

REVISION RECORD FOR THE STATE OF CALIFORNIA

SUPPLEMENT

January 1, 2012

2010 Title 24, Part 1, California Administrative Code

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

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suggested that the section number, as well as the page number be checked when inserting this material and removing the superseded material.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

It is further suggested that the superseded material be retained with this revision record sheet so that the prior wording of any section can be easily ascertained.

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

Note

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specifications, and construction for that permit, it is strongly recommended that the removed pages be retained for historical reference.

Part 1

Remove Existing Pages

1 through 12.2
35 and 36
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155 and 156
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197 and 198

Insert Blue-Colored Pages

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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 eleven parts of Title 24. Whenever an abbreviation provided in this section conflicts with an abbreviation provided within another part of Title 24, the abbreviation meaning provided in the other part shall prevail within that part.

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|-----------|--|
| AGR | Department of Food and Agriculture (see Note) |
| BSC | Identifies code provisions by the Building Standards Commission (see Note) |
| CA | Department of Consumer Affairs (see Note) |
| CBC | <i>California Building Code</i> (Part 2 of Title 24) |
| CCR | California Code of Regulations |
| CEC | <i>California Electrical Code</i> (Part 3 of Title 24) |
| CEC | <i>California Energy Commission</i> (see Note) |
| 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) |
| CSA | Identifies code provisions by the Corrections Standards Authority (see Note) |
| DPH | Identifies code provisions by the Department of Public Health (see Note) |
| DWR | Identifies code provisions by the Department of Water Resources (see Note) |
| 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 (see Note) |
| 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 (see Note) |
| DOE | Department of Education |
| DOT | Department of Transportation |
| HCD | Housing and Community Development |
| HCD 1 | Identifies code provisions by the HCD (see Note) |
| HCD 2 | Identifies code provisions by the HCD (see Note) |
| HCD 1AC | Identifies code provisions by the HCD (see Note) |
| 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 & Development |
| OSHPD 1 | Identifies code provisions by OSHPD (see Note) |
| OSHPD 2 | Identifies code provisions by OSHPD (see Note) |
| OSHPD 3 | Identifies code provisions by OSHPD (see Note) |
| OSHPD 4 | Identifies code provisions by OSHPD (see Note) |
| SFM | Identifies code provisions by the Office of the State Fire Marshal (see Note) |
| SHB | State Historical Building Safety Board |
| SL | Identifies code provisions by the State Library (see Note) |
| SLC | Identifies code provisions by the State Lands Commission (see Note) |
| UBC | <i>Uniform Building Code</i> ; the UBC is no longer published or adopted in the current edition of Title 24. |
| UBC STDS | <i>Uniform Building Code Standards</i> ; the UBC STDS is no longer published or adopted in the current edition of Title 24. |
| UFC | <i>Uniform Fire Code</i> ; the UFC is no longer published or adopted in the current edition of Title 24. |
| UHC | <i>Uniform Housing Code</i> ; adopted by HCD in Chapter 1 of Title 25. |
| UMC | <i>Uniform Mechanical Code</i> |
| UPC | <i>Uniform Plumbing Code</i> |

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

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

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

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 eleven parts of Title 24. Whenever a definition provided in this section conflicts with a definition provided within another part of Title 24, the definition provided in the other part shall prevail within that part. Additional definitions are provided in Article 5 of this chapter.

(a) **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.

(b) **APPEAL.** An appeal to the Commission, as provided and limited by Health and Safety Code Sections 18945 through 19849, 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. See Petition.

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

(d) **CHALLENGE.** A public comment received during a comment period and directed at a proposed change or a code advisory committee recommendation or the procedures followed by the Commission in proposing or adopting the action.

(e) **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.

(f) **CODE CHANGE.** A proposed change to, or addition of, a building standard as defined by Health and Safety Code Section 18909, or administrative regulation of Title 24.

(g) **CODE CHANGE SUBMITTAL.** A proposed code change for Title 24 and its justification submitted to the Commission by a proposing agency.

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

(i) **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.

(j) **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.

(k) **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.

(l) **PETITION.** A written submittal to the Commission by any person 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.

(m) **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.

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

(o) **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.

(p) **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).

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

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 at: California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. The address should be confirmed at the Commission's website. 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 his or her 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)

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

1-201.

(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 to 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 Section 18930 of the Health and Safety Code and Sections 11342 through 11446 (as required) of the Government Code, 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 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 adopt or propose building standards to the commission includes the list of agencies identified in Title 24, Part 2, the *California Building Code*, Chapter 1, Division 1, Section 1.1, et al. The commission shall work with these agencies to coordinate the adoption of green building standards for residential and non-residential occupancies.

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

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

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

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

(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.

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.

1-205. Conflict of interest disclosure.

(a) The Political Reform Act, specifically Government Code Section 87306, requires state and local governmental agencies to promulgate and adopt Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, Section 18730, containing the terms of standard Conflict of Interest Code, that can be incorporated by reference, and that may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of Title 2, California Code of Regulations, Section 18730, and amendments thereto, duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and constitute the Conflict of Interest Code of the California Building Standards Commission.

Designated employees shall file statements of economic interest with the Commission. Upon receipt of the statements of the Commission members, the agency shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission. Statements of other design-

nated employees are retained by the agency; no copies are forwarded to the Fair Political Practices Commission.

(b) Designated Employee and Disclosure Category

| DESIGNATED POSITIONS | DISCLOSURE CATEGORY |
|--|---------------------|
| Chair of the Commission | 1 |
| Commissioners | 1 |
| Executive Director | 1 |
| Deputy Executive Director | 1 |
| Staff Services Manager I | 2,3 |
| Senior Architect | 1 |
| Associate Architect | 1 |
| Architectural Associate | 1 |
| Codes and Standards Administrator III | 1 |
| Associate Construction Analyst | 1 |
| Associate Governmental Program Analyst | 3 |
| Contracts Analyst (Administrative Staff Service Analyst) | 2 |
| Consultants | * |

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this conflict-of-interest code subject to the following limitation:

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

1-207 Disclosure categories

(a) Disclosure Category 1:

Individuals holding positions assigned to Disclosure Category 1 must report interests in real property located with the State of California; all investments and business positions in business entities, and income, including gifts, loans and travel payments, from all sources.

(b) Disclosure Category 2:

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

(c) Disclosure Category 3:

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

Authority: Health and Safety Code Section 18909(f) and Government Code Sections 82019 and 87306.

Reference: Health and Safety Code Section 18909(f) and Government Code Sections 82019 and 87306.

HISTORY:

- (BSC 2/99) Article 1-7, Conflict of Interest Code. Amend Section 1-701. Approved by the Fair Political Practices Committee on October 29, 1999. Filed with the Secretary of State on December 31, 1999; effective January 30, 2000.
- (BSC 01/09) Article 1-7, Conflict of Interest Code, and Appendix. Amend Section 1-701, add Section 1-702, and repeal the Appendix. Approved by the Fair Political Practices Commission on October 13, 2009; effective on January 1, 2010.

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 Official
- (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 Official
 - (2) Environmental/Energy Organization
 - (3) Construction Industry
 - (4) Architect
 - (5) Fire Official
 - (6) Public Member
 - (7) Local Government Water Efficiency Official
 - (8) Mechanical Engineer
 - (9) Electrical Engineer

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

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

4. **Structural design/lateral forces.** The Commission shall solicit nominations from:

- A. Ex-Officio Member(s)
 - (1) State Agency Representative
- B. Voting Member(s)
 - (1) Three (3) Structural Engineers
 - (2) Architect
 - (3) General Contractor
 - (4) Local Government Building Official

- (5) Public Member

5. **Health facilities.** The Commission shall solicit nominations from:

- A. Ex-Officio Member(s)
 - (1) State Agency Representative(s)
- B. Voting Member(s)
 - (1) Acute Care Hospital Representative
 - (2) Skilled Nursing Facility Representative
 - (3) Architect
 - (4) General Contractor
 - (5) Mechanical Engineer
 - (6) Electrical Engineer
 - (7) Fire Protection Engineer
 - (8) Local Government Building Official
 - (9) Primary Care or Specialty Clinic Representative

6. **Green building.** The Commission shall solicit nominations from:

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

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.

**ARTICLE 3
APPEALS AND PETITION PROCEDURES**

1-301. Appeals and petitions. The public may submit appeals and petitions to the Commission as prescribed in this Article.

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. Such 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) 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.

(e) 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, 18946 and 18949.

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

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. (a) Time limitations for appeals. Appeals will be accepted by the Commission only within:

1. Six months of when the act, interpretation, decision or practice complained of occurred, or
2. As determined by the Commission if special circumstances are found to exist.

1-307. Appeal form and filing fee.

(a) The appeal shall be in writing and shall specifically set forth:

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

(b) The appeal shall be filed 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.

(c) Filing Fee: Health and Safety Code Section 18949 requires the Commission to recover the cost of administrating appeals. Accordingly, a nonrefundable fee of \$450.00 shall be submitted with the initial request for appeal. 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 and 18945.

1-309. Receipt and processing appeals.

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

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

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

Authority: Health and Safety Code Section 18945.

Reference: Health and Safety Code Sections 18931 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. Hearings for appeals.

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

1. Time and place of hearing as determined by the Commission shall be noticed to the appellant and any state agency a part of the appeal, within 15 days of its determination; date of said hearing shall be within 60 days of date of said notice.
2. The Executive Director shall provide written notice of the date, time and location of hearing to interested parties and may invite experts or other witnesses as necessary for the hearing.
3. The Appeals Committee shall not be bound by the rules of evidence or procedure applicable in the courts. Appellant, appellant's witnesses, and any other interested persons may present testimony, argument and/or documentary material concerning the matter(s) under consideration.
4. The Appeals Committee shall prepare its finding(s) and decision within 30 days after the appeal hearing.
5. The Executive Director shall, in writing, advise the appellant and any state agency a part of the appeal, of the decision within 15 days and shall advise the Commission of the decision by memorandum at the next Commission meeting.
6. If an appeal is heard by the Appeals Committee, either party may request a reconsideration by the Commission. Said request must be submitted to the Executive Director no less than 30 days after the determination by the Appeals Committee and shall be acted upon by the Commission no later than 60 days after said request is received. Reconsideration by the Commission shall be based upon the record of the appeal hearing and additional information or testimony that is specifically requested by the Commission. Notice of the determination of the Commission upon reconsideration shall be

sent to all parties involved within 15 days of the action by the Commission.

(b) If an appeal is not delegated, or if the Commission elects to conduct the hearing, or if the appellant appeals a decision of the Appeals Committee to the Commission, the following procedure will be used:

1. Time and place of the hearing as determined by the Commission shall be noticed to the appellant and any state agency a part of the appeal within 15 days. The date of the hearing shall be within 60 days of date of notice.
2. The Executive Director shall provide written notice the time, date and location of the hearing to interested parties and invite expert or other witnesses as necessary for the hearing.
3. The hearing shall be conducted at a regularly scheduled or specially designated Commission meeting, under its own rules, accepting evidence as it requires, and chaired by its regular Chairperson. Appellant and other interested parties may present relevant testimony, argument or documentary material as acceptable to the Commission consistent with the requirements of Section 1-306(a).
4. The Commission shall make a decision on the appeal at 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 agency a part of the appeal, of the decision of the Commission within 15 days from the date of the official Commission decision in the appeal.

(c) The Commission may elect to refer the 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 Section 18945.

Reference: Health and Safety Code Sections 18931 and 18946.

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) 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. A state agency receiving a petition referred by the Commission shall process the petition as required by this Article, including the reporting of actions and decisions by the agency to the Commission.

(c) Petitions are not to be used to address matters relating to currently proposed buildings standards. Any concerns relating to currently proposed building standards 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.

Note: The California Building Standards Commission provides a petition form available at the website <http://www.bsc.ca.gov/pubs/forms.aspx>.

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 that the petition requires immediate action because there is imminent danger to the public health, safety or welfare. To substantiate the existence of a potential 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 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 1-803, 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 and agencies.

(a) Within 45 days after receiving a petition, the Commission shall determine whether the petition meets the requirements of this article for petitions and provide the petitioner written notification.

(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.

(c) If the Commission determines that the petition meets the requirements of this article for petitions, the Commission shall provide the petitioner notification of the acceptance of the petition and planned action.

(d) The Commission shall act on the accepted petition by commencing a rulemaking process, or shall forward a complete petitions to the appropriate proposing agency or adopting agency having specific jurisdiction for the subject of the petition.

(e) The proposing agency or adopting agency shall have 45 days following receipt of the petition from the Commission to dispute the determination of completeness and/or the Commission's determination of jurisdiction. If the agency determines that the petition is incomplete, it shall, by the close of business on the 45th day following receipt of the petition, return the petition to the Commission, with an itemization of the missing or incomplete items, and the Commission shall return the petition to the petitioner within 30 days of receiving the returned petition without action in accordance with the procedures provided in subparagraph (b) above.

(f) The Commission shall maintain records relating to the submittal and disposition 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 receiving a petition referred 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 agency or adopting agency disagrees with the Commission's determination that a petition is complete, or if the proposing agency or adopting agency believes the petition is in the jurisdiction of a different agency, the proposing agency or adopting agency shall notify the Commission no more than 45 days after receiving a petition.

(b) If the proposing agency or adopting agency determines that a petition received directly from the public does not meet the requirements of this article for petitions, the agency shall 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.

(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 such other relief or take such other action as it may determine to be warranted by the petition and shall notify the petitioner and Commission in writing of such action.
2. If the agency denies the petition for cause pursuant to Section 1-323 of this article [Criteria for Denying a Public Petition for Cause], 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 proceeding to code development 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, Statutes of 1990.

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, proposing agency 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 agency shall include in its written denial a schedule for the planned review. Alternatively, the 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 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 create unnecessary hardship or expense; inappropriately exclude materials, equipment or brands; include only specific brands; conflict with federal or state laws or regulations or existing building standards; or the building standard is 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 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. Any such request shall be submitted in accordance with these petition procedures and shall include the reason or reasons why the decision to deny the petition should be reconsidered. Such request for reconsideration must be submitted no later than 60 days after the date of the decision involved. 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 such statutes, regulations or procedures and a description of the methods used to make the public aware of their existence. Upon such 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 BY PROPOSING AGENCIES**

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

1-403. Public participation. Every state agency with authority to propose or adopt building standards shall develop proposed building standards in a manner to ensure public participation. Methods for ensuring public participation may include but are not limited to the following:

(a) Identify and maintain a listing of all interested groups or persons affected by building standards of the type within the jurisdiction of the agency.

(b) Prior to commencing the development of proposed building standards, notify all interested groups and persons that building standards are to be developed, and solicit suggestions and a means for participation.

(c) Conduct workshops to solicit input where the proposals are complex or large in number and cannot easily be reviewed during the comment period.

(d) Make available draft proposals to interested groups or persons expressing interest.

(e) Establish a procedure to provide interested groups or persons the opportunity to advise the agency of the impact of the proposed standards.

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.

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

Authority: Health and Safety Code Sections 18929.1 and 18930.

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

1-407. Rulemaking file approval.

(a) Proposing agencies developing building standards, or administrative regulations to support building standards, to be

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

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

1. A Building Standards Face Sheet (BSC-1), with original signature of a person authorized to certify documents on behalf of the submitting agency shall accompany all submittals to the Commission pursuant to this section.
2. Two printed copies and one electronic file of the proposed Notice of Proposed Action. The electronic file shall be suitable for immediate placement on the webpage of the Commission for public viewing.
3. One electronic file of the Express Terms showing the proposed building standards or amendments to existing building standards in strikeout/underline format. The file shall be in a form suitable for immediate placement on the webpage of the Commission for public viewing. The language, including numbering and punctuation, of proposed new building standards or amendments to existing building standards shall be shown underlined. Proposed deletions of existing building standards shall be shown in strikeout type. Existing building standards to remain without amendment shall be shown without underlining or strikeout or other highlighting.
4. One electronic file of the Initial Statement of Reasons suitable for immediate placement on the webpage of the Commission for public viewing.

(c) Upon approval of the proposed Notice of Proposed Action for proposed building standards the Executive Director will forward the approved proposed 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 proposed 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 proposing agency to make corrections for resubmittal to the office of the Commission.

(d) Any Notice of Proposed Action not acted upon within 20 days shall be considered automatically approved and may be published.

Authority: Health and Safety Code Sections 18931 and 18935.

Reference: Health and Safety Code Sections 18931 and 18935.

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 a code change submittal received on or before the deadline established under Section 405 of this article, to one or more code advisory committees specifically knowledgeable in the building standard being proposed for change and schedule the submittal for a noticed public hearing to ensure adequate opportunity for public participation and technical review.

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

(c) **Code advisory committee meetings.** The location and date of a code advisory committee meeting shall be noticed by the Commission in accordance with Government Code Sections 11120 through 11132, the Bagley-Keene Open Meeting Act.

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

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

(e) **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.

1-411. Hearing date approval. Proposing 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). Such

approval may be in the form of the Commission’s approval of the proposed Notice of Proposed Action submitted by a proposing 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.

1-413. Public written comment period and related actions.

Anyone wishing to contest a recommendation of the code advisory committee(s) and/or comment on a proposed code change may submit a comment to the Commission during the written comment period established by the notice of proposed action. Upon written request received, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8 shall be held by the Commission on the proposed code changes, its justification and code advisory recommendations at which time statements, arguments, or comments, either oral or in writing, or both, shall be permitted.

1. A challenge shall refer to a specific objection or recommendation to a proposed code change and clearly indicate what is being contested. The challenge shall specify the action desired: approve, disapprove, return for further study or approve as amended. A challenge shall specify a concise substantiating reason for the challenge.
2. Following the close of the comment period and/or public hearing, the Commission shall make available to the public upon request a record of comments received at the Commission office by the close of the written comment period and/or comments received at the public hearing.
3. The Commission or proposing agency, whichever is appropriate, shall consider the comments received from the public pursuant to this section. Amendments and determinations shall be provided in the Final Statement of Reasons.
4. No new issues will be raised before the Commission that were not included in the record of comments.
5. 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.

1-415. 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 following actions on each item of the rulemaking to adopt new, repeal, or amend building standards.

1. **Approve.** The Commission approves a proposed code change as submitted. 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 written authorized representative. 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.

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

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.

1-417. Emergency building standards.

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

(b) Rulemaking files for emergency building standard(s) submitted to the Commission prior to public hearing shall include:

1. An original signed Building Standards Face Sheet (BSC-1)
2. The Finding of Emergency.
3. An analysis which shall justify the approval of the building standard(s) in terms of the criteria as set forth in the State Building Standards Law, Part 2.5, Division 13, Section 18930, et seq., of the Health and Safety Code.
4. The Express Terms illustrating the proposed emergency building standards.
5. A delegation order if the Face Sheet (BSC-1) is signed by other than the Agency Director/Chief.
6. Any supporting documentation as determined by the Executive Director.

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

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

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

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

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 and 18937.

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.

1-419. Final rulemaking file.

(a) After hearing or close of comment period a final rulemaking file shall be submitted to the Commission for approval, in a format as prescribed by the Commission. Each final rulemaking file shall include:

1. Building Standards Face Sheet (BSC-1) with the original signature of a person authorized to certify documents on behalf of the submitting agency.
2. Copies of the Public Notice, Informative Digest, Initial Statement of Reasons and Express Terms to illustrate the proposed building standards.
3. Finding of Emergency Statement (submitted only with Emergency Regulations).
4. Copies of Department of Finance Fiscal Impact Statement (Std. 399) together with fiscal analysis prepared by the submitting Agency.
5. Copies of the written transcript or recorded minutes of the public hearing.
6. Copies of exhibits submitted at the public hearing.
7. Copies of correspondence received during public comment period.
8. Copies of the Updated Informative Digest and Final Statement of Reasons.
9. Copies of the proposed standards with any post hearing changes indicated, and a memo attesting to the 15-day public availability period.
10. Agencies shall certify when the public comment period was closed, and that the submitted rulemaking is complete.
11. An analysis which shall justify the approval of the building standard (s) in terms of the criteria as set forth in the State Building Standards Law, Part 2.5, Division 13, Section 18930, et seq., of the Health and Safety Code.
12. Any referenced documentation relevant to the hearing as determined by the Executive Director of the Building Standards Commission.

13. The number of copies of the proposed building standards packages to be forwarded to the Commission shall be determined by the Executive Director of the Building Standards Commission.
14. All proposed building standards packages shall be indexed.
15. If other than the Agency Director/ Chief signs a Face Sheet (BSC-1), a delegation order shall be attached to the Face Sheet.
16. If the building standards were filed as an emergency, a certification that the requirements of Government Code Section 11346.1 have been complied with.

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

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

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

1-421. 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.

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

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

**ARTICLE 1-5
CITY, COUNTY, AND CITY AND COUNTY
BUILDING PERMIT FEES**

1-501. Purpose. This article establishes regulations for implementation of Health and Safety Code Section 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 words defined in this article shall have the meaning stated therein throughout California Code of Regulations, Title 24, Part 1, Chapter 1, Article 1-5.

(a) **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 this article.

(b) **Department.** The Department of Housing and Community Development.

(c) **Fees, appropriate fractions thereof.** Fee increments for permit values less than one-hundred thousand dollars (\$100,000) as described in Section 1-505.

(d) **Office.** The Office of the State Fire Marshal.

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 one dollar, with appropriate fractions thereof shown in the following table:

| 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. Cities, counties, and cities and counties may exempt from fee assessment permits for which no valuation is made.

(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 fifteenth day of the following month.

1. Each quarter, a city, county, and city and county shall submit a Fee Report Form (BSC-2), Contact Information Form (BSC-3), and a check made payable to the California Building Standards Commission, with the fees collected for that quarter.

Note: The form templates are available for downloading at the Commission’s website at http://www.bsc.ca.gov/proc_rsltn/pr_tmplts.html.

(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.

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.

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. 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 81165 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, 7 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, 17368, 81130 and 81165.

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, 81131 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 floor area or volume of enclosed space that is structurally attached to an existing certified building by connections which are required for transmitting vertical or horizontal loads between the addition and the existing structure. An addition which is not required to be structurally attached either for its own support or for support of the existing building shall be separated as required by Part 2, Title 24, C.C.R., and shall be deemed to be the construction of a new school building as that term is used in Sections 17280 and 81130 of the Act.

ALTERATION is a change within or to an existing building. The relocation or moving of an existing certified school building is considered to be 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 Division of the State Architect.

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.

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 vir-

tue 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 retrofitting 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, 7, 8, 9 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.

RETROFIT is the construction of any new element or system, or the alteration of any existing element or system required for the rehabilitation of the building.

SCHOOL BOARD shall mean and include district Boards of Trustees, city Boards of Education and other appropriate authorities for which any school building used or designed to be used for elementary or secondary school or community college purposes is to be constructed, reconstructed, altered or added to by the state, or by any county, city, city and county, or other political subdivision, or by any school or community college district of any kind or character within the state, or by the United States government, or any agency thereof.

SCHOOL BUILDING as defined in Sections 17283 and 81130.5 of the act is interpreted to include all structure and utility systems or facilities necessary to the complete functioning of the structures, used or designed to be used for instructional purposes, or intended to be entered by pupils or teachers for school purposes, or structures operated as school units, the failure of which would endanger pupils or teachers on school grounds or in school buildings. (See Section 4-310 for teacher residences.) “School Building” is also defined to include dwellings, including utility systems or facilities necessary to the complete functioning of the dwellings, used by pupils, teachers and school employees, that are part of a campus where the primary use is for school purposes.

The following are not considered to be school buildings but may be submitted separately or may be included in the plans and specifications for a school building project and will be checked under the provisions of the Act if submitted by the school district: one-story buildings not over 250 square feet in area when used exclusively as accessory facilities to athletic

fied under these rules and regulations to assume the responsibility assigned.

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

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17302 and 81138.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-316, 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.

4-317. Plans, specifications, calculations and other data.

(a) **General.** When an application for approval of plans and specifications is filed, it shall be accompanied by three complete sets of the plans and specifications, a copy of the structural design calculations, the site data and a fee payment calculated on the estimated cost. The three complete sets of plans and specifications include the set required by Section 5-103 of Title 24, Part 1, California Code of Regulations. (See Section 4-320.)

Exception: An application for projects using the collaborative process for project review per Education Code Section 17319 or 81133.1 shall be accompanied by the filing fees per Sections 4-320 and 5-104. The deadline for submittal of completed plans, specifications and supporting documentation shall be determined by DSA in consultation with the applicant, and shall not exceed 18 months from the application date. Failure to comply with the established deadline may result in voidance of the application.

Plans and specifications which when submitted are determined by DSA to be incomplete or incorrect, shall be returned to the architect or engineer in general responsible charge with a request for compliance with these regulations before checking is started by DSA.

(b) **Plans.** Plans shall designate the use or occupancy of all parts of the school buildings and shall give such other information as may be required to indicate the nature of the work proposed and to show compliance with the act and these regulations. The plans shall be legible and sufficiently detailed and cross-referenced to show clearly the pertinent features of the construction, and shall have sufficient dimensions to be readily interpreted. Where a project includes several school buildings, the plans for each shall be drawn independently except that details common to all need not be repeated.

The architect or engineer in general responsible charge or the professional engineer delegated responsibility for the design of the structural system of the project shall design and detail the anchorage and bracing of nonstructural elements. The details for the bracing and anchorage of nonstructural elements shall be shown on the drawings adjacent to the nonstructural elements to which they apply.

(c) **Specifications.** Specifications shall completely set forth the requirements for the various types of materials that will enter into permanent construction and shall describe the meth-

ods not covered in the technical regulations which are to be used to obtain the required quality of the work shown on the plans as described in the specifications.

Due to the difficulty of anticipating every unsatisfactory condition that might be found in existing construction where addition, alteration, rehabilitation or reconstruction work is proposed, the following clause or one of similar meaning shall be included in the specifications:

“Should any existing conditions such as deterioration or non-complying construction be discovered which is not covered by the DSA approved documents wherein the finished work will not comply with Title 24, California Code of Regulations, a construction change document, or a separate set of plans and specifications, detailing and specifying the required repair work shall be submitted to and approved by DSA before proceeding with the repair work.”

(d) **Design calculations.** Calculations, stress diagrams and other pertinent data shall accompany the plans and specifications and shall be sufficiently complete so that capacities for individual structural members and their connections can be verified without additional calculations. All assumptions used in the calculations and their bases shall be stated. The calculations shall be prefaced by a statement clearly and concisely outlining the basis for the structural design and indicating the manner in which the proposed school building will resist vertical loads and horizontal forces.

The calculations shall be sufficiently complete to establish that the structure will resist the loads and forces prescribed in Part 2, Title 24, C.C.R. Assumed safe bearing pressures on soils and specified strengths of concrete shall be given in calculations and noted on plans. Where unusual conditions occur, such additional data as are pertinent to the work shall be submitted.

(e) **Site data.** Site data for all school sites shall include a geotechnical engineering report including subsurface site work, laboratory testing, an evaluation of site soil conditions, a recommendation for the type of foundations to be used and an allowable design value for the soil-bearing capacity.

A geologic and earthquake hazard report shall be submitted with the application for all new school sites, and for all construction on existing school sites located in a Seismic Hazard Zone, an Alquist-Priolo Earthquake Fault Zone, or in a seismic hazard zone designated in the Safety Element of a Local General Plan. DSA may require a geologic and earthquake hazard study for any construction on a school site outside of the boundaries of any geologic hazard zone where a potential geologic hazard has been previously identified.

Reports shall be prepared, and signed by a California-certified engineering geologist and a California-registered geotechnical engineer. Geologic hazard reports shall include an evaluation of the potential for damage due to flooding.

No school building shall be constructed, rehabilitated, reconstructed or relocated within 50 feet of the trace of an active fault, which has experienced surface displacement within Holocene time (approximately 11,000 years).

(f) **Estimates of cost.** Estimates of cost shall be based on the cost prevailing at the time the plans and specifications are sub-

mitted 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 or specifications as if each alternate building and portion were to be constructed separately and simultaneously.

For projects using the collaborative process for project review per Education Code Section 17319 or 81133.1, the estimated cost of the project shall be based on the cost prevailing at the time that the application is submitted. Upon submittal of complete plans and specifications, DSA may require the applicant to revise the estimated cost based on prevailing costs at that time. If the estimated cost has increased, the applicant shall submit additional filing fees based on the revised estimated cost.

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 may be revised. An additional fee, if required, based on the revised estimated cost of the revision 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 4-322 for actual cost and Section 4-325 for billing for further fees.)

(g) **Deferred approvals.** Only where a portion of the construction cannot be adequately detailed on the approved plans because of variations in product design and/or manufacturer, the approval of plans for such portion, when specifically accepted by DSA, may be deferred until the material suppliers are selected, provided the following conditions are met:

1. The project plans clearly indicate that a deferred approval by DSA is required for the indicated portions of the work prior to fabrication and installation.
2. The project plans and specifications adequately describe the performance and loading criteria for such work.
3. A California licensed architect or California registered engineer stamps and signs the plans and specifications for the deferred approval item. 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 DSA, with notation indicating that the deferred approval documents have been found to be in general conformance with the design of the building.
4. Fabrication of deferred approval items shall not begin without first obtaining the approval of plans and specifications by DSA.

(h) **Signatures required.** The original signature sheet for the specifications and all original tracings for plans, submitted for approval shall bear the stamp and signature of the architect or professional engineer in general responsible charge of the design of the project.

When responsibility for a portion of the work has been delegated, the original tracings for plans and the original cover sheet for the specifications covering that portion of the design shall bear the signature and stamp of the responsible professional engineer or architect to whom the work has been delegated as well as that of the architect or engineer in general

responsible charge. As an option, the architect or engineer in general responsible charge may sign the documents with notation indicating that the documents have been coordinated with the design documents and found to be in general conformance with the design.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17299, 17212, 17212.5, 81135, 81033 and 81033.5.

HISTORY:

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-317, 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.

4-318. Procedure for approval of application and voidance of application.

(a) **General.** After DSA has completed its check of the documents submitted with the application, the checked prints of the plans and specifications, with the items marked for corrections and/or requests for 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 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 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 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 a letter approving the application for the project within five working days of stamping the approved plans and specifications. This letter 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 avoidance 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 paid 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, 81134 and 81140.

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 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 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 4-3 19, 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. Fees. The fees required by Sections 17300 and 81136 of the Education Code shall be in accordance with Section 4-321.1. 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 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 0.5 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 4-32 1.1, 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

SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS

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 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 but prior to bid. Revisions shall be submitted to and approved by DSA.

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 school building and the revisions do not require substantial checking for safety of design. If the original plans are abandoned and the plans and specifications submitted in lieu thereof are in fact for a new project rather than for 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 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.

An hourly fee may be charged to the school district for the review of substantial revisions to approved plans and specifications.

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 |
| 0.5% × \$260,000 | = | <u>1,300.00</u> |
| | | \$8,300.00 |

| | | |
|---|---|-------------------|
| 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 |
| 0.5% × 225,000 | = | <u>1,125.00</u> |
| | | 8,125.00 |

| | | |
|--------------------------|--|------------|
| 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: \$1,225,000.00* | | |
| Actual Cost \$1,352,740.50 | | |
| 0.7% × \$1,000,000.00 | = | \$7,000.00 |
| 0.5% × 352,740.50 | = | <u>1,763.70</u> |
| | | \$8,763.70 |

| | | |
|--------------------|---|-----------------|
| Filing Fee Paid | | |
| 0.7% × \$1,000,000 | = | \$7,000.00 |
| 0.5% × 225,000 | = | <u>1,125.00</u> |
| | | \$8,125.00 |

| | | |
|-------------|---|-----------|
| Further Fee | = | \$ 638.70 |
|-------------|---|-----------|

*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 district shall be billed for further fees upon completion of the project or portion thereof if fee is due. Claims for refunds of \$5.00 or less 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 owner.

Authority: Education Code Sections 17310.

Reference: Education Code Sections 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.

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 a renewal of the voided approval is granted.

Renewal shall not be granted after a period of four years beyond the initial date of the application approval, except for projects suspended pursuant to the Department of Finance Budget Letter No. 08-33 dated December 18, 2008 (Interim Loans for General Obligation and Lease Revenue Bond Projects), which are eligible for extension of approval beyond 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 and shall include evidence that the project suspension is pursuant to the Department of Finance Budget Letter No. 08-33 dated December 18, 2008. This extension of approval shall be granted by DSA for up to one additional year, not to exceed five years from the initial date of the application approval.

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, 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 submit the following documents to DSA within five days of awarding a contract for construction:

- (a) Form DSA-102: Contact Information Form, and

- (b) Form DSA-5: Project Inspector Qualification Record [see Section 4-341(d)].

DSA forms are available at any DSA regional office, or on the internet at www.dgs.ca.gov/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 two weeks, the project inspector shall notify DSA [see Section 4-336(c)4].

(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.)

A geotechnical engineer, or his or her qualified representative shall perform special inspection of the placement and compaction of fills. The geotechnical engineer shall submit verified reports in accordance with Section 4-336 and Title 24, Part 2, Section 1704A.7.1.

(b) **Inspection by 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 architect or registered 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 that is a contracting party for the construction.
2. 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(e). 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 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. An inspector shall not be less than 25 years of age. 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(c).
 - 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, and
 - C. will provide sufficient time on the project to fulfill all inspection responsibilities required by this code.
6. An approved project inspector may be removed and replaced if the work performed is not in conformance with accepted inspection standards, as determined by the school district and the project architect and engineer with the concurrence of DSA. An approved project inspector may also be removed by DSA if the inspection work performed is not in conformance with accepted standards; see Section 4-342.

(c) **Project inspector certification.** An inspector becomes DSA-certified by successfully completing 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, large 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.

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

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

name, mailing address or telephone number changes 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(c) or upgraded by achieving certification in a broader class. Certification may be renewed by attending DSA training classes and passing a recertification examination.

(d) **Special inspection.**

1. Special inspection by inspectors specially approved by DSA may be required on certain types of construction work as described in Title 24, Part 2, Chapter 17A.
2. DSA may require special inspectors for types of construction in addition to those listed in Chapter 17A of Title 24, Part 2 if found necessary because of the special use of materials or methods of construction.
3. DSA may require special inspectors for any off-site fabrication procedures that preclude the complete inspection of the work after assembly.
4. Special inspectors shall be in the direct employ of the school district or a testing facility acceptable to DSA (See Section 4-335).
5. Special inspectors may be required to be approved by DSA for each individual project prior to performing inspections. Application for approval of a special inspector shall be made on an Inspector's Qualification Form (Form DSA-5) and submitted to DSA for review.
6. A special inspector shall not be less than 25 years of age, shall have had at least three years experience in construction work or inspection responsibilities 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 inspector's knowledge and experience 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.
7. 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.
8. The detailed inspection of all work covered by this section is the responsibility of the project inspector when a special inspector is not provided (see Section 4-342).
9. Where responsibility for observation of construction for mechanical work and electrical work is not delegated to professional engineers registered in these particular branches of engineering [see Section 4-316(b)],

material to comply with the requirements of the specifications, and load tests necessary because certain portions of the structure have not fully met specification or plan requirements.

(g) **Test reports.** One copy of all test reports shall be forwarded to DSA, the architect, the structural engineer and the project inspector by the testing facility within 14 days of the date of the test. Such reports shall include all tests made, regardless of whether such tests indicate that the material is satisfactory or unsatisfactory. Records of special sampling operations as required shall also be reported. The reports shall show that the material or materials were sampled and tested in accordance with the requirements of these regulations and with the approved plans and specifications. In the case of materials such as masonry, concrete or steel, test reports shall show the specified design strength. All reports of test results shall also definitely state whether or not the material or materials tested comply with requirements of the plans and specifications. Reports of test results of materials not found to be in compliance with the requirements of the plans and specifications shall be forwarded immediately to DSA, the architect, the structural engineer and the project inspector.

(h) **Verification of test reports.** Each testing facility shall submit to DSA, and provide a copy to the project inspector, at the completion of the testing program or when required by DSA a verified report covering all of the tests and inspections that were required to be made by that facility. Such report shall be furnished any time that work on the project is suspended, or services of the testing lab are terminated, covering the tests up to 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 testing facility. The verified report shall indicate that all tests and inspections were made as required by the approved plans and specifications, and shall list any noncompliant tests or inspections that have not been resolved by the date of the verified report. In the event that not all required tests or inspections were made by the laboratory making this verified report, those tests or inspections not made shall be listed on the verified report.

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 4-335, Part1, 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.

4-336. Verified reports.

(a) **General.** As the work of construction progresses, the architect, structural engineer or professional engineer in charge of observation of construction of the work, each architect or registered engineer delegated responsibility for a portion of the work, the project inspector, special inspectors, the geotechnical engineer, the testing facility 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, showing 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) **Report form.** Verified reports shall be made on specific forms prescribed by DSA. DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any of the DSA regional offices.

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

1. By each contractor having a contract with the owner, at the completion of the contract.
2. By the architect, registered engineers, project inspector and special inspectors at the completion of the project.
3. By the architect, registered engineers, and project inspector at the suspension of all work for a period of more than one month.
4. By the project inspector when any building included in the scope of the project is occupied or re-occupied.
5. By any architect, registered engineer, project inspector, special inspector, testing facility, or contractor whose services in connection with the project have been terminated for any reason.
6. By the geotechnical engineer as required by 4-333(a).
7. By the testing facility as required by 4-335(h).
8. 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, Part1, 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 directly to the school board, directly to 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. Forms are not provided by DSA for semimonthly reports. Failure to comply with this section, in a timely manner (seven days after reporting period), will 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 or alterations 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 which shall be submitted to and approved by DSA prior to distribution to contractors. Original copies of addenda shall be stamped and signed by the architect or 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. [See Section 4-317 (h).] One copy of each addendum is required for the files of DSA.

(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 of observation of the work of construction of the project or by the architect or registered engineer delegated responsibility for observation of 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 12927 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 owner 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 general, 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 professional engineer 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 responsible architect or engineer may, if so authorized, act as agent for the school board in completing and submitting the application Form DSA-1 to DSA. (See Section 4-315.)

The architect or registered engineer 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 responsible architect or engineer 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 responsible architect or engineer shall make, or cause to be made, the corrections required on the various documents to comply with the requirements of these regulations. The responsible architect or engineer 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 design professional 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 design professional in general responsible charge in the preparation of addenda, deferred approvals and construction change documents and the selection of inspectors and the testing facility. The architect or registered engineer shall indicate 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. The architect or registered engineer shall observe the work of construction of his or her portion of the project and shall consult with the design professional in general responsible charge in the interpretation of the approved drawings and specifications.

(d) **Approval of inspectors.** The school district or architect or registered engineer in general responsible charge shall submit 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 Project Inspector Qualification Record (Form DSA-5), at least 10 days prior to the time of starting construction work.
2. When an assistant inspector is used, the name of the proposed assistant inspector together with an outline of his or her experience and pertinent qualifications on an Assistant Inspector Qualification Record (Form DSA-5A) must be submitted at least 10 days prior to the use of the assistant inspector.
3. When a special inspector is used, the name of the special inspector to be used in accordance with Section 4-333(d)5.

DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any DSA regional office.

The architect or registered engineer shall provide general direction of the work of the project inspector and shall immediately notify the school board and DSA by letter 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 registered engineer is recommending that DSA withdraw its approval of the project inspector and that the school board terminate the inspector's employment. Upon concurrence by DSA with the recommendation of the responsible architect or registered engineer the withdrawal of the project inspector's approval is automatic. Upon completion of a terminating verified report, the inspector's duties and responsibilities for the project are ended.

In view of the architect or registered engineer's responsibilities for directing the activities of the inspector, such architect or registered engineer 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 school board shall report contract information and time of starting work to DSA. (See Section 4-331.)

(f) **Architect or engineer verified reports.** All architects and registered engineers having responsibility for observation of the work of construction 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. Each architect or engineer 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) **Testing and special inspection program.** The architect or registered engineer in general responsible charge shall establish the extent of the testing and special inspection program consistent with the needs of the particular project [see Sections 4-335 and 4-333(d)] 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. The project inspector is also subject to supervision by a representative of 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 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(e). 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 shall be reported promptly to the architect or registered engineer 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 a file of approved plans and specifications (including all approved addenda or construction change documents) on the job at all times. The inspector, as a condition of employment, shall have and maintain on the job at all times, the edition of Title 24, Parts 1, 2, 3, 4, 5 and 6 referred to in the plans and specifications. The job file shall include the DSA testing and inspection form, inspector's semi-monthly reports, and all of the following as received by the project inspector: verified reports, laboratory tests and inspection reports. The job file shall be kept on the job until the completion of the

work 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.

4. **Project inspector's semimonthly reports.** The project inspector shall keep the architect or registered engineer 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 by email 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 24 hours in advance of any subsequent and significant concrete placement.
 - D. When all work on the project is suspended for a period of more than two weeks.
6. **Construction procedure records.** The project inspector shall keep a record of certain phases of construction procedure including, but not limited to, the following:
 - A. **Concrete placing operations.** The record shall show the time and date of placing concrete and the time and date of removal of forms in each portion of the structure.
 - B. **Welding operations.** The record shall include identification marks of welders, lists of defective welds, manner of correction of defects, etc.
 - C. **Pile driving operations.** The record shall include penetration under the last 10 blows for each pile when piles are driven for foundations.

All such records shall be kept on the job until the completion of the work and shall be readily accessible to DSA personnel during site visits. These records shall be made a part of the permanent school records.

7. **Construction project log.** The inspector shall maintain construction logs on site at all times including, but not limited to, the following:
 - A. A 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.
 - B. A log of all deviation notices. The log shall reference all applicable details and specification sections related to non-conforming materials and workmanship including construction change documents, addenda and deferred approvals. The log shall describe all corrective actions taken whether performed in accordance with DSA approved docu-

ments or not, the current status of each deviation issue and the resolution for each issue.

- C. Copies of all deviation notices, semimonthly reports, test reports, special inspection reports, contractor's requests for information (RFI), responses to RFIs, interpretations and clarifications from the design professional in general responsible charge, and other applicable documents required to provide a complete record of the construction.

The construction project log shall be kept on the job until the completion of the work and shall be readily accessible to DSA personnel during site visits. The log shall be made a part of the permanent school records.

8. **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.

9. **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.
10. **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.
3. The State Architect has received a factual complaint, or other relevant information regarding the work of an inspector.

(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. Require 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 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 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(g), 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 for a project, or certification, or to deny renewal of a certification must be filed in writing with the Division of the State Architect 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 therefore. 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 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 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.

Upon receipt of request for examination, DSA shall furnish an application blank, Form DSA-2, which shall be filled out by

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: CCR, 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; CCR, 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; CCR, 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.

1.5.1 Compliance deadlines.

1. After January 1, 2002, any general acute care hospital building which continues acute care operation must, at a minimum, meet the nonstructural requirements of NPC 2, as defined in Article 11, Table 11.1 or shall no longer provide acute care services.
2. After January 1, 2008, any general acute care hospital building which continues acute care operation must, at a minimum, meet the structural requirements of SPC 2, as defined in Article 2, Table 2.5.3 or shall no longer provide acute care services.

Exception: A general acute care hospital may request a delay of SPC 2 requirements if the conditions of Section 1.5.2 are met.

3. After January 1, 2008, any general acute care hospital building which continues acute care operation must, at a minimum, meet the nonstructural requirements of NPC 3, as defined in Article 11, Table 11.1 or shall no longer provide acute care services.

Exception: A general acute care hospital may request an exemption from the anchorage and bracing requirements of NPC 3 if all the conditions of Section 1.5.2 are met.

4. After January 1, 2030, any general acute care hospital building which continues acute care operation must, at a minimum, meet the structural requirements of SPC 3, 4 or 5, as defined in Article 2, Table 2.5.3 and the nonstructural requirements of NPC 5, as defined in Article 11, Table 11.1 or shall no longer provide acute care services.

1.5.2 Delay in compliance.

1. The Office may grant the hospital owner an extension to the January 1, 2008 seismic compliance deadline for both structural and nonstructural requirements if compliance will result in diminished health care capacity which cannot be provided by other general acute care hospitals within a reasonable proximity.

1.1 Hospital owners requesting an extension in accordance with Section 1.5.2 must submit an application form to the Office by January 1, 2007. The application form shall be accompanied by a statement explaining why the hospital is seeking the extension to the January 1, 2008 seismic compliance deadline. The statement shall include, at a minimum, the following information:

- (a) The length/duration of the extension request;
- (b) The hospital buildings requiring an extension; and
- (c) The acute care services that will be completely or partially unavailable if the extension is denied.

1.2 The hospital owner shall request an extension for seismic compliance in one year increments, up to a maximum of five years, beyond the mandated year of compliance. The hospital owner shall also submit an amended compliance plan and schedule in accordance with Section 1.4.5 indicating when compliance will be obtained.

2. Any general acute care hospital located in Seismic Design Category D, as defined by Section 1613A of the 2010 *Cal-*

ifornia Building Code, may request an exemption from the anchorage and bracing requirements of NPC 3 for a hospital building if all the following conditions are met:

- 2.1 The hospital building shall meet the anchorage and bracing requirements for NPC 2.
- 2.2 Any future upgrade of building(s) to SPC 5 shall be accompanied by upgrade of nonstructural components to either NPC 4 or NPC 5.
- 2.3 By January 1, 2024, the hospital owner shall submit to the Office a complete nonstructural evaluation up to NPC 5, for each building.
- 2.4 By January 1, 2026, the hospital owner shall submit to the Office construction documents for NPC 5 compliance that are deemed ready for review by the Office, for each building.
- 2.5 By January 1, 2028, the hospital owner shall obtain a building permit to begin construction, for NPC 5 compliance of each building that the owner intends to use a general acute care hospital building after January 1, 2030. Hospitals not meeting the January 1, 2028 deadline set by this section shall not be issued a building permit for any noncompliant building except those required for seismic compliance in accordance with the California Administrative Code (Chapter 6), maintenance, and emergency repairs until the building permit required by this section is issued.

Exception: If the hospital has obtained a building permit(s) for project(s) to relocate all general acute care hospital beds and/or services to SPC 3 or higher, and NPC 5 building(s) within a timeframe which permits such relocation of beds and/or services by January 1, 2030, requirements of Sections 1.5.2.2.3 through 1.5.2.2.5 shall be deemed to be satisfied.

3. Any SPC-1 building which is part of the functional contiguous grouping of a general acute care hospital may receive a five-year extension to the January 1, 2008 deadline for both structural and nonstructural requirements under the following conditions:

- 3.1 The owner must apply for an extension with the Office no later than January 1, 2004;
- 3.2 The owner must submit an amended compliance plan to the Office by July 1, 2004;
- 3.3 The buildings must have met the NPC-2 nonstructural requirements by January 1, 2002;
- 3.4 At least one building within the contiguous grouping shall have obtained a building permit prior to 1973 and shall have been evaluated and classified as SPC-1 in accordance with Section 1.3;

Exception: Hospital buildings that were classified as SPC-1 under Section 2.0.1.2.3 must submit a structural evaluation report in accordance with Sections 1.3.2 and 1.3.3 by January 1, 2004.

- 3.5 The basic service(s) from the building shall be:
 - (a) Relocated to an SPC-3, 4, or 5/NPC-4 or 5 building by January 1, 2013.

- i. The building shall not be used for general acute care service after January 1, 2013, unless it has been retrofitted to an SPC-5/NPC-4 or 5 building; or
 - (b) Continued in building if it is retrofitted to an SPC-5/NPC-4 or 5 building by January 1, 2013;
- 3.6 Any other SPC-1 building in the contiguous grouping other than the building identified in subsection 1.5.2.3.4 must be retrofitted to at least an SPC-2/NPC-3 by January 1, 2013, or no longer used for acute care hospital inpatient services.
4. A post-1973 building classified as SPC-3 or 4 may receive an extension to the January 1, 2008, deadline for both the structural and nonstructural requirements, provided it will be closed to general acute care inpatient service by January 1, 2013. The basic services in this building shall be relocated to an SPC-5/NPC-4 or 5 building by January 1, 2013;
- 4.1 Any SPC-1 building in a functional contiguous grouping must be retrofitted to at least an SPC-2/NPC-3 by January 1, 2013, or no longer used for acute care hospital inpatient services. The following conditions apply to these hospital buildings:
- (a) The owner must apply for an extension with the Office no later than January 1, 2004;
 - (b) The owner must submit an amended compliance plan to the Office by July 1, 2004; and
 - (c) The buildings must have met the NPC-2 nonstructural requirements by January 1, 2002.
5. A single building containing all of the basic services may receive a five-year extension to the January 1, 2008, deadline for both structural and nonstructural requirements under the following conditions:
- 5.1 The owner must apply for an extension with the Office no later than January 1, 2004;
- 5.2 The owner must submit an amended compliance plan to the Office by July 1, 2004;
- 5.3 The building shall have obtained a building permit prior to 1973 and shall have been evaluated and classified as SPC-1 in accordance with Section 1.3;
- Exception:** Hospital buildings that were classified as SPC-1 under Section 2.0.1.2.3 must submit a structural evaluation report in accordance with Sections 1.3.2 and 1.3.3 by January 1, 2004.
- 5.4 The basic services from this building shall be:
- (a) Relocated to an SPC-3, 4, or 5/NPC-4 or 5 building by January 1, 2013.
 - i. The building shall not be used for general acute care service after January 1, 2013, unless it has been retrofitted to an SPC-5/NPC-4 or 5 building; or
 - (b) Continued in building if it is retrofitted to an SPC-5/NPC-4 or 5 building by January 1, 2013.
6. Any general acute care hospital that received an approval by the Office to replace all the nonconforming

buildings subject to the requirements of Health and Safety Code Section 130060(a) with new buildings by January 1, 2020, may request an exemption from the anchorage and bracing requirements of NPC 3 if all of the following conditions are met:

- 6.1 The hospital shall meet the anchorage and bracing requirements for NPC 2.
 - 6.2 New building(s) replacing the existing noncompliant building(s) shall be either NPC 4 or NPC 5 building(s).
7. Any general acute care hospital (buildings located in Seismic Design Category D or F) may request an extension from the anchorage and bracing requirements of NPC 3 up to January 1, 2020, if all of the following conditions are met:
- 7.1 The hospital shall meet the anchorage and bracing requirements for NPC 2.
 - 7.2 All building(s) shall be upgraded to either NPC 4 or NPC 5 by January 1, 2020.
 - 7.3 By January 1, 2014, the hospital owner shall submit to the Office a complete nonstructural evaluation up to NPC 5, for each building.
 - 7.4 By January 1, 2016, the hospital owner shall submit to the Office construction documents for NPC 4 or NPC 5 compliance that are deemed ready for review by the Office, for each building.
 - 7.5 By January 1, 2018, the hospital owner shall obtain a building permit to begin construction, for NPC 4 or NPC 5 compliance of each building that the owner intends to use as general acute care hospital building after January 1, 2020. Hospitals not meeting the January 1, 2018 deadline set by this section shall not be issued a building permit for any noncompliant building, except those required for seismic compliance in accordance with the California Administrative Code (Chapter 6), maintenance, and emergency repairs until the building permit required by this section is issued.

Exception: If the hospital has obtained a building permit(s) for project(s) to relocate all general acute care hospital beds and/or services to SPC 3 or higher, and NPC 5 building(s) within a timeframe which permits such relocation of beds and/or services by January 1, 2020, requirements of Sections 1.5.2.7.3 through 1.5.2.7.5 shall be deemed to be satisfied.

1.6 Dispute resolution/appeals process. Dispute resolution and appeals shall be in conformance with Article 5, Chapter 7, Part 1 of Title 24.

1.7 Notification from OSHPD.

- 1. The Office shall issue written notices of compliance to all hospital owners that have attained the minimum required SPC and NPC performance levels by January 1, 2008, January 1, 2013, and January 1, 2030;
- 2. The Office shall issue written notices of violation to all hospital owners that are not in compliance with the min-

HISTORY NOTE APPENDIX FOR CHAPTER 6

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. (OSHPD 1/96) Adoption of Chapter 6, Seismic Evaluation Procedures for Hospital Buildings, Part 1, Title 24, C.C.R. Filed with the secretary of state on April 8, 1997, effective April 8, 1997. Approved by the California Building Standards Commission on February 6, 1997.
2. (OSHPD 1/97) New Article 1-Definitions and Requirements based on SB 1953. Approved by the California Building Standards Commission on March 18, 1998. Filed with the Secretary of State on March 25, 1998, effective March 25, 1998.
3. (BSC 2/99) Article 1-7, Conflict of Interest Code. Amend Section 1-701. Approved by the Fair Political Practices Committee on October 29, 1999. Filed with the Secretary of State on December 31, 1999, effective January 30, 2000.
4. (OSHPD EF 1/00) Part 1, Chapter 6, Articles 1, 10, 11 and Appendix. Approved as submitted by the California Building Standards Commission on February 28, 2000. Filed with the Secretary of State on March 3, 2000, effective March 3, 2000. Permanent approval by California Building Standards Commission on May 24, 2000. Certification of Compliance filed with Secretary of State May 26, 2000.
5. (OSHPD EF 2/00) Part 1, Amend Chapter 6, Articles 1, 2, 10 and 11. Emergency approval by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on May 26, 2000, effective May 26, 2000. Permanent approval by California Building Standards Commission September 20, 2000. Certification of Compliance filed with Secretary of State November 15, 2000.
6. (OSHPD EF 5/01) Emergency adoption of amendments to hospital seismic safety evaluation regulations contained in Title 24, C.C.R., Part 1, Chapter 6. Approved by the California Building Standards Commission on November 28, 2001. Filed with the Secretary of State on December 4, 2001, effective December 4, 2001.
7. (OSHPD 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.
8. (OSHPD 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.
9. (OSHPD EF 01/05) Amend Part 1, Chapter 6, Article 11 and Table 11.1. Approved as emergency by the California Building Standards Commission on December 13, 2005. Filed with the Secretary of State on December 14, 2005 with an effective date of December 14, 2005.
10. (OSHPD EF 01/05) Amend Part 1, Chapter 6, Article 11 and Table 11.1. Re-adopted/approved as emergency by the California Building Standards Commission on March 22, 2006. Filed with the Secretary of State on March 30, 2006 with an effective date of March 30, 2006.
11. (OSHPD 01/04) Amend Article 1 for nonconforming hospital buildings. Filed with Secretary of State on May 23, 2006, and effective on the 30th day after filing with the Secretary of State.
12. (OSHPD EF 01/05) Amend Title 24, Part 1, Chapter 6, Article 11 and Table 11.1. The language for the permanent rule will remain effective and unchanged from the readoption/approval of Emergency Finding (OSHPD EF 01/05) Supplement dated May 30, 2006. Approved as permanent by the California Building Standards Commission on July 27, 2006 and filed with the Secretary of State on July 28, 2006.
13. (OSHPD EF 01/07) Amend Title 24, Part 1, Chapter 6, Article 1, Article 2, Article 4, Article 6, Article 11, Table 11.1. Approved by the California Building Standards Commission on July 19, 2007. Filed with the Secretary of State July 20, 2007, effective January 1, 2008.
14. (OSHPD EF 01-07) Amend Title 24, Part 1, Chapter 6, Article 1, Article 2, Article 4, Article 6, Article 11 and Table 11.1. Approved by the California Building Standards Commission on July 19, 2007. Filed with the Secretary of State on July 20, 2007, effective January 1, 2008. It was approved as permanent by the California Building Standards Commission on May 21, 2008 and filed with the Secretary of State on May 23, 2008.
15. (OSHPD EF 02/07) Amend Title 24, Part 1, Chapter 6, definitions added and Chapter amended throughout with a new Appendix H to Chapter 6. Approved as an emergency regulation by the California Building Standards Commission on November 14, 2007, filed with the Secretary of State on November 29, 2007. Effective November 29, 2007. It was approved as permanent by the California Building Standards Commission on May 21, 2008 and filed with the Secretary of State on May 23, 2008.
16. (OSHPD 08/09) Amend Title 24, Part 1, Chapter 6 with amendments throughout. Effective on February 13, 2010.
17. (OSHPD EF 01/10) Amend Title 24, Part 1, Chapter 6 with updates to HAZUS standards pursuant to SB 499 (Chapter 601, Statutes of 2009). Effective on February 13, 2010.
18. (OSHPD 02/10) Amend Article 1, Title 24, Chapter 6, effective on August 28, 2011.

CHAPTER 7

SAFETY STANDARDS FOR HEALTH FACILITIES

ARTICLE 1 GENERAL

7-101. Scope. The regulations in this part shall apply to the administrative procedures necessary to implement the Alfred E. Alquist Act of 1983 and to comply with State Building Standards Law.

Section 129680, Health and Safety Code, authorizes the OSHPD to enforce and amend the *California Building Standards Code* for the safety of hospitals, skilled nursing facilities and intermediate care facilities.

Unless otherwise stated, all references to sections of statute are sections found in the Health and Safety Code.

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 7-101. Filed with the secretary of state on August 14, 1996, becomes effective September 18, 1996. Approved by the California Building Standards Commission on March 19, 1996.

7-103. Jurisdiction. The following are within the jurisdiction of Office of Statewide Health Planning and Development:

(a) For development of regulations in the *California Building Standards Code* and enforcement thereof.

1. Hospital buildings as defined by Section 129725, Health and Safety Code. Correctional Treatment Centers shall certify to the Office in compliance with Section 7-156.
2. Skilled nursing facilities as specified in paragraphs (2) and (3) of subdivision (b) of Section 129725, Health and Safety Code.
3. Intermediate care facilities as specified in paragraphs (2) and (3) of subdivision (b) of Section 129725, Health and Safety Code.

(b) For development of regulations in the *California Building Standards Code*.

1. Clinics, as defined by Section 1200 and 129725 (b) (1), Health and Safety Code, are under the jurisdiction of the local building official for enforcement, except as otherwise specified in Article 21, Section 7-2104 (d) of this chapter.

Exception: When licensed under an acute care hospital and serving more than 25 percent inpatients pursuant to Sections 129725 (b) (1) and 129730, Health and Safety Code, the Office shall retain jurisdiction for enforcement.

2. Correctional Treatment Centers, as defined by Section 129725 (b) 6, 7 (A) or 7 (B), Health and Safety Code, operated by or to be operated by a law enforcement agency of a city, county or a city and county are under the jurisdiction of the local enforcing agency for enforcement.

Correctional Treatment Centers shall certify to the Office in compliance with Section 7-156.

(c) For hospital buildings, skilled nursing facilities and intermediate care facilities, the Office shall also enforce the regula-

tions of the *California Building Standards Code* as adopted by the Office of the State Fire Marshal and the Division of the State Architect/Access Compliance Section, for fire and life safety and accessibility compliance for persons with disabilities, respectively.

Correctional Treatment Centers shall certify to the Office in compliance with Section 7-156.

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 7-103. 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 2/96) 1996 Annual Code Adoption Cycle will amend Section 7-103, 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.

7-104. Alternate method of compliance. The provisions of the *California Building Standards Code* (CBSC) are not intended to prevent the use of any alternate method of compliance not specifically prescribed by the CBSC, provided written approval for such alternate method has been granted by the Office. Alternate methods include Alternate Means of Protection, Alternate Method of Compliance, Alternative System, designs required by regulations to be specifically approved by the enforcing agency, and Program Flexibility. A written request shall be submitted to the Office with an Alternate Method of Compliance form provided by the Office and supporting documentation as necessary to assist the Office in its review. The written request shall include substantiating evidence in support of the alternate. If the request is submitted prior to the submittal of construction documents, an Application for Plan Review form must also be submitted with a fee pursuant to Section 7-133 (a) 3. A request approved by the Office shall be limited to the specific request and shall not be construed as establishing a precedent for any future requests. The provisions of the following sections must also be met: Section 104.11 and Section 1224.2, California Building Code; Article 90.4, *California Electrical Code*; Section 105.0, *California Mechanical Code*; Section 301.4, *California Plumbing Code*; and Section 1.11.2.4, *California Fire Code*.

7-105. Authority. (Deleted)

HISTORY:

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to delete Section 7-105. 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.

7-107. Interpretation. No regulation shall be construed to deprive the Office of its right to exercise the powers conferred upon it by law, or to limit the Office in such enforcement as is necessary to secure safety of construction, as required by Division 107, Chapter 7 (commencing with Section 129675), Health and Safety Code.

Authority: Health and Safety Code Sections 127015 and 129850.

Reference: Health and Safety Code Sections 129675–129998.

7-109. Application of regulations.

(a) Except as otherwise provided, these regulations and all applicable parts of the *California Building Standards Code* shall be the basis for design, plan review and observation of construction of hospital buildings, skilled nursing facilities and intermediate care facilities.

(b) Deleted.

(c) Additions, structural repairs or alterations to existing health facilities shall be made in accordance with the provisions of Part 2, Title 24, California Code of Regulations, *California Building Standards Code*.

(d) Before any health facility not previously licensed under Section 1250 of the Health and Safety Code can be licensed and used as a health facility, the applicant shall provide substantiating documentation from a structural engineer that the building is in full conformance with the requirements of the *California Building Standards Code* for new buildings; if not, the building shall be reconstructed to conform to the requirements of the *California Building Standards Code*.

(e) Routine maintenance and repairs shall not require prior approval by the Office but shall be performed in compliance with the applicable provisions of the *California Building Standards Code*.

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 7-109. 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 2 DEFINITIONS

Unless otherwise stated, the words and phrases defined in this article shall have the meaning stated therein throughout Chapter 7, Part 1, Title 24.

7-111. Definitions.

ACTUAL CONSTRUCTION COST means the cost of all portions of a project to construct the work as shown on the approved construction documents and as necessary to comply with the *California Building Standards Code*, generally based upon the sum of the construction contract(s), when applicable, and other direct construction costs, including but not limited to mobilization, general and special conditions, supervision and management, overhead, markups and profit, demolition, building pad construction including but not limited to grading, soil remediation, excavation, trenching, retaining, shoring, etc., temporary construction and barriers, materials, supplies, machinery, equipment, labor cost or the wages paid to the workers doing the work, etc., as certified by the hospital governing board or authority. Construction cost does not include the compensation paid to the designer(s), inspector(s), plan review and building permit, the cost of the land, rights-of-way, work outside the scope of OSHPD's jurisdiction, mobile equipment and furnishings, or other costs which are defined in the contract documents as not a part of the work. Work requiring a plan approval and/or building permit issued by the Office which is identified as not in the scope of the work and/or not in contract (NIC) shall be performed under a separate building permit.

ADDITION means any work which increases the floor or roof area or the volume of enclosed space of an existing building.

ALTERATION means any change in an existing building which does not increase and may decrease the floor or roof area or the volume of enclosed space.

ALTERNATE METHOD OF COMPLIANCE means the approved use of an alternative material, method of construction, device or design to comply with an architectural, electrical, mechanical or plumbing regulation.

ALTERNATE MEANS OF PROTECTION means the approved use of an alternative material, assembly or method of construction to comply with a fire and life safety regulation pursuant to Section 111.2.4, California Chapter 1, *California Fire Code*.

ALTERNATIVE SYSTEM means the approved use of an alternative material, design or method of construction to comply with a structural regulation.

APPROVED CONSTRUCTION DOCUMENTS means all plans, specifications, addenda, instruction bulletins, change orders and deferred submittals that have the written approval of the Office. The identification stamp of the Office shall not be construed to mean the written approval of plans required by Section 7-113.

ARCHITECT means a person licensed as an architect under Chapter 3 (commencing with Section 5500), Division 3, the California Business and Professions Code.

ASSIGNMENT means the project scope of services, expected results, completion time and the monetary limitation for the services.

ASSOCIATED STRUCTURAL ALTERATIONS means any change affecting existing structural elements or requiring new structural elements for vertical or lateral support of an otherwise nonstructural alteration.

CANDIDATE means an applicant who is accepted by the Office as eligible to participate in a Hospital Inspector Certification Examination pursuant to the qualification criteria described in these regulations.

CIVIL ENGINEER means a person licensed as a civil engineer under Chapter 7 (commencing with Section 6700), Division 3, the California Business and Professions Code.

CONFORMING BUILDING means a building originally constructed in compliance with the requirements of the 1973 or subsequent edition of the *California Building Code*.

CONSTRUCTION means any construction, reconstruction or alteration of, or addition or repair to any health facility.

DEFERRED SUBMITTALS see Section 7-126.

DIRECTOR means the Director of the Office of Statewide Health Planning and Development or the Director's designee authorized to act in his or her behalf.

ELECTRICAL ENGINEER means a person licensed as an electrical engineer under Chapter 7 (commencing with Section 6700), Division 3, the California Business and Professions Code.

ENGINEERING GEOLOGIST means a person certified as an engineering geologist under Chapter 12.5 (commencing with Section 7800), Division 3, the California Business and Professions Code, in that branch of engineering which is applicable.

EQUIPMENT

Equipment to be used in projects shall be classified as building service equipment, fixed equipment, or movable equipment.

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. (OSHPD 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. (OSHPD-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 (OSHPD 1/97, OSHPD 2/97, OSHPD 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. (OSHPD 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. (OSHPD 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. (OSHPD 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. (OSHPD 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. (OSHPD 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. (OSHPD 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. (OSHPD 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. (OSHPD 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. (OSHPD 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. (OSHPD 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. (OSHPD 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. (OSHPD 04/09) Amend Chapter 7, Safety Standards for Health Facilities. Effective on February 13, 2010.
18. (OSHPD EF 01/10) Amend Chapter 7 with HAZUS updates pursuant to SB 499 (Chapter 601, Statutes of 2009). Effective on February 13, 2010.
19. (OSHPD 01/10) Amend Article 1, Title 24, Chapter 7, Article 7-111, effective on August 28, 2011.

proposed decision, shall constitute the exclusive record for decision and shall be available to the appellant at any reasonable time for one year after the date of the Board's notice of decision in the case.

4. The decision of the Board shall be final.

Note: Amendments to Section 13-102 effective November 25, 1993.

13-102. Minimum standards for local detention facilities.

(a) **Definitions.** The following definitions shall apply:

ADMINISTERING MEDICATION, as it relates to managing legally obtained drugs, means the act by which a single dose of medication is given to a patient. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.

ADMINISTRATIVE SEGREGATION means the physical separation of different types of inmates from each other as specified in Penal Code Sections 4001 and 4002, and Section 1053 of Title 15, C.C.R. Administrative segregation is accomplished to provide that level of control and security necessary for good management and the protection of staff and inmates.

ALTERNATE MEANS OF COMPLIANCE means a process for meeting or exceeding standards in an innovative way, after a pilot project evaluation, approved by the Corrections Standards Authority pursuant to an application.

AVERAGE DAILY POPULATION means the average number of inmates housed daily during the last fiscal year.

CLINICAL EVALUATION means an assessment of a person's physical and/or mental health condition conducted by licensed health personnel operating within recognized scope of practice specific to their profession and authorized by a supervising physician or psychiatrist.

CORRECTIONS STANDARDS AUTHORITY means the State Corrections Standards Authority, whose board acts by and through its executive director, deputy directors and field representatives.

CONCEPT DRAWINGS means, with respect to a design-build project, any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the agency determines necessary to sufficiently describe the agency's needs.

CONTACT means any physical or sustained sight or sound contact between juveniles in detention and incarcerated adults. Sight contact is clear visual contact between adult inmates and juveniles within close proximity to each other. Sound contact is direct oral communication between adult inmates and juvenile offenders.

COURT HOLDING FACILITY means a local detention facility constructed within a court building after January 1, 1978, used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.

CUSTODIAL PERSONNEL means those officers with the rank of deputy, correctional officer, patrol persons or other equivalent sworn or civilian rank whose duties include the supervision of inmates.

DELIVERING MEDICATION, as it relates to managing legally obtained drugs, means the act of providing one or more doses of a prescribed and dispensed medication to a patient.

DESIGN-BID-BUILD means a construction procurement process independent of the design process and in which the construction of a project is procured based on completed construction documents.

DESIGN-BUILD means a construction procurement process in which both the design and construction of a project are procured from a single entity.

DEVELOPMENTALLY DISABLED means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy and autism, as well as disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals.

DIRECT VISUAL OBSERVATION means direct personal view of the inmate in the context of his/her surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.

DISCIPLINARY ISOLATION means that punishment status assigned an inmate as the result of violating facility rules and which consists of confinement in a cell or housing unit separate from regular jail inmates.

DISPENSING, as it relates to managing legally obtained drugs, means the interpretation of the prescription order, the preparation, repackaging and labeling of the drug based upon a prescription from a physician, dentist or other prescriber authorized by law.

DISPOSAL, as it relates to managing legally obtained drugs, means the destruction of medication or its return to the manufacturer or supplier.

EMERGENCY means any significant disruption of normal facility procedure, policies, or activities caused by a riot, fire, earthquake, attack, strike or other emergent condition.

EMERGENCY MEDICAL SITUATIONS means those situations where immediate services are required for the alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable medical conditions are required, if such conditions would lead to serious disability or death if not immediately diagnosed and treated.

EXERCISE means activity that requires physical exertion of the large muscle group.

FACILITY/SYSTEM ADMINISTRATOR means the sheriff, chief of police, chief probation officer or other official charged by law with the administration of a local detention facility/system.

FACILITY MANAGER means the jail commander, camp superintendent or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.

FACILITY WATCH COMMANDER means the individual designated by the facility manager to make operational decisions during his/her tour of duty.

HEALTH AUTHORITY means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health authority may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When this authority is other than a physician, final clinical decisions rest with a single designated responsible physician.

HEALTH CARE means medical, mental health and dental services.

JAIL, as used in Article 8, means a Type II or III facility as defined in the “Minimum Standards for Local Detention Facilities.”

LABELING, as it relates to managing legally obtained drugs, means the act of preparing and affixing an appropriate label to a medication container.

LAW ENFORCEMENT FACILITY means a building that contains a Type I Jail or Temporary Holding Facility or Lockup. It does not include a Type II or III jail, which has the purpose of detaining adults, charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.

LEGEND DRUGS are any drugs defined as “dangerous drugs” under Chapter 9, Division 2, Section 4211 of the *California Business and Professions Code*. These drugs bear the legend, “Caution Federal Law Prohibits Dispensing without a Prescription.” The Food and Drug Administration (FDA) has determined, because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

LIVING AREAS means those areas of a facility utilized for the day-to-day housing and activities of inmates. These areas do not include special use cells such as sobering, safety, and holding or staging cells normally located in receiving areas.

LOCAL DETENTION FACILITY means any city, county, city and county, or regional jail, camp, court holding facility or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors.

LOCAL DETENTION SYSTEM means all of the local detention facilities that are under the jurisdiction of a city, county or combination thereof, whether publicly or privately operated. Nothing in the standards are to be construed as creating enabling language to broaden or restrict privatization of local detention facilities beyond that which is contained in other statute.

LOCAL HEALTH OFFICER means that licensed physician who is appointed pursuant to Health and Safety Code Section 101000 to carry out duly authorized orders and statutes related to public health within their jurisdiction.

LOCKUP means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily used for the temporary confinement of adults who have recently

been arrested; sentenced prisoners who are inmate workers may reside in the facility to carry out appropriate work.

MAY. “May” is permissive; “shall” is mandatory.

MENTAL HEALTH DIRECTOR means that individual who is designated by contract, written agreement or job description, to have administrative responsibility for the facility or system mental health program.

NONSECURE CUSTODY means that a minor’s freedom of movement in a law enforcement facility is controlled by the staff of the facility; and

- (1) the minor is under constant direct visual observation by the staff;
- (2) the minor is not locked in a room or enclosure; and,
- (3) the minor is not physically secured to a cuffing rail or other stationary object.

NONSENTENCED INMATE means an inmate with any pending local charges or one who is being held solely for charges pending in another jurisdiction.

OVER-THE-COUNTER (OTC) DRUGS, as it relates to managing legally obtained drugs, are medications which do not require a prescription (non-legend).

PEOPLE WITH DISABILITIES includes, but is not limited to, persons with a physical or mental impairment that substantially limits one or more of their major life activities or those persons with a record of such impairment or perceived impairment that does not include substance use disorders resulting from current illegal use of a controlled substance.

PERFORMANCE CRITERIA means, with respect to a design-build project, the information that fully describes the scope of the proposed project and includes, but is not limited to, the size, type and design character of the buildings and site; the required form, fit, function, operational requirements and quality of design, materials, equipment and workmanship; and any other information deemed necessary to sufficiently describe the agency’s needs; including documents prepared pursuant to paragraph (1) of subdivision (d) of Section 20133 of the Public Contract Code.

PILOT PROJECT means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a local detention facility pursuant to application to, and approval by, the Corrections Standards Authority.

PRELIMINARY DRAWINGS means, with respect to a design-build project, a site plan, architectural floor plans, elevations, outline specifications and a cost estimate for each utility, site development, conversion and remodeling project. The drawings shall be sufficiently descriptive to accurately convey the location, scope, cost and the nature of the improvement being proposed.

PROCUREMENT, as it relates to managing legally obtained drugs, means the system for ordering and obtaining medications for facility stock.

PSYCHOTROPIC MEDICATION means any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.

RATED CAPACITY means the number of inmate occupants for which a facility's single- and double-occupancy cells, or dormitories, except those dedicated for medical or disciplinary isolation housing, were planned and designed in conformity to the standards and requirements contained herein and in Title 15, C.C.R.

REGIONAL CENTER FOR DEVELOPMENTALLY DISABLED means those private agencies throughout the state, funded through the Department of Developmental Services which assure provision of services to persons with developmental disabilities. Such centers will be referred to as regional centers in these regulations.

REMODEL means to alter the facility structure by adding, deleting, or moving any of the building's components, thereby affecting any of the spaces specified in Title 24, Section 1231.

REPACKAGING, as it relates to managing legally obtained drugs, means the transferring of medications from the original manufacturer's container to another properly labeled container.

REPAIR means to restore to original condition or replace with like-in-kind.

SAFETY CHECKS means direct, visual observation performed at random intervals within timeframes prescribed in these regulations to provide for the health and welfare of inmates.

SECURE CUSTODY means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure and/or physically secured to a cuffing rail or other stationary object.

SECURITY GLAZING means a glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.

SENTENCED INMATE means an inmate that is sentenced on all local charges.

SHALL is mandatory; "may" is permissive.

SOBERING CELL as referenced in Section 1056, refers to an initial "sobering up" place for arrestees who are sufficiently intoxicated from any substance to require a protected environment to prevent injury by falling or victimization by other inmates.

STORAGE, as it relates to legally obtained drugs, means the controlled physical environment used for the safekeeping and accounting of medications.

SUPERVISION IN A LAW ENFORCEMENT FACILITY means that a minor is being directly observed by the responsible individual in the facility to the extent that immediate intervention or other required action is possible.

SUPERVISORY CUSTODIAL PERSONNEL means those staff members whose duties include direct supervision of custodial personnel.

TEMPORARY CUSTODY means that the minor is not at liberty to leave the law enforcement facility.

TEMPORARY HOLDING FACILITY means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility or appearance in court.

TYPE I FACILITY means a local detention facility used for the detention of persons, for not more than 96 hours, excluding holidays, after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five-day scheduled work week.

TYPE II FACILITY means a local detention facility used for the detention of persons pending arraignment, during trial and upon a sentence of commitment.

TYPE III FACILITY means a local detention facility used only for the detention of convicted and sentenced persons.

TYPE IV FACILITY means a local detention facility or portion thereof designated for the housing of inmates eligible under Penal Code Section 1208 for work/education furlough and/or other programs involving inmate access into the community.

WORKING DRAWINGS means, with respect to a design-build project, a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering and landscaping systems to the degree necessary for the purpose of accurate bidding by contractors and for the use of artisans in constructing the project.

(b) **Exclusions.** Title 24 of the California Code of Regulations, Sections 13-102 and 2-1013 which pertain to planning and design of detention facilities shall be applicable to facilities for which architectural drawings have been submitted to the State Corrections Standards Authority for review. These requirements shall not be applicable to facilities which were constructed in conformance with the standards of the Corrections Standards Authority in effect at the time of initial architectural planning. When any facility, designed and constructed under earlier standards, can comply with a more recently adopted requirement, the least-restrictive regulation shall apply.

If, in the course of inspection of local detention facilities, the Corrections Standards Authority determines that a facility planned or built prior to these regulations does not meet the appropriate, applicable standards in effect at the time of initial architectural planning, the local governing body shall submit to the Corrections Standards Authority for their approval within one year of such inspection a plan for causing that facility to meet current standards. Such a plan shall include the specific building areas which need to be remodeled and/or constructed, a definite time period over which the proposed modifications are planned, and a cost estimate including a description of the method of financing.

(c) **Initial planning for a local detention facility.**

1. **Letter of intent.** A city, county, city and county, or any combination thereof which has an intent to build or

remodel any local detention facility shall immediately file a letter of intent with the Corrections Standards Authority.

2. **Needs assessment study.** Any city, county, city and county, or region intending to construct a new Type I, II, III or IV facility or add 25 or more beds to an existing facility shall complete a needs assessment study. One copy of the needs assessment study shall be submitted to the Corrections Standards Authority prior to contracting for plans and specifications.

The needs assessment shall include, but not be limited to, a description of:

- A. The elements of the system;
- B. The department's operational and design philosophy;
- C. The current inmate population;
- D. The classification system;
- E. Program needs, including planned academic programs to include special education programs and an analysis of performance in using programs that can reduce secure facility requirements;
- F. An analysis of the local trends and characteristics which influence planning assumptions about future corrections' systems change, including population projections, current and projected inmate populations, and program costs based on continuation of current policies and projections of alternative policies or programs on inmate population growth and program costs;
- G. The adequacy of staffing levels;
- H. The ability to provide visual supervision;
- I. The adequacy of record keeping;
- J. A history of the system's compliance with standards; and
- K. Any unresolved issues.

3. **Operational program statement.** Unless the construction or remodeling is of a minor nature, not affecting the capacity or flow of the facility, an operational program statement shall be developed by the facility administrator and submitted to the Corrections Standards Authority for the purpose of providing the basis upon which architectural plans are drawn. The operational program statement must be submitted with the schematic architectural plans required by Section 13-102 (c) 5 of these regulations for design-bid-build construction projects. The operational program statement must be submitted with the performance criteria or performance criteria and concept drawings for design-build construction projects. The operational program statement must include a description of the following:

- A. Intended capacity of facility.
- B. Security and classification of inmates to be housed.
- C. Inmate movement within the facility and entry and exit from security areas.

- D. Food preparation and serving.
- E. Staffing.
- F. Booking.
- G. Visiting and attorney reviews.
- H. Exercise.
- I. Programs.
- J. Medical services, including the management of communicable diseases.
- K. Cleaning and/or laundering.
- L. Inmate segregation as specified in Penal Code Sections 4001 and 4002 and Article 5 of Title 15, C.C.R.
- M. Court holding and inmate movement.
- N. Mental health services.
- O. Facilities for jail administration and operations staff.
- P. Staff to staff communications system.
- Q. Management of disruptive inmates.
- R. Management and placement of persons with disabilities, with provisions for wheelchairs, gurney access and for evacuation during emergencies.
- S. Architectural treatment of space relative to preventing suicides by inmates.
- T. Method of implementing Penal Code Section 4030 relating to the holding of misdemeanor arrestees.
- U. Intended type of facility.
- V. Sobering cell(s) as referenced by Title 15, Section 1056, with the ability to segregate.
- W. Safety cell(s) as referenced by Title 15, Section 1055.
- X. If minors describe how to enter the security area for processing and/or secure custody or housing, how will movement within the facility and entry and exit from security areas be accomplished pursuant to separation requirements of Welfare and Institutions Code Section 208(a) and Section 1144 of these regulations.

4. **Type III and Type IV facilities in existing buildings.** Wherever a city, county or combination thereof, intends to establish a Type III or Type IV facility in an existing building or buildings, notice shall be given to the Corrections Standards Authority 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 Corrections Standards Authority 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. Corrections Standards Authority staff shall respond in writing indicating compliance or noncompliance 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 Corrections Standards Authority 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 Corrections Standards Authority, 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. Housing cell or room. A cell or room for an inmate with a disability using a wheelchair must have an appropriate entry and toilet, washbasin and drinking fountain which the inmate can use without personal assistance.
- b. Other 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 oth-

erwise be eligible. Accessible showers for inmates with disabilities shall be available.

- c. Spaces outside the security perimeter. Public areas 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 Corrections Standards Authority, to evaluate innovative programs, operations or concepts which meet or exceed the intent of these regulations.

The Corrections Standards Authority 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 Corrections Standards Authority 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, Corrections Standards Authority 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 Corrections Standards Authority 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 Corrections Standards Authority’s consideration at a regularly scheduled meeting. The written notification from the Corrections Standards Authority to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Corrections Standards Authority 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 Corrections Standards Authority, the Corrections Standards Authority 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 Corrections Standards Authority. 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 Corrections Standards Authority shall not exceed twelve months after its approval date. When deemed to be in the best interest of the application, the Corrections Standards Authority may extend the expiration date for up to an additional twelve months. Once a city, county, or city and county successfully completes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance as described in Section 13-102(c)8 of these regulations.

8. **Alternate means of compliance.** The alternate means of compliance is the long-term method used by a local detention facility/system, approved by the Corrections Standards Authority, to encourage responsible innovation and creativity in the operation of California’s local detention facilities. The Corrections Standards Authority may, upon appli-

cation of a city, county, or city and county, consider alternate means of compliance with these regulations after the pilot project process has been successfully evaluated [as defined in Section 13-102(c)7]. The city, county, or city and county must present the completed application to the Corrections Standards Authority no later than 30 days prior to the expiration of its pilot project.

Applications for alternate means of compliance must meet the spirit and intent of improving jail management, shall be equal to or exceed the existing standard(s) and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:

- A. Review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
- B. The applicant’s history of compliance or noncompliance with standards.
- C. A summary of the “totality of conditions” in the facility or facilities, including but not limited to:
 - (1) Program activities, exercise and recreation;
 - (2) Adequacy of supervision;
 - (3) Types of inmates affected; and
 - (4) Inmate classification procedures.
- D. A statement of the problem the alternate means of compliance is intended to solve, how the alternative will contribute to a solution of the problem and why it is considered an effective solution.
- E. The projected costs of the alternative and projected cost savings to the city, county, city and county, if any.
- F. A plan for developing and implementing the alternative, including a time line where appropriate.
- G. A statement of how the overall goal of providing safety to staff and inmates was achieved during the pilot project evaluation phase [Section 13-102(c)7].

The Corrections Standards Authority shall consider applications for alternative means of compliance based on the relevance and appropriateness of the proposed alternative, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, and staff recommendations.

Within 10 working days of receipt of the application, Corrections Standards Authority 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 Corrections Standards Authority members from requesting additional information necessary to make a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time

of the hearing. When complete, the application will be placed on the agenda for the Corrections Standards Authority’s consideration at a regularly scheduled meeting.

The written notification from the Corrections Standards Authority to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Corrections Standards Authority meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for an alternate means of compliance is approved by the Corrections Standards Authority, Corrections Standards Authority 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 which the alternate means of compliance shall be permitted. The Corrections Standards Authority may require regular progress reports and evaluative data as to the success of the alternate means of compliance. 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.

The Corrections Standards Authority may revise the minimum jail standards during the next biennial review (reference Penal Code Section 6030) based on data and information obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, city and county, may continue to operate under this status as long as they meet the terms of this regulation.

ARTICLE 2

MINIMUM STANDARDS FOR JUVENILE FACILITIES

13-201. Minimum standards for juvenile facilities.

(a) **Definitions.** The following definitions shall apply:

ADMINISTERING MEDICATION, as it relates to pharmaceutical management, means the act by which a single dose of medication is given to a patient by licensed health care staff. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.

ALTERNATE MEANS OF COMPLIANCE means a process for meeting or exceeding the intent of the standards in an innovative way as approved by the Corrections Standards Authority pursuant to an application.

APPEAL HEARING means an administrative procedure providing an appellant with an opportunity to present the facts of the appeal for the formal decision concerning matters raised pursuant to the purposes set forth in these regulations. Such hearing may be conducted using oral and/or written testimony as specified by the Executive Director of the Corrections Standards Authority.

APPELLANT means a county or city which files a request for an appeal hearing.

AUTHORIZED AND REPRESENTATIVE means an individual authorized by the appellant to act as its representative in any or all aspects of the hearing.

CAMP means a juvenile camp, ranch, forestry camp or boot camp established in accordance with Section 881 of the Welfare and Institutions Code, to which minors made wards of the court on the grounds of fitting the description in Section 602 of the Welfare and Institutions Code may be committed.

CELL EXTRACTION means the forceful removal of a minor from a room.

CHILD SUPERVISION STAFF means juvenile facility employee, whose duty is primarily the supervision of minors. Administrative, supervisory, food services, janitorial or other auxiliary staff is not considered child supervision staff.

COMMITTED means placed in a jail or juvenile facility pursuant to a court order for a specific period of time, independent of, or in connection with, other sentencing alternatives.

CONTRABAND is any object, writing or substance, the possession of which would constitute a crime under the laws of the State of California, pose a danger within a juvenile facility or would interfere with the orderly day-to-day operation of a juvenile facility.

CONTROL ROOM is a continuously staffed secure area within the facility that contains staff responsible for safety, security, emergency response, communication, electronics and movement.

COURT HOLDING FACILITY FOR MINORS means a local detention facility constructed within a court building used for the confinement of minors or minors and adults for the purpose of a court appearance, for a period not to exceed 12 hours.

CSA means the State Corrections Standards Authority, which acts by and through its executive director, deputy directors and field representatives.

DELIVERING MEDICATION, as it relates to pharmaceutical management, means the act of providing one or more doses of a prescribed and dispensed medication to a patient.

DEVELOPMENTALLY DISABLED means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy and autism, as well as disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals.

DIRECT VISUAL OBSERVATION means staff must personally see minor's movement and/or skin. Audio/video monitoring may supplement but not substitute for direct visual observation.

DIRECT VISUAL SUPERVISION means staff constantly in the presence of the minor. Audio/video monitoring may supplement but not substitute for direct visual supervision.

DISPENSING, as it relates to pharmaceutical management, means the interpretation of the prescription order, the prepara-

tion, repackaging, and labeling of the drug based upon a prescription from a physician, dentist or other prescriber authorized by law.

DISPOSAL, as it relates to pharmaceutical management, means the destruction of medication or its return to the manufacturer or supplier.

DNA or Deoxyribonucleic acid means a chromosomal double stranded molecule that exists in each living cell. DNA determines an individual's hereditary characteristics and can be used to distinguish and identify an individual from another person. This becomes critical when blood, hair, skin or any other part of the body is used to prove one's involvement or lack of involvement in a crime scene.

EMERGENCY means a significant disruption of normal facility procedure, policy or operation caused by civil disorder, single incident of mass arrest of juveniles and natural disasters such as flood, fire or earthquake; and which requires immediate action to avert death or injury and to maintain security.

EXECUTIVE DIRECTOR means the Executive Director of the Corrections Standards Authority.

EXERCISE means an activity that requires physical exertion of the large muscle group.

FACILITY ADMINISTRATOR means Chief Probation Officer, Sheriff, Marshal, Chief of Police or other official charged by law with administration of the facility.

FACILITY MANAGER means director, superintendent, police or sheriff commander or other person in charge of the day-to-day operation of a facility holding minors.

FILING DATE means the date a request for an appeal hearing is received by the Executive Director or the Corrections Standards Authority.

504 PLAN means a written educational plan developed by a group of educators, administrators, parents and other relevant participants pursuant to Section 504 of the Federal Rehabilitation Act of 1973; Title 29 of the United States Code, Section 794; and Title 34 of the Code of Federal Regulations, Part 104, that addresses the needs of a disabled student, as defined under section 504.

FURLOUGH means the conditional or temporary release of a minor from the facility.

GROUP PUNISHMENT means a group of uninvolved minors is denied programming due to the actions of one or more minors.

HEALTH ADMINISTRATOR means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health administrator may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When the administrator is other than a physician, final clinical judgment rests with a designated responsible physician.

HEALTH CARE means medical, mental health and dental services.

HEALTH CARE CLEARANCE means a nonconfidential statement which indicates to child supervision staff that there are no health contraindications to a minor being admitted to a facility and specifies any limitations to full program participation.

HEARING PANEL means a panel comprised of three members of the Corrections Standards Authority who shall be selected by the Chairman at the time an appeal is filed. A fourth member may be designated as alternate. Members designated to the hearing panel shall not be employed by or citizens of the county or city submitting an appeal.

INDIVIDUAL EDUCATION PROGRAM (IEP) means a written statement determined in a meeting of the individualized education program team pursuant to Education Code Section 56345.

INTENSIVE SUPERVISION UNIT within a camp means a secure unit that shall comply with all requirements for a Special Purpose Juvenile Hall.

JUVENILE FACILITY means a juvenile hall, juvenile home, ranch or camp, forestry camp, regional youth education facility, boot camp or special-purpose juvenile hall.

JUVENILE HALL means a county facility designed for the reception and temporary care of minors detained in accordance with the provisions of this subchapter and the juvenile court law.

LABELING, as it relates to pharmaceutical management, means the act of preparing and affixing an appropriate label to a medication container.

LEGEND DRUGS are any drugs defined as “dangerous drugs” under Chapter 9, Division 2, Section 4211 of the California Business and Professions Code. These drugs bear the legend, “Caution Federal Law Prohibits Dispensing Without a Prescription.” The Food and Drug Administration (FDA) has determined, because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

LICENSED HEALTH CARE PERSONNEL means those individuals who are licensed by the state to perform specified functions within a defined scope of practice. This includes, but is not limited to, the following classifications of personnel: physician/psychiatrist, dentist, pharmacist, physician’s assistant, registered nurse/nurse practitioner/public health nurse, licensed vocational nurse and psychiatric technician.

LIVING UNIT shall be a self-contained unit containing locked sleeping rooms, single and double occupancy sleeping rooms or dormitories, dayroom space, water closets, wash basins, drinking fountains and showers commensurate to the number of minors housed. A living unit shall not be divided by any permanent or temporary barrier that hinders direct access, supervision or immediate intervention or other action if needed.

LOCAL HEALTH OFFICER means that licensed physician who is appointed by the Board of Supervisors pursuant to Health and Safety Code Section 101000 to carry out duly

authorized orders and statutes related to public health within his/her jurisdiction.

MAXIMUM CAPACITY means the number of minors that can be housed at any one time in a juvenile hall, camp, ranch, home, forestry camp, regional youth education facility or boot camp in accordance with provisions in this subchapter.

MENTAL HEALTH DIRECTOR means that individual who is designated by contract, written agreement or job description to have administrative responsibility for the mental health program. The health administrator shall work in cooperation with the mental health director to develop and implement mental health policies and procedures.

MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES means those regulations within Title 15, Division 1, Subchapter 4, Section 1000 et. seq. of the California Code of Regulations and Title 24, Part 1, Section 13-102, and Part 2, Section 1230 of the California Code of Regulations, as adopted by the Corrections Standards Authority.

MINOR means a person under 18 years of age and includes those persons whose cases are under the jurisdiction of the adult criminal court.

NEW GENERATION DESIGN means a design concept for detention facilities in which housing cells, dormitories or sleeping rooms are positioned around the perimeter of a common day-room, forming a housing/living unit. Generally, the majority of services for each housing/living unit (such as dining, medical exam/sick call, programming, school, etc.) occur in specified locations within the unit.

NOTICE OF DECISION means a written statement by the Executive Director or the Corrections Standards Authority which contains the formal decision of the Executive Director or the CSA and the reason for that decision.

ON-SITE HEALTH CARE STAFF means licensed, certified or registered health care personnel who provide regularly scheduled health care services at the facility pursuant to a contract, written agreement or job description. It does not extend to emergency medical personnel or other health care personnel who may be on site to respond to an emergency or an unusual situation.

OVER-THE-COUNTER (OTC) DRUGS, as it relates to pharmaceutical management, are medications which do not require a prescription (nonlegend).

PILOT PROJECT means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a juvenile facility, jail or lockup pursuant to an application to, and approval by, the Correction Standards Authority.

PRIMARY RESPONSIBILITY is the ability of a child supervision staff member to independently supervise one or more minors.

PROCUREMENT, as it relates to pharmaceutical management, means the system for ordering and obtaining medications for facility stock.

PROPOSED DECISION means a written recommendation from the hearing panel/hearing officer to the full Corrections

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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.