

CALIFORNIA ARCHITECTS BOARD

FINAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Reciprocity Requirements

Section(s) Affected: Sections 121 and 124 Article 3 of Division 2 of Title 16 of the California Code of Regulations (CCR)

Updated Information:

The Board's Reciprocity Requirements regulatory proposal was originally approved by the Board at its December 1, 2023 meeting. The Notice documents were submitted to the Office of Administrative Law (OAL) on February 5, 2024, and published on February 22, 2024.

The 45-day public comment period closed on April 3, 2024, and the Board received no comments.

The following are corrections to items previously mentioned Initial Statement of Reasons:

- On page 2, item 2, regarding Amend 16 CCR section 121. The following sentence is added immediately after the sentence reading "The language is being struck for clarity as it does not pertain to the contents of this regulatory section. This does not pertain to this regulatory section because it states all candidates must pass the ARE and CSE, and this is statement is more confusing to the reader because it is not relevant. All candidates who apply for reciprocity would have passed the ARE or its accepted equivalent as approved by NCARB. Similarly, the CSE is required for all licensure candidates and is described in CCR 124.
- On page 3, item 4, regarding Amend 16 CCR section 121, subsection (a) paragraph (2). The following was added to the language – a “,” is placed after “shall” and “applying for” is added prior to “licensure”. These additions are made for candidate clarity. The obsolete language being struck is the portion “complete IDP or IAP” as this is now being made solely into a reference and similarly “A candidate who holds a current and valid Certification by NCARB shall be exempt from the IDP/IAP requirement and the requirement to submit items (A) thought (C) prescribed in this subdivision upon receipt in the Board office of the candidate’s current and valid NCARB blue cover Certification file transmitted by NCARB” is struck because the NCARB Certification contains the completed internship program, either the Architectural Experience Program (formerly IDP) or IAP, and is duplicative, would cause confusion, and no longer necessary.
- On page 4, item 5, a typo was made when referencing the “another rulemaking file at Section 103(b)(3)(C)(iii)...” The rulemaking file should have been noted as “Section 109(b)(3)(C)(iii)...”

- Add to Specific purpose of, and rationale for, each adoption, amendment, or repeal, item 10 which Adds BPC 115.5 to the Authority and Reference. BPC 115.5 requires the Board to expedite the licensure process for military spouses and partners who hold a license in another state. This would benefit those licensees who are married to or in a domestic partnership with an active duty member of the Armed Forces of the United States who many be forced to relocated to California.

The following are corrections to items previously mentioned in the Notice of Proposed Regulatory Action:

- On page 1, under Authority and Reference, BPC 5550 was missing under the authority section and BPC 5552 was missing under the reference section.
- On page 2, under Anticipated Benefits of Proposal, the following language is being added prior to the first paragraph – “The California Architects Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the state’s environment.”; and the following language is being added after the existing text – “This regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state’s environment.”

Based on direction from the Office of Administrative Law’s review, the following non-substantive edits were made to the Order of Adoption:

- Spelled out Architect Registration Examination and added parenthesis around ARE in CCR 121(a)(1).
- Added underlines to the numbers/letters for the subparagraphs below CCR 121(a)(2).
- Further specified the Employment Verification form under CCR 121(a)(2)(iv) as being referenced in Section 109(b)(3)(C)(iii).
- Removed the underline from “eligible” as it was part of existing text in CCR 121(b).
- Removed the commas in the Note and Authority before the second to last cited and referenced sections for CCR 121.
- Added underlines to the new paragraphs under CCR 124(b)(1-4).

Local Mandate:

A local mandate is not imposed on local agencies or school districts.

Fiscal Impact:

The proposed regulations do not result in a fiscal impact to the state.

The Board currently regulates approximately 21,000 licensed architects and 10,000 applicants who are in the process of meeting examination and licensure requirements. The proposed regulatory action only affects candidates applying for issuance of a license. The Board does not anticipate an increase in workload because this regulatory proposal does not impose any new requirements. This regulatory proposal clarifies the existing application process and the required documentation for reciprocity architecture license candidates. The Board does not anticipate additional workload or costs resulting from the proposed regulations.

Consideration of Alternatives:

The Board has determined that no reasonable alternative to the regulatory proposal considered by the Board or otherwise identified and brought to its attention would be either 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 proposed action, or would be more cost-effective 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.

Objections or Concerns Received During 45-Day Public Comment Period and Board Responses:

No comments were received regarding the proposed action during the 45-day public comment period. Therefore, no comments were considered by the Board and no changes to the text were deemed necessary in response.