

DEPARTMENT OF CONSUMER AFFAIRS

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

CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Application Extension

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 their 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 August 11, 2025**, 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, 5552.5, and 5552.6 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, 480, 5550, 5550.5, 5551, 5552, 5552.1, 5552.5 and 5552.6, and Government Code sections 8550 and 8558, the Board is considering amending section 109 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Existing regulations for 16 CCR section 109 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.

This proposal will define the Board's existing process for requesting and evaluating a request to extend the candidate's expiration date due to them being unable to test as a result of a state of emergency declared by the Governor.

This regulatory proposal will amend 16 CCR section 109. The amendment to the regulation through this proposed rulemaking is as follows:

Amend 16 CCR section 109(a)(2)(B) to add language indicating an additional subparagraph.

Add 16 CCR section 109(a)(2)(C) to identify that a candidate will not be inactive if they have been granted an extension to their eligibility period.

Amend 16 CCR section 109(a)(3) to identify that a candidate that has been granted an extension to their eligibility period will remain "active in the examination process" by definition.

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

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

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

Add 16 CCR section 109(f)(1)(B) which 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 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 application. 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.

Add 16 CCR section 109(f)(1)(B)(i-viii) which clarifies the information that must be contained in 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, to ensure all information is accurate and correct so as to not subvert the Board.

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

Add 16 CCR section 109(f)(2) which requires the Board to respond to the candidate in a timely manner so future licensure planning can be made with accurate information.

Add 16 CCR section 109(f)(3) to clarify the maximum amount of 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.

Amend 16 CCR sections 109(g) and (h) for consistency to provide clarity to where relevant section information can be found.

Add BPC 5552.6 to Authority Cited and Reference, and add Government Code sections 8550 and 8558 to reference. BPC 5552.6 grants authority to the Board 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.

Anticipated Benefits of Proposal

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by providing clarifying language to help facilitate licensure by allowing candidates an extension to an examination expiration date should they be unable to take the examination due to a state of emergency as declared by the Governor.

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:

The Board estimates a workload cost of \$20 per extension request. This proposal creates a pathway for candidates to be granted an extension to their examination

application expiration date if they are impacted by a state of emergency declared by the Administration. Due to the infrequent nature of this event, the Board does not anticipate substantive additional workload or costs resulting from the proposed regulations. Any workload and costs will be absorbed within existing resources.

The Board does not have a total fiscal impact estimate at this time because the total number of extension requests is currently unknown.

The regulations do not result in costs or savings in federal funds 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 submission of 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 following:

1. Creation or elimination of jobs within California.
2. Creation of new businesses or elimination of existing businesses within California.
3. Expansion of businesses currently doing business within the state.

Benefits of Regulation: The Board has determined that this regulatory proposal will

benefit the health and welfare of California residents by facilitating the licensure process for candidates who have been negatively affected by a state of emergency. This regulatory proposal does 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 regulation 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.rodde@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/resrcs/laws_regs/prop_leg.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/resrcs/laws_regs/approv_reg.shtml.