

REVISION RECORD FOR THE STATE OF CALIFORNIA

SUPPLEMENT

December 8, 2003

2001 Title 24, Part 1, California Building Standards Administrative Code

**PLEASE NOTE: The date of this Supplement is for identification purposes only.
See the History Note Appendix for the adoption and effective dates of the provisions.**

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suggested that the section number as well as the page number be checked when inserting this material and removing the superseded material.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 since 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It is further suggested that the superseded material be retained with this revision record sheet so that the prior wording of any section can be easily ascertained.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specifications, and construction for that permit, it is strongly recommended that the removed pages be retained for historical reference.

Remove Existing Pages

29 and 30
127 through 136
145 through 150.2

Insert Blue Pages

29 and 30
127 through 136
145 through 150.2

proved as a school building shall not be used for school purposes and shall be subject to the provisions of Section 4-310.

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

4-308. Reconstruction or Alterations Projects Not in Excess of \$25,000 in Cost. Projects involving only reconstruction or alterations whose estimated costs do not exceed \$25,000 do not require approval by DSA, but such approval can be obtained at the request of the school board and by compliance with these regulations. The cost of work classified as maintenance as defined in Section 4-314 shall not be considered for purposes of this section. The regulations of the Division of the State Architect/Access Compliance and of the California State Fire Marshal may apply to any project, including maintenance, regardless of cost. See Section 4-302.

In authorizing and completing the design and construction of projects with an estimated cost below \$25,000 as described in this section, the school board assumes responsibility for employing an architect or a registered engineer to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the currently effective provisions of Title 24, C.C.R.

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

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17295 and 81133.

HISTORY:

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

4-309. Reconstruction or Alteration Projects in Excess of \$25,000 in Cost.

(a) **General.** Plans and specifications for any reconstruction or alteration project exceeding \$25,000 in cost shall be submitted to DSA for approval in accordance with Section 4-315, except as provided within this section. The cost of work classified as maintenance as defined in Section 4-314 shall not be considered for purposes of this section. When the estimated cost of a reconstruction or alteration project exceeds \$25,000 but does not exceed \$100,000, and a licensed structural engineer determines that the project does not include any work of a structural nature, approval of the project plans and specifications by DSA is not required, provided the following three items are completed:

1. The structural engineer shall submit a written statement to DSA, indicating that the project does not contain any work of a structural nature.
2. The design professional in general responsible charge of the project shall certify, in writing, that the plans and specifications for the project meet any applicable fire and life-safety standards,

and do not specify any work of construction that is regulated by the accessibility standards of Title 24. This certification shall be submitted to DSA, and shall bear the stamp and signature of the design professional.

3. Within 10 days of the completion of the project, a DSA-certified project inspector shall sign and submit a verified report to DSA, indicating that the project was completed in conformance with the plans and specifications. (See Section 4-336, Verified Reports.)

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

All new construction work, which is part of a reconstruction or alteration project shall comply with currently effective regulations.

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

Minor structural modifications to the existing structural system not exceeding the limits defined in Section 4-309 (c) 2 A and B are permitted provided these modifications comply with the regulations in effect when the plans and specifications for the original construction were approved.

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

(c) **Required Structural Rehabilitation.** Existing school buildings for which a reconstruction, alteration or addition project is proposed shall be retrofitted as required to conform to currently effective regulations applicable to rehabilitation of structural systems per Section 4-307 under the following conditions:

1. When the cost of the reconstruction, alteration, or addition project exceeds \$25,000 and 50 percent of the replacement value of the existing building. Maintenance work and air-conditioning equipment and insulation materials costs need not be included in the percentage of replacement value calculation. For the purposes of this section, the cost of the reconstruction, alteration or addition project shall not include the cost of structural rehabilitation.

2. When the cost of the reconstruction, alterations, or addition project exceeds \$25,000 but does not exceed 50 percent of the replacement value of the existing building and the proposed modifications, either:

- A. Increase the existing lateral force story shear in any story by more than 5 percent, or
- B. Reduce the lateral-force-resisting capacity in any story or in the total building by no less than 5 percent.

EXCEPTION: Rehabilitation of the building is not required under Section 4-309 (c) 2(A) when the lateral story shear design load requirements under which the building was originally certified is greater than the lateral seismic load for the altered building under currently effective regulations.

(d) **Other Requirements.** Individual lines of lateral force-resisting elements which are to be altered or which are to be affected by other modifications shall be analyzed to determine the effects of increased loading and/or reduced capacity. The analysis shall show that the affected portion of the structure complies with Section 4-309 (a) or (c) as appropriate.

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

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17294, 17295, 81130, 81132 and 81133.

HISTORY:

1. New section filed 2-28-86; effective 30th day thereafter (Register 86, No. 9).
2. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-309, Part 1, Title 24, C.C.R. Filed with the secretary of state on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

4-310. School Garages, Warehouses, Storage and Similar Buildings, Dwellings for Employees and Miscellaneous Structures. The Act does not apply to buildings or structures constructed by a school district for the purpose of, and used solely for housing, buses and minor mechanical equipment or for non-school use where such buildings or structures do not provide facilities for either pupils or teachers and are not intended to be entered by them as such for school purposes. Similarly, the Act does not apply to dwellings for employees or to district-wide administrative buildings on sites separate from school sites, which are not to be used or entered by pupils or teachers, for school purposes.

Buildings or structures of this nature may be constructed by the school board on its own responsibility without first submitting plans and specifications to DSA, but such buildings or structures shall never 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.

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.

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.

“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, change orders 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

CHAPTER 10. ADMINISTRATIVE REGULATIONS FOR THE CALIFORNIA ENERGY COMMISSION (CEC)

Article 1. Energy Building Regulations

10-101. Scope.

(a) This article contains administrative regulations relating to the energy building regulations in Title 24, Part 6. This article applies to all residential and nonresidential buildings.

(b) Nothing in this article lessens any necessary qualifications or responsibilities of licensed or registered building professionals or other designers or builders, or the duties of enforcement agencies, that exist under state or local law.

Authority: Public Resources Code Sections 25402 and 25402.1.

Reference: Public Resources Code Sections 25402 and 25402.1.

HISTORY:

1. New Article 1 (Section 1401) filed 5-3-76; effective thirtieth day thereafter (Register 76, No. 19).
2. Amendment filed 8-17-77; designated effective 3-11-78 (Register 77, No. 34).
3. Repealer of Article 1 (Section 1401) and new Article 1 (Sections 1401-1408, not consecutive) filed 12-9-81; designated effective 7-1-82 (Register 81, No. 50).
4. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
5. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-101 (a), Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

10-102. Definitions. In this article the following definitions apply:

“Alternative Calculation Method Approval Manual” or “ACM Manual” is the AB 970 Nonresidential Alternative Calculation Method (ACM) Approval Manual, April 5, 2001, for the 2001 Energy Efficiency Standards for Nonresidential Buildings (P400-01-011) for nonresidential buildings, hotels and multi-family residential buildings with four or more stories and the AB 970 Low-Rise Residential Alternative Calculation Method (ACM) Approval Manual, April 5, 2001, for the 2001 Energy Efficiency Standards for Residential Buildings (P400-01-0012) for all single-family and low-rise multifamily residential buildings.

“Appliance Standards” means the California Code of Regulations, Title 20, Chapter 2, Subchapter 4, Article 4, Sections 1601 to 1608.

“Approved Calculation Method” means a Public Domain Computer Program approved under Section 10-109 (a), or any Alternative Calculation Method approved under Section 10-109 (b).

“Building Permit” means an electrical, plumbing, mechanical, building or other permit or approval, that is issued by an enforcement agency, and that authorizes any construction that is subject to Part 6.

“Commission” means the State Energy Resources Conservation and Development Commission.

“Compliance approach” means any one of the allowable methods by which the design and construction of a building may be

demonstrated to be in compliance with Part 6. The compliance approaches are the performance compliance approach and the prescriptive compliance approach. The requirements for each compliance approach are set forth in Section 100 (d) 2 of Part 6.

“Conditioned Floor Area” means “conditioned floor area” as defined in Section 101 (b) of Part 6.

“Energy Budget” means “energy budget” as defined in Section 101 (b) of Part 6.

“Enforcing Agency” means the city, county, or state agency responsible for issuing a building permit.

“Executive Director” means the executive director of the Commission.

“HVAC System” means “HVAC system” as defined in Section 101 (b) of Part 6.

“Manufactured Device” means “manufactured device” as defined in Section 101 (b) of Part 6.

“NFRC 100” is the National Fenestration Rating Council document entitled “NFRC 100: Procedure for Determining Fenestration Product U-factors.” (1997 or November 2002; NFRC 100 includes procedures for site-built fenestration formerly included in a separate document, NFRC 100-SB)¹

“NFRC 200” is the National Fenestration Rating Council document entitled “NFRC 200: Procedure for Determining Fenestration Product Solar Heat Gain Coefficients at Normal Incidence.” (1995 or November 2002)²

“NFRC 400” is the National Fenestration Rating Council document entitled “NFRC 400: Procedure for Determining Fenestration Product Air Leakage.” (1995 or January 2002)³

“Part 6” means California Code of Regulations, Title 24, Part 6.

“Public Adviser” means the Public Adviser of the Commission.

“R Value” means the measure of the resistance of a material or building component to the passage of heat in $[hr \times ft^2 \times ^\circ F] \div Btu$.

Authority: Public Resources Code Sections 25402 and 25402.1.

Reference: Public Resources Code Sections 25402 and 25402.1.

HISTORY:

1. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
2. Amendment filed 12-4-86; effective thirtieth day thereafter (Register 87, No. 1).
3. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-102, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.
4. (CEC 1/94) Regular order by the California Energy Commission to amend Section 10-102, Part 6, Title 24, California Code of Regulations. Filed with the secretary of state May 24, 1995; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on May 23, 1995.

¹Either the 1997 edition or the November 2002 edition may be used for product rating prior to April 1, 2004. Product ratings authorized by NFRC prior to April 1, 2004 are valid for the full certification period. Beginning April 1, 2004, only the November 2002 edition may be used for new product rating.

²Either the 1995 edition or the November 2002 edition may be used for product rating prior to April 1, 2004. Product ratings authorized by NFRC prior to April 1, 2004 are valid for the full certification period. Beginning April 1, 2004, only the November 2002 edition may be used for new product rating.

³Either the 1995 edition or the January 2002 edition may be used for product rating prior to April 1, 2004. Product ratings authorized by NFRC prior to April 1, 2004 are valid for the full certification period. Beginning April 1, 2004, only the January 2002 edition may be used for new product rating.

10-103. Permit, Certificate, Informational, and Enforcement Requirements for Designers, Installers, Builders, Manufacturers, and Suppliers.

(a) Documentation.

1. **Certificate of Compliance.** The Certificate(s) of Compliance described in Section 10-103 shall be signed by the person(s) responsible for the building design to certify conformance with Part 6. The signer(s) shall be eligible under Division 3 of the Business and Professions Code to sign such documents. If more than one person has responsibility for building design, each person may sign the document or documents applicable to that portion of the design for which the person is responsible. Alternatively, the person with chief responsibility for design may prepare and sign the document for the entire design.

Subject to the preceding paragraph, persons who prepare energy compliance documentation shall sign a statement that the documentation is accurate and complete.

2. **Application for a Building Permit.** Each application for a building permit subject to Part 6 shall contain at least one copy of the documents listed in Sections 10-103 (a) 2 A, 10-103 (a) 2 B and 10-103 (a) 2 C.

A. For all new buildings designated to allow a conditioned use of an occupancy group or type regulated by Part 6 the applicant shall file the appropriate Certificates of Compliance on the plans. The certificates shall indicate the features and performance specifications needed to comply with Part 6, and shall be approved by the local enforcement agency by stamp or authorized signature. The Certificate(s) of Compliance and supporting documentation shall be readily legible and of substantially similar format and informational order and content to the appropriate Certificate(s) of Compliance and supporting documentation in the appropriate Residential or Nonresidential Manual, as defined in Part 6.

B. Plans and specifications submitted with each application for a building permit shall show the characteristics of each feature, material, component, and manufactured device proposed to be installed in order to have the building meet the requirements of Part 6, and of any other feature, material, component, or manufactured device that Part 6 requires be indicated on the plans and specifications. If any characteristic is materially changed before final construction and installation, such that the building may no longer comply with Part 6, the building must be brought back into compliance and so indicated on amended plans, specifications, and Certificate(s) of Compliance and shall be submitted to the enforcement agency. Such characteristics shall include the efficiency (or other characteristic regulated by Part 6) of each device.

C. All documentation necessary to demonstrate compliance for the building, and of the sections of Part 6 with which the building is intended to comply shall be submitted with each application for a building permit. The forms used to demonstrate compliance shall be readily legible and of substantially similar format and informational order and content to the appropriate forms in the Residential or Nonresidential Manual, as defined in Part 6.

3. Installation Certificate.

A. The person with overall responsibility for construction or the person or persons responsible for the installation of regulated manufactured devices shall post, or make available with the building permit(s) issued for the building, the installation certificate(s) for manufactured

devices regulated by the appliance standards or Part 6. Such installation certificate(s) shall be made available to the enforcement agency for all appropriate inspections. These certificates shall:

- (1) Identity features required to verify compliance with the appliance standards and Part 6.
- (2) Include a statement indicating that the installed devices conform to the appliance standards and Part 6 and the requirements for such devices given in the plans and specifications approved by the local enforcement agency.
- (3) State the number of the building permit under which the construction or installation was performed.
- (4) Be signed by the individual eligible under Division 3 of the Business and Professions Code to accept responsibility for construction, or their authorized representative. If more than one person has responsibility for building construction, each person may prepare and sign the part of the document applicable to the portion of the construction for which they are responsible; alternatively, the person with chief responsibility for construction may prepare and sign the document for the entire construction.

B. The enforcement agency may require the person with overall responsibility for the construction to provide any other reasonable information to determine that the building as constructed is consistent with approved plans and specifications and complies with Part 6.

C. If construction on any portion of the building subject to Part 6 will be impossible to inspect because of subsequent construction, the enforcement agency may require the installation certificate(s) to be posted upon completion of that portion.

4. **Insulation Certificate.** After installing wall, ceiling, or floor insulation, the installer shall make available to the enforcement agency or post in a conspicuous location in the building a certificate signed by the installer stating that the installation is consistent with the plans and specifications described in Section 10-103 (a) 2 A and for which the building permit was issued and conforms with the requirements of Part 6. The certificate shall also state the manufacturer's name and material identification, the installed R-value, and (in applications of loose-fill insulation) the minimum installed weight per square foot consistent with the manufacturer's labeled installed design density for the desired R-value.

EXCEPTION: Enforcing agencies may exempt nonresidential buildings that have no more than 1,000 square feet of conditioned floor area in the entire building and an occupant load of 49 persons or less from the documentation requirements of Section 10-103 (a), provided a statement of compliance with Part 6 is submitted and signed by a licensed engineer or the licensed architect with chief responsibility for the design.

(b) Operating and Maintenance Information to Be Provided by Builder.

1. **Operating Information.** The builder shall provide the building owner at occupancy the appropriate Certificate(s) of Compliance and a list of the features, materials, components, and mechanical devices installed in the building, and instructions on how to operate them efficiently. The instructions shall be consistent with specifications set forth by the Executive Director.

For residential buildings, such information shall, at a minimum, include information indicated on forms Certificate of Compliance (CF-IR), Mandatory Measures (MF-IR), Installation Certificate (CF-6R), Insulation Certificate (IC-1), and a manual which provides all information specified in this Section 10-103

(b). The *Home Energy Manual* (P400-92-031, July 1992) may be used to meet the requirement for providing this manual.

For nonresidential buildings, such information shall, at a minimum, include information required by the Certificates of Compliance, forms ENV-1, MECH-1 and LTG-1, an installation certificate and an insulation certificate.

For dwelling units, buildings or tenant spaces which are not individually owned and operated, or are centrally operated, such information shall be provided to the person(s) responsible for operating the feature, material, component or mechanical device installed in the building.

2. Maintenance Information. The builder shall provide to the building owner at occupancy maintenance information for all features, materials, components, and manufactured devices that require routine maintenance for efficient operation. Required routine maintenance actions shall be clearly stated and incorporated on a readily accessible label. The label may be limited to identifying, by title and/or publication number, the operation and maintenance manual for that particular model and type of feature, material, component, or manufactured device.

For dwelling units, buildings or tenant spaces which are not individually owned and operated, or are centrally operated, such information shall be provided to the person(s) responsible for maintaining the feature, material, component, or mechanical device installed in the building.

3. Ventilation Information. For nonresidential buildings, the builder shall provide the building owner at occupancy a description of the quantities of outdoor and recirculated air that the ventilation systems are designed to provide to each area. For buildings or tenant spaces which are not individually owned and operated, or are centrally operated, such information shall be provided to the person(s) responsible for operating and maintaining the feature, material, component, or mechanical device installed in the building.

(c) Equipment Information to Be Provided by Manufacturer or Supplier. The manufacturer or supplier of any manufactured device shall, upon request, provide to building designers and installers information about the device. The information shall include the efficiency (and other characteristics regulated by Part 6).

(d) Enforcement Agency Requirements.

1. Permits. An enforcement agency shall not issue a building permit for any construction unless the enforcement agency determines in writing that the construction is designed to comply with the requirements of Part 6 that are in effect on the date the building permit was applied for.

If a building permit has been previously issued, there has been no construction under the permit, and the permit has expired, the enforcement agency shall not issue a new permit unless the enforcement agency determines in writing that the construction is designed to comply with the requirements of Part 6 in effect on the date the new permit is applied for.

“Determines in writing” includes but is not limited to approval of a building permit with a stamp normally used by the enforcement agency.

2. Inspection. The enforcement agency shall inspect new construction to determine whether it is consistent with the agency’s approved plans and specifications, and complies with Part 6. Final occupancy permits shall not be issued until such consistency is verified. For occupancy Group R-3, final inspection shall not be complete until such consistency is verified.

Such verification shall include determining that all installed manufactured devices, regulated by the appliance standards or Part 6, are indicated on the installation certificate and are consis-

tent with approved plans. This certificate shall include information specified in Section 10-103 (a) 3 A.

Authority: Public Resources Code Section 25402.

Reference: Public Resources Code Section 25402.

HISTORY:

1. Amendment of subsection (e) filed 1-19-84; effective thirtieth day thereafter (Register 84, No. 3).
2. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
3. Editorial correction of subsection (b) filed 2-5-85; effective upon filing pursuant to Government Code Section 11346.2 (d) (Register 85, No. 6).
4. Amendment of subsection (a) filed 12-4-86; effective thirtieth day thereafter (Register 87, No. 1).
5. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-103, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.
6. (CEC 2/94) Regular order by the California Energy Commission to amend Section 10-103 (a) 1, 2, 3 and 4; (b) 1, 2 and 3; (d) 2, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state May 24, 1995; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on May 23, 1995.

10-104. Exceptional Designs.

NOTE: See Section 10-109 for approval of calculation methods and Alternative Component Packages.

(a) Requirements. If a building permit applicant proposes to use a performance compliance approach, and the building designs cannot be adequately modeled by an approved calculation method, an applicant shall be granted a building permit if the Commission finds:

1. That the design cannot be adequately modeled with an approved calculation method;
2. Using an alternative evaluation technique, that the design complies with Part 6;
3. That the enforcement agency has determined that the design complies with all other legal requirements.

(b) Applications. The applicant shall submit four copies of a signed application with the following materials to the Executive Director:

1. A copy of the plans and specifications required by Section 10-103 (a) 2 A;
2. A statement explaining why meeting the energy budget cannot be demonstrated using an approved calculation method;
3. Documentation from the enforcement agency stating that
 - A. Meeting the energy budget requirements cannot be demonstrated using an approved calculation method, and
 - B. The design complies with all other legal requirements; and
4. A detailed evaluation of the energy consumption of the proposed building and the building’s materials, components, and manufactured devices proposed to be installed to meet the requirements of Part 6, using an alternative evaluation technique. The evaluation shall include a copy of the technique, instructions for its use, a list of all input data, and all other information required to replicate the results.

Authority: Public Resources Code Sections 25402 and 25402.1.

Reference: Public Resources Code Sections 25402 and 25402.1.

HISTORY:

1. New section filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
2. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-104, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

10-105. Enforcement by the Commission.

(a) **Where there is no Local Enforcement Agency.** Before new construction may begin in an area where there is no local enforcement agency, and on any proposed governmental agency building for which there is no enforcement agency the Executive Director must determine in writing that the building design conforms to the requirements of Part 6. The person proposing to construct the building shall submit the information described in Sections 10-103 (a) 2 and 10-103 (a) 3 to the Executive Director when such a determination is sought.

(b) **Where the Local Enforcement Agency Fails to Enforce.** If a local enforcement agency fails to enforce the requirements of this article or of Part 6, the Commission, after furnishing 10 days written notice, may condition building permit issuance on submission of the information described in Sections 10-103 (a) 2 and 10-103 (a) 3 to the Executive Director and on his or her written determination that proposed construction conforms to the requirements of Part 6.

Authority: Public Resources Code Section 25402.1.

Reference: Public Resources Code Section 25402.1.

HISTORY:

1. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
2. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-105, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

10-106. Locally Adopted Energy Standards.

(a) **Requirements.** Local governmental agencies may adopt and enforce energy standards for new buildings, provided the Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by Part 6. Such local standards include but are not limited to adopting the requirements of Part 6 before their effective date, requiring additional energy conservation measures, or setting more stringent energy budgets. Local adoption of the requirements of Part 6 before their effective date is a sufficient showing that the local standards meet the requirements of this section and Section 25402.1 (f) (2) of the Public Resources Code; in such a case only the documentation listed in Section 10-106 (b), and a statement that the standards are those in Part 6, need be submitted.

(b) **Documentation Application.** Local governmental agencies wishing to enforce locally adopted energy conservation standards shall submit four copies of an application with the following materials to the Executive Director:

1. The proposed local energy standards.
2. A study with supporting analysis showing how the local agency determined energy savings.
3. A statement that the local standards will require buildings to be designed to consume no more energy than permitted by Part 6.
4. The basis of the agency's determination that the standards are cost effective.

Authority: Public Resources Code Section 25402.1.

Reference: Public Resources Code Section 23402.1.

HISTORY:

1. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
2. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-106, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

10-107. Interpretations.

(a) The Commission may make a written determination as to the applicability or interpretation of any provision of this article or of Part 6, upon written application, if a dispute concerning a provision arises between an applicant for a building permit and the enforcement agency, and the dispute has been heard by the local board of permit appeals or other highest local review body. Notice of any such appeal, including a summary of the dispute and the section of the regulations involved, shall if possible be sent to the Commission by the enforcing agency 15 days before the appeal is heard, and the result of the appeal shall be sent to the Commission within 15 days after the decision is made. Either party to the dispute may apply for a determination but shall concurrently deliver a copy of the application to the other party. The determinations are binding on the parties.

(b) The Executive Director may, upon request, give written advice concerning the meaning of any provision of this article or of Part 6. Such advice is not binding on any person.

Authority: Public Resources Code Section 25402.1.

Reference: Public Resources Code Section 23402.1.

HISTORY:

1. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
2. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-107, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

10-108. Exemption.

(a) **Requirements.** The Commission may exempt any building from any provision of Part 6 if it finds that:

1. Substantial funds had been expended in good faith on planning, designing, architecture, or engineering of the building before the adoption date of the provision.
2. Compliance with the requirements of the provision would be impossible without both substantial delays and substantial increases in costs of construction above the reasonable costs of the measures required to comply with the provision.

(b) **Application.** The applicant shall submit four copies of a signed application with the following materials to the Executive Director:

1. A summary of the claimant's contracts for the project;
2. A summary of internal financial reports on the project;
3. Dated schedules of design activities; and
4. A progress report on project completion.

Authority: Public Resources Code Section 25402.1.

Reference: Public Resources Code Section 25402.1.

HISTORY:

1. Amendment filed 8-11-83; effective thirtieth day thereafter (Register 83, No. 33).
2. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
3. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-108, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

10-109. Calculation Methods and Alternative Component Packages.

NOTE: See Section 10-104 for approval of exceptional designs.

(a) **Public Domain Computer Programs.** In addition to the present approved public domain computer programs, the Commission may, upon written application or its own motion, approve additional public domain computer programs that may be used to demonstrate that proposed building designs meet energy budgets.

1. The Commission shall ensure that users' manuals or guides for each approved program are available.

2. The Commission shall approve a program only if, when it models building designs or features, it predicts energy consumption substantially equivalent to that predicted by the computer program used by the Commission to set energy budgets.

(b) **Alternative Calculation Methods (All Occupancies).** In addition to public domain computer programs, the Commission may approve alternative calculation methods (ACM) that applicants for building permits may then use to demonstrate compliance with the performance standards (energy budgets) in Part 6.

1. **General Requirements.** To obtain approval for an ACM, the proponent shall submit an application that demonstrates that the ACM:

- A. Makes no changes in any input parameter values specified by the Commission in Item 2 below.
- B. Provides input and output documentation that facilitates the enforcement agency's review and meets the formatting and content criteria found in the appropriate ACM manual;
- C. Is supported by clear and concise instructions for using the method to demonstrate that the energy budget requirements of Part 6 are met;
- D. Is reliable and accurate relative to the appropriate public domain computer program; and
- E. Establishes factors that, when applied to the method's outputs, result in energy budgets for that alternative calculation method that are equivalent to those in Part 6, when the buildings used to develop the energy budgets in Part 6 are modeled.

2. **Procedural Requirements for Alternative Calculation Methods.** In order to obtain approval of an ACM, the applicant must comply with the requirements, specifications, and criteria set forth in the appropriate ACM manual. The ACM manual specifies application requirements, minimum modeling capabilities, required output forms and instructions, input assumptions, testing requirements, test approval criteria, vendor requirements, and other related requirements. The requirements, specifications and criteria in the ACM manual for the 2001 *Energy Efficiency Standards for Residential and Nonresidential Buildings* are hereby incorporated by reference.

NOTE: Interested persons may obtain copies of the ACM manuals from the Energy Commission's Publications Unit.

3. **Application.** The applicant shall submit four copies of a signed application form specified by the Executive Director. The application shall include the following materials:

- A. The method's analytical capabilities and limitations with respect to the occupancies, designs, materials, and devices covered by Part 6; and
- B. A demonstration that the criteria in Section 10-109 (b) are met.
- C. Each of the items on the "Application Checklist" in the appropriate ACM manual.
- D. An initial fee of one thousand dollars (\$1,000). The total fee shall cover the Commission's cost of reviewing and analyzing the proposed method. After the Commission determines the total costs, if the costs exceed the initial fee, the Commission shall assess additional fees to cover those costs; if the costs are less than the initial fee, the Commission shall refund the difference to the applicant.

4. **Exceptional Methods.** If the alternative calculation method analyzes designs, materials, or devices that cannot be adequately modeled using the public domain computer programs, the method may be approved as an exceptional method. Applications for approval of exceptional methods shall include theoretical and empirical information that verify the method's accuracy, and shall also include the other documentation and fees required by Section 10-109 (b).

5. **Approval.** The Commission may approve a method unconditionally, may restrict approval to specified occupancies, designs, materials, or devices, or may reject the application.

6. **Resubmittal.** An applicant may resubmit a rejected method or may request modification of a restricted approval. Such application shall include the information specified in Section 10-109 (b) and shall indicate how the method has been changed to enhance its accuracy or capabilities.

7. **Modification.** Whenever an approved calculation method is changed in any way, the method shall be resubmitted under this section for reapproval. The Executive Director may waive any of the requirements of this paragraph for nonsubstantive changes.

(c) The Commission may modify or withdraw certification of a program or method under Section 10-109 (a) or 10-109 (b) based on approval of other programs or methods that are more suitable.

(d) **Alternative Component Packages.** The Commission may approve any alternative component package, in addition to the packages in Sections 143 (a) and 151 (f) of Part 6, which it determines will meet the energy budgets and is likely to apply to a significant percentage of new buildings or to a significant segment of the building construction and design community. Applications for approval of packages shall use application forms specified by the Executive Director and shall be subject to the same fee requirements set forth in subsection (b).

(e) **Publication of Commission Determination.** The Executive Director shall annually publish a manual, newsletter, or other administrative guide containing determinations made by the Commission pursuant to this section on or before December 31 of the calendar year.

Authority: Public Resources Code Section 25402.1.

Reference: Public Resources Code Section 25402.1.

HISTORY:

- 1. New section filed 12-9-81; designated effective 1-15-82 (Register 81, No. 50).
- 2. Amendment filed 8-11-83; effective thirtieth day thereafter (Register 83, No. 33).
- 3. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
- 4. Amendment of subsections (b), (d) and (e) filed 12-4-86; effective thirtieth day thereafter (Register 87, No. 1).
- 5. Change without regulatory effect of subsection (d) filed 4-5-88; operative 5-5-88 (Register 88, No. 17).
- 6. Amendment of subsections (b) and (d) filed 1-20-89; operative 2-19-89 (Register 89, No. 4).
- 7. (CEC 1/92) Regular order by the California Energy Commission to amend Section 10-109, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state June 12, 1992; publication date July 15, 1992; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on June 8, 1992.

10-110. Procedures for Consideration of Applications under Sections 10-104, 10-106, 10-108 and 10-109.

(a) If the application is complete, the Executive Director shall make a copy or copies of the application available to interested parties. Comments from interested parties must be submitted within 60 days after acceptance of the application.

(b) Within 75 days of receipt of an application, the Executive Director may request any additional information needed to evalu-

ate the application. If the additional information is incomplete, consideration of the application will be delayed until the applicant submits complete information.

(c) Within 75 days of receipt of the application, the Executive Director may convene a workshop to gather additional information from the applicant and other interested parties. Interested parties will have 15 days after the workshop to submit additional information regarding the application.

(d) Within 90 days after the Executive Director receives the application, or within 30 days after receipt of complete additional information requested under Section 10-110 (b) or within 30 days after the receipt of additional information submitted by interested parties under Section 10-110 (c), whichever is later, the Executive Director shall submit to the Commission a written recommendation on the application.

(e) The application and the Executive Director's recommendation shall be placed on the consent calendar and considered at the next business meeting after submission of the recommendation. The matter may be removed from the consent calendar at the request of any person.

(f) The Executive Director may charge a fee to recover the costs of processing and reviewing applications.

(g) All applicants have the burden of proof to establish that their applications should be granted.

Authority: Public Resources Code Section 25402.1.

Reference: Public Resources Code Section 25402.1.

HISTORY:

1. New section filed 12-9-81; designated effective 1-15-82 (Register 81, No. 50).
2. Amendment filed 12-27-84; designated effective 1-1-85 pursuant to Government Code Section 11346.2 (d) (Register 84, No. 52).
3. Amendment filed 12-4-86; effective thirtieth day thereafter (Register 87, No. 1).

10-111. Certification and Labeling of Fenestration Product U-factors, Solar Heat Gain Coefficient and Air Leakage. This section establishes rules for implementing labeling and certification requirements relating to U-factors (also known as U-values), solar heat gain coefficients and air leakage for fenestration products under Section 116 (a) of Title 24, California Code of Regulations, Part 6. This section also provides for designation of the National Fenestration Rating Council (NFRC) as the supervisory entity responsible for administering the state's certification program for fenestration products, provided NFRC meets specified criteria.

(a) Labeling Requirements.

1. **Temporary Labels.** Every fenestration product or fenestration system installed in construction subject to Title 24, Part 6 shall have attached to it a clearly visible temporary label or have an associated label certificate that lists the U-factor, the solar heat gain coefficient (SHGC) of that product and the method used to derive those values, and certifies compliance with air leakage requirements of Section 116 (a) 1. To meet this set of requirements, products shall comply with subsection A, B, or C, subsection D, or E, and subsection F.

- A. If the product U-factor rating is taken from the commission's default table, then placing the words "CEC Default U-factor," followed by the appropriate default U-factor on the temporary label meets the U-factor labeling requirement of paragraph 1. The commission's default table for U-factor values shall be those shown in Table 1-D or, for skylights, those default values shown in Appendix I of the Nonresidential ACM Manual.

- B. If the product U-factor rating is derived from the NFRC Rating Procedure, then placing the words "Manufacturer stipulates that this rating was determined in accordance with applicable NFRC procedures," followed by the rating procedure number and certified U-factor on the temporary label meets the requirement of paragraph 1.

The "NFRC Rating Procedure" as used in this subparagraph B means "NFRC 100," incorporated herein by reference.

- C. If the fenestration system U-factor is from the NFRC Rating Procedure and the system is a vertical glazing that is site-built, then issuance of a complete and valid NFRC Label Certificate for Site-Built Products, containing the words "Manufacturer stipulates that this rating was determined in accordance with applicable NFRC procedures" (or equivalent language) followed by the rating procedure number and certified U-factor on the label certificate, meets the requirements of paragraph 1. The "NFRC Rating Procedure" as used in this subparagraph C means "NFRC 100," incorporated herein by reference.
- D. If the product SHGC is taken from the Commission's default table, then placing the words "CEC Default SHGC" followed by the appropriate default SHGC from Section 116, Table 1-E, on the temporary label meets the requirement of paragraph 1.
- E. If the product SHGC rating is derived from the NFRC Rating Procedure, placing the words "Manufacturer stipulates that this rating was determined in accordance with applicable NFRC procedures" followed by the rating procedure number and certified SHGC on the temporary label meets the requirement of paragraph 1.

If the fenestration system SHGC is derived from the NFRC Rating Procedure and the system is a vertical glazing that is site-built, then issuance of a complete and valid NFRC Label Certificate for Site-Built Products, containing the words "Manufacturer stipulates that this rating was determined in accordance with applicable NFRC procedures" (or equivalent language) followed by the rating procedure number and certified SHGC on the label certificate, meets the requirements of paragraph 1.

The "NFRC Rating Procedure" as used in this subparagraph E means "NFRC 200," or for vertical glazing that is site-built "NFRC 100," incorporated herein by reference.

- F. The temporary label shall also certify that the product complies with the air leakage requirements of Section 116 (a) 1 of the standards.

2. **Permanent Labels.** If a product is rated using the NFRC Rating Procedure, it shall be permanently labeled with either a single label or series of marks on the frame, glass and/or spacer, which can be used to trace the product to certification information on file with the certifying organization or to a directory of certified products, published by the supervisory entity, containing the name of the manufacturer, the product type and description of relevant features, the U-factor rating, solar heat gain coefficient and the year of certification. A completed NFRC Label Certificate for Site-Built Products meets the requirements of this paragraph.

EXCEPTION 1 to Section 10-111 (a): Site-assembled vertical glazing in buildings covered by the nonresidential standards with less than 100,000 square feet of conditioned floor area or less than 10,000 square feet of vertical glazing.

EXCEPTION 2 to Section 10-111 (a): Horizontal glazing in buildings covered by the nonresidential standards.

(b) Certification Requirements.

1. **Certification to Default Ratings.** If a product's U-factor and SHGC are taken from the Commission's default tables (Section 116, Tables 1-D and 1-E), the U-factor and SHGC shall be certified by either the manufacturer or an independent certifying organization approved by the Commission.

- A. A temporary label, affixed to the product, that contains the terms "CEC Default U-factor" and "CEC Default SHGC," followed by the appropriate values from the Commission's default tables meets this requirement.
- B. If the product claims the default U-factor for a thermal-break product, the manufacturer shall also certify on the label that the product meets the thermal-break product criteria, specified on the default table, on which the default value is based. Placing the terms "Meets Thermal-Break Default Criteria" on the temporary label meets this requirement.

2. **Certification to NFRC Rating Procedure.** If a product's U-factor or SHGC is based on the NFRC Rating Procedure, the U-factor or SHGC shall be certified only by an independent certifying organization approved by the Commission.

- A. A temporary label, affixed to the product or label certificate for Site-Built Products, meeting the requirements of Sections 10-111 (a) 1 B or 10-111 (a) 1 C, and 10-111 (a) 1 D or 10-111 (a) 1 E certified by the independent certifying organization complies with this requirement.
- B. An "independent certifying organization approved by the Commission" means any organization authorized by the supervisory entity to certify U-factor ratings and solar heat gain coefficient ratings in accordance with the NFRC Rating Procedure. If the Commission designates the NFRC as the supervisory entity, any independent certification and inspection agency (IA) licensed by NFRC shall be deemed to be an "independent certifying organization approved by the Commission."
- C. The "supervisory entity" means the National Fenestration Rating Council (NFRC), except as provided in paragraph (c) 1.

EXCEPTION 1 to Section 10-111 (b): Site-assembled vertical glazing in buildings covered by the nonresidential standards with less than 100,000 square feet of conditioned floor area or less than 10,000 square feet of vertical glazing.

EXCEPTION 2 to Section 10-111 (b): Horizontal glazing in buildings covered by the nonresidential standards.

(c) Designation of Supervisory Entity. The National Fenestration Rating Council shall be the supervisory entity to administer the certification program relating to U-factors and solar heat gain coefficient ratings for fenestration products, provided the Commission determines that the NFRC meets the criteria in paragraph (d).

1. The Commission may consider designating a supervisory entity other than NFRC only if the Commission determines that the NFRC cannot meet the criteria in paragraph (d). Such other supervisory entity shall meet the criteria in paragraph (d) prior to being designated.

2. The Commission shall periodically review, at least annually, the structure and operations of the supervisory entity to ensure continuing compliance with the criteria in paragraph (d).

(d) Criteria for Supervisory Entity.

1. Membership in the entity shall be open on a nondiscriminatory basis to any person or organization that has an interest in uniform thermal performance ratings for fenestration products, including, but not limited to, members of the fenestration industry, glazing infill industry, building industry, design professionals, specifiers, utilities, government agencies, and public interest organizations. The membership shall be composed of a broad cross section of those interested in uniform thermal performance ratings for fenestration products.

2. The governing body of the entity shall reflect a reasonable cross section of the interests represented by the membership.

3. The entity shall maintain a program of oversight of product manufacturers, laboratories, and independent certifying organizations that ensures uniform application of the NFRC Rating Procedures, labeling and certification, and such other rating procedures for other factors affecting energy performance as the NFRC and the Commission may adopt.

4. The entity shall require manufacturers and independent certifying organizations within its program to use only laboratories accredited by the supervisory entity to perform simulations and tests under the NFRC Rating Procedure.

5. The entity shall maintain appropriate guidelines for testing and simulation laboratories, manufacturers and certifying agencies, including requirements for adequate: possession and calibration of equipment; education, competence and training of personnel; quality control; record keeping and reporting; periodic review (including, but not limited to, blind testing by laboratories; inspections of products; and inspections of laboratories, manufacturing facilities and certifying agencies); challenges to certified ratings; and guidelines to maintain the integrity of the program, including, but not limited to, provisions to avoid conflicts of interest within the rating and certification process.

6. The entity shall be a nonprofit organization and shall maintain reasonable, nondiscriminatory fee schedules for the services it provides and shall make its fee schedules, the financial information on which fees are based, and financial statements available to its members for inspection.

7. The entity shall provide hearing processes that give laboratories, manufacturers and certifying agencies a fair review of decisions that adversely affect them.

8. The entity shall maintain a certification policy committee whose procedures are designed to avoid conflicts of interest in deciding appeals, resolving disputes, and setting policy for the certifying organizations within its program.

9. The entity shall publish at least annually a directory of products certified and decertified within its program.

10. The entity itself shall be free from conflict-of-interest ties or to undue influence from any particular fenestration manufacturing interest(s), testing or simulation lab(s), or independent certifying organization(s).

11. The entity shall provide or authorize the use of labels and label certificates for site-built products that can be used to meet the requirements of Section 116 (a) 1 and 2, and this section.

12. The entity's certification program shall allow for multiple participants in each aspect of the program to provide for competition between manufacturers, between testing labs, between simulation labs, and between independent certifying organizations.

(e) Certification for Other Factors. Nothing in this section shall preclude any entity, whether associated with a U-factor and SHGC certification program or not, from providing certification services relating to factors other than U-factors and SHGC for fenestration products.

Authority: Public Resources Code Section 25402.1.

Reference: Public Resources Code Section 25402.1.

HISTORY:

1. (CEC/2/92) Regular order by the California Energy Commission to adopt Section 10-111, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state August 10, 1993; effective 30 days thereafter (September 9, 1993). Approved as a regular order by the California Building Standards Commission on August 2, 1993.
2. (CEC 2/94) Regular order by the California Energy Commission to amend Section 10-111 (a) 1 B, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state August 24, 1993; effective 30 days thereafter. Approved as a regular order by the California Building Standards Commission on August 2, 1995.

10-112. Criteria for Default Tables.

(a) The Commission shall maintain tables of default U-factors and SHGCs for use as an alternative to U-factors and SHGCs derived using the NFRC Rating Procedure. The default values shall meet the following criteria:

1. The values shall be derived from simulations of products using the same computer simulation program(s) used in the NFRC Rating Procedure.
2. The default values shall be set so that they do not provide to any significant number of products a lower U-factor or SHGC than those products would obtain if they were rated using the full NFRC Rating Procedure, including testing and simulation.

(b) The Commission shall periodically review and revise the default tables as necessary to ensure that the criteria are met.

Authority: Public Resources Code Section 25402.1.

Reference: Public Resources Code Section 25402.1.

HISTORY:

1. (CEC/2/92) Regular order by the California Energy Commission to adopt Section 10-112, Part 1, Title 24, California Code of Regulations. Filed with the secretary of state August 10, 1993; effective 30 days thereafter (September 9, 1993). Approved as a regular order by the California Building Standards Commission on August 2, 1993.

10-113. Certification and Labeling of Roofing Product Reflectance and Emittance. This section establishes rules for implementing labeling and certification requirements relating to reflectance and emittance for roofing products for showing compliance with Sections 141, 142 and 151 (b) of Title 24, California Code of Regulations, Part 6. This section also provides for designation of the Cool Roof Rating Council (CRRC) as the supervisory entity responsible for administering the state's certification program for roofing products, provided CRRC meets specified criteria.

(a) **Labeling Requirements.** Effective January 1, 2003, every roofing product installed in construction to take compliance credit for reflectance and emittance under Sections 141, 142 and 151 (b) shall have a clearly visible packaging label that lists the reflectance and emittance tested in accordance with the following ASTM standards. Product reflectance and emittance ratings determined through these testing procedures shall be placed on a label on all packaging which contains the product. The words "Manufacturer stipulates that this rating was determined in accordance with applicable CRRC procedures" followed by the rating procedure number and certified reflectance and emittance shall be placed on the packaging of the roofing products. The label shall also state any limitations or conditions of the applicability of the rating to installed roofing products.

ASTM E 408-71(1996)e1 — Standard Test Methods for Total Normal Emittance of Surfaces Using Inspection-Meter Techniques.

ASTM E 903-96 — Standard Test Method for Solar Absorbance, Reflectance and Transmittance of Materials Using Integrating Spheres.

ASTM E 1918-97 — Standard Test Method for Measuring Solar Reflectance of Horizontal and Low Sloped Surfaces in the Field.

Packaging for liquid-applied roof coatings shall state that they meet the minimum performance requirements set forth in ASTM D 6083-97a—Standard Specification for Liquid Applied Acrylic Coating Used in Roofing, for initial tensile strength, initial elongation, elongation after 1000 hours accelerated weathering, permeance, and accelerated weathering.

(b) **Certification Requirements.** Effective January 1, 2003, every roofing product installed in construction to take compliance credit for reflectance and emittance under Sections 141, 142 and 151 (b) shall be certified only by CRRC or another supervisory entity approved by the commission pursuant to Section 10-113 (c).

(c) **Designation of Supervisory Entity.** The Cool Roof Rating Council shall be the supervisory entity to administer the certification program relating to reflectance and emittance ratings for roofing products, provided the commission determines that the CRRC meets the criteria in paragraph (d).

1. The commission may consider designating a supervisory entity other than CRRC only if the commission determines that the CRRC cannot meet the criteria in paragraph (d) by January 1, 2002. Such other supervisory entity shall meet the criteria in paragraph (d) prior to being designated.

2. The commission shall periodically review, at least annually, the structure and operations of the supervisory entity to ensure continuing compliance with the criteria in paragraph (d).

(d) **Criteria for Supervisory Entity.**

1. Membership in the entity shall be open on a nondiscriminatory basis to any person or organization that has an interest in uniform performance ratings for roofing products, including, but not limited to, members of the roofing industry, building industry, design professionals, specifiers, utilities, government agencies, and public interest organizations. The membership shall be composed of a broad cross-section of those interested in uniform thermal performance ratings for roofing products.

2. The governing body of the entity shall reflect a reasonable cross-section of the interests represented by the membership.

3. The entity shall maintain a program of oversight of product manufacturers, laboratories, and independent certifying organizations that ensures uniform application of the ASTM Standards E408, E903, E1918, D6083 testing and rating procedures, labeling and certification, and such other rating procedures for other factors affecting energy performance as the CRRC and the commission may adopt.

4. The entity shall require manufacturers and independent certifying organizations within its program to use only laboratories accredited by the supervisory entity to perform tests under the CRRC rating procedure.

5. The entity shall maintain appropriate guidelines for testing laboratories and manufacturers, including requirements for adequate:

- A. Possession and calibration of equipment;
- B. Education, competence, and training of personnel;
- C. Quality control;
- D. Record keeping and reporting;
- E. Periodic review (including, but not limited to, blind testing by laboratories; inspections of products; and inspections of laboratories, and manufacturing facilities);

- F. Challenges to certified ratings; and
 - G. Guidelines to maintain the integrity of the program, including, but not limited to, provisions to avoid conflicts of interest within the rating and certification process.
6. The entity shall be a nonprofit organization and shall maintain reasonable, nondiscriminatory fee schedules for the services it provides, and shall make its fee schedules, the financial information on which fees are based, and financial statements available to its members for inspection.
7. The entity shall provide hearing processes that give laboratories, manufacturers and certifying agencies a fair review of decisions that adversely affect them.
8. The entity shall maintain a certification policy committee whose procedures are designed to avoid conflicts of interest in deciding appeals, resolving disputes and setting policy for the certifying organizations in its program.

9. The entity shall publish at least annually a directory of products certified and decertified within its program.

10. The entity itself shall be free from conflict-of-interest ties or to undue influence from any particular roofing product manufacturing interest(s), testing or independent certifying organization(s).

11. The entity shall provide or authorize the use of labels that can be used to meet the requirements for showing compliance with the requirements of Sections 141, 142 and 151 (b), and this section.

12. The entity's certification program shall allow for multiple participants in each aspect of the program to provide for competition between manufacturers and between testing labs.

Authority: Public Resources Code Section 25402.1.

Reference: Public Resources Code Section 25402.1.

HISTORY NOTE APPENDIX FOR CHAPTER 10

Administrative Regulations for the California Energy 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. (CEC 1/97) Regular order by the California Energy Commission to amend Article 1, 1998 Energy Efficiency Standards. Filed with the secretary of state on December 3, 1997; effective January 22, 1998. Approved by the California Building Standards Commission on November 18, 1997.

2. (CEC-EF 1/01) Emergency adoption of AB 970 energy efficiency standards for residential and nonresidential buildings; CCR, Title 24, Parts 1 and 6. Approved by the California Building

Standards Commission on January 31, 2001, and filed with the secretary of state on February 2, 2001, effective June 1, 2001.

EXCEPTION: Building energy efficiency standards compliance documentation submitted prior to June 1, 2001, using the Multiple Orientation Alternative to Section 151 (c) shall be used to determine compliance through December 31, 2001.

3. (CEC 03/02) Approval of energy efficiency standards, which adopt by reference the National Fenestration Rating Council's (NFRC) 2002 window rating and labeling procedures; CCR, Title 24, Parts 1 and 6. Approved by the California Building Standards Commission on May 14, 2003, and filed with the Secretary of State on May 16, 2003. Effective June 14, 2003.

conducted using oral and/or written testimony as specified by the Executive Director of the Board of Corrections or the Board of Corrections.

4. "Appellant" means a county or city which files a request for an appeal hearing.

5. "Authorized and representative" means an individual authorized by the appellant to act as its representative in any or all aspects of the hearing.

6. "Board" means the State Board of Corrections, which acts by and through its executive director, deputy directors and field representatives.

7. "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.

8. "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.

9. "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.

10. "Contact" means communications, whether verbal or visual, or immediate physical presence.

11. "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.

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

13. "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.

14. "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.

15. "Department" means the Department of the Youth Authority.

16. "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.

17. "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.

18. "Direct visual supervision" means staff constantly in the presence of the minor. Audio/video monitoring may supplement but not substitute for direct visual supervision.

19. "Dispensing," as it relates to pharmaceutical management, 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.

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

21. "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.

22. "Executive Director" means the Executive Director of the Board of Corrections.

23. "Exercise" means an activity that requires physical exertion of the large muscle group.

24. "Facility Administrator" means Chief Probation Officer, Sheriff, Marshal, Chief of Police or other official charged by law with administration of the facility.

25. "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.

26. "Filing date" means the date a request for an appeal hearing is received by the Executive Director or the Board of Corrections.

27. "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.

28. "Furlough" means the conditional or temporary release of a minor from the facility.

29. "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.

30. "Health care" means medical, mental health and dental services.

31. "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.

32. "Hearing panel" means a panel comprised of three members of the Board of Corrections 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.

33. "Individual Education Program" (IEP) means a written statement determined in a meeting of the individualized education program team pursuant to Education Code Section 56345.

34. "Inmate worker" means an adult in a jail or lockup 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 workweek.

35. "Jail" means a Type II or III facility as defined in the "Minimum Standards for Local Detention Facilities."

36. "Juvenile facility" means a juvenile hall, juvenile home, ranch or camp, forestry camp, regional youth education facility, boot camp or special-purpose juvenile hall.

37. "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.

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

39. "Law enforcement facility" means a building that contains a Type I jail or Temporary Holding Facility. 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.

40. "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.

41. "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.

42. "Living area" in a juvenile hall 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, not to exceed 30 minors. 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.

43. "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.

44. "Lockup" means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily 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. Lockups are Type I or Temporary Holding Facilities as defined in the "Minimum Standards for Local Detention Facilities."

45. "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.

46. "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.

47. "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 470A of the California Code of Regulations, as adopted by the Board of Corrections.

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

49. "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.

50. "Nonsecure custody" means that a minor's freedom of movement in a law enforcement facility is controlled by the staff of the facility; and

- a. The minor is under constant direct visual observation by the staff;
- b. The minor is not locked in a room or enclosure; and,
- c. The minor is not physically secured to a cuffing rail or other stationary object.

51. "Notice of decision" means a written statement by the Executive Director or the Board of Corrections which contains the formal decision of the Executive Director or the Board and the reason for that decision.

52. "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.

53. "Over-the-counter (OTC) drugs," as it relates to pharmaceutical management, are medications which do not require a prescription (nonlegend).

54. "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 Board of Corrections.

55. "Primary responsibility" is the ability of a child supervision staff member to independently supervise one or more minors.

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

57. "Proposed decision" means a written recommendation from the hearing panel/hearing officer to the full Board of Corrections containing a summary of facts and a recommended decision on an appeal.

58. "Prostheses" means artificial devices to replace missing body parts or to compensate for defective bodily function. Prostheses are distinguished from slings, crutches or other similar assistive devices.

59. "Psychotropic medication" means those drugs whose purpose is to have an effect on the central nervous system to impact behavior or psychiatric symptoms. Psychotropic medications include, but are not limited to, antipsychotic, antidepressant, lithium carbonate and anxiolytic drugs, as well as anticonvulsants or any other medication when used to treat psychiatric conditions. Drugs used to reduce the toxic side effects of psychotropic medications are not included.

60. "Recreation" means activities that occupy the attention and offer the opportunity for relaxation. Such activities may include ping-pong, TV, reading, board games and letter writing.

61. "Regional facility" means a facility serving two or more counties bound together by a memorandum of understanding or a joint powers agreement identifying the terms, conditions, rights, responsibilities, and financial obligation of all parties.

62. "Remodeling" means to alter the facility structure by adding, deleting or moving any of the buildings components, thereby affecting any of the spaces specified in Title 24, Section 460A.

63. "Repackaging," as it relates to pharmaceutical management, means transferring medications from the original manufacturer's container to another properly labeled container.

64. "Request for appeal hearing" means a clear written expression of dissatisfaction about a procedure or action taken, requesting a hearing on the matter, and filed with the Executive Director of the Board of Corrections.

65. "Responsible physician" means that physician who is appropriately licensed by the state and is designated by contract, written agreement or job description to have responsibility for policy development in medical, dental and mental health matters involving clinical judgments. The responsible physician may also be the health administrator.

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

67. "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.

68. "Shall" is mandatory; "may" is permissive.

69. "Special-purpose juvenile hall" means a county facility used for the temporary confinement of a minor, not to exceed 96 hours, prior to transfer to a full service juvenile facility or release.

70. "Status offender" means a minor alleged or adjudged to be a person described in Section 601 of the Welfare and Institutions Code.

71. "Storage," as it relates to pharmaceutical management, means the controlled physical environment used for the safekeeping and accounting of medications.

72. "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.

73. "Supervisory staff" means a staff person whose primary duties may include, but are not limited to, scheduling and evaluating subordinate staff, providing on-the-job training, making recommendations for promotion, hiring and discharge of subordinate staff, recommending disciplinary actions and overseeing subordinate staff work. Supervisory staff shall not be included in the minor to supervision staff ratio, although some of their duties could include the periodic supervision of minors.

74. "Temporary custody" means that the minor is not at liberty to leave the law enforcement facility.

75. "Use of force" means an immediate means of overcoming resistance and to control the threat of imminent harm to self or others.

(b) **Exclusions.** Title 24 of the California Code of Regulations, Sections 13-201 and 460A, which pertain to planning and

design of juvenile facilities, shall be applicable to facilities for which architectural drawings have been submitted to the State Board of Corrections for review. These requirements shall not be applicable to facilities that were constructed in conformance with the standards of the Department of the Youth Authority or the Board of Corrections in effect at the time of initial architectural planning. However, an existing juvenile facility built in accordance with construction standards in effect at the time of construction shall be considered as being in compliance with the provisions of this article unless the condition of the structure is determined by the facility administrator or other appropriate authority to be dangerous to life, health or welfare of minors. 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 juvenile facilities, the Board of Corrections 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 Board of Corrections 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 that 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 Juvenile Facility.**

1. **Letter of intent.** A county, city, city and county or regional juvenile facility that intends to build or remodel any local juvenile facility shall file a letter of intent with the Board of Corrections.

2. **Needs assessment.** Any county, city, city and county, or regional juvenile facility intending to construct a new juvenile facility, or expand the rated capacity of the current facility, shall complete a needs assessment. One copy of the needs assessment shall be submitted to the Board of Corrections prior to submitting plans and specifications. There are two types of needs assessments:

A. **Comprehensive Needs Assessment.** The Comprehensive Needs Assessment shall include:

- (1) A description of the elements of the system;
- (2) A description of the department's management philosophy/process;
- (3) A description of the current minor population;
- (4) A description of the classification system;
- (5) A description of the program needs, including planned academic programs and special education programs, and an analysis of performance in using programs which can reduce secure facility requirements;
- (6) An analysis of the corrections' system trends and characteristics which influence planning assumptions about future change, including: population projections, projections of minor population and program costs based on continuation of current policies, and projections of the impact of alternative policies or programs on minor population growth and program costs;
- (7) A history of the system's compliance with standards, including the adequacy of staffing levels and the ability to provide visual supervision;
- (8) A history of the adequacy of record keeping;

- (9) The ability to provide confidential interviews and medical exams, and;
- (10) A discussion of unresolved issues.

B. Targeted Needs Assessment.

- (1) For expansion of an existing facility, a targeted needs assessment may be submitted if a comprehensive needs assessment has been submitted and accepted by the Board of Corrections within 5 years.
- (2) The Targeted Needs Assessment shall include any update and/or changes to the previous Comprehensive Needs Assessment and provide information affirming its validity and accuracy.

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 Board of Corrections 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 13-201 (c) 5 of these regulations and must include a description of the following:

- A. Intended capacity of facility;
- B. Security and classification of minors to be housed;
- C. Movement within the facility and entry and exit from secure areas;
- D. Food preparation and serving;
- E. Staffing;
- F. Booking;
- G. Visiting and attorney interviews;
- H. Exercise;
- I. Programs;
- J. Medical services, including the management of communicable diseases;
- K. Cleaning and/or laundering;
- L. Segregation of minors;
- M. Court holding and movement;
- N. Mental health services;
- O. Facilities for administration and operations staff;
- P. Staff to staff communications system;
- Q. Management of disruptive minors;
- R. Management of minors with disabilities, with provisions for wheelchairs, gurney access, and for evacuation during emergencies;
- S. Architectural treatment of space relative to preventing suicides by minors;
- T. Method of implementing California Penal Code Section 4030 relating to the holding of offenders requiring incarceration without the necessity of unjustified strip searches; and
- U. School programs.

4. **Facilities in existing buildings.** Wherever county, city, city and county, or regional juvenile facility intends to establish a juvenile facility in an existing building or buildings, notice shall be given to the Board of Corrections whose staff shall complete a survey to determine capacity of such buildings and shall make recommendations for necessary modifications. The proposing lo-

cal 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 submitted to the Board of Corrections in compliance with Penal Code Section 6029 shall be in duplicate at the schematic design stage, at the design development stage and when final working plans and specifications are developed. A copy of the plans will be forwarded by the Board to the State Fire Marshal for review. Board of Corrections staff shall respond in writing indicating compliance or noncompliance with these regulations.

6. **Design requirements.**

A. The design of a local juvenile facility shall comply with provisions of California Code of Regulations, Title 24, Part 2, Section 460A.

B. The design of a juvenile facility shall address the following:

(1) **Fire safety.** The provisions of Title 19 as they relate to juvenile facilities shall be incorporated into the facility design.

(2) **Suicide hazards.** Architectural plans shall be reviewed by the Board for the purpose of reducing hazards posed by fixtures and equipment which could be used for an act of suicide by a minor. The facility design shall avoid any surfaces, edges, fixtures, or fittings that can provide an attachment for hanging or other opportunity for self-inflicted injury. The following features shall be incorporated in the design of sleeping rooms, bathrooms, and any other area where a juvenile may be left alone:

a. Plumbing shall not be exposed. Operation of control valves shall use flush buttons or similar. Drinking water spout, if any, 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 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 shall be configured to prevent attachment;

e. Light fixtures shall be tamper resistant;

f. Fixtures such as mirrors shall be mounted using tamper-resistant fasteners;

g. Fire sprinkler heads inside rooms shall be designed to prevent attachment; and

h. Telephone cords shall be of minimum length to facilitate use.

(3) **Health and sanitation.** Provisions of Subchapter 5, Title 15, California Code of Regulations, and of the California Uniform Retail Food Facilities Law as they relate to juvenile facilities shall be incorporated into the facility design.

(4) When adding new sleeping rooms to a juvenile hall, not less than 10% of them shall be single occupancy, unless the juvenile hall can demonstrate that its current number of single occupancy rooms will equal at least 10% of the new Board rated capacity. In addition, single or double occupancy rooms shall be that number, determined by

the facility administrator, necessary to safely manage the population of the facility based on a comprehensive needs assessment which accounts for minors projected to be:

- a. Mentally disordered,
- b. Custodial problems, and/or
- c. Likely to need individual housing for other specific reasons as determined by the facility administration.

The total number of single or double occupancy rooms shall be identified.

- (5) **Staff and safety.** Facilities shall be designed and/or equipped in such a manner that staff and minors 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 comfortable living environment and meet the energy requirements of Part 2 (California Building Code), Part 4 (California Mechanical Code), and Part 6 (California Energy Code) of Title 24, California Code of Regulations.
- (7) **Acoustics.** Dayroom areas shall be designed and constructed so that the noise level does not exceed 65 decibels and a reverberation time less than 1.5 seconds. Sleeping areas shall have a noise level no higher than 35 decibels and a reverberation time less than 1.5 seconds. The heating, ventilating and air conditioning noise level shall be no higher than 35 decibels in sleeping areas and classrooms.
- (8) **Spaces for the disabled.**
 - a. **Housing room.** 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.
 - b. Other space within the security perimeter such as dayroom and activity areas shall be located such that a disabled minor will not be excluded from participating in any program for which they would otherwise be eligible. An accessible shower for disabled minors shall be available.
 - c. **Spaces outside the security perimeter.** Public areas of a local juvenile facility shall comply with the applicable chapters of Title 24, Part 2 of the California Code of Regulations.
- (9) **Security.** Facility design shall provide security and supervision appropriate to the classification level of minors in custody.
 - a. The facility perimeter shall be controlled by appropriate means to ensure that minors remain within the perimeter and shall be designed to prevent access by the general public without proper authorization.
 - b. Security glazing shall be used where it defines the secure perimeter of buildings. It shall also be used at appropriate interior locations to ensure a secure and safe environment for minors and staff.

- (10) **Medical/mental health care housing and treatment space.** There shall be some means to provide health care and housing and treatment of ill and/or infirm minors. When the operational program statement for a facility indicates that medical care housing is needed, such housing must provide lockable storage space for medical instruments and must be located within the security area of the facility accessible to both female and male minors, but not in the living area of either. Treatment spaces and the medical care housing unit shall be designed in consultation with the health authority. If negative pressure isolation rooms are being planned, they shall be designed to the community standard. Medical/mental health areas may contain other than single occupancy rooms.

7. **Pilot project.** A pilot project is the short-term method used by a local juvenile facility/system approved by the Board of Corrections to evaluate innovative programs, operations or concepts which may not comply with the regulations but meet or exceed the intent of these regulations.

The Board of Corrections 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 juvenile facility. An application for a pilot project shall include, at a minimum, the following information:

- (a) The regulations that the pilot project shall affect;
- (b) Any lawsuits brought against the applicant local juvenile facility, pertinent to the proposal;
- (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 minors affected, and
 - 4. Classification procedures.
- (d) 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;
- (e) The projected costs of the pilot project and projected cost savings to the city, county, or city and county, if any;
- (f) A plan for developing and implementing the pilot project including a time line where appropriate; and
- (g) A statement of how the overall goal of providing safety to staff and minors shall be achieved.

The Board of Corrections may consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the applicant's history of compliance/noncompliance with regulations, the completeness of the information provided in the application and staff recommendations.

Within 10 working days of receipt of the application, Board staff shall notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board of Corrections members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application shall be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant

shall also include the date, time and location of the meeting at which the application shall be considered.

When an application for a pilot project is approved by the Board of Corrections, the Board shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. The Board of Corrections may extend time limits for pilot projects for good and proper purpose.

If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

Pilot project status granted by the Board of Corrections shall not exceed 12 months after its approval date. When deemed to be in the best interest of the applicant, the Board of Corrections may extend the expiration date. 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. The pilot project shall be granted an automatic extension of time to operate the project pending the Board of Corrections consideration of an alternate means of compliance.

8. Alternate means of compliance. An alternate means of compliance is the long-term method used by a local juvenile facility/system, approved by the Board of Corrections, to encourage responsible innovation and creativity in the operation of California's local juvenile facilities. The Board of Corrections may, upon application of a city, county, or city and county, consider alternate means of compliance with these regulations either after the pilot project process has been successfully evaluated or upon direct application to the Board of Corrections. The city, county, or city and county shall present the completed application to the Board of Corrections no later than 30 days prior to the expiration of its pilot project, if needed.

Applications for alternate means of compliance shall meet the spirit and intent of improving facility management, shall enhance, be equal to, or exceed the intent of, 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) Any lawsuits brought against the applicant local facility, pertinent to the proposal;

(b) 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 minors affected, and
4. Classification procedures.

(c) A statement of the problem the alternate means of compliance is intended to solve, how the alternative shall contribute to a solution of the problem and why it is considered an effective solution;

(d) The projected costs of the alternative and projected cost savings to the city, county, or city and county, if any;

(e) A plan for developing and implementing the alternative, including a time line where appropriate; and

(f) A statement of how the overall goal of providing safety to staff and minors was or would be achieved during the pilot project evaluation phase.

(g) When remodeling, a statement which indicates that the alternate means of compliance will provide an enhanced compliance with current regulations, if full compliance cannot be achieved.

The Board of Corrections may consider applications for alternate means of compliance based on the relevance and appropriateness of the proposed alternative, the applicant's history of compliance/noncompliance with regulations, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, if applicable, and staff recommendations.

Within 10 working days of receipt of the application, Board staff shall notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board of Corrections 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 shall be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application shall be considered.

When an application for an alternate means of compliance is approved by the Board of Corrections, the Board 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. Regular progress reports and evaluative data as to the success of the alternate means of compliance shall be submitted by the applicant. 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 Board of Corrections may revise the minimum standards during the next biennial review 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, or city and county may continue to operate under this status as long as they meet the terms of this regulation.

HISTORY:

1. (BOC 1/96) Regular order by the Board of Corrections to add Article 2, to Part 1, Title 24, C.C.R. Filed with the secretary of state on February 19, 1997; effective March 21, 1997. Approved as a regular order by the California Building Standards Commission on February 6, 1997.

HISTORY NOTE APPENDIX FOR CHAPTER 13

Administrative Regulations for the Board of Corrections (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. (BOC 1/97) Regular order by the Board of Corrections to amend their administrative regulations pertaining to Local Detention Facilities. Filed with the secretary of state on March 25, 1998; effective April 24, 1998. Approved by the California Building Standards Commission on March 18, 1998.

2. January 2, 2003 Supplement approved by the California Building Standards Commission on January 31, 2001, Filed with the Secretary of State on February 2, 2001, published January 1, 2003 and effective 180 days after publication—July 1, 2003:

Section 13-102(a)5 — Revise “. . . Executive Officer . . .” to read “. . . Executive Director . . .”.

Section 13-102(a)9 — Revise “Detoxification cell” to read “Sobering cell”.

Section 13-102(a)24 — Revise “. . . as detoxification, safety, . . .” to read “. . . as sobering, safety, . . .”.

Following Section 13-102(a)18, insert a new Section 13-102(a)19. Renumber Sections 13-102(a)29 and 13-102(a)30 as Section 13-102(a)30 and 13-102(a)31 respectively.

Following renumbered Section 13-102(a)31, insert a new Section 13-102(a)32. Renumber Sections 13-102(a)31 through 13-102(a)35 two numbers higher.

Following renumbered Section 13-102(a)37, insert a new Section 13-102(a)38. Renumber Section 13-102(a)36 as 13-102(a)39.

Following renumbered Section 13-102(a)39, insert a new Section 13-102(a)40. Renumber Sections 13-102(a)37 through 13-102(a)46 four numbers higher.

(All of the following references for Section 13-102 et seq. use the revised Section numbers.)

Section 13-102(c)2 — At the end of the first paragraph delete the words “The needs assessment study shall include:” and items A. through F. Insert new lead provision and items (a) through (k).

Section 13-102(c)3.R — Revise “disabled inmates” to “persons with disabilities.”

Section 13-102(c)3.T — Revise “Section 4465.5” to “Section 4030.”

Section 13-102(c)3.V — Revise “Detoxification Cell(s)” to Sobering cell(s).”

Section 13-102(c)6.B.(2) — In the tenth line, revise “detoxification cells” to “sobering cells.”

Section 13-102(c)6.B.(4)a — Revise “mentally disordered” to “persons with disabilities.”

Section 13-102(c)6.B.(4)d — Delete the words “The needs assessment study shall include, but not be limited to, a description of:” and delete the items a. through j. immediately below.

Section 13-102(c)6.B.(9) — Revise the title to “**Spaces for persons with disabilities.**”

Section 13-102(c)6.B.(9)a — Revise the definition to read “A cell or room for an inmate with a disability using a wheelchair must have an appropriate entry and a toilet, washbasin and drinking fountain which the inmate can use without personal assistance.”

Section 13-102(c)6.B.(9)b — Revise “. . . disabled inmate . . .” to “. . . persons with disabilities . . .”; and revise the last sentence to read “Accessible showers for inmates with disabilities shall be available.”

Following Section 13-102(c)6.B.(10) insert a new Section 13-102(c)6.B.(11) and renumber the existing Section 13-102(c)6.B.(11) to Section 13-102(c)6.B.(12).

Following the newly renumbered Section 13-102(c)6.B.(12), insert new Sections 13-102(c)6.B.(13) and 13-102(c)6.B.(14).

Section 13-102(c)6.C — Revise the fourth line to read “. . . (6), (7), (9), (10), and (12). Court holding . . .”

Section 13-201(a)2 — Revise the second line to read “. . . in an innovative way as approved by . . .”.

Section 13-201(a)3 — Revise “. . . Executive Officer . . .” to “. . . Executive Director . . .”.

Section 13-201(a)5 — Replace “. . . his or her . . .” with “. . . its . . .”.

Section 13-201(a)6 — Replace “. . . officer . . .” with “. . . director . . .”.

Section 13-201(a)7 — Revise “. . . Section 880 of the California Welfare and Institutions Code . . .” to read “. . . Section 881 of the Welfare and Institutions Code, . . .”; and revise “. . . Section 602 of the California Welfare and Institutions Code . . .” to read “. . . Section 602 of the Welfare and Institutions Code . . .”.

Section 13-201(a)8 — In the last line, replace “. . . are . . .” with “. . . is . . .”.

Section 13-201(a)9 — Revise “. . . means sentenced to a jail . . .” to read “. . . means placed in a jail . . .”.

Section 13-201(a)15 — Revise “. . . an I.Q. of 70 or lower . . .” to read “. . . an I.Q. of 69 or lower . . .”.

Insert a new Section 13-201(a)16 and renumber the existing Sections 13-201(a)16 thru 13- thru 13-13-201(a)51 one number higher.

(The following references use the revised Section numbers.)

Section 13-201(a)17 — In the last line, replace “. . . observation . . .” with “. . . supervision . . .”.

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.