

**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:** Re-Examination

**Section(s) Affected:** Section 120 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 re-examination regulation, 16 CCR section 120, was created to describe the method by which candidates schedule and retain credit for examination, as was the national standard at the time. The existing regulation states candidates retain credit for a division of the Architect Registration Examination (ARE) they have passed, for five years, after which point the credit will expire unless all divisions have been passed. Furthermore, candidates who fail a division must reapply to take another division; and candidates are not permitted to take a previously failed division within six months of the date of failing that division. 16 CCR section 120 was last amended in 2014, when the

standard was changed to expire any division that was passed prior to January 1, 2006.

The current regulation followed the requirements set forth by the National Council of Architectural Registration Boards (NCARB), who develops and administers the ARE. Repealing this regulation will remove inconsistencies and conflicts between the Board's current regulations and national standards. It will allow candidates to follow the NCARB's documented *ARE Guidelines* for test scheduling, results, retakes, and retention policy, which is the national standard for this examination. Candidates schedule division exams of the ARE, obtain results, reschedule failed examinations, and learn of the duration of passed examinations through the *ARE Guidelines* and their NCARB Record. These are both maintained by NCARB and agreed to by its member boards.

**Anticipated benefits from this regulatory action:**

The Board has determined this regulatory proposal would provide increased consistency with national standards for candidates and better help facilitate licensure for all candidates. The Board would remove conflicting language, which would reduce delays in the licensure process benefitting the health and welfare of California residents.

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

1. Repeal 16 CCR section 120

**Purpose:** Amendments remove this entire section and language describing ARE credit, retaking examinations, and scheduling.

**Anticipated Benefit/Rationale:** These changes are made to align with the national standard for ARE testing. Removing this section will eliminate candidate confusion related to when their divisions may expire, how to schedule and reschedule examinations, and how to receive examination results.

**Underlying Data**

1. September 13, 2024 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 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 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 make the examination scheduling and results 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.