

**State of California
Office of Administrative Law**

In re:
California Architects Board

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 166

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2023-1113-03

OAL Matter Type: Regular (S)

Business and Professions Code section 5600.05 requires licensed architects to obtain five hours of continuing education regarding zero net carbon design during each two-year license renewal period prior to the license expiration date as a condition of license renewal. This action adopts a definition for zero net carbon design, requirements for course qualification and completion, issuing certificates of completion, and enforcement.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 12/28/2023.

Date: December 28, 2023



Ashita Mohandas
Attorney

For: Kenneth J. Pogue
Director

Original: Laura Zuniga, Executive Officer

Copy: Timothy Rodda

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2023-0612-01	REGULATORY ACTION NUMBER 2023-1113-03S	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

DEC 28 2023

1:38 PM

OFFICE OF ADMIN. LAW
2023 NOV 13 PM 3:28

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
California Architects Board

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2023, 25-2	PUBLICATION DATE 6/23/2023	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Zero Net Carbon Design Continuing Education	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related).	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 166
TITLE(S)	AMEND
16	REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) September 12, 2023 to September 27, 2023

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) **Kimberly Kirchmeyer, Director, Department of Consumers Affairs**

7. CONTACT PERSON Timothy Rodda	TELEPHONE NUMBER (279) 895-1245	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) timothy.rodga@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Laura Zuniga</i>	DATE Oct 6, 2023
TYPED NAME AND TITLE OF SIGNATORY Laura Zuniga, Executive Officer, California Architects Board	

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ENDORSED APPROVED

DEC 28 2023

Office of Administrative Law

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. CALIFORNIA ARCHITECTS BOARD

Zero Net Carbon Design Continuing Education

Order of Adoption

Adopt Section 166 of Article 10 of Division 2 of Title 16 of the California Code of Regulations to read as follows:

Article 10. Continuing Education

§ 166. Continuing education requirement for coursework in zero net carbon design.

(a) For purposes of this section, the following terms have the following meanings:

(1) "Trainers or educators with knowledge and expertise in zero net carbon design" means a person with a minimum of three projects within the last ten years in the designing of carbon neutral architecture and who meets one of the three additional requirements of subsection (f), or an architect or engineer of a regulatory authority responsible for promulgation of building standards in the Title 24, Part 6, California Energy Code, or Title 24, Part 11, California Green Building Standards Code (CALGreen).

(2) "Zero net carbon design" means architectural designs including resilient designs of new construction and/or existing facilities that produce on-site, or equitably procure from offsite, enough carbon-free renewable energy to meet building operations energy consumption over the building project's life-cycle. This also includes architectural design responsive to embodied carbon reduction and resilient performance of a facility that results in reduced embodied carbon or minimized carbon.

(A) For the purposes of this section, "resilient performance" describes the capacity of a system, for example: a community, society, or ecosystem, to withstand physical calamities and continue to function.

(B) For the purposes of this section, "equitably procure from offsite" shall refer to consideration of environmental justice goals.

(b) As a condition of renewal, a licensee shall complete five hours of continuing education (CE) coursework on the subject of zero net carbon design that meets the criteria specified in this section during each two-year license renewal period prior to the license expiration date, or, if the license is delinquent, during the 24 months immediately preceding the date on which the licensee submits their delinquent

renewal application. The board shall consider CE coursework incomplete and the licensee not in compliance with this section if, within 15 days of the board's notice of audit and written request, the licensee does not make available to the board the proof required by this section. For the purposes of this section "proof" shall mean any of the following:

(1) a certificate of completion described in subsection (i),

(2) attendance or course completion records from the course provider as described in subsection (j), or,

(3) other records of completion that contain the information specified in Section 5600.05 of the code.

(c) All CE course topics, subject matters, and course materials shall be pertinent to the practice of architecture as defined in Section 5500.1 of the code and the provision of an architect's professional services relating to zero net carbon design. Examples of zero net carbon CE coursework topics or subjects may include any one or combination of the following: energy efficient building systems, deep energy efficient retrofits of existing buildings, adaptive reuse, natural ventilation, daylighting, solar harvesting design, advanced energy efficiency strategies, including energy modeling, renewable energy strategies, embodied carbon analysis, CALGreen - Title 24, Part 11, of the California Code of Regulations, renewable energy systems, climate sustainability, resilient design, and environmental justice.

(d) In addition to the requirements of subsection (c), CE courses shall meet the following requirements: (1) have curriculum that meets the educational objectives of providing training to licensees on the subject matter listed in subsection (c), (2) have subject areas or modules that are presented in a logically organized manner or sequence to participants, and (3) be presented by trainers or educators who meet the qualifications in subsection (f).

(e) A provider shall only issue a certificate of completion to a participant who:

(1) completes an in-person or live webinar course, or

(2) takes a recorded course not presented live or which is presented by recorded webinar and successfully passes a test of the participant's knowledge and understanding of the CE coursework at the end of the period of instruction ("post-course test"). "Successfully passes" shall mean a minimum cumulative passing score of at least seventy percent (70%).

(f) A provider must use trainers or educators with knowledge and expertise in zero net carbon building design or in the designing of carbon neutral and/or high-performance buildings or groups of buildings or structures and meet at least one of the following criteria:

- (1) Hold a license or registration issued by a United States jurisdiction as an architect or a professional, civil, mechanical, or structural engineer with a minimum of three years of demonstrable direct experience in the designing of carbon neutral and/or high-performance buildings or groups of buildings and structures.
- (2) Have a qualifying faculty appointment at an accredited educational institution, or an educational institution approved by the Bureau for Private Postsecondary Education. To be considered "qualifying" under this subsection, faculty must be directly responsible for the teaching of carbon reduction, carbon neutral, and/or high performance or passive building topics. For the purposes of this section, "accredited" means recognition from an accrediting agency recognized by the Secretary of the United States Department of Education.
- (3) Hold a current, unexpired certification from the International Code Council ("ICC") California Certification Program and have a minimum of three years of demonstrable direct experience in the designing, examining, or inspecting of carbon neutral and/or high-performance buildings or groups of buildings and structures as one of the following:

 - (A) CALGreen Inspector/Plans Examiner.
 - (B) California Commercial Building Inspector.
 - (C) California Building Plans Examiner.
- (4) For purposes of this section, "demonstrable direct experience" is experience, established by documentary evidence such as signed plans, work contracts, or other documents that establish the individual's direct involvement in the design process.
- (g) An architect shall not certify completion of the CE requirement of this section through self-teaching or self-directed activities. Teaching, instructing, or presenting a course on zero net carbon requirements shall not qualify as credit for fulfillment of the CE requirement of this section.
- (h) A provider shall maintain for at least three years from the date of course completion records of participant attendance and course completion, including the information specified in section 5600.05(b) of the code, for each CE course participant.
- (i) Within ten days from the completion of the course, a provider shall issue a certificate of completion to each participant, subject to the requirements of subsection (e). The certificate of completion shall include the information specified in section 5600.05(b) of the code.

(j) Upon written request by a licensee who is the subject of a CE audit, a provider shall issue within ten days of the date of the request a copy of the records specified in subsection (h). It shall be the responsibility of a licensee to obtain the records from providers if records are requested by the board and make those records available to the board. In addition, the licensee shall cooperate in the audit and investigation of the licensee's compliance with this section, including taking all steps required by the CE provider to authorize the release of information to the Board, including signing any authorization or consent to release the licensee's records of completion or coursework to the Board.

(k) A licensee not in compliance with this section shall remedy any deficiency of the CE requirements of this section by completing the coursework prescribed by this section for the prior renewal period during the current renewal period, in addition to completing the CE coursework required in this section for the current renewal period. Before the end of the current renewal period, the licensee shall provide to the board proof, as described in subsection (b), that the deficiency of CE credits has been remedied as prescribed by this section.

Note: Authority cited: Sections 5526 and 5600.05, Business and Professions Code.
Reference: Sections 5560, 5578 and 5600.05, Business and Professions Code.