

Explanation
of Change
Without
Regulatory
Effect

Department of Consumer Affairs
California Architects Board

Title 16, California Code of Regulations

SECTION 100. CHANGE WITHOUT REGULATORY EFFECT

Pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 100(b)(3), of the California Code of Regulations (CCR), the California Architects Board (Board) hereby submits this written statement explaining why the proposed amendments to section 2670 of Title 16 of the CCR do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

Subject to the approval of the Office of Administrative Law, the Board would add to, revise, or delete text in the CCR as follows:

Amend Section 2670 of Title 16 of the CCR to:

Neutralize gendered language in subsection (a) and (d)

The Board proposes to eliminate gendered pronouns and incorporate gender-neutral terms throughout Section 2670. The Board proposes these amendments based on Assembly Concurrent Resolution No. 260 of 2018 (ACR 260). In ACR 260, the Legislature resolved that "state agencies should ... use gender-neutral pronouns and avoid the use of gendered pronouns when drafting policies, regulations, and other guidance."

This is a change without regulatory effect because the amendments are grammatical in nature. Changing gendered terms to gender-neutral terms parallels other efforts throughout the state.

Delete "In addition to subsection (a)(1) above" from paragraph (2) of subsection (a)

The Board proposes to delete "In addition to subsection (a)(1) above" from paragraph (2) of subsection (a) because the language is unnecessary and redundant; the introductory paragraph to section 2670 already provides that every person who holds a Board-issued license must comply with all of the requirements set forth in the section so there is no need to reiterate this with the "in addition to" language.

Removing this redundant language does not materially alter the meaning of the provision, or any right, responsibility, condition, prescription, or other regulatory element of the provision, and is therefore a change without regulatory effect.

Relocate paragraph (1) of subsection (b) to subsection (a)

The Board proposes to move paragraph (1) of subsection (b) into subsection (a) as a new paragraph (2) of that subsection because this subsection refers to the knowledge required of a landscape architect. Specifically, the paragraph relates to the competence of a licensed landscape architect, so it fits best under subsection (a).

This is a change without regulatory effect because it is only renumbering, reordering, or relocating a regulatory provision. Further, because the titles of the subsections are purely descriptive, relocating this paragraph to a subsection with a different title does not materially alter the meaning of the provision or any requirement, right, responsibility, condition, prescription, or other regulatory element of any regulatory provision.

Insert a new subsection (b), titled “Standard of Care” relocate paragraph (2) of subsection (a) to this new subsection, and delete the “(2)” at the beginning of paragraph (2) of subsection (a)

The Board proposes to insert a new subsection (b), titled “Standard of Care” and move paragraph (2) of subsection (a) to this new subsection because the current language does not explicitly use the term “standard of care” even though it defines what the standard of care is. It is the Board's understanding that this has led to some confusion among landscape architects and the general public. This change would provide clarification by reorganizing the language and specifically labeling what subsection (b)(1) is describing.

The Board also proposes to delete the “(2)” at the beginning of paragraph (2) of subsection (a) as rendered unnecessary by these changes because the paragraph will be the only paragraph in subsection (b) after them.

These changes are without regulatory effect because the regulation is not changing what is required of a landscape architect. The title “Standard of Care” will more clearly define what the subsection is describing. It has been the Board's experience that the “Standard of Care” is commonly discussed among professionals and accurately describes this subsection. This change will also promote clarity and provide more concise language when the Board issues citations for these types of violations.

Retitle subsection (b) as “Timely Response to Board” and move paragraph (2) of subsection (c) to this subsection

The Board proposes to retitle subsection (b) as “Timely Response to Board” and move paragraph (2) of subsection (c) to this subsection because the original subsection title, “Willful Misconduct,” is a description of a violation and not an action. With paragraph (1) of subsection (b) being relocated to subsection (a), that original title would no longer accurately describe the remaining paragraph in subsection (b).

These changes are without regulatory effect because the new title would create clarity to the reader but not change what is required of a landscape architect.

Renumber subsection (c) as subsection (e), and relocate language accordingly

The Board proposes to renumber subsection (c) as subsection (e) and relocate that subsection's title and paragraph (1) accordingly, because other subsections have been relocated and subsection (c) aligns better within the section as subsection (e).

The Board also proposes to delete the "(1)" before paragraph (1) because it will be the only paragraph in the subsection after the relocation of paragraph (2), described above, so the "(1)" will no longer be necessary.

These are changes without regulatory effect because they are only renumbering, reordering, or relocating regulatory provisions.

Renumber subsection (d) as subsection (g), and relocate language accordingly

The Board proposes to renumber subsection (d) as subsection (g), and relocate all language in that subsection accordingly, because other subsections have been relocated and subsection (c) aligns better within the section as subsection (e).

These are changes without regulatory effect because they are only renumbering, reordering, or relocating regulatory provisions.

Renumber provisions to reflect renumbering and reordering changes

The Board proposes to renumber subsections (b) and (e) as subsections (c) and (d), respectively, to reflect the reordering and renumbering of provisions described above.

These changes are without regulatory effect because they are only renumbering, reordering, or relocating regulatory provisions.