

DEPARTMENT OF CONSUMER AFFAIRS

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 2.**

CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Filing of Applications

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than on 5:00 p.m. on February 21, 2024**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 115.4, 5526 and 5552.5 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 30, 115.4, 115.5, 115.6, 135.4, 144, 144.5, 5550, 5550.5, 5551, 5552, 5552.1, and 5552.5, the Board is considering amending section 109 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

This regulatory proposal will amend 16 CCR section 109. The amendments to the regulations through this proposed rulemaking are as follows:

Amend 16 CCR section 109 title to more clearly reflect the contents of the section.

Amend 16 CCR section 109(a) to update the text to use gender neutral language, clarify readability and remove outdated language.

Amend 16 CCR section 109(b) to update the language to clearly reflect the contents of the subsection.

Amend 16 CCR section 109(b)(1) to remove obsolete references to the Intern Development Program (IDP), reflect the changes in the process of applying to the Board for Architect Registration Examination (ARE) eligibility, and clarify readability.

Amend 16 CCR section 109(b)(2) to remove outdated information related to the IDP, applying for eligibility evaluation, and update language to reflect the National Council of Architectural Registration Boards (NCARB) administered experience-based program, and remove the documents incorporated by reference.

Amend 16 CCR section 109(b)(3)(A), (B), and (C) to add submission of a non-refundable fee, make structural clarifications, and add clarifying language related to the information and documentation that applicants are required to submit for examination eligibility.

Add 16 CCR section 109(b)(4) to clarify the requirements set forth in BPC section 115.4.

Add 16 CCR section 109(b)(5) to provide clarifying language identifying the documentation required to administer BPC section 115.5.

Add 16 CCR section 109(b)(6) to clarify the requirements set forth in BPC section 135.4.

Amend 16 CCR section 109(b)(7) to update the numbering for continuity, text to use gender neutral language, clarify how a new or inactive candidate told they are ineligible can obtain eligibility, and improve readability.

Amend 16 CCR section 109(b)(8) to update the numbering for continuity, remove duplicate and obsolete language, clarify where to find ARE eligibility requirements, and improve readability.

Amend 16 CCR section 109(b)(9) to update the numbering for continuity.

Amend 16 CCR section 109(b)(10) to update the numbering for continuity, clarify where a licensed architect in a qualifying foreign country can find the requirements for licensure and remove extraneous language.

Amend 16 CCR section 109(b)(11) to update the numbering for continuity, clarify requirements and remove extraneous language.

Repeal 16 CCR section 109, subsections (c), (d), & (e) as they are obsolete.

Amend 16 CCR section 109(c) to be re-numbered, remove duplicate language, and clarify language.

Add 16 CCR section 109(d) to change the Board's document retention policy from two years to seven years.

Add 16 CCR section 109(e) to provide clarifying language on how reciprocity applicants apply with the Board.

Add 16 CCR section 109(f) to provide language clarifying the California Supplemental Examination requirements.

Add 16 CCR section 109(g), paragraphs (1) – (6) to provide language clarifying the fingerprint requirement for licensure and what is required to be on the licensure application.

Anticipated Benefits of Proposal

This proposal would provide clarifying and simplified language specific to the filing for an architect license in California. The Board would make requirements for licensure consistent for all applicants and remove outdated language. The proposal would also increase the number of years that the Board retains forms and other supporting documents, thus providing candidates a longer period of time to complete all licensing requirements before needing to resubmit materials. Language would be included clarifying what documentation is needed to expedite an application for military applicants, and refugees, asylees, and persons who worked as Iraqi or Afghan interpreters for the US government.

This regulatory proposal does not affect worker safety, or the state's environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The proposed regulations do not result in a fiscal impact to the state. This proposal clarifies the application process and documentation required for architectural licensure. The Board does not anticipate additional workload or costs resulting from the proposed regulations.

The proposed regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None

BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence that supports this determination. The Board has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit such proposals.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS:

Impact on Jobs / Businesses

The Board has determined that this regulatory proposal will not impact the creation or elimination of jobs, creation or elimination of businesses, or the expansion of existing business in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by aligning licensure requirements with the national standards. The proposed regulations will not affect worker safety or the state's environment.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulations will not affect small businesses. Although small businesses owned by candidates of the Board may be impacted, any costs of compliance are a result of current law.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit written comments relevant to the above determinations at the Board's office at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2420 Del Paso Road, Suite 105, Sacramento, California 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Timothy Rodda
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: 279.895.1246
E-Mail Address: timothy.rodga@dca.ca.gov

The backup contact person is:

Name: Laura Zuniga
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: 916.471.0760
E-Mail Address: laura.zuniga@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET:

Materials regarding this proposal can be found at https://www.cab.ca.gov/news/laws/proposed_regulation.shtml.

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board’s website at https://www.cab.ca.gov/news/laws/proposed_regulation.shtml.