

AGENDA ITEM N.1: Consideration and Ratification of the Addendum to the Initial Statement of Reasons and Any Comments Received on the 15-day Notice for California Code of Regulations (CCR), Title 16, Division 2, Article 3, section 116 (Eligibility for Examination)

Summary

At its September 13, 2024 meeting, the Board approved the language and delegated the authority to the EO to adopt the regulation, provided no adverse comments were received during the public comment period, and to make minor technical or non-substantive changes, if needed. The regulatory package was submitted to DCA for review on October 4, 2024, and forwarded to Agency on December 19, 2024. Agency approved the regulation to proceed and it was sent to OAL on January 6, 2025.

The 45-day comment period began on January 17, 2025, and ended on March 3, 2025 with one comment received. The comment, submitted by the National Council of Architectural Registration Boards (NCARB), was in support of the proposal and applauded the change to reduce barriers and empower candidates to create equitable pathways to licensure. During final review, staff noticed that the incorrect date of the Board approval was listed on the underlying data in the Initial Statement of Reasons. Board staff then drafted an addendum to correct the error. A 15-day comment period on the addendum to the ISOR was published on March 25, 2025, and concluded on April 10, 2025. No comments were received.

Action Requested

Move to ratify the Addendum to the Initial Statement of Reasons for Section 116 published during the 15-day comment period and authorize the Executive Officer to proceed with the text as originally approved, taking all steps necessary to complete the rulemaking process, make any technical or non-substantive changes to the package, and adopt the proposed amendments to Section 116.

Attachments

1. 16 CCR section 116 (Eligibility for Examination) – Addendum to Initial Statement of Reasons and Updated Initial Statement of Reasons.
2. Comment Submitted by NCARB

**TITLE 16 California Architects Board
DEPARTMENT OF CONSUMER AFFAIRS**

**ADDENDUM TO THE INITIAL STATEMENT OF REASONS
IN OAL FILE Z-2025-0106-01**

EXAMINATION ELIGIBILITY

On page 3 of the Initial Statement of Reasons in OAL File Z-2025-0106-01 Examination Eligibility, Underlying Data item 1 incorrectly identifies and includes the Board meeting agenda, materials, and minutes related to discussion of this proposal as September 8, 2023. However, the agenda, materials, and minutes should be from September 13, 2024.

This change increases clarity by correctly identifying and including the materials from the meeting where the Board noticed the public that the regulation would be discussed, received relevant information related to the proposal, and provide the minutes of the Board's discussion to approve and proceed with the regulatory proposal. The public will be able to accurately reference the correct meeting or request such materials from the Board. The incorrect meeting listed will be removed to ensure further clarity for the public.

**TITLE 16 California Architects Board
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: The California Architects Board has not scheduled a hearing on the proposed changes.

Subject Matter of Proposed Regulations: Examination Eligibility

Section(s) Affected: Section 116 Article 3 of Division 2 of Title 16 of the California Code of Regulations (CCR)

Background and Statement of the Problem:

The California Architects Board (The Board) was created in 1901 by the California State Legislature. The Board licenses, regulates, and investigates complaints against architects in California, totaling approximately 22,000 licensees. It is the Board's duty to enforce and administer the Architects Practice Act, (Business & Professions Code (BPC) Chapter 3 (commencing with section 5500) of Division 3 (Act)). The Board is authorized to establish necessary rules and regulations for the enforcement of the Act and the laws subject to its jurisdiction (BPC section 5526). The Board is responsible for the discipline of architects and enforcement of the Architects Practice Act (Act) (Business and Professions Code (BPC) section 5500 et seq.). BPC section 5510.15 mandates that the protection of the public shall be the highest priority of the Board in its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with the other interests sought to be promoted, the protection of the public shall be paramount.

BPC section 5526 authorizes the Board, in accordance with the Administrative Procedure Act (APA) (Government Code (Gov. Code) section 11400 et seq.), to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry out the provisions under the Act. Gov. Code section 11425.50, subdivision (e), provides that a penalty in an administrative disciplinary action may not be based on a guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule unless it has been adopted as a regulation in accordance with the APA.

The Board's eligibility for examination regulation, 16 CCR section 116, was created to describe the method by which candidates may obtain the required experience to become eligible for examination. At the time it was created, it aligned with the national standard. The existing regulation requires five years of educational experience before candidates are eligible to take the National Council of Architectural Registration Board's (NCARB) Architect Registration Examination (ARE), the national architecture licensing examination. Additionally, candidates must have completed the ARE and documented eight years of experience before they are eligible to take the California Supplemental

Examination. 16 CCR section 116 was last amended in 2014 when the requirement that candidates possess an active NCARB Record was added.

The current regulation requires specific steps to be completed prior to becoming eligible to take an examination. The effect of these requirements is a linear, step-by-step process that leads to licensure, but also unnecessarily causes delays. Recently, NCARB updated its standard for eligibility to take the ARE to be graduation from high school or its equivalent. Amending this regulation to allow candidates to take the examination once they have submitted an application with the Board while removing the experience requirement to take examinations will allow candidates to test when they are ready which will reduce unnecessary delays in the licensure process. This does not remove the experience requirements for licensure; only the experience requirements to take an examination. The Board's licensure requirements are not changing, only a delay in testing eligibility is being removed.

Anticipated benefits from this regulatory action:

This proposal would provide increased consistency with national standards for candidates and facilitate licensure for all candidates. The Board would remove restrictive language, which would potentially reduce delays in the licensure process.

Specific purpose of, and rationale for, each adoption, amendment, or repeal:

1. Amend 16 CCR section 116, subsection (a)

Purpose: Amendments to subsection (a) strikes "meet one of the following requirements below and," adds "and submit an application with a fee to the Board pursuant to Section 109.," and strikes the ":" at the end of the paragraph.

Anticipated Benefit/Rationale: These changes are made to remove the reference to multiple possible requirements to become eligible for the ARE, and clarifies that an application needs to be submitted to become eligible for the examination. Allowing candidates to be eligible for an examination by submitting an application and not meet additional requirements may reduce delays in licensure.

2. Remove 16 CCR section 116, subsection (a) paragraphs (1-3)

Purpose: Amendments remove the listed possible requirements to meet the experience requirement to take an examination.

Anticipated Benefit/Rationale: The removal of these requirements follows the language being removed in subsection (a). Since the Board will not require an experience component to become eligible for examination, these paragraphs are obsolete. The Board still requires eight years of experience for licensure; this is only removing the experience requirement to take an examination.

3. Amend 16 CCR section 116, subsection (b) paragraph (1)

Purpose: Amendments to subsection (b), paragraph (1) include removing the paragraph number “(1)” and “administered prior to January 1, 2005”, adding “submitted an application as set forth in subsection (a) and submit the application with a fee pursuant to Section 124.” Followed by removal of “been granted Board credit for all required divisions of the ARE and have at least seven and one-half (7- ½) net years of educational and/or experience credits as evaluated by the Board, of which at least one year of experience shall have been under the direct supervision of an architect(s) licensed in a United States jurisdiction.”

Anticipated Benefit/Rationale: These changes remove the experience and examination requirements to take the California Supplemental Examination (CSE) and clarify that candidates must submit an application with the Board as required in 16 CCR 109 and submit an application for the CSE in accordance with 16 CCR 124. There will be no additional paragraphs, so the numeric structuring is being removed.

4. Remove 16 CCR section 116, subsection (b) paragraph (2)

Purpose: Amendment to remove requirements that candidates document seven and a half years of experience and pass all ARE divisions prior to being eligible to taking the CSE.

Anticipated Benefit/Rationale: This is now obsolete language stating a requirement that needs to be met before being eligible to take the CSE, which is now being addressed in subsection (b). Therefore, this paragraph is obsolete and is being removed.

Underlying Data

1. September 13, 2024 Board Meeting Agenda, relevant Materials, and Minutes
2. NCARB Press: Summary Report of Vote on Resolutions at NCARB’s 2024 Annual Business Meeting

Business Impact:

The Board has made the initial determination that the proposed regulations will not have statewide adverse economic impact directly affecting businesses including the inability of California businesses to compete with businesses in other states. The proposed regulations clarify existing requirements.

Economic Impact Assessment:

This regulatory proposal will have the following effects:

It will not create or eliminate jobs within the State of California because it only clarifies examination requirements.

It will not create new business or eliminate existing businesses within the State of California because it only applies to individuals who are seeking to take an

examination in the state.

It will not affect the expansion of businesses currently doing business within the State of California because it only applies to individuals who are not yet licensed to practice.

This regulatory proposal will make the examination eligibility requirements in California consistent with the national standards and facilitate the licensure process, which will benefit the health and welfare of Californians.

This regulatory proposal does not affect worker safety because it does not involve worker safety.

This regulatory proposal does not affect the state's environment because it does not involve the environment.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Fiscal Impact Assessment

The regulations do not result in a fiscal impact to the state. This regulatory proposal provides consistency with national standards for candidates to take examinations required for licensure and does not impose any new requirements. As a result, the Board does not anticipate additional workload or costs resulting from the proposed regulations.

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

Consideration of Alternatives:

The Board has made an initial determination that no reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.

Laura Zuniga, Executive Officer
Timothy Rodda, Regulations Manager
California Architect Board
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916-574-7220

February 28, 2025

**NCARB's Support for the California Architects Board's Proposed
Amendment to 16 CCR Section 116**

Dear Ms. Zuniga and Mr. Rodda,

The National Council of Architectural Registration Boards (NCARB) strongly supports the California Architects Board (“the Board”) in its efforts to amend 16 CCR section 116. This amendment seeks to further streamline how candidates obtain examination eligibility and would align the Board with national architect regulatory standards for licensure by removing any prequalification requirements in order to sit for the Architect Registration Examination® (ARE®). It aims to bring the Board in alignment with other state licensing boards pursuing additional pathways to licensure, and access to the NCARB ARE®. Furthermore, this amendment would remove impediments to exam access for candidates from historically underrepresented groups without compromising the licensure process. This change provides increased access and flexibility while maintaining rigor. It augments the Board’s commitment to multiple paths to licensure, as the Board’s current experience-only pathway already allows candidates to satisfy the educational requirement through specific work experience.

California Can Join Those Already Leading the Way in Exam Eligibility

This change in California brings the state into alignment with many other jurisdictions that have already removed impediments to eligibility. **Several states, including Maine, Michigan, Nebraska, Tennessee, and Wisconsin, already allow candidates to take the ARE® with a high school diploma or its equivalent.** None of the above states have experienced any quality or security issues due to their more flexible eligibility requirements.

Importantly, all candidates granted access to the ARE® receive guidance from NCARB on how to prepare for the exam. They are informed of all examination policies and encouraged to use NCARB's free practice exams and other resources. In addition, candidates have access to the ARE 5.0 Community, NCARB licensing advisors, and AXP supervisors for additional support. This ensures that candidates are well-prepared. **A change in exam access does not impact the Board's education, experience, or examination requirements for licensure.**

NCARB is a nonprofit organization made up of the architectural licensing boards of 55 U.S. states and territories. The 55 U.S. architectural licensing boards includes the 50 states, District of Columbia, Guam, Puerto Rico, Northern Mariana Islands, U.S. Virgin Islands. NCARB, in collaboration with licensing boards, facilitates the licensure and credentialing of architects to protect the health, safety, and welfare of the public. While each jurisdiction is responsible for regulating the practice of architecture within its borders, NCARB develops and administers national programs, including the ARE and the Architect Experience Program® (AXP®) for all the states and territories to enable candidates pursuing architectural licensure to qualify and helps architects expand their professional reach through the NCARB Certificate.

During the 2024 NCARB Annual Business Meeting, NCARB's membership voted in favor of Resolution 2024-04. This resolution approved changes to NCARB's [*Model Law and Regulations*](#), modifying the national standard for access to the ARE®. **The revised NCARB *Model Law and Regulations* now only requires candidates to have graduated from a state or federally regulated high school, or the equivalent, to gain access to the ARE®.** This change expands access to candidates who may not hold a degree from an educational institution, including those with a two-or four-year degree in architecture, international architects, and others pursuing non-traditional paths to licensure. Tying ARE® access to the completion of a post-secondary degree was viewed as an unnecessary barrier for candidates who have valuable experience or knowledge but have not completed a degree program.

Empowering Candidates

Research completed prior to NCARB's change in guidance regarding exam eligibility emphasized that it is the candidate's knowledge, not the timing of the path they take to acquire that knowledge, that matters for examination success.

Candidates Who Will Benefit from a Change in California Eligibility Requirements:

- A candidate who worked in engineering, construction, or another building-related field after high school and now wants to pursue a career in architecture.
- A candidate currently working in the architecture profession who cannot afford or attend higher education but is ready to start testing.
- A candidate with a two-year architectural degree from a community college who is prepared to begin testing.
- A candidate with a four-year, architecture-related degree who worked in the architecture profession before enrolling in a NAAB-accredited graduate program and is now ready to begin testing.
- International candidates requiring an *Education Evaluation Services for Architects* evaluation or additional coursework.
- Candidates who completed a four-year architecture-related degree, worked in the field, and are ready to test before completing their NAAB-accredited graduate program.

By aligning exam eligibility with national standards, this amendment will improve access to the exam, create a more equitable path to licensure, and continue to protect public health, safety, and welfare.

Thank you for your attention to professional licensing and portability. We believe this amendment will have a positive impact on prospective architect licensure applicants. Furthermore, we encourage you to reach out to us at any time. We look forward to working with you and providing any needed support.

Best regards,



Joshua C. Batkin
Vice President, Council Relations
National Council of Architectural Registration Boards