

Title 24 Code Development Process

18 to 24-month process



Dec. 1, 2022, Initial Submittals due to BSC



Title 24 Code Rulemaking Documents

- **Face Sheet:** This form must accompany a rulemaking file submitted to CBSC. It includes the name and type of rulemaking, state agency authority and reference citations. It's filed with AOL for the 45-day public notice period and then filed with SoS when the rulemaking is approved by the CBSC..
- **Notice of Proposed Action (NOPA):** The NOPA announces that regulatory code changes are proposed. It contains the public comment dates, how to submit a comment and where the proposed code changes may be viewed. NOPAs inform the public of the application and scope of the proposal, and economic impact.
- **Express Terms (ET):** The ET shows the proposed regulatory code changes in strikeout and underline format. A final version is submitted at the end of the rulemaking process, called a Final Express Terms (FET).
- **Initial Statement of Reasons (ISOR):** The ISOR provides the rationale and need for each proposed building standard, studies or reports relied upon, reasonable alternatives, and impact on jobs and businesses.
- **Final Statement of Reasons (FSOR):** A final version of the ISOR is submitted at the end of the rulemaking process, called a Final Statement of Reasons (FSOR). It includes any updates to the ISOR and responses to public comment.
- **Nine-Point Criteria Analysis:** This document substantiates that the provisions of HSC Section 18930 were met and do not conflict with other building standards, are within the jurisdiction of state agency, interest of the public, are not unreasonable, arbitrary, unfair or capricious, the cost to the public is reasonable, are not unnecessary, ambiguous or vague, model codes are incorporated, the format is consistent, reviewed by the Office of the State Fire Marshal.
- **Economic and Fiscal Impact, Form 399:** This is a Department of Finance form required for any proposed regulations. It contains an Economic Impact Statement section specific to cost/benefits to private sectors such as small business employees, jobs, individuals. The Fiscal Impact Statement section is specific to cost/benefits to state agencies, local government. It must be signed by the state agency fiscal officer and Agency Secretary. A Department of Finance signature is required if it's determined the regulations have a fiscal impact.



Pre-cycle Workshops

Pre-cycle public participation

- Incorporate model codes - HSC 18928.1
- Conduct workshops - Part 1, 1-403
- Public Participation- Gov. Code 11346.45
- Coordinating Council, HSC 18926

Pre-cycle workshops are public meetings and conducted by the state adopting or proposing state agencies. These meeting are an opportunity for the public to provide input on draft regulations or concepts. State agencies may conduct several pre-cycle workshops depending on complexity or quantity of code changes. The Coordinating Council may meet anytime and the CBSC staff notice and administer these meetings.



Code Advisory Committee Review

Code Advisory Committee (CAC) Review

- Initial submittal files - Part 1, 407
- Initial submittal files - Part 1, 407
- CAC Review and recommendations - Part 1, 1-409
- Revise ET and ISOR
- Bagley Keene Open Meeting Act Gov. Code 11130 et seq.

The Commission selects the CAC members every three years. CBSC staff review the initial submittal rulemaking files for compliance with the CBSL and the APA and prepares the files for the CAC. CBSC staff notice and administer the CAC meetings each code cycle. The CAC reviews each code change for its technical merit and provides a recommendation to the commission. The recommendations are recorded in the Commission Action Matrix. The CAC's are public meetings and public input and testimony are encouraged based on the nine-point criteria.



Public Comment

Public Comment 45-day and 15-day

- Public comment - Part 1, 1-411
- Gov. Code 11346.2, 11346.4, 11346.5
- Nine Point Criteria - HSC 18930,
- Revise ET and ISOR

CBSC staff reviews the revised rulemaking package based on any state agency changes in response to the CAC recommendations. Staff prepares the documents for the public comment periods and submits the Notice of Proposed Action and Face Sheet to the Office of Administrative Law for notice in California Regulatory Notice Register. A minimum 45-day public comment. Subsequent comment periods can be conducted for additional code changes. Staff administers the comments and posts them to the CBSC website. The public comments are recorded in the Commission Action Matrix.



Final Commission Review

Final Commission review

- 4 Actions, 1-417; Approve, Disapprove, Further Study, Approve as Amended
- Nine Point Criteria - HSC 18930,
- Bagley Keene Open Meeting Act
- File with SoS

State agencies submit a final rulemaking package that includes responses to the public comments in the FSOR, the final express terms language, nine-point criteria and Form 399. CBSC staff reviews the final rulemaking package and prepares the documents for the commission and the public adoption meeting and posts the documents to the CBSC webpage.

During the public meeting, the commission deliberates and takes action on the proposed code changes. Once approved, the code changes are filed with the Secretary of State and posted to the CBSC webpage.



Publication and Effective Date

Publication

- 6 months to publish, HSC 18942
- Effective 180 days after publication, HSC 18938, 18941.5
- Enforcement, HSC 18938.5, HSC 17960
- Local amendments and HSC 18941.5, 17958.7

CBSC staff contracts with three national model code publishers for the publication of Title 24. The publication process takes approximately 6 months which includes several opportunities for the state agencies to proof the material prior to publication. CBSS staff coordinates the codification and proofing process. The publisher make the various parts of Title 24 available on or before the determined publication date.

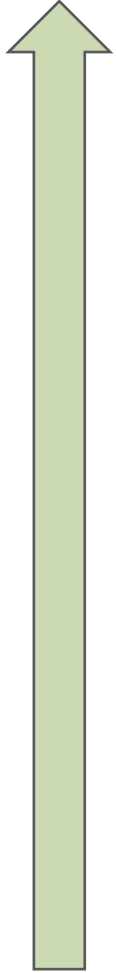
Local jurisdictions and enforcement agencies are required to enforce the current edition of Title 24. They may make local amendments (ordinances) to Title 24 based on specific local conditions. Some local ordinances are filed with CBSC.



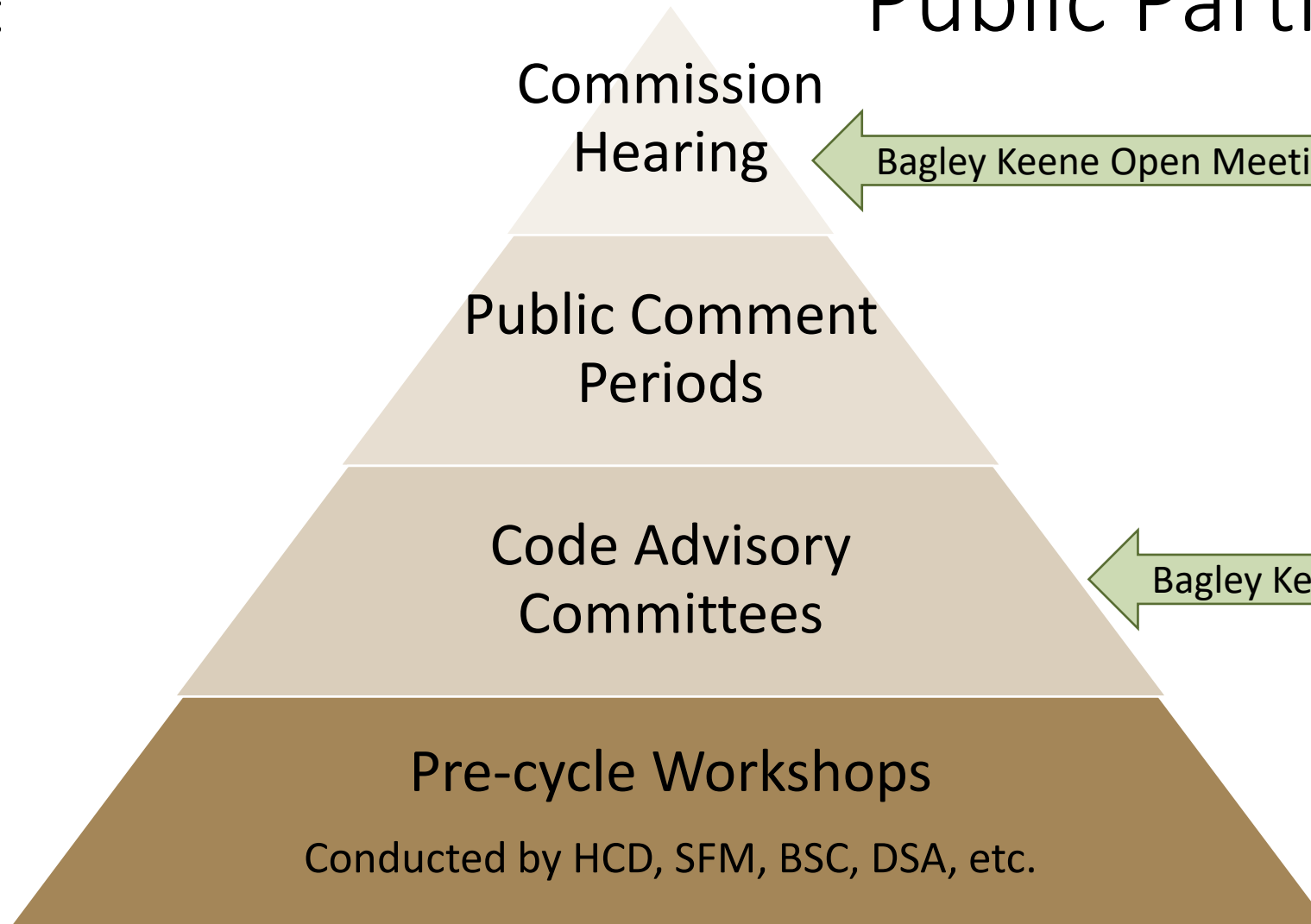
Public Participation

Limited input

Administrative Procedures Act



Broad input



Bagley Keene Open Meeting Act

Bagley Keene Open Meeting Act

