

**INITIAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE STATE FIRE MARSHAL  
REGARDING THE 2022 CALIFORNIA ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

**(SFM 02/21)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

**STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS**

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

**CHAPTER 1**

**Item SFM 02/21-1-1**

**Chapter 1, Administration, Division I, California Administration, Section 1.1.1 Title**

The SFM is proposing to repeal the adoption by reference of the 2018 International Building Code and incorporate and adopt by reference in its place the 2021 International Building Code for application and effectiveness in the 2022 California Building Code.

**Authority cited**—*Health and Safety Code Section 13143.*

**Reference**—*Health and Safety Code Section 13143.*

**Item SFM 02/21-1-2**

**Chapter 1, Administration, Division I, Chapter 3, Administration Regulations for the Office of the State Fire Marshal**

**EXISTING LAW**

Pursuant to Health and Safety Code Sections (HSC) § 13108, the State Fire Marshal shall enforce regulations and standards and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

The State Fire Marshal is required as per passed in Senate Bill 85. Public resources: omnibus trailer bill. (2019-2020) to provide clarifying language regarding Specified State Occupied Occupancies. The regulations adopted by the State Fire Marshal will meet the intent of Health and Safety Code Sections 13208 and 13146.

## SPECIFIC PURPOSE AND RATIONALE

- 1. Problem being addressed:** With the passage of Senate Bill 85. Public resources: omnibus trailer bill. (2019-2020), the Office of the State Fire Marshal is required to provide clarifying language regarding Specified State Occupied Occupancies.
- 2. Anticipated benefits from this regulatory action:** This regulatory proposal benefits California and stakeholders by clarifying and updating the safety requirements for Specified State Occupied Occupancies.
- 3. Factual Basis/Rationale:** The Office of the State Fire Marshal is required to clarify and define Specified State Occupied Occupancies as per Senate Bill 85. Public resources: omnibus trailer bill. (2019-2020).

## CALIFORNIA CODE OF REGULATIONS

### TITLE 24. 2019. CALIFORNIA ADMINISTRATIVE CODE

#### Chapter 3. Administrative Regulations for the Office of the State Fire Marshal (SFM)

#### Article 1. GENERAL PROVISIONS

##### 3-101. Purpose.

**Purpose:** New article and header is proposed identifying the new section “Article 1”. This section provides the scope, general requirements for identifying specified state-occupied occupancies.

**Necessity:** Because this is a new article the regulations provide the groundwork for the regulated community to understand the requirements necessary for compliance. Without this section the regulated community may not recognize what specified state-occupied occupancies entail.

##### 3-102. Scope.

**Purpose:** The purpose of the proposed regulation is to provide information on the scope and purpose of specified state-occupied occupancies.

**Necessity:** It is necessary to define and provided to better assist those entities affected so they are aware of the plan details and clarity is provided.

##### § 3-103. Authority for Enforcement of Regulations.

**Purpose:** The purpose of the proposed regulation is to provide who has the authority for enforcement of regulations in Specified State Occupied Occupancies.

**Necessity:** It is necessary to define and provided to better assist those entities affected so they are aware who has authority to enforce regulations and clarity is provided.

##### § 3-104. Application of Building Standards.

**Purpose:** The purpose of the proposed regulation is to provide information regarding applicability of building standards with specified state-occupied occupancies.

**Necessity:** It is necessary to define and provided to better assist those entities affected so they are aware applicability in building standards and clarity is provided.

##### § 3-105. Approval of construction, reconstruction, rehabilitation, alteration of or addition to any state-owned, specified state-occupied, and state institutions.

**Purpose:** The purpose of the proposed regulation is to provide information regarding approval for the applicability of building standards with Specified State Occupied Occupancies.

**Necessity:** It is necessary to define and provided to better assist those entities affected so they are aware applicability of approval process for construction projects following building standards.

## **ARTICLE 2 DEFINITIONS**

### **INSPECTOR.**

**Purpose:** Is proposed to add the definition of an important term used throughout the proposed regulations and include clarifying verbiage to define “Inspector”.

**Necessity:** It is necessary to include this definition to carry out the proposed regulations because the term “Inspector”, to identify a person approved by the SFM to perform construction inspections.

### **PLANS.**

**Purpose:** Is proposed to add the definition of an important term used throughout the proposed regulations and include clarifying verbiage to define “Plans”.

**Necessity:** It is necessary to include this definition to carry out the proposed regulations because the term “Plans”, to identify a building drawing of a project.

### **SPECIFICATIONS.**

**Purpose:** Is proposed to add the definition of an important term used throughout the proposed regulations and include clarifying verbiage to define “Specifications”.

**Necessity:** It is necessary to include this definition to carry out the proposed regulations because the term “Specifications”, to identify written documents to outline job conditions.

### **SPECIFIED STATE-OCCUPIED BUILDINGS.**

**Purpose:** The proposed regulation clarifies and adds language that better defines specified state-occupied occupancies which redistributes jurisdiction between local entities and SFM.

**Necessity:** It is necessary to include this definition to carry out the proposed regulations because the term “Specified State Occupied Buildings”, to identify buildings that are considered to fall in the perimeter of specified state occupied buildings.

### **STATE INSTITUTION.**

**Purpose:** Is proposed to add the definition of an important term used throughout the proposed regulations and include clarifying verbiage to define “State Institution”.

**Necessity:** It is necessary to include this definition to carry out the proposed regulations because the term “State Institution”, to identify buildings that are owned or leased by State educational institutions.

### **STATE OWNED BUILDING.**

**Purpose:** Is proposed to add the definition of an important term used throughout the

proposed regulations and include clarifying verbiage to define “State Owned Building”.

**Necessity:** It is necessary to include this definition to carry out the proposed regulations because the term “State Owned Building”, to identify buildings that are owned or deeded to the state.

### **TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS**

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

The SFM did not rely on any technical, theoretical, and empirical study, report, or similar documents outside of those contained in this rulemaking in proposing that CBSC adopt said code as a reference standard for the placement of existing SFM regulatory amendments for the California Building Standards Codes.

### **STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS**

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

The SFM believes that the amendments to the code and additional building standards proposed are offered in both a prescriptive and performance base. The nature and format of the code adopted by reference allow for both methods, the following is a general overview of the code proposed to be adopted by reference:

This comprehensive administrative code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new system designs.

This code is founded on principles intended to establish provisions consistent with the scope of a building and fire code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to types or classes of materials, products or methods of construction.

### **CONSIDERATION OF REASONABLE ALTERNATIVES**

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency’s reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

The SFM has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this code.

### **REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

The SFM has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this code.

### **FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS**

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

The SFM has determined that this proposed action will not have a significant adverse economic impact on business. Health and Safety Code Section 18928 requires the SFM, when proposing the adoption of a code, national standard, or specification shall reference the most recent edition of the applicable code, national standard, or specification. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

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

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

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

- A.** The creation or elimination of jobs within the State of California.  
These regulations will not affect the creation, or cause elimination, of jobs within the State of California.
- B.** The creation of new businesses or the elimination of existing businesses within the State of California.  
These regulations will not affect the creation or the elimination of existing business within the State of California.
- C.** The expansion of businesses currently doing business within the State of California.  
These regulations will not affect the expansion of business currently doing business within the State of California.

- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.  
These regulations will update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety and the environment.

### **ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS**

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

The SFM does not anticipate any significant cost of compliance with the proposed building standards. The regulations are based on the model code. Health & Safety section 18928 requires that building standard be essentially the same as the most recent edition of the uniform industry codes. These regulations benefits are to have clear, concise, complete and update text of the regulations and standards.

### **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

The SFM has determined that this proposed rulemaking action does not unnecessary duplicate or conflict with federal regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.