

**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:** Application Extension

**Section(s) Affected:** Section 109 Article 2 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 licensing of architects pursuant to the Act.

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. BPC section 5552.6 states the Board may extend a candidate's examination application or examination process described in CCR 109 if a state of emergency is proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

The Board's application regulation, 16 CCR section 109, was created to describe the method by which candidates apply for examination eligibility and a license. The existing regulation states candidates who do not take an examination within five (5) years of being made eligible for examination or from a prior examination will become inactive and have to reapply with the Board.

The current regulation does not have codified procedures for candidates requesting an extension to this expiration date should a state of emergency be declared that prevents them from testing. The Board gained authorization to grant extensions through BPC 5552.6 when it was added by Senate Bill 1452 (Ashby, Chapter 482, Statutes of 2024).

**Anticipated benefits from this regulatory action:**

The Board has determined this regulatory proposal would help facilitate licensure by

allowing candidates an extension to the expiration date should they be unable to take the examination due to a state of emergency as declared by the Governor.

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

1. Amend 16 CCR section 109(a)(2)(B)

**Purpose:** Add “, or,” to the end of the existing statement.

**Anticipated Benefit/Rationale:** This change is made for structure since subparagraph (C) is being added.

2. Add 16 CCR section 109(a)(2)(C)

**Purpose:** Add “does not have a current eligibility extension by the Board in accordance with subsection (f)”.

**Anticipated Benefit/Rationale:** This change is made to identify that a candidate will not be inactive if they have been granted an extension to their eligibility period and provides the candidate with the location of the section so they can find the subsection that explains how to obtain such an extension.

3. Amend 16 CCR section 109(a)(3)

**Purpose:** Add “any of the following:” to the initial statement of paragraph (3), add subparagraph (A), restructure the subparagraph by renumbering prior (A) as (i) and prior (B) as (ii) for continuity, and add “(B) the candidate has a current eligibility extension issued by the Board in accordance with subsection (f)” to identify the additional extension.

**Anticipated Benefit/Rationale:** This change is made to identify that a candidate that has been granted an extension to their eligibility period will remain “active in the examination process” by definition and provides the candidate with the location of the subsection that explains how to obtain such an extension. Additionally, renumbering is done for consistency to relate corresponding items for relevancy. This clearly shows that the five years refers to when a candidate either last took an examination or was deemed eligible to test.

4. Add 16 CCR section 109(a)(4)

**Purpose:** Add ““State of Emergency” means an emergency as defined in Section 8558 of the Government Code.”

**Anticipated Benefit/Rationale:** This change is made to define State of Emergency as stated in Section 8558 of the Government Code to eliminate any confusion as to what a state of emergency could refer to.

5. Add 16 CCR section 109(f)(1)

**Purpose:** Add “Candidates shall be issued an extension of their eligibility and deemed “active in the examination process” for the purposes of this section if all of the following criteria are met:”

**Anticipated Benefit/Rationale:** This addition is being made so the Board can evaluate the request of a candidate to receive an extension to their examination application status and remain “active in the examination process.” Specifically, the portion that follows this subsection informs candidates what must be done to be issued the extension.

6. Add 16 CCR section 109(f)(1)(A)

**Purpose:** Add “The candidate has been displaced or suffered hardship affecting their ability to take an examination due to a state of emergency proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.”

**Anticipated Benefit/Rationale:** This clarifies the requirement that the candidate has been unable to test due to a state of emergency, which is one of the criteria to meet for an extension as identified in BPC 5552.6. Once they qualify due to the state of emergency declared by the Governor, they can move on to the next requirement of requesting an extension.

7. Add 16 CCR section 109(f)(1)(B)

**Purpose:** Add “The candidate requests an extension by submitting a written request for extension of examination eligibility to the Board no more than 30 days prior to the expiration date of their eligibility period by mail, email or fax to the address or fax numbers listed on the Board’s website. For the purposes of this paragraph, “eligibility period: shall mean either within five years from (i) the date the candidate last took an examination as a candidate of the Board, or (ii) from the date the candidate received written notice from the Board that they were eligible for examination. For the purposes of this paragraph, a completed request for extension of examination eligibility shall contain all of the following:”.

**Anticipated Benefit/Rationale:** This clarifies how candidates will request an extension and the timeline by which they must submit the request. The deadline is required so the Board receives requests for extensions in a timely manner and candidates are provided sufficient time to submit the request. The “eligibility period” is clarified with the same meaning as subsection (a)(3) that defines “active in the examination process” which explains how candidates retain an active examination application with the Board. Further, the last sentence provides the candidate with information that there will be a list of required items to submit to the Board to satisfy the written request requirement.

8. Add 16 CCR section 109(f)(1)(B)(i-viii)

**Purpose:** Add language that details what the written statement requesting an extension must contain. The requirements are personally identifiable information and a written

statement.

**Anticipated Benefit/Rationale:** This clarifies the information that must be contained on the extension request so the Board can accurately associate it with the correct individual. All components are necessary to avoid complications with candidates who have the same or similar name. The candidates must sign this under penalty of perjury so appropriate responsibility is taken by the candidate and to ensure all information is accurate and correct so as to not subvert the Board.

9. Add 16 CCR section 109(f)(1)(B)(vii)(aa-dd)

**Purpose:** Add language that details the required information on how the state of emergency affected the candidate: the request for extension with time sought to extend the eligibility period; statement that the address was in the area affected by the state of emergency; an explanation on how the emergency caused displacement or hardship with the date that it began; and the amount of time requested by the candidate to extend their eligibility period.

**Anticipated Benefit/Rationale:** This information is necessary as it provides relevant information to the Board on how the state of emergency affected the candidate and how much time the candidate is requesting to be added to their existing eligibility period. This will allow the Board to accurately grant the requisite amount of time to the candidate so they may continue testing.

10. Add 16 CCR section 109(f)(2)

**Purpose:** Add language requiring the Board to respond within thirty (30) days of reviewing the request for an extension.

**Anticipated Benefit/Rationale:** This requires the Board to respond to the candidate in a timely manner so future licensure planning can be made with accurate information.

11. Add 16 CCR section 109(f)(3)

**Purpose:** Add “Any relief granted pursuant to this subsection may not exceed a total of 1 year per emergency per candidate.”

**Anticipated Benefit/Rationale:** This is added to clarify the maximum amount time granted per extension. This is beneficial to candidates so they can plan to take tests to remain active in the examination process and understand there is a maximum amount of time granted so they can plan effectively.

12. Amend 16 CCR sections 109(g) and (h)

**Purpose:** Amend sections (g) and (h) by renumbering them for consistency.

**Anticipated Benefit/Rationale:** This renumbering is done with section (f) being added under CCR 109. Renumbering for consistency provides clarity to where relevant section

information can be found.

### 13. Amend Authority Cited and Reference

**Purpose:** Add BPC 5552.6 to Authority Cited and Reference, and add Government Code sections 8550 and 8558 to reference.

**Anticipated Benefit/Rationale:** Adding the authority and reference clearly indicates where the Board's authority comes from to implement the conditions. BPC 5552.6 grants authority the Board authority to extend a candidate's examination application expiration date if the candidate has been impacted by a state of emergency declared by the Governor. Government Code sections 8550 and 8558 relate to the Governor declaring a state of emergency.

### **Underlying Data**

1. February 20, 2025 Board Meeting Agenda, relevant Materials, and Meeting Minutes

### **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 procedures to extend an examination application expiration date.

### **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 licensing 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 licensure 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 facilitate licensure and provide equity for candidates who may have been unable to take an examination due to a state of emergency, 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.

**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.