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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 5. STUDENT AID COMMISSION

FAFSA AND CADAA COMPLETION REQUIREMENT MODEL ACCEPTABLE USE POLICY AND OPT-OUT FORM

NOTICE IS HEREBY GIVEN that the California Student Aid Commission (Commission) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing regarding this proposal is currently not scheduled. However, any interested person or duly authorized representative may request, no later than 15 days before the close of the written comment period that a public hearing be scheduled.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

California Student Aid Commission
Attention: Gary Collord, Legal Services
P.O. Box 419026
Rancho Cordova, CA 95741

Comments may also be submitted by facsimile (FAX) at (916) 464-8033 or by e-mail to Rulemaking@csac.ca.gov. The public comment period for this regulatory action will begin on Friday, February 4, 2022. Comments must be submitted by March 21, 2022, to be considered.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 51225.7 of the Education Code, the proposed regulations implement, interpret and make specific Section 51225.7(h)

of the Education Code. The Commission is considering changes to Division 4 of Title 5 of the California Code of Regulations to establish a model opt-out form and acceptable use policy for the handling of confidential information, relevant to the Free Application for Federal Student Aid and the California Dream Act Application as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code Section 51225.7 was most recently amended by Assembly Bill 469 (AB 469), Chapter 560, Statutes of 2021. One of the stated purposes of AB 469 is: *“to maximize the number of California students who apply for and receive federal and state financial aid without creating an undue burden that prevents some students from graduating, without impacting student or parent immigration status, and with full protection for parent and student data.”*

With respect to this goal, Education Code Section 51225.7(h) now provides that:

The Student Aid Commission shall, on or before July 1, 2022, adopt regulations that include, but are not limited to, model opt-out forms and acceptable use policies for the purpose of providing guidance on the requirements relating to state law in paragraph (2) of subdivision (e). The Student Aid Commission shall post and make available any model opt-out forms and policies established pursuant to this subdivision on its internet website.

The stated purpose of paragraph (2) of subdivision (e) is to ensure:

Information shared by parents, legal guardians, and pupils under this section is handled in compliance with the federal Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g) and applicable state laws, including Chapters 493 and 495 of the Statutes of 2017, regardless of any person’s immigration status or other personal information, in order to protect all pupil and parent data to the fullest extent possible so that schools and all personal data remain safe.

The proposed regulations were developed to satisfy these amended provisions of the Education Code for the Commission to establish a model opt-out form for completing the Free Application for Federal Student Aid (FAFSA) or California Dream Act Application (CADAA), and to establish a model acceptable use policy for data collected from these applications by local education agencies.

Objectives and Benefits of the Proposed Regulation

The model opt-out form contained within the proposed regulations is designed assist local education agencies in maintaining a documented record of

grade 12 pupils who elect not to submit a FAFSA or CADAA, or are determined to be exempt from submitting a financial aid application. This completion and collection of the opt-out form will allow LEAs to identify and maintain a record of which pupils opt-out of, or are exempt from submitting, a FAFSA or CADAA, and will ensure that pupils who elect not to file a FAFSA or CADAA are informed of the purpose of the application they are opting out of.

The proposed model acceptable use policy would help ensure local education agencies comply with their obligations pursuant to Education Code Section 51227.5(e)(2), including protecting pupil and parent personal information in accordance with recent State laws governing such data-handling practices. In addition, the model policy has been drafted in a manner that can be readily adopted or modified by local agencies interested in adopting or implementing Commission recommended data-handling policies that are consistent with state law.

Evaluation of Inconsistency or Incompatibility with Existing State Regulations

After conducting a review of related State regulations in this area, the Commission has determined that other regulations exist with respect to the handling of confidential information by local education agencies. However, these other regulations largely focus on local education agency interactions with law enforcement agencies, rather than the specific handling of confidential information collected or maintained from FAFSA or CADAA filings. The model use policy contained in the proposed regulations is designed to complement the provisions of other State regulations in this area. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Commission has made the following initial determinations:

Mandate on Local Agencies and School Districts:

None.

Fiscal Impact Estimates:

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state. With respect to potential cost or savings to State agencies, the California Student Aid

Commission may incur minor absorbable costs relative to preparing the proposed regulations.

Housing Cost: None.

Cost Impact on Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Other Business Impacts:

The Commission has determined 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 proposal would impose no costs upon business. The proposal does not affect small businesses as defined by California Government Code Section 11342.610. This proposal would not affect private sector or small business as defined by California Government Code Section 11342.610.

Cost or Savings in Federal Funding to the State:

None.

Results of the Economic Impact Analysis:

The Commission has determined that this regulatory proposal will not have any effect on the creation of jobs or new businesses, on the elimination of jobs or existing businesses, or on the expansion of businesses in the State of California. The regulation is not expected to adversely affect or benefit California residents' health and welfare, worker safety, or the State's environment.

The proposed regulations establish a model opt-out form for the FAFSA and CADAA completion requirement, and a model acceptable use policy relative to the secure handling of confidential information related to the FAFSA and CADAA completion requirement, by local education agencies. The regulations are designed to provide guidance as required by Education Code Section 51225.7 and do not require local education agencies to adopt or implement the model form or policy. As such, the proposed regulations place no new or substantial requirements on businesses, or individuals within California.

FEDERAL MANDATE

There are no comparable provisions of federal law related to this proposal. The regulation would only apply in California and specifically to establishing a model opt-out form for FAFSA and CADAA filings, and the handling of confidential information collected and maintained by local education agencies. The regulations would neither affect nor conflict with any federal regulations or federal education programs. In accordance with California Education Code Section

51225.7(e)(2), the model acceptable use policy contained within the proposed regulations are consistent with the federal Family Education Rights and Privacy Act of 2021 (20 U.S.C. Sec. 1232g).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative it considered, 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 proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Commission invites interested parties to submit statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period or at the public hearing.

CONTACT PERSONS

Inquiries concerning the proposed adoption of the regulations and written comments may be directed to:

Gary Collord
California Student Aid Commission
PO Box 419026, Rancho Cordova, CA 95741
Telephone: (916) 347-0632
Fax: (916) 464-8033 Facsimile
Email: Rulemaking@csac.ca.gov

The back-up contact person for these inquiries is:

Synequeen Alasa-as
California Student Aid Commission
PO Box 419026, Rancho Cordova, CA 95741
Telephone: (916) 464-6411
Fax: (916) 464-6411 Facsimile
Email: Rulemaking@csac.ca.gov

AVAILABILITY OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office listed at the address above. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of regulations, the initial statement of reasons, an economic and fiscal analysis, and other reference information upon which the proposed rulemaking is based. Copies may be obtained by making a written request to Gary Collord.

These documents may also be viewed and downloaded from the Commission's website at <https://www.csac.ca.gov/proposed-regulations-rulemaking-documents>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Gary Collard at the above address. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by making a written request to Gary Collord at the above address.

WEBSITE ACCESS

Materials regarding this proposal can be found at <https://www.csac.ca.gov/proposed-regulations-rulemaking-documents>.

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

DEPARTMENT OF FISH AND WILDLIFE

ADOPT SECTIONS 790.1, 790.3, 790.5
AMEND SECTIONS 791.7, 796, 797, 816.01, 816.03, 817.02, 817.04, 819.02, 819.07, 820.01, 820.02, 826.01, 826.03, 830.7, 830.11, 852.61.11, 885.2, 885.3
REPEAL SECTION 798

Notice is hereby given that the Department of Fish and Wildlife, Office of Spill Prevention and Response (OSPR) proposes to adopt sections 790.1, 790.3, and 790.5 of subdivision 4 of title 14 of the California Code of Regulations (CCR), pertaining to overall general provisions applicable to the subdivision as a whole. Conforming amendments or repeals are also pro-

posed to sections 790.5, 791.7, 796, 797, 798, 816.01, 816.03, 817.02, 817.02, 817.04, 819.02, 819.07, 820.01, 820.02, 826.01, 826.03, 830.7, 830.11, 852.61.11, 885.2, and 885.3. OSPR invites interested persons to present comments, statements, or arguments with respect to the regulations during the written comment period.

PUBLIC HEARING

OSPR has not scheduled a public hearing on this proposed action. However, pursuant to Government Code section 11346.8, OSPR will hold a public hearing if a written request is received at the address below from any interested person or his or her authorized representative no later than fifteen (15) calendar days before the end of the 45-day comment period.

SUBMISSION OF WRITTEN COMMENTS

Any interested person or his or her authorized representative may submit to OSPR written comments relevant to the proposed regulatory action. **The written comment period closes at 11:59:59 p.m. (Pacific Time) on Monday, March 21, 2022.** All written comments must be received by OSPR by then in order to be considered. Written comments may be submitted at the hearing or by mail or e-mail, as follows:

Department of Fish and Wildlife
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, CA 94244-2090
E-mail: OSPRRegulations@wildlife.ca.gov

AUTHORITY AND REFERENCE

Government Code sections 8670.5.5 and 8670.7.5 grant the Administrator of OSPR the authority to adopt regulations and guidelines for proposed regulations. The proposed regulations implement, interpret and make specific Government Code sections 8670.5.5 and 8670.7.5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under OSPR's current regulations (title 14, division 1, subdivision 4, of the California Code of Regulations), chapter 1 consists of one section applicable to the entire subdivision — section 790, General Definitions and Abbreviations. This rulemaking proposes to expand the chapter to include provisions currently existing in multiple regulations within the subdivision that are applicable to the whole subdivision. They include the following:

- Guidelines and procedures related to asserting confidentiality on information submitted to OSPR.
- Consolidated provisions allowing requests for reconsideration of a decision issued by the Administrator.
- Severability provision.

Anticipated Benefits of the Proposed Action

Consolidating these various provisions into distinct sections in chapter 1 makes the content easier for all persons to refer to, ensures there are not unintended drafting differences, eliminates redundancy, and reduces the volume of text of this subdivision. Conforming amendments are being made to delete the redundant text and cross-reference to these new sections.

Evaluation of Inconsistency or Incompatibility with Existing Regulations

OSPR has determined that this proposed action is neither inconsistent nor incompatible with existing state regulations or statutes.

Document(s) Incorporated by Reference

No documents are incorporated by reference.

DETERMINATIONS REGARDING THE PROPOSED ACTION

OSPR has made the following determinations, as required by Government Code section 11346.5(a)(5), (6), (7), (9) and State Administrative Manual section 6601:

- (a) *Mandate upon local agencies and school districts:* None.
- (b) *Costs or savings to any state agency:* None.
- (c) *Costs or savings to any local agency:* None.
- (d) *Costs or savings to any local agency or school districts which must be reimbursed in accordance with part 7, division 4 (commencing with section 17500) of the Government Code:* None.
- (e) *Other non-discretionary costs or savings imposed upon local agencies:* None.
- (f) *Costs or savings in federal funding to the state:* None.
- (g) *Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:* None. These regulations merely consolidate existing provisions into one location.
- (h) *Cost a representative private person or business would necessarily incur in reasonable compliance:* OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (i) *Significant effect on housing costs:* None.

RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT

Pursuant to Government Code sections 11346.2 and 11346.3, and State Administrative Manual section 6601, with regard to the proposed regulations, OSPR determines the following:

- *Whether this is a “major regulation”, having an economic impact on businesses and individuals exceeding \$50,000,000 in any 12-month period between the date the regulation is estimated to be filed with the Secretary of the State through 12 months after the regulation is fully implemented.*
These are not considered “major regulations” because the economic impact assessment concludes that the impacts, summing both costs and benefits, will be negligible if any at all — considerably less than \$50 million dollars annually that would trigger major regulation status.
- *Effects of the regulation on the creation or elimination of jobs within the State of California.*
None.
- *Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State of California.*
None.
- *Effects of the regulation on the expansion of businesses currently doing business within the State of California.*
None. There is no cumulative impact to this rulemaking regarding severability, confidentiality, or reconsideration. These are existing provisions recast.
- *Benefits of the regulation to the health and welfare of California residents, worker safety, and the State’s environment.*
None. These are existing provisions recast.
- *Business Reporting Requirement*
None.
- *Effect on small business*
This regulatory action will not affect small business. These are existing provisions recast.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), OSPR has determined that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of OSPR, would be more effective in carrying out the purpose for which the action is proposed, or 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 implementing the statutory policy or other provision of law.

OSPR invites interested persons to present reasonable alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF DOCUMENTS/
OSPR CONTACT PERSON

OSPR will have the entire rulemaking file available for inspection and copying at its office at the address below. As of the date this notice is published in the California Notice Register, the rulemaking file consists of this notice, the proposed text (“express terms”) of the regulations, the Initial Statement of Reasons, the modified text of the regulations (if any), any documents incorporated by reference as identified in this notice, or other information upon which the rulemaking is based. Please direct inquiries concerning the regulatory process or requests for copies of the proposed text (“express terms”) of the regulations, the Initial Statement of Reasons, the modified text of the regulations (if any), or other information upon which the rulemaking is based to the following:

Department of Fish and Wildlife
Office of Spill Prevention and Response
Attention: Christine Kluge
1010 Riverside Parkway
West Sacramento, CA 95605
Phone: (916) 375-4676
Email: Christine.Kluge@wildlife.ca.gov

The backup contact person is: Ryan Todd at the same address, or by email at Ryan.Todd@wildlife.ca.gov, or by phone at (916) 375-2077.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

This notice and related rulemaking documents identified above can be accessed on OSPR’s website at <https://wildlife.ca.gov/OSPR/Legal/Rulemakings/General-Provisions>.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

At the close of the 45-day comment period, and considering all timely and relevant comments received, OSPR may adopt the proposed regulations substantially as described in this notice. If OSPR makes modifications which are sufficiently related to the originally proposed text, the modified text (with the changes clearly indicated) shall be made available to the public for at least 15 days before OSPR adopts the regulations

as revised. Any such modifications will also be posted on OSPR's website. Please send requests for copies of any modified regulations to the attention of the contact person(s) as indicated above. OSPR will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available on OSPR's website [<https://wildlife.ca.gov/OSPR/Legal/Rulemakings/General-Provisions>] and may be requested from the contact person(s) named in this notice.

**TITLE 14. OFFICE OF SPILL
PREVENTION AND RESPONSE**

CALIFORNIA DEPARTMENT OF
FISH AND WILDLIFE

DRILLS AND EXERCISES
(SECTION 820.1)

Notice is hereby given that the Department of Fish and Wildlife, Office of Spill Prevention and Response (OSPR) proposes to adopt section 820.1, amend sections 815.01, 817.02, 817.03, 817.04, 818.02, 818.03, 819.03, 827.02, 830.6, and repeal sections 820.01 and 820.02 of subdivision 4 of title 14 of the California Code of Regulations (CCR). This rulemaking pertains to the harmonization of marine and inland drills and exercises requirements. OSPR invites interested persons to present comments, statements, or arguments with respect to the regulations during the written comment period.

PUBLIC HEARING

OSPR has not scheduled a public hearing on this proposed action. However, pursuant to Government Code section 11346.8, OSPR will hold a public hearing if a written request is received at the address below from any interested person or his or her authorized representative no later than fifteen (15) calendar days before the end of the 45-day comment period.

SUBMISSION OF WRITTEN COMMENTS

Any interested person or his or her authorized representative may submit to OSPR written comments relevant to the proposed regulatory action. **The written comment period closes at 11:59:59 p.m. (Pacific Time) on Monday, March 21, 2022.** All written com-

ments must be received by OSPR by then in order to be considered. Written comments may be submitted by mail or e-mail, as follows:

Department of Fish and Wildlife
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, CA 94244-2090
E-mail: OSPRRegulations@wildlife.ca.gov

AUTHORITY AND REFERENCE

Government Code sections 8670.10 and 8670.29 grant the Administrator of OSPR the authority to adopt regulations and guidelines for the proposed regulations and the authority to carry out announced and unannounced drills and exercises to test the elements of an oil spill contingency plan. The proposed regulations implement, interpret and make specific Government Code sections 8670.10, 8670.28, 8670.29, 8670.30, and 8670.31.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Existing Law

The *Lempert-Keene-Seastrand Oil Spill Prevention & Response Act* (Act) requires every owner or operator of a facility or vessel with an oil spill contingency plan to participate in tabletop exercises and equipment deployment drills to test the elements of their oil spill contingency plan. (Government Code section 8670.29(b)(9).) These exercises and drills prepare them for response to oil spill threats they potentially pose to waters of the state. OSPR currently has requirements for tabletop exercises and equipment deployment drills for vessels, marine and inland facilities, and mobile transfer units (Title 14, CCR sections 820.01 and 820.02).

Policy Statement Overview and Anticipated Benefits of the Proposed Action

These proposed regulations will consolidate two regulations with similar requirements — the marine drills and exercise regulations (section 820.01) and the inland drills and exercise regulations (section 820.02). The goal in harmonizing these regulations into one section is to: make it easier for the public to locate and navigate the regulations, streamline and make clearer the requirements, remove subjectivity and vagueness, provide clarity, standardize language and consistency, and integrate lessons learned from drills and exercises OSPR has evaluated over the years. This rulemaking also includes reducing and redesigned the required forms to increase efficiency and clarity.

Evaluation of Inconsistency or Incompatibility with Existing Regulations

OSPR has determined that this proposed regulation is not inconsistent or incompatible with existing state or federal regulations or statutes. After conducting a review for any state or federal regulations or statutes that would relate to drills and exercises requirements, OSPR has concluded that these are the only regulations that concern these regulations in California.

Document(s) Incorporated by Reference

The following documents are hereby incorporated by reference in the proposed Drills and Exercises regulations, section 820.1, and are available on OSPR's website at <https://wildlife.ca.gov/OSPR/Legal/Rulemakings/Drills-Exercises> and upon request.

- Drills and Exercises Notification form DFW 1954 (Rev. 03/24/21)
- Drills and Exercises Credit Request form DFW 1955 (Rev. 11/08/21)

Incident Status Summary (ICS) Forms Incorporated by Reference (in numerical order):

- Incident Briefing, ICS Form 201 (U.S. Coast Guard, rev. 06/13; and U.S. Environmental Protection Agency, rev. 05/18)
- Incident Objectives, ICS Form 202 (U.S. Coast Guard, rev. 04/04; and U.S. Environmental Protection Agency, rev. 05/18)
- Incident Radio Communications Plan, ICS Form 205 (U.S. Coast Guard, rev. 09/13; and U.S. Environmental Protection Agency, rev. 05/18)
- Incident Communications Plan, ICS Form 205a (U.S. Environmental Protection Agency, rev. 05/18)
- Medical Plan, ICS Form 206 (U.S. Coast Guard, rev. 07/04; and U.S. Environmental Protection Agency, rev. 05/18)
- Incident Organization Chart, ICS Form 207 (U.S. Coast Guard, rev. 01/07)
- Hazardous Materials Site Safety and Control Plan, ICS Form 208 (U.S. Environmental Protection Agency, rev. 05/18)
- Incident Status Summary, ICS Form 209 (U.S. Coast Guard, rev. 06/05)
- Resources Request Message, ICS Form 213RR (U.S. Coast Guard, rev. 02/07; U.S. Environmental Protection Agency, rev. 05/18)
- Operational Planning Worksheet, ICS Form 215 (U.S. Coast Guard, rev. 12/02; U.S. Environmental Protection Agency, rev. 05/18)
- Incident Action Plan Safety Analysis, ICS Form 215a (U.S. Coast Guard, rev. 02/15; and U.S. Environmental Protection Agency, rev. 05/18)

- Daily Meeting Schedule, ICS Form 230 (U.S. Coast Guard, rev. 07/04; and U.S. Environmental Protection Agency, rev. 05/18)
- Resources at Risk Summary, ICS Form 232 (U.S. Coast Guard, rev. 07/04; and U.S. Environmental Protection Agency, rev. 05/18)
- Open Action Tracker, ICS Form 233 (U.S. Coast Guard, rev. 07/12)
- Work Analysis Matrix, ICS Form 234 (U.S. Coast Guard, rev. 11/12; and U.S. Environmental Protection Agency, rev. 05/18)

DETERMINATIONS REGARDING THE PROPOSED ACTION

OSPR has made the following determinations, as required by Government Code section 11346.5(a)(5), (6), (7), (9) and State Administrative Manual section 6601:

- (a) *Mandate upon local agencies and school districts:* None.
- (b) *Costs or savings to any state agency:* None.
- (c) *Costs or savings to any local agency:* None.
- (d) *Costs or savings to any local agency or school districts which must be reimbursed in accordance with part 7, division 4 (commencing with section 17500) of the Government Code:* None.
- (e) *Other non-discretionary costs or savings imposed upon local agencies:* None.
- (f) *Costs or savings in federal funding to the state:* None.
- (g) *Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:* These proposed regulations will not have a significant statewide adverse economic impact. They serve to harmonize existing marine plan holder and inland plan holder drill and exercise requirements into a single set of regulations, remove inconsistencies, clarify and reorganize requirements, reduce the number of required forms, and streamline the report process.
- (h) *Cost a representative private person or business would necessarily incur in reasonable compliance:* The proposed regulations will not result in costs to any representative private person. The proposed regulations will require facility contingency plan holders to conduct quarterly notifications within each OSPR region the plan holder operates in, which a single facility in each region will be able to fulfill. OSPR estimates only half a dozen facility plan holders will experience an increase in the number of quarterly notifications they are required to conduct and document resulting in insignificant costs.

(i) *Significant effect on housing costs:* None.

RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT

Pursuant to Government Code sections 11346.2 and 11346.3, and State Administrative Manual section 6601, with regard to the proposed regulations, OSPR determines the following

- *Whether this is a “major regulation”, having an economic impact on businesses and individuals exceeding \$50,000,000 in any 12-month period between the date the regulation is estimated to be filed with the Secretary of the State through 12 months after the regulation is fully implemented.*

These are not considered “major regulations” because the economic impact assessment concludes that the impacts, summing both costs and benefits, will be considerably less than \$50 million dollars annually.

- *Effects of the regulation on the creation or elimination of jobs within the State of California.*

None.

- *Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State of California.*

None.

- *Effects of the regulation on the expansion of businesses currently doing business within the State of California.*

None.

- *Benefits of the regulation to the health and welfare of California residents, worker safety, and the State’s environment.*

None.

- *Business Reporting Requirement*

OSPR finds that it is necessary for the health, safety, or welfare of the people of this state that proposed regulation section 820.1, which requires a report, apply to businesses. The report requirements have been updated, streamlined, and require less time to populate and submit.

- *Effect on small business*

This rulemaking action will have limited effect on small business. Based on the definition of small business in subsection 11346.3(b)(4)(A) of the Government Code, OSPR has identified less than 5% of the estimated total number of businesses impacted by these regulations are considered small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), OSPR must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of OSPR, would be more effective in carrying out the purpose for which the action is proposed, or 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 implementing the statutory policy or other provision of law.

OSPR could identify no alternatives that would have the same desired regulatory effect or would meet the same goals for harmonizing, streamlining, and clarifying existing drill and exercise requirements.

OSPR invites interested persons to present reasonable alternatives to the proposed regulations during the written comment period

AVAILABILITY OF DOCUMENTS/
OSPR CONTACT PERSON

OSPR will have the entire rulemaking file available for inspection and copying at its office at the address below. As of the date this notice is published in the California Notice Register, the rulemaking file consists of this notice, the proposed text (“express terms”) of the regulations, modified text of regulations, documents incorporated by reference as identified in this notice, and the Initial Statement of Reasons. Please direct inquiries concerning the regulatory process or requests for copies of any of these documents, or other information upon which the rulemaking is based, to the following:

Department of Fish and Wildlife
Office of Spill Prevention and Response
Attention: Christine Kluge
1010 Riverside Parkway
West Sacramento, CA 95605
Phone: (916) 375-4676
Email: christine.kluge@wildlife.ca.gov

The backup contact person is: Ryan Todd at (916) 375-2077, or Ryan.Todd@wildlife.ca.gov.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

This notice and related rulemaking documents identified above can be accessed on OSPR’s website at <https://wildlife.ca.gov/ospr/legal/rulemakings/drills-exercises>.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

At the close of the 45–day comment period, and considering all timely and relevant comments received, OSPR may adopt the proposed regulations substantially as described in this notice. If OSPR makes modifications which are sufficiently related to the originally proposed text, the modified text (with the changes clearly indicated) shall be made available to the public for at least 15 days before OSPR adopts the regulations as revised. Any such modifications will also be posted on OSPR’s website. Please send requests for copies of any modified regulations to the attention of the contact person(s) as indicated above. OSPR will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, the Final Statement of Reasons will be available on OSPR’s website noted above and may be requested from the contact person(s) named in this notice.

**TITLE 25. DEPARTMENT OF
HOUSING AND COMMUNITY
DEVELOPMENT**

The California Department of Housing and Community Development (“Department”) proposes to adopt new regulations that establish the Prohousing Designation Program. Specifically, the Department proposes to adopt the following sections to title 25, division 1, chapter 6, subchapter 6.6 of the California Code of Regulations:

- Sections 6600, 6601, 6602, 6603, 6604, 6605, 6606, 6607, and 6608.

This proposed rulemaking will allow the Department to continue operating the Prohousing Designation Program (“Program”) that it is currently administering under emergency regulations that are scheduled to expire on April 26, 2022, or 90 or 180 days later if the Office of Administrative Law (OAL) approves readoptions of the emergency regulations

EFFECTIVE DATE OF REGULATIONS

The Department anticipates the final rules, if adopted, will become effective on or about April 25, 2022, or no later than October 22, 2022 if OAL approves readoptions of the Department’s existing emergency regulations.

AUTHORITY

[Government Code Section 11346.5,
Subdivision (a)(2)]

Government Code, section 65589.9.

REFERENCE

[Government Code Section 11346.5,
Subdivision (a)(2)]

Government Code, section 65589.9.

PUBLIC COMMENTS

[Government Code Section 11346.5,
Subdivision (a)(17)]

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 113465.8, subdivision (a), of the Government Code. The request for hearing must be received by the Department’s contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

[Government Code Section 11346.5,
Subdivision (a)(15)]

Where to Submit Comments

Any interested person, or his or her authorized representative, may submit written comments on the proposed regulatory action to the Department, addressed as follows, by any of these means:

Postal Mail

Department of Housing and Community
Development
Attention: Kathyren Mendoza
2020 West El Camino Avenue, Suite 500
Sacramento, California 95833

Electronic Mail

Comments may be submitted electronically to ProhousingPolicies@hcd.ca.gov. Please identify the comments as “Comments on Regulations” in the subject line.

Time for Comments

Comments may be submitted until March 23, 2022. If the final day for the acceptance of comments is a Saturday, Sunday, or state holiday, the comment period will close on the next business day.

INFORMATIVE DIGEST
[Government Code Section 11346.5,
Subdivision (a)(3)]

Policy Statement and Specific Benefits Anticipated from Regulatory Action [Government Code Section 11346.5, Subdivision (a)(3)(C)]

The objectives of the proposed regulations are to specify the Program's procedures for:

- submitting applications for a Prohousing Designation,
- reviewing, and scoring these applications,
- designating Jurisdictions as Prohousing,
- monitoring Jurisdictions' compliance with the Program, and
- revoking noncompliant Jurisdictions' Prohousing designations.

Responding to the scale, urgency, and consequences of the housing crisis, in Government Code Section 65589.9, the Legislature mandated the Department to adopt emergency regulations by July 1, 2021 to create incentives for jurisdictions that are compliant with Housing Element requirements and have enacted local Prohousing Policies to accelerate housing production. The Legislature further directed the Department to establish a program to determine which local jurisdictions qualify to be designated as Prohousing. Local jurisdictions receiving a Prohousing Designation shall be awarded additional points or preference in program funding applications pursuant to Government Code section 65589.9(b).

The Department has subsequently adopted emergency regulations that established the Prohousing Designation Program to administer Prohousing incentives. Through the emergency regulations, the Program became operative on June 30, 2021. Eligible funding programs currently linked to the Program include the Affordable Housing and Sustainable Communities Program established by Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code, the Transformative Climate Communities Program established by Part 4 (commencing with Section 75240) of Division 44 of the Public Resources Code, and the Infrastructure Infill Grant Program of 2007 established by Section 53545.13 of the Health and Safety Code.

The emergency regulations will expire on April 26, 2022, or 90 or 180 days later if the Office of Administrative Law (OAL) approves readoptions of the emergency regulations. The Department, therefore, needs to complete a permanent rulemaking process that complies with the Administrative Procedure Act (Government Code Section 11340 et seq.) so that, as directed by the Legislature, the Program can continue after the emergency regulations expire.

The benefits anticipated from this regulatory action include local jurisdictions taking actions to accelerate housing production, increase housing supply, and preserve existing affordable housing throughout communities across California. By encouraging Prohousing Policies that further both housing and related state goals including but not limited to Affirmatively Furthering Fair Housing (AFFH), climate change and disaster recovery, reducing Vehicle Miles Traveled (VMT) and promoting proximity of housing to amenities, holistic land use and planning, and expedited permitting processes, the proposed rulemaking package would indirectly contribute to creating healthier, more vibrant, and more inclusive communities in California.

Summary of Existing Laws and Regulations, and Effect of Proposed Action [Government Code Section 11346.5, Subdivision (a)(3)(A)]

In Government Code section 65589.9, the Legislature mandated the Department to create a program that would allow jurisdictions that are compliant with Housing Element requirements and that have enacted local Prohousing Policies to receive incentives in the form of additional points or preference when they apply for certain funding from the Department. Section 65589.9 also authorized the Department to issue emergency regulations to initially establish and implement the Program.

The Department's existing emergency regulations became effective on July 1, 2021, but they will expire on April 26, 2022, or 90 or 180 days later if OAL approves readoptions.

The proposed Action will allow the Program to continue after the emergency regulations expire and includes the following proposed provisions:

Section 6600: This section, as a whole, defines the purpose, scope, and authority of the proposed regulations. This section clarifies the statutory basis for these regulations and helps potential applicants and the general public understand the Prohousing Designation Program by clarifying what the program does and does not do. This section helps local jurisdictions determine whether they should participate in the Program.

Section 6601: This section, as a whole, defines certain terms used in the proposed regulations. These definitions help local jurisdictions understand the process and requirements to apply for the Prohousing Designation.

Section 6602: This section, as a whole, explains when local jurisdictions can apply for the Program, where they can find the application form, and what documents to include with their application.

Section 6603: This section, as a whole, describes the Program's basic submittal and application review procedures. In this section, the Department outlines its

expectations for applicants who are applying for the Prohousing Designation and specifies the timeline that the Department takes to review applications and validate jurisdictions’ self-scoring of their Prohousing policies. This section also specifies the Department’s procedures for reporting which local jurisdictions have received a Prohousing Designation.

Section 6604: This section, as a whole, specifies the threshold criteria that applicants must satisfy. These basic requirements include but are not limited to: having a compliant Housing Element, a legally sufficient Annual Progress Report submitted to the Department, completion of any rezoning necessary to remain in compliance with Government Code Section 65583, Subdivision (c)(1), relative to the Regional Housing Needs Allocation (RHNA), and complying with all state housing laws at the time of their application submittal.

Section 6605: This section, as a whole, specifies the criteria that applicants must satisfy when including the Prohousing Policies on which they base their applications. The Department also clarifies that applicants assume responsibility for self-scoring their application first, which the Department will validate when reviewing the application.

Section 6606: This section, as a whole, specifies the criteria that applicants must satisfy to be designated as Prohousing and outlines the scoring categories, policies, and point totals allocated to each policy that can count towards a local jurisdiction’s total point score for the Program.

Section 6607: This section, as a whole, details the Department’s procedures for monitoring jurisdictions that have received Prohousing Designations ongoing compliance with the Program and for revoking the Designations of noncompliant jurisdictions.

Section 6608: This section, as a whole, notifies applicants that Prohousing Designations will expire after a period of three years from the calendar year following the date of the Designation and outlines the process for how local jurisdictions may renew their Prohousing Designation with the Department.

Existing Federal Regulation or Statute [Government Code Section 11346.5, Subdivision (a)(3)(B)]

The Department is not aware of any existing federal regulation or statute that is identical or similar in nature to the Prohousing Designation Program.

Existing State Regulations [Government Code Section 11346.5, Subdivision (a)(3)(D)]

The Department has conducted an evaluation of whether the proposed regulations are consistent with existing state regulations. The proposed rulemaking is a statutorily mandated package that creates incentives in the form of additional points or other preference in the scoring of competitive housing, community development, and infrastructure programs. The Program

complements existing Housing Element law and other state housing laws and is neither inconsistent nor incompatible with other existing state regulations.

FORMS INCORPORATED BY REFERENCE

[Title 1, California Code of Regulations,
Section 20, Subdivision (c)(3)]

This proposed regulatory action incorporates the following form by reference: California Water Boards State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (adopted April 2, 2019, Revised April 6, 2021.)

**DISCLOSURES REGARDING
THE PROPOSED ACTION**

[Government Code Section 11346.5,
Subdivision (a)(5) and (6), and (12)(A)]

- Mandate on local agencies or school districts: none.
- Cost or savings to any State agency: none.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: none.
- Other nondiscretionary cost or savings imposed on local agencies: none.
- Cost or savings in federal funding to the state: none.
- Significant effect on housing costs: Because the Program will not actually award financial incentives to applicants for HCD funding, it will not directly have a significant impact on housing costs. Reductions in housing costs could indirectly occur from local jurisdictions implementing Prohousing policies that accelerate housing production and increase housing supply.

ECONOMIC IMPACT ON BUSINESS

[Government Code Section 11346.5,
Subdivision (a)(8)]

The Department has determined that the proposed regulatory action likely will not have an adverse economic impact or potential for an adverse economic impact on individuals or on business, including the ability of California businesses to compete with businesses in other states. The Program is a statutorily mandated package that creates incentives in the form of additional points or other preference in the scoring of competitive housing, community development, and infrastructure programs for local jurisdictions with compliant Housing Elements and Prohousing Policies.

Only local public entities may apply for Prohousing Designations. Therefore, the Program will not have adverse economic impacts on businesses or individuals.

EFFECT ON SMALL BUSINESS

[Title 1, California Code of Regulations, Section 4]

The Department has determined that the proposed regulatory action likely will not have an adverse economic impact or potential for an adverse economic impact on small business. The Program is a statutorily mandated package that creates incentives in the form of additional points or other preference in the scoring of competitive housing, community development, and infrastructure programs for local jurisdictions with compliant Housing Elements and Prohousing Policies. Only local public entities may apply for Prohousing designations. Therefore, the Program will not have adverse economic impacts on businesses, of any kind.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

[Government Code Section 11346.5, Subdivision (a)(9)]

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The Program is a statutorily mandated package that creates incentives in the form of additional points or other preferences in the scoring of competitive housing, community development, and infrastructure programs for local jurisdictions with compliant Housing Elements and Prohousing Policies. Only local public entities may apply for Prohousing designations. Therefore, the Program will not have adverse economic impacts on businesses or individuals of any kind.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

[Government Code Section 11346.5, Subdivision (a)(10)]

The Department has determined:

- The proposed action is likely to indirectly create jobs within the state, and will not result in the elimination of jobs;
- The proposed action is unlikely to create new businesses or eliminate existing businesses within the state;
- The proposed action is unlikely to expand businesses currently doing business within California;

- As discussed above under the Informative Digest, the proposed action may indirectly benefit the health and welfare of California residents and the state's environment by incentivizing local jurisdictions to enact Prohousing Policies that further state housing and planning goals that address equity, climate change and hazard mitigation, increased density of housing, and streamlined permitting processes for housing, particularly for affordable housing. Such actions may create healthier and more sustainable communities through a holistic land use and planning approach that ties housing to broader policy goals around transportation, the environment, and fair housing. This proposal is not anticipated to benefit worker safety.

BUSINESS REPORTING REQUIREMENT

[Government Code Section 11346.5, Subdivision (a)(11)]

This proposed rulemaking does not impose any business reporting requirements.

CONSIDERATION OF ALTERNATIVES

[Government Code Section 11346.5, Subdivision (a)(13)]

No reasonable alternatives to the regulations have been identified or brought to the Department's attention that would be more effective in carrying out the purpose for which the action is proposed; as effective and less burdensome to program applicants; or more cost-effective to program applicants, and equally effective implementing the Program than the proposed rules described in the Initial Statement of Reasons.

AVAILABILITY OF THE NOTICE, STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND RULEMAKING FILE

[Government Code Section 11346.5, Subdivision (a)(16) and (2) and (b)]

As of the date this Notice is published, the rulemaking file consists of: this Notice, the Initial Statement of Reasons, the Proposed Text of the regulations, and all the information upon which the proposal is based. The Notice, Initial Statement of Reasons, Proposed Text, and any information upon which the proposed rulemaking is based are available by contacting the person designated below:

Department of Housing and Community
Development
Attention: Weston Starbird
2020 West El Camino Avenue, Suite 500
Sacramento, California 95833
Telephone: (916) 776-7568
E-mail: ProhousingPolicies@hcd.ca.gov

The Notice, Initial Statement of Reasons and Proposed Text are also available on the Department's website at <https://hcd.ca.gov/community-development/prohousing/>. To access the documents from the Department's website, navigate to "Program Materials."

As required by the Administrative Procedure Act, the Department's Legal Affairs Division maintains the rulemaking file. The rulemaking file is available for public inspection and copying throughout the rulemaking process at the Department of Housing and Community Development, Legal Division, 2020 West El Camino Avenue, Suite 500, Sacramento, California 95833.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT
[Government Code Section 11346.5,
Subdivision (a)(18)]

If the Department makes changes which are sufficiently related to the original Proposed Text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Department adopts, amends or repeals the regulations as revised. A request for a copy of any modified regulation(s) should be addressed to the contact person designated above for obtaining copies of the rulemaking file. Any modified regulation(s) will also be accessible on the Department's website listed above. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

AVAILABILITY OF FINAL
STATEMENT OF REASONS
[Government Code Section 11346.5,
Subdivision (a)(19)]

Upon its completion, the Final Statement of Reasons will be available to the public, and copies may be requested from the contact person named above for obtaining copies of the rulemaking file or accessed on the Department's website listed above.

CONTACT PERSON
[Government Code Section 11346.5,
Subdivision (a)(14)]

Inquiries regarding the substance of the proposed regulations may be directed to:

Department of Housing and Community
Development
Attention: Housing Policy Manager Chelsea Lee
2020 West El Camino Avenue, Suite 500
Sacramento, California 95833
Telephone: (916) 820-1254
E-mail: Chelsea.Lee@hcd.ca.gov

Non-substantive inquiries concerning this action, such as requests for copies of the proposed regulation or questions regarding the timelines or rulemaking status, may be directed to:

Department of Housing and Community
Development
Attention: Reid Miller
2020 West El Camino Avenue, Suite 500
Sacramento, California 95833
Telephone: (916) 776-7568
Email: ProhousingPolicies@hcd.ca.gov

**TITLE 25. DEPARTMENT OF
HOUSING AND COMMUNITY
DEVELOPMENT**

**MOBILEHOME AND SPECIAL OCCUPANCY
PARKS PROGRAMS**

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD or Department) proposes to adopt regulations governing Mobilehome and Special Occupancy Parks Programs, established by Health and Safety Code Division 13, Parts 2.1 and 2.3, and further clarified in Title 25 of the California Code of Regulations, Chapters 2 and 2.2. If approved, the proposed regulations would grant HCD the authority, under certain circumstances and during declared states of emergency, to waive penalty fees associated with permits to operate (PTO) for mobilehome or special occupancy parks (Parks).

PUBLIC HEARING

No public hearing is currently scheduled. However, pursuant to Government Code section 11346.8, if a written request to hold a public hearing is received no later than 15 calendar days before the close of the written comment period at the address below from any interested person or their authorized representative, the

department shall, to the extent practicable, provide notice of the time, date, and place of the hearing by mailing the notice to every person who has filed a request for notice with the department.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or their authorized representative, may submit written comments relevant to this proposed regulatory action. All written comments must be received by HCD no later than 5:00 p.m. on March 22, 2022, in order to be considered. Written comments may be submitted by mail, email, or facsimile as follows:

By mail, to:

California Department of Housing and
Community Development
Division of Codes and Standards
P.O. Box 277820
Sacramento, CA 95827-7820
Attention: PTO PENALTY FEE WAIVER —
Ruth Ibarra

By email, to:

Ruth.Ibarra@hcd.ca.gov

By fax, to:

(916) 263-3383
Attention: PTO PENALTY FEE WAIVER —
Ruth Ibarra

PERMANENT ADOPTION OF REGULATIONS

Following the public comment period, HCD may adopt the proposals, as described below, or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be available for at least 15 days prior to its adoption from the contact person(s) designated in this notice and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

AUTHORITY AND REFERENCE

The authority and reference for this action occurs through both implied and express authority as described below:

AUTHORITY

HCD has express and implied rulemaking authority as provided in the Mobilehome Parks Act (MPA) under Health and Safety Code sections 18300, 18502.5, 18605, and 18610. HCD similarly has express and implied rulemaking authority as provided in the Special Occupancy Parks Act (SOPA) under Health and Safety Code sections 18865, 18870.2, 18871.3, and 18872. Specifically, Health and Safety Code sections 18610 and 18872 authorize the adoption of regulations governing the construction, use, occupancy and maintenance of parks and lots within parks and such regulations are to protect the health, safety and general welfare of the residents of the park.

Moreover, HCD has express authority, as provided by Health and Safety Code section 50406, subdivision (n), to “do any and all things necessary to carry out its purposes and exercise the powers expressly granted by this division [Division 31, commencing with section 50000].” The Legislature, through the MPA and SOPA, has directed HCD to administer the MPA and SOPA and adopt regulations to interpret and make specific the MPA and SOPA. This includes the adoption of a schedule of fees, construction, and operation of Parks, and the authority to adopt emergency regulations. Finally, HCD is authorized, pursuant to Government Code section 11009.5, to promulgate regulations to waive business license fees in a state of emergency.

REFERENCE

In proposing these regulations, HCD is implementing, interpreting, and making specific Government Code section 11009.5, and Health and Safety Code sections 18504, 18505, 18506, 18870.5, 18870.6, and 18870.7.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

SUMMARY OF EXISTING LAWS AND REGULATIONS

HCD is authorized pursuant to Health and Safety Code section 50406 to “do any and all things necessary to carry out its purposes and exercise the powers expressly granted by this Division.” Because the MPA is a Law and program administered by the Division of Codes and Standards within HCD, and because it is necessary to promulgate regulations to implement, interpret, and make specific the program laws, section 50406 is the authority for these regulations as well as Government Code section 11009.5, to reduce or waive fees when a HCD licensee is experiencing economic hardship due to a declared state of emergency.

1. **MPA.** HCD is responsible for the enforcement and regulation of minimum health and safety standards inside mobilehome parks (MP). These minimum health and safety standards regulate construction, maintenance, occupancy, use, and design of MPs and are required to guarantee park residents maximum protection of their manufactured home/mobilehome (MH) investment and a decent living environment. These mandates safeguard the habitability and affordability of this housing source. HCD is responsible for collection of fees and issuance of the Permit to Operate for MP.

2. **SOPA.** HCD is responsible for the enforcement and regulation of minimum health and safety standards inside special occupancy parks (SOP). These minimum health and safety standards regulate construction, maintenance, occupancy, use, and design of SOPs and are required to guarantee the safety of park occupants and ensure a decent environment for recreation or temporary occupancy. HCD is responsible for collection of fees and issuance of the Permit to Operate for SOP.

Currently, HCD does not have the authority to waive PTO fees. When there is a state of emergency, if there are rent moratoriums in place, Park managers or owners have no resources to assist them with operational fees in the event they are unable to collect rent from park residents. Under current law, after 30 days, 10–percent penalty fees are added to the PTO and after 60 days, they increase to 100 percent. If the Park owner’s PTO falls out of compliance for non–payment of fees, HCD can suspend the park’s PTO. This triggers the park’s inability to collect rent which will further the park’s financial hardships and can potentially lead to health and safety risks occurring inside of the Park from failure to maintain the park or loss of affordable housing.

As a temporary solution to COVID–19 pandemic hardships, the Department proposed emergency regulations which granted HCD the authority to waive PTO penalty fees when a state of emergency is declared. These regulations were approved by the Office of Administrative Law (OAL) in June of 2021. The emergency regulations allow park owners to submit proof of hardship to the HCD to request waiver of penalty fees.

The proposed regulations seek to make the emergency regulations, previously approved by OAL, permanent. These permanent regulations will grant HCD the authority to continue to waive PTO penalty fees, under specific circumstances.

SUMMARY OF EFFECT OF PROPOSED REGULATORY ACTION

The purpose of these proposed regulations is to establish the authority to waive PTO penalty fees when there is a declared state of emergency.

Those sections within Title 25, California Code of Regulations affected by this rulemaking (see “Sections Affected,” below), and the specific purpose for each adoption in these proposed regulations, are set forth in the Initial Statement of Reasons for this regulatory action.

SECTIONS AFFECTED

Following are the specific sections of Title 25 of the California Code of Regulations Chapters 2 and 2.2 affected by this proposed action:

Amend: Sections 1002, 1009, 2002, and 2009

POLICY STATEMENT OVERVIEW

ANTICIPATED BENEFITS OF THE PROPOSED ACTION

There are several benefits anticipated by the adoption of the proposed regulations. The specific objectives of the regulations proposed herein are to protect the health, safety, and general welfare of park residents/occupants from park owners’ ability to lawfully operate their Park(s), and maintain the habitability thereof, due to unpaid PTO penalty fees or resulting permit suspensions. With the authority to waive PTO penalty fees in specific circumstances (as proposed by these regulations) HCD will be able to significantly decrease the amount of fees that park owners will need to pay to bring suspended PTOs into compliance. That will allow park owners to continue collecting rent and properly maintaining the habitability of the Parks for the benefit of the health, safety, and general welfare of the park residents/occupants.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The proposed regulations are compatible with existing state regulations related to the operation of Parks. HCD, as the enforcement agency, seeks the authority to waive PTO penalty fees, using discretion, during a declared state of emergency (including the current COVID–19 pandemic). HCD is already responsible for collecting annual PTO fees. Clarifying HCD’s authority to waive penalty fees due to a declared state of emergency is compatible with HCD’s current authority.

SMALL BUSINESS IMPACT STATEMENT

Small businesses will not be affected by these regulations. (See “Cost Impact on Representative Private Person or Business” paragraph, below.)

DISCLOSURES REGARDING THE PROPOSED ACTION

- Mandate on local agencies and school districts: NONE.
- Costs or savings to any state agencies: NONE.
- Costs or savings to local agencies or school districts, which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.
- Other nondiscretionary costs or savings imposed on local agencies: NONE.
- Costs or savings in federal funding to the state: NONE.
- Costs to housing: NONE.

BUSINESS IMPACT

HCD has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states and will not affect creation or elimination of jobs in the State of California because the proposed regulatory action seeks to eliminate PTO penalty fees due to state of emergency.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD has determined that the proposed regulatory action will not have a significant adverse effect on private individuals or small businesses as the proposed amendments to regulations seek to eliminate PTO penalty fees when a state of emergency has been declared.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

HCD has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California and will not result in the elimination of existing businesses nor create or expand businesses in the State of California. HCD has further determined that this regulatory proposal will benefit the health and welfare of California MP residents, but will not benefit worker safety or the State’s environment.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered 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 proposed action, 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 present statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

HCD has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following location or from the contact people listed below:

California Department of Housing and
Community Development
Division of Codes and Standards
2020 West El Camino, Room 250
Sacramento, CA 95833
Facsimile: (916) 263-3383

In addition, the notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the HCD’s website at the following address: <https://www.hcd.ca.gov/manufactured-mobile-home/mobile-home-parks/laws-and-regulations.shtml>

Questions regarding HCD’s regulatory process or clarification on the substance of this regulatory proposal may be directed to:

Ruth Ibarra, Associate Governmental Program
Analyst
Telephone: (916) 263-3262/ Fax: (916) 263-3383
Email: Ruth.Ibarra@hcd.ca.gov

Laura Turner, Staff Services Manager I
Telephone: (916) 820-1222/ Fax: (916) 263-3383
Email: Laura.Turner@hcd.ca.gov

GENERAL PUBLIC INTEREST

**BOARD OF FORESTRY AND
FIRE PROTECTION**

NOTICE OF CORRECTION
FOR NOTICE OF PROPOSED ACTION
SUBSTANTIALLY DAMAGED
CONSISTENCY AMENDMENTS

**CORRECTION TO THE LOCATION OF
PUBLIC HEARING**

On November 26, 2021, the Board of Forestry and Fire Protection (Board) published the Notice of Proposed Action regarding “Substantially Damaged Consistency Amendments” (OAL Notice File No. Z–2021–1116–04). The Board is hereby correcting the date and time that the public hearing will be held as published within that Notice of Proposed Action.

Within the previously published Notice of Proposed Action, the date of the public hearing was identified as January 19, 2022, and the public hearing will now be hosted on March 2, 2022. A registration link for this hearing (within the March Board meeting) will be made available on the Board of Forestry and Fire Protection website (<https://bof.fire.ca.gov/>) no later than ten days prior to the hearing. No other details related to the public hearing have changed and the public hearing will still be held via teleconference as originally noticed.

CONTACT PERSON

Any questions regarding the re–location of the public hearing, requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attention: Eric Hedge
Regulations Program Manager
P.O. Box 944246
Sacramento, CA 94244–2460
Telephone: (916) 653–8007

The designated backup person in the event Mr. Hedge is not available is Edith Hannigan, Executive Officer for the Board of Forestry and Fire Protection. Ms. Hannigan may be contacted at the above address or by phone at (916) 653–8007.

**TITLE 14. DEPARTMENT OF
CONSERVATION**

DIVISION OF MINE RECLAMATION

NOTICE OF CORRECTION FOR PROPOSED
RULEMAKING ACTION
REGARDING LEAD AGENCY
ELECTRONIC DOCUMENT
SUBMITTAL REGULATIONS
PERMANENT RULEMAKING

**CORRECTION TO THE DATE OF THE
PUBLIC COMMENT PERIOD**

On January 21, 2022 the California Department of Conservation published a Notice of Proposed Rulemaking Action requesting public comment on a regulatory action regarding the Lead Agency Electronic Document Submittal Regulations, for the Division of Mine Reclamation, available at: <https://www.conservation.ca.gov/index/Pages/rulemaking.aspx>.

The Notice appeared in the California Regulatory Notice Register 2022, Number 3–Z, January 21, 2022 on pages 43–47. At the time of publication, the notice indicated that the public comment period would be January 21, 2021 through March 9, 2021, a date that is in the past and is incorrect.

The corrected dates for the public comment period are January 21, 2022 through March 9, 2022.

No other details related to the rulemaking have changed.

CONTACT PERSON

Any questions regarding the correction to the dates of the public comment period, requests for copies of the proposed text of the regulations, and the Initial Statement of Reasons, as well as any questions regarding the substance of the proposed action should be directed to:

Mr. Tim Shular
Department of Conservation
715 P Street, MS 1907
Sacramento, CA 95814
Phone: (916) 322–3080

Mr. Nick Pesci
Department of Conservation
715 P Street, MS 1907
Sacramento, CA 95814
Phone: (916) 322–3080

Email: DMR-Regulations@conservation.ca.gov

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

Bureau of Automotive Repair
File # 2021-1209-02
Consumer Assistance Program Updates

This certificate of compliance action by the Bureau of Automotive Repair makes permanent the emergency changes approved in OAL File Numbers 2020-0820-01ER and 2021-0525-01EE. This action increases repair assistance contribution limits for income eligible vehicle owners, amends repair assistance requirements, restructures consumer copayments for repairs, and amends Consumer Assistance Program eligibility requirements.

Title 16
Amend: 3394.3, 3394.4, 3394.6
Filed 01/20/2022
Effective 01/20/2022
Agency Contact: Holly O'Connor (916) 403-8627

Department of Managed Health Care
File # 2022-0105-01
Transfer of Enrollees Pursuant to a Public Health Order

This action makes permanent an emergency regulation allowing for the expeditious transfer of patients (pursuant to state or local emergency public health orders that direct or allow hospitals to transfer patients to other health care facilities) from the most highly impacted hospitals to hospitals with more available capacity and preventing health plan prior authorization requirements for the transfer of enrollees between hospitals from causing unnecessary delays. The regulation requires reimbursement by patients' health plans for transfer costs and reimbursement for receiving hospitals' health care services, as specified, including receiving hospitals that do not have contracts with patients' health plans. It also requires notice, by a receiving health care facility to a health plan, within 72 hours, of the receipt of a transferred enrollee pursuant to a public health order.

Title 28
Adopt: 1300.67.02
Filed 01/26/2022
Effective 01/26/2022
Agency Contact: Leah Gray (916) 327-8031

Department of Social Services
File # 2021-1210-05
CalWorks Overpayment Threshold

This Certificate of Compliance action makes permanent amendments to the Department of Social Services Manual of Policies and Procedures as it relates to the collection of overpayments in the CalWORKs program.

Title MPP
Amend: 42-751, 44-350, 44-352, 44-353
Filed 01/24/2022
Effective 01/24/2022
Agency Contact: Kenneth Jennings (916) 651-8862

Secretary of State
File # 2021-1214-03
Statewide Voter Registration System and Conditional Voter Registration

This emergency rulemaking action by the California Secretary of State makes permanent, with modifications, changes originally made in emergency matter 2020-0925-03 to the reason codes for vote-by-mail ballots, provisional ballots, and conditional voter registration provisional ballots. This action also makes changes to regulations relating to voter participation history for both the Statewide Voter Registration System and conditional voter registration.

Title 02
Amend: 19092, 19094, 19097, 20021, 20023, 20025, 20026, 20027
Filed 01/26/2022
Effective 01/26/2022
Agency Contact: Robbie Anderson (916) 216-6488

Department of Housing and Community Development
File # 2021-1229-02
Income Limits (Title 25, Section 6932)

This regulatory action by the Department of Housing and Community Development (the "Department") is the annual update of the income limits for households of varying sizes used to determine eligibility for Department programs. The Department transmitted this action to the Office of Administrative Law ("OAL") for filing with the Secretary of State and publishing in the California Code of Regulations pursuant

to Health and Safety Code section 50093. This filing is exempt from the rulemaking requirements of Articles 5 and 6 of Chapter 3.5 of the Administrative Procedure Act, and, therefore, is not subject to OAL's review. (Health and Safety Code, section 50093.) These regulations are effective December 29, 2021 — the date the regulations were filed with OAL — pursuant to Health and Safety Code section 50093.

Title 25
 Adopt: 6932
 Repeal: 6932
 Filed 01/25/2022
 Effective 12/29/2021
 Agency Contact: Tom Brinkhuis (916) 776-7707

Fish and Game Commission
 File # 2022-0112-02
 Upper Klamath-Trinity River Spring Chinook Salmon

This action adds Upper Klamath-Trinity river spring Chinook salmon to the list of fishes declared to be threatened pursuant to Fish and Game Code section 2075.5.

Title 14
 Amend: 670.5
 Filed 01/24/2022
 Effective 01/24/2022
 Agency Contact: Jennifer Greaves (916) 653-4899

Board of Pharmacy
 File # 2021-1213-01
 Administering Vaccines

This action removes the requirement for pharmacists administering vaccines to notify each patient's primary care provider within 14 days of the administration of any vaccine unless such notification is requested by the patient.

Title 16
 Amend: 1746.4
 Filed 01/25/2022
 Effective 01/25/2022
 Agency Contact: Lori Martinez (916) 518-3078

Dental Hygiene Board of California
 File # 2021-1213-02
 Requirements for Registered Dental Hygienist Educational Programs

In this regular rulemaking action, the Board amends its regulation to allow Advanced Placement (AP) Exam Score Exemptions in lieu of Math and Written Communication courses for minimum admission college-level general education course requirements. The amendments also allow online tutorials, webinars, or hybrid online and in-person instructions for courses

with "wet laboratory" components when a state of emergency is declared by the Governor pursuant to Government Code section 8625.

Title 16
 Amend: 1105
 Filed 01/25/2022
 Effective 04/01/2022
 Agency Contact:
 Adina Pineschi-Petty (916) 516-5537

Department of Real Estate
 File # 2021-1209-01
 AB 2884 (2018) Terminology Update

In this regular rulemaking action, the Department amends its regulations to update the regulatory language to reflect some statutory changes made to the Business and Professions Code in Assembly Bill (AB) 2884 (Stats. 2018, chapter 285).

Title 10
 Amend: 2705, 2724, 2725, 2525.5, 2729, 2752, 2756, 2758.5, 2903, 2905, 2970, 3007.3, 3102
 Repeal: 2753
 Filed 01/21/2022
 Effective 04/01/2022
 Agency Contact: Daniel Kehew (916) 263-8681

Office of the State Fire Marshal
 File # 2021-0811-04
 Portable Fire Extinguisher — Fee Increase

In this regular rulemaking action, the Office of the State Fire Marshal updates the fee schedule and related forms and requirements for the Portable Fire Extinguisher Concern Licensing and Certification Program.

Title 19
 Adopt: 560.6
 Amend: 560, 595.2, 595.4, 595.7, 595.10
 Filed 01/20/2022
 Effective 01/20/2022
 Agency Contact: Diane Arend (916) 568-2917

Physician Assistant Board
 File # 2021-1213-03
 Implicit Bias — CME

In this regular rulemaking, the Physician Assistant Board is adopting regulations to require any continuing medical education (CME) course with a direct patient care component to contain curriculum that includes an understanding of implicit bias pursuant to Business and Professions Code section 3524.5.

Title 16

Amend: 1399.616

Filed 01/25/2022

Effective 04/01/2022

Agency Contact: Jasmine Dhillon (279) 666-2838

**PRIOR REGULATORY
DECISIONS AND CCR
CHANGES FILED WITH THE
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit www.oal.ca.gov.