

**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: Retired License Reinstatement

Section(s) Affected: Section 109.1 Article 2 of Division 2 of Title 16 of the California Code of Regulations (CCR)

Background and Statement of the Problem:

The California Architects Board (The Board) was created in 1901 by the California State Legislature. The Board licenses, regulates, and investigates complaints against architects in California, totaling approximately 21,000 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). 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 retired license application regulation, 16 CCR 109.1 was created in 2023 and allows architects to retire their license. The retired status is intended to be utilized when licensees no longer wish to practice but still prefer to retain the title of retired architect. As part of creating this title, the Board allowed a provision by which the retired architect could reinstate their retired license within five years by submitting a fee and certifying they had completed the Board's renewal continuing education (CE) requirement.

At the time the regulation was created, licensees were only required to certify they had completed the CE requirement and could reinstate their license at any point after they

retired it, in certain cases it was reinstated mere months later, which encouraged some licensees to consider treating the retired license as an inactive license. This proposal is necessary to solidify the reasons for the creation of the retired license status and reinforce the Board’s consumer protection mandate by requiring proof that licensees have met the requirements to be reinstated.

Anticipated benefits from this regulatory action:

This proposal will require licensees wait a minimum of one year after issuance prior to reinstating a retired license and require submission of proof of CE completion. This will allow the Board to ensure licensees choosing the retired status have carefully considered the decision as well as discourage the use of this status being used as an inactive license. Additionally, this amendment will add an additional layer of public protection by ensuring licensees coming out of retired status have met the education requirements to renew their license and are submitting documentation in accordance with the reporting requirements, which will ultimately benefit the public by ensuring returning licensees are up to date with the latest educational requirements of the profession.

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

1. Amend 16 CCR section 109.1(c)(1)

Purpose: Amends (c)(1) by replacing “at any time” with “after one year of issuance and”.

Anticipated Benefit/Rationale: Requiring a retired licensee to wait one year before they are able to reinstate to a fully unrestricted license will help ensure licensees give the necessary thought to whether or not they truly intend to retire from the profession by giving a weight to the decision.

2. Amend 16 CCR section 109.1(c)(1)(B)(iv)

Purpose: Amends (c)(1)(B)(iv) by adding “; and,” to the end of the item.

Anticipated Benefit/Rationale: This is a technical fix required for consistency in syntax and numbering.

3. Delete 16 CCR section 109.1(c)(1)(B)(v)

Purpose: Delete (c)(1)(B)(v): “A statement regarding whether the holder has completed continuing education (CE) coursework requirements provided in Section 5600.05 of the code within the previous two years; and,”.

Anticipated Benefit/Rationale: The deletion of this statement is necessary because it is being expanded upon in the newly proposed (c)(1)(C). The update changes the requirement to proof of completion. Licensees returning to an unrestricted status will be required to provide proof of completion to restore their license consistent with the requirements set forth in CCR sections 165 and 166. This helps the Board better protect the public by being able to verify licensees are current with their continuing education

when returning to practice.

4. Amend 16 CCR section 109.1(c)(1)(B)(vi)

Purpose: Amends (c)(1)(B)(iv) by renumbering “(vi)” to “(v)”.

Anticipated Benefit/Rationale: This is a technical fix required for consistency in syntax and numbering.

5. Add 16 CCR section 109.1(c)(1)(C)

Purpose: Add (c)(1)(C): “Submitting proof of completion of continuing education coursework requirements as required in Section 5600.05 of the code and further clarified in Sections 165 and 166 within the preceding two years by mail, email or fax to the addresses or fax numbers listed on the Board’s website.”

Anticipated Benefit/Rationale: This provision is added to replace and expand upon what is being deleted from (c)(1)(B)(v). Licensees returning to an unrestricted license status will be required to provide proof of completion of continuing education to restore their license consistent with the requirements of CCR sections 165 and 166. This helps the Board further protect the public by being able to verify licensees are current with their continuing education when returning to practice.

6. Amend 16 CCR section 109.1 Reference

Purpose: Amends the Reference in CCR 109.1 to add “23.8,” and “486,” to the list of referenced Business and Professions Code sections (BPC).

Anticipated Benefit/Rationale: Adding these references provides further clarity as to the BPC sections the Board is implementing, interpreting or making specific by listing them out for the reader to be able to review.

Underlying Data

1. June 5, 2025 Board Meeting Agenda, Relevant Materials, and Minutes

Business Impact:

The Board has made the initial determination that the proposed regulations will not have significant statewide adverse economic impact directly affecting businesses including the inability of California businesses to compete with businesses in other states. The proposed regulations clarify procedures to reinstate a license to active status from a retired status.

The regulations do not result in additional workload or costs to businesses and therefore are not anticipated to result in any negative impacts.

Economic Impact Assessment:

The Board has determined that this regulatory proposal will have the following effects:

It will not create or eliminate jobs within the State of California because it only clarifies a license reinstatement requirement.

It will not create new business or eliminate existing businesses within the State of California because it clarifies a license reinstatement requirement.

It will not affect the expansion of businesses currently doing business within the State of California because it only clarifies a license reinstatement requirement.

This regulatory proposal will facilitate reinstatement for those who have previously held a retired license and strengthen verification of continuing education requirements, which will benefit the health and welfare of Californians.

This regulatory proposal does not affect worker safety because it does not involve worker safety.

This regulatory proposal does not affect the state's environment because it does not involve the environment.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

The Board has made an initial determination that no reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.