

DEPARTMENT OF CONSUMER AFFAIRS

**Title 16, Division 2, Article 10, Section 165
California Architects Board**

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING
Continuing Education §165**

California Code of Regulations

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to adopt California Code of Regulations (CCR), Title 16, Division 2, Section 165 as 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. The Board will, however, hold a hearing if it receives a written request for a public hearing from any interested person, or the interested person's 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, including those sent by mail, facsimile, or email to the address listed under Contact Person in this Notice, must be received by the Board at its office no later than **Monday, December 27, 2021**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by Business and Professions Code (BPC) sections 5526 and 5600.05, and to implement, interpret or make specific BPC section 5600.05, the Board is considering changes to adopt an Article 10, Division 2 of Title 16 of the CCR as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This regulatory proposal clarifies and makes specific the continuing education requirements for renewal of an architect's licensure with the Board. The Board is a state agency vested with the authority to regulate the practice of architecture. The Board's highest priority when exercising its licensing, regulatory, and disciplinary authority is the protection of the public health, safety, and welfare, as mandated by BPC section 5510.15. The Board is authorized by BPC section 5526 to promulgate regulations as

may be necessary and proper. (BPC section 5526.) BPC section 5600.05 authorizes the Board to promulgate regulations to establish qualifications for continuing education (CE) courses and course providers. In addition, BPC section 5600.05 requires licensed architects to obtain five hours of CE regarding disability access requirements for public facilities, during each two-year license renewal period prior to the license expiration date, as a condition of license renewal.

This regulatory proposal would specify the time period in which CE coursework needs to occur, the minimum qualifications for courses and course content, and the requirements for issuance of completion certificates or copies of records to course participants. It would also establish procedures for enforcing and administering the CE requirement along with Board actions for architects found noncompliant with the CE requirement.

Anticipated Benefits of Proposal

The broad objective of the regulatory proposal is to ensure that licensed architects have an adequate amount and the right kind of CE. The specific benefits anticipated from the regulations are increased protection of the public by ensuring that licensed architects remain competent in the practice of architecture and ensuring that licensed architects are familiar with California and federal laws that govern disability access requirements for public facilities.

Consistency and Compatibility with Existing State Regulations

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The proposed regulations do not result in a fiscal impact to the state.

The Board has required licensees to complete CE courses, as specified, and ensured compliance since 2009, under statutory authority. This proposal updates the Board's regulations consistent with the existing practice and procedures and current law. As a result, no additional workload or costs are anticipated.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

BUSINESS IMPACT ESTIMATES

The Board has made an initial determination that this regulatory proposal will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The requirements for disability access in the design and construction of buildings and facilities has long been in place throughout the country.

Additionally, although the Board has not previously had any CE course requirements for its licensees that were mandated by regulation, CE providers have already been offering the specified five-hour CE coursework on disability access since 2009. The proposed regulations are intended to better align the Board's regulations with current law and existing practice.

This regulatory proposal will predominantly impact the following occupations: architects and trainers or educators that provide CE.

CE providers may offer courses that meet the Board's proposed criteria for courses and provider responsibilities. Those CE providers that provide course content related to disability access requirements may incur costs conforming to the requirements of this rulemaking related to staffing needs, expansion of the curriculum, and IT costs for courses offered online and for recordkeeping. CE providers who develop disability access coursework that does not meet the proposed criteria may be negatively impacted.

Impact on Jobs/Businesses

The Board has determined that this regulatory action will not eliminate jobs for licensees, but it will possibly both eliminate and create jobs for CE providers, trainers, or educators. In those situations where CE providers have trainers or educators who do not meet the minimum criteria of the regulation, those jobs could potentially be eliminated.

The regulatory proposal will not create new business but might eliminate an unknown number of existing architecture CE provider businesses within the state if those businesses are unable to comply with the requirements of the proposed regulations. However, most architecture CE provider businesses are expected to have the ability to meet the regulatory requirements as many businesses have already been providing compliant CE disability access coursework since 2009.

The regulatory proposal will not affect the expansion of businesses as a sufficient number of businesses have been in existence since 2009 who already provide disability access CE courses to architects renewing their licenses.

The regulatory proposal will establish consistent CE requirements for licensees, which will benefit the health, safety, and welfare of California residents.

The regulatory proposal affects worker safety because architects better versed in disability access requirements will design buildings that are more inclusive and thus a benefit to all who use those buildings.

Finally, the regulatory proposal does not affect the state's environment because it is not related to the environment in any manner.

Business Reporting Requirements

While this regulatory proposal does not require businesses to file a report with the Board, it will require individual licensed architects to continue to file their documentation of CE compliance with the Board as they have done since the requirement was implemented in 2009.

Effect on Small Business

The Board has determined these regulations will affect small businesses that provide course content related to disability access requirements to California architects. Small business CE providers may voluntarily incur some initial and ongoing costs related to staffing, coursework development, expanded curriculum, IT costs, and record keeping databases. The Board has determined that these costs would likely be minimal as such costs may already be built into the business's infrastructure for providing CE coursework. Any financial impact on these businesses will likely be offset by increased course fees.

Cost Impact on Representative Private Person or Business

This proposal impacts licensed architects in California by specifying CE requirements as part of license renewal. The Board estimates licensees pay approximately \$200 to complete the five-hour CE requirement.

However, licensees have been required to complete and pay CE course (five hours) fees consistent with current law since 2009. As a result, this proposal does not increase costs to individuals.

Significant Effect on Housing Costs: None

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered 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, or would be as effective and less burdensome to affected private persons than the proposed regulatory action or would be more cost-

effective to the affected private persons and equally effective in implementing the statutory policy or other provision of the law.

Interested persons are invited to present comments orally or in writing relevant to the above determinations at the hearing, if one is scheduled or in writing to the Board at 2420 Del Paso Road, Suite 105 Sacramento, CA 95834, during the public comment period.

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 may be obtained upon request from the person designated in the Notice under Contact Person or by accessing the Board's website www.cab.ca.gov.

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 upon request from the person designated in the Notice under Contact Person or by accessing the Board's website.

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 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: Jesse Bruinsma
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7088
Fax No.: (916) 575-7283
Email Address: jesse.bruinsma@dca.ca.gov

The backup contact person is:

Name: Marccus Reinhardt
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7212
Fax No.: (916) 575-7283
Email Address: marccus.reinhardt@dca.ca.gov

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