1) Program activities, exercise and recreation;
 - (2) Adequacy of supervision;
 - (3) Types of inmates affected; and,
 - (4) Inmate classification procedures.
- E. A statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary and why the particular approach was selected.
- F. The projected costs of the pilot project and projected cost savings to the city, county, city and county, if any.
- G. A plan for developing and implementing the pilot project, including a time line where appropriate.
- H. A statement of how the overall goal of providing safety to staff and inmates will be achieved.

The Board shall consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the completeness of the information provided in the application and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of the regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board’s consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for a pilot project is approved by the Board, the Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

Pilot project status granted by the Board shall not exceed twelve months after its approval date. When deemed to be in the best interest of the application, the Board may extend the

HISTORY NOTE APPENDIX FOR CHAPTER 13

Administrative Regulations for the Board of State and Community Corrections (Title 24, Part 1, California Code of Regulations)

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The format of the history notes has been changed to be consistent with the other parts of the *California Building Standards Code*. The history notes for prior changes remain within the text of this code.

1. (BOC 1/97) Regular order by the Board of Corrections to amend their administrative regulations pertaining to Local Detention Facilities. Filed with the secretary of state on March 25, 1998; effective April 24, 1998. Approved by the California Building Standards Commission on March 18, 1998.

2. January 2, 2003 Supplement approved by the California Building Standards Commission on January 31, 2001, Filed with the Secretary of State on February 2, 2001, published January 1, 2003, and effective July 1, 2003:

Section 13-102(a)5 — Revise “. . . Executive Officer . . .” to read “. . . Executive Director . . .”.

Section 13-102(a)9 — Revise “Detoxification cell” to read “Sobering cell”.

Section 13-102(a)24 — Revise “. . . as detoxification, safety, . . .” to read “. . . as sobering, safety, . . .”.

Following Section 13-102(a)18, insert a new Section 13-102(a)19. Renumber Sections 13-102(a)29 and 13-102(a)30 as Section 13-102(a)30 and 13-102(a)31 respectively.

Following renumbered Section 13-102(a)31, insert a new Section 13-102(a)32. Renumber Sections 13-102(a)31 through 13-102(a)35 two numbers higher.

Following renumbered Section 13-102(a)37, insert a new Section 13-102(a)38. Renumber Section 13-102(a)36 as 13-102(a)39.

Following renumbered Section 13-102(a)39, insert a new Section 13-102(a)40. Renumber Sections 13-102(a)37 through 13-102(a)46 four numbers higher.

(All of the following references for Section 13-102 et seq. use the revised Section numbers.)

Section 13-102(c)2 — At the end of the first paragraph delete the words “The needs assessment study shall include:” and items A. through F. Insert new lead provision and items (a) through (k).

Section 13-102(c)3.R — Revise “disabled inmates” to “persons with disabilities.”

Section 13-102(c)3.T — Revise “Section 4465.5” to “Section 4030.”

Section 13-102(c)3.V — Revise “Detoxification Cell(s)” to “Sobering cell(s).”

Section 13-102(c)6.B.(2) — In the tenth line, revise “detoxification cells” to “sobering cells.”

Section 13-102(c)6.B.(4)a — Revise “mentally disordered” to “persons with disabilities.”

Section 13-102(c)6.B.(4)d — Delete the words “The needs assessment study shall include, but not be limited to, a description of:” and delete the items a. through j. immediately below.

Section 13-102(c)6.B.(9) — Revise the title to “Spaces for persons with disabilities.”

Section 13-102(c)6.B.(9)a — Revise the definition to read “A cell or room for an inmate with a disability using a wheelchair must have an appropriate entry and a toilet, washbasin and drinking fountain which the inmate can use without personal assistance.”

Section 13-102(c)6.B.(9)b — Revise “. . . disabled inmate . . .” to “. . . persons with disabilities . . .”; and revise the last sentence to read “Accessible showers for inmates with disabilities shall be available.”

Following Section 13-102(c)6.B.(10) insert a new Section 13-102(c)6.B.(11) and renumber the existing Section 13-102(c)6.B.(11) to Section 13-102(c)6.B.(12).

Following the newly renumbered Section 13-102(c)6.B.(12), insert new Sections 13-102(c)6.B.(13) and 13-102(c)6.B.(14).

Section 13-102(c)6.C — Revise the fourth line to read “. . . (6), (7), (9), (10), and (12). Court holding. . .”

Section 13-201(a)2 — Revise the second line to read “. . . in an innovative way as approved by . . .”.

Section 13-201(a)3 — Revise “. . . Executive Officer . . .” to “. . . Executive Director . . .”.

Section 13-201(a)5 — Replace “. . . his or her . . .” with “. . . its . . .”.

Section 13-201(a)6 — Replace “. . . officer . . .” with “. . . director . . .”.

Section 13-201(a)7 — Revise “. . . Section 880 of the California Welfare and Institutions Code . . .” to read “. . . Section 881 of the Welfare and Institutions Code, . . .”; and revise “. . . Section 602 of the California Welfare and Institutions Code. . .” to read “. . . Section 602 of the Welfare and Institutions Code . . .”.

Section 13-201(a)8 — In the last line, replace “. . . are . . .” with “. . . is . . .”.

Section 13-201(a)9 — Revise “. . . means sentenced to a jail . . .” to read “. . . means placed in a jail . . .”.

Section 13-201(a)15 — Revise “. . . an I.Q. of 70 or lower . . .” to read “. . . an I.Q. of 69 or lower . . .”.

Insert a new Section 13-201(a)16 and renumber the existing Sections 13-201(a)16 thru 13- thru 13-13-201(a)51 one number higher.

(The following references use the revised Section numbers.)

Section 13-201(a)17-In the last line, replace “. . . observation . . .” with “. . . supervision . . .”.

ADMINISTRATIVE REGULATIONS FOR THE BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)

Section 13-201(a)21 — Revise “. . . Executive Officer . . .” to “. . . Executive Director . . .”.

Section 13-201(a)24 — Revise “. . . Executive Officer or . . .” to “. . . Executive Director of . . .”.

Section 13-201(a)27 — Revise “. . . contraindications to minors being . . .” to read “. . . contraindications to a minor being . . .”.

Section 13-201(a)28 — In the third and last lines, revise “. . . the appeal . . .” to read “. . . an appeal . . .”.

Section 13-201(a)31 — Revise the second line to read “. . . forestry camp, regional youth educational facility, boot camp or . . .”.

Section 13-201(a)32 — In the last line, revise “. . . article . . .” to read “. . . subchapter . . .”.

Section 13-201(a)34 — Revise the first and second lines to read “. . . means a building that contains a Type I or Temporary Holding Facility. It does not include . . .”.

Section 13-201(a)35 — In the fifth line, add a “,” after the word “determined” and in the sixth line add a “,” after the word “effects.”

Section 13-201(a)37 — In the third line revise “. . . sleeping rooms and/or dormitories . . .” to read “. . . sleeping rooms or dormitories . . .”.

Section 13-201(a)38 — In the last line, revise “. . . their jurisdiction.” to read “. . . his/her jurisdiction.”

Section 13-201(a)39 — In the second line change “. . . which . . .” to “. . . that . . .”; and at the end of the Section add “Lockups are Type I or Temporary Holding Facilities as defined in the ‘Minimum Standards for Local Detention Facilities’.”

Section 13-201(a)40 — Revise “. . . minors authorized to be housed . . .” to “. . . minors that can be housed . . .”; and revise “. . . forestry camp or boot camp . . .” to read “. . . forestry camp, regional youth education facility, or boot camp . . .”; and in the last line, replace “article” with “subchapter.”

Section 13-201(a)41 — Revise last line to read “. . . administrative responsibility for the mental health program.”

Section 13-201(a)42 — Capitalize Minimum Standards for Local Detention Facilities and after “. . . Subchapter 4, . . .” add “Section 1000 et seq.”

Section 13-201(a)43 — In the last line omit the word “California.”

Section 13-201(a)44B — Add a “,” after “and.”

Section 13-201(a)45 — Revise “. . . Executive Officer . . .” to “. . . Executive Director . . .”

Section 13-201(a)46 — Revise the third line to read “. . . pursuant to a contract, . . .”.

Section 13-201(a)48 — Revise the third line to read “. . . pursuant to an application . . .”.

Section 13-201(a)50 — Revise the last line to read “. . . on an appeal.”

Insert a new Section 13-201(a)53 and renumber existing Sections 13-201(a)52 thru 13-201(a)64 two numbers higher.

(The following references use the revised Section numbers.)

Section 13-201(a)54 — Revise the last line to read “. . . specified in Title 24 Section 460A.”

Section 13-201(a)56 — Revise “. . . Executive Officer or . . .” to “. . . Executive Director of . . .”.

Section 13-201(a)57 — In the last line change “. . . authority.” to “. . . administrator.”

Section 13-201(a)60 — Revise the second line to read “. . . of a minor, not to exceed 96 hours, . . .”.

Section 13-201(a)61 — Omit the word “. . . California . . .” from the second line.

Section 13-201(a)63 — Revise the first line to read “Supervision in a law enforcement facility means . . .”; and revise the second line to read “. . . is being directly observed by the . . .”.

Section 13-201(b) — Revise the seventh line to read “. . . Youth Authority of the Board of Corrections in effect . . .”.

Section 13-201(c)1 — Revise the first line to read “. . . or regional juvenile facility . . .”.

Section 13-201(c)2 — Revise the second line to read “. . . or regional juvenile facility . . .”; and revise the third line to read “. . . facility, or expand the rated capacity of the current facility shall complete . . .”; and replace existing items A through E with new items A through J.

Section 13-201(c)3 — In item R revise the first line to read “Management of minors with disabilities with provisions . . .”; and in item S omit “and,” from the last line; and in item T revise “Section 4465.5” to “Section 4030” and add “; and,” to the last line; and insert a new item U.

Section 13-201(c)4 — Revise the second line to read “. . . county, or regional juvenile facility. . .”.

Section 13-201(c)6B — Revise the first line to read “. . . facility shall address the . . .”.

Section 13-201(c)6B(3) — Revise “. . . Subchapter 4 . . .” to read “. . . Subchapter 5. . .”.

Section 13-201(c)6B(4) — Insert new language before “single or double occupancy . . .”; and omit the heading “The needs assessment shall include but not be limited to a description of:” along with the items a. through k. below it.

Section 13-201(c)6B(8)a. — Revise the definitions to read “A room for a minor with a disability requiring a wheelchair, must have an appropriate entry and a toilet, washbasin and drinking fountain which the minor can utilize without personal assistance.”

Section 13-201(c)6B(10) — Revise the title to read “. . . health care housing and treatment space.”; and revise the second line to read “. . . housing and treatment of ill . . .”; and revise the tenth line to read “. . . Treatment spaces and the medical care housing. . .”.

Section 13-201(c)8 — Revise the second line of the second paragraph to read “. . . compliance shall enhance, be equal to, or . . .”; and insert a new item (g).

3. (BOC 01/02) Approval of minimum standards for local facilities, CCR, Title 24, Part 1. Approved by the California Building Standards Commission on July 16, 2003, and filed with the Secretary of State on July 18, 2003. Effective August 17, 2003.

4. (BOC 01/04) Part 1, Chapter 13, Sections 13-102(a); 13-102(c)1; 13-102(c)3; 13-102(c)6; 13-102(c)7; 13-102(c)8.

13-102(a) — Definitions. Add a definition for “Contact,” “Inmate worker,” “Jail,” “Law enforcement facility,” “Lockup,” “Nonsecure custody,” “Secure detention,” “Supervision in law enforcement facility,” “Temporary custody” and “Exercise.”

Revise “health authority” for clarity. Revise “local detention facility” to add the term “and minors” for clarity.

The term “herein” and “CCR” were deleted from the definition of “rated capacity.”

Revise “managerial custodial personnel” for clarity.

Add new definition for “security glazing” to help define the adult regulation requirements.

The term “his or her” is being replaced with the term “his/her” in the definition of “Type I Facility.”

13-102(c)1 — Letter of Intent + Revise regulation to provide consistent terminology when referring to a “city,” “county” or “city and county.”

13-102(c)3 — Program Statement — Retitled regulation to include “Operational” in the title heading to read as follows: “Operational Program Statement.”

13-102(c)6 — Design Requirements — This modification will require floor drains to be added to hair care spaces.

13-102(c)7 — Pilot Projects — Replaces existing text in Title 24 with language from Title 15.

13-102(c)8 — Alternate Means of Compliance — Describes the process for applying, monitoring and approving alternate means of compliance.

5. (CSA 01/06) Part 1, Chapter 13, 13-201. Approved by the California Building Standards Commission on July 17, 2008, filed with the Secretary of State on October 21, 2008, and effective 30 days after filing with the Secretary of State.

6. (CSA 01/10) Part 1, Chapter 13, 13-102. Approved by the California Building Standards Commission on October 19, 2011, filed with the Secretary of State on October 21, 2011, and effective 30 days after filing with the Secretary of State.

13-102(a) — Definitions. Add a definition for “Corrections Standards Authority,” “Clinical Evaluation,” “Concept Drawings,” “Design-Bid-Build,” “Design-Build,” “Facility Watch Commander,” “Performance Criteria,” “Preliminary Drawings,” “May” and “Working Drawings.”

Modify definitions of “Law Enforcement Facility,” “Local Detention System,” “Rated Capacity,” “Remodel,” “Safety Checks” and “Secure Custody.”

Delete the following definitions: “Inmate Worker,” “Licensed Health Personnel” and “Manager, Custody Personnel.”

13-102(b) — In all locations showing “Board,” replace with “Corrections Standards Authority.”

13-102(c)3 — Amend text and add new item x

13-102(c)5 — Amend section to show two items.

13-102(c)6 — Amend text to add new item ‘h’ and modify existing item ‘c’.

13-102(c)6 — Revise item 14 and add new item 15.

13-102(c)8 — Add new text to end of section.

7. (CSA 01/12) Renamed as the Board of State and Community Corrections (BSCC).

Chapter 13, Section 13-201(a) Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.

13-201(a) – Definitions. Change all “Correction Standards Authority” phrases and “CSA” acronyms to “Board.” Change all “minor” and “minor’s” phrases to “youth” where occurs.

Add new definitions as follows: “Clergy,” “Concept Drawings,” “Design-Bid-Build,” “Design-Build,” “Exigent,” “Gender Identity,” “Non-School Day,” “Performance Criteria,” “Separation,” “Sexual Orientation,” “Special Visits,” “Transgender Youth.”

Modify existing definitions as follows: “Contraband” – added to the last sentence “or violate facility rules.” “DNA” – Corrected the spelling of “Deoxyribonucleic.” “504 Plan” – Strike language referring to Federal Rehab. Act of 1973 and added clarification language. Revised the entire definition of “Individual Education Program (IEP)” – Added reference to Education Code and clarification language.

“Living Unit” – Strike “by any permanent or temporary barrier” and add “in any way.” Change title of “New Generation Design” to the new title of “Podular Design.”

Remove the following definitions: “Intensive Supervision Unit,” “Licensed Health Care Personnel,” and “Minimum Standards for Local Detention Facilities.”

Modify “Use of Force” – sub-section 3. Operational program statement, added clarifying language regarding design-build construction projects and the operational program needs. Sub-Section 5. Submittal of plans and specifications, clarifying language. Sub-section 6. Design requirements, added ref. to Title 24 and the State Fire Marshal for sub-number 1. Fire safety and added clarifying language in items ‘c’ and ‘h.’ Sub-number 3. Health and sanitation, ref. to Retail Food Code was added. Sub-number 6. Heating and cooling, clarifying language and removed ref. to Part 6 Energy Code. Sub-number 11. A new sentence was added regarding sewage system design.

8. 2016 Intervening Cycle Supplement (BSCC 01/16) adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective thirty days after filing.



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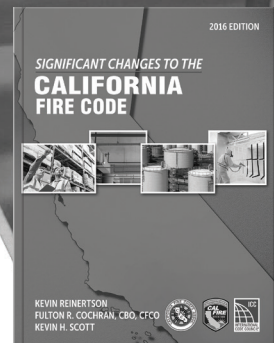
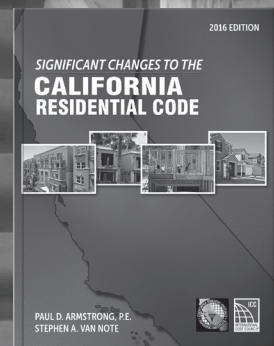
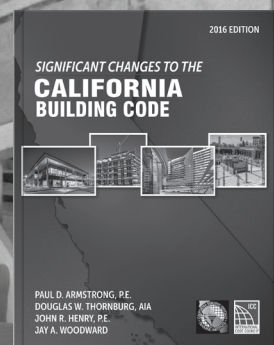
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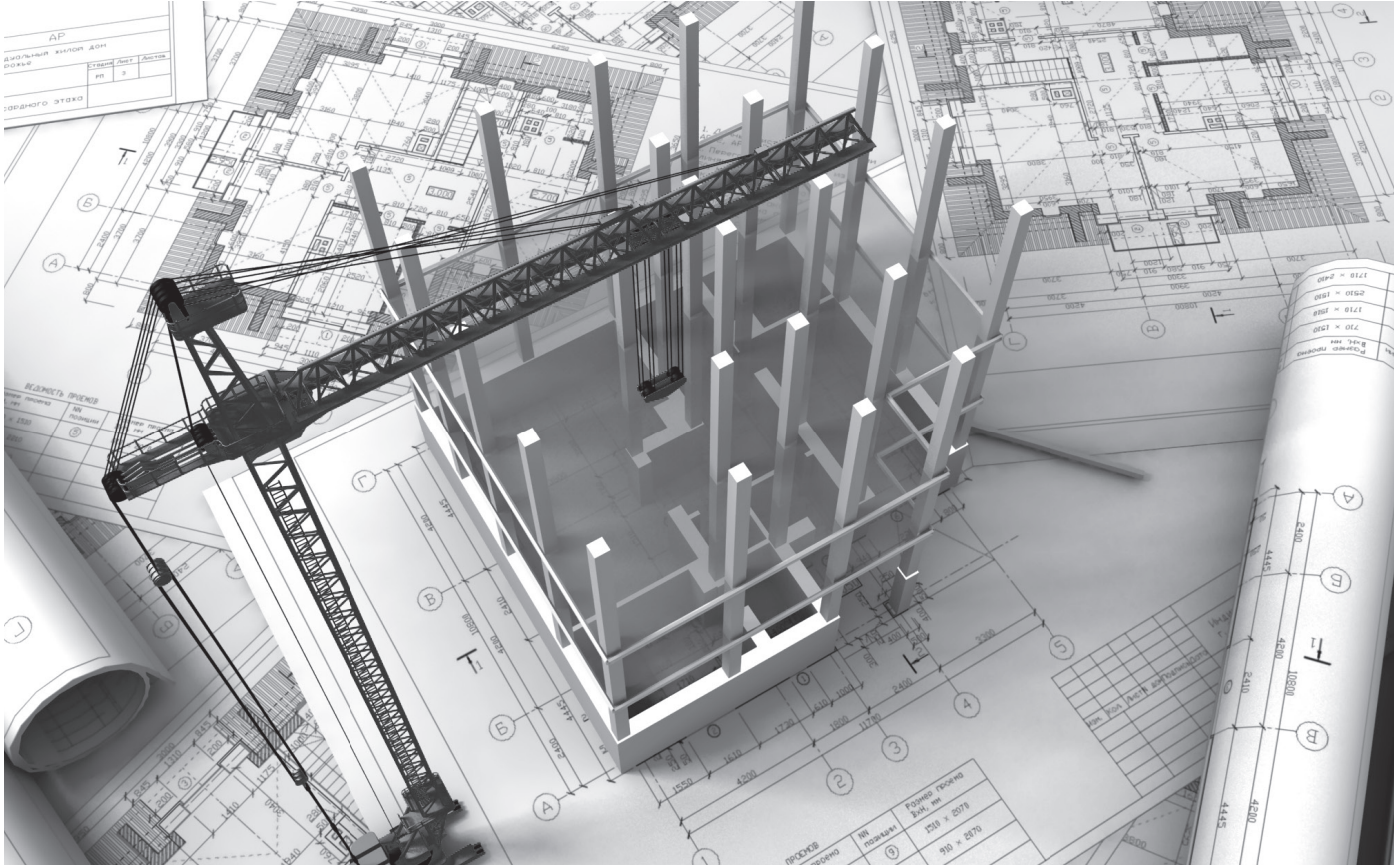
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