



**NOTICE OF PROPOSED RULEMAKING
CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING
SCHEDULED MAINTENANCE OF AFFORDABLE STUDENT HOUSING
FACILITIES**

45-Day Notice published July 13, 2023

NOTICE IS HEREBY GIVEN, pursuant to Chapter 2 of the California Community Colleges Board of Governors (Board) Procedures and Standing Orders, that the Board proposes to adopt the regulatory action described below after a public hearing, and consideration of all comments, objections, or recommendations received regarding the proposed regulatory action during the public comment period, which closes on August 27, 2023.

BOARD OF GOVERNORS PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors meeting on July 24, 2023.

In-Person Participation

California Community Colleges, Chancellor's Office Building
Sixth Floor, Board of Governors Chambers
1102 Q Street
Sacramento, CA 95811

Parking options can be found on our website.

When held in person, all Board of Governors (Board) meetings are held in locations that are open to the public and wheelchair accessible. Other disability-related accommodations, such as alternate media materials, sign language interpreters, or real-time transcription, will be provided to persons with disabilities upon request. Persons requesting such accommodations should notify the Board Liaison at ccastro@cccco.edu, (916) 323-5889, **no less than five business days prior to the meeting.**

Public Comments at the Board Meeting

Effective immediately, the Board of Governors (Board) will resume conducting its meetings in person. Members of the public seeking to comment on an agenda item or another topic within the jurisdiction of the Board of Governors will be given the opportunity to provide a written comment in advance, or a live comment at the location listed above. The Board will no longer accept live public comment via Zoom. All comments will be limited to three minutes.

- 1. Advance Written Comments:** You may email your comment in advance to BoardComments@cccoco.edu. In the mail subject line, specify the item number associated with your comment. At the top of your email, you may identify yourself or remain anonymous. Written public comments must be submitted by the end of business, Wednesday, **July 19, 2023, if they are to be received at the Board meeting.**
- 2. Live Comments:** Request to comment forms will be available from the Board Liaison. The Board will receive comments on each agenda item in the order request card were received, and will call for any additional comments before proceeding to the next item. Persons seeking to address the Board on a topic not on the agenda may do so during the public forum item.

The Board of Governors reserves the right to limit the total amount of time allocated for public comment on particular issues and for each individual speaker.

For members of the public utilizing a translator or other translating technology, the Chancellor's Office shall provide twice the allotted time to ensure that non-English speakers receive the same opportunity to directly address the Board.

WRITTEN COMMENT PERIOD

Any interested person may also submit written comments relevant to the proposed regulatory action. To help ensure comments are understood as they are intended, we suggest that they clearly identify the proposed regulatory action that each comment addresses, with reference to specific section and subparagraph numbers where appropriate. Please arrange comments in the same order as in the proposed regulatory action. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549
regcomments@cccco.edu

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on August 27, 2023. All written comments received by Chancellor's Office staff during the public comment period are subject to disclosure under the Public Records Act.

CHANGES OR MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulatory action substantially as described in this Notice or may modify the proposed regulatory action if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposed regulatory action will be available for 15 days prior to its adoption, and will be provided to those persons who have requested or are required to receive notification of regulatory actions, or who have provided written or oral comments relevant to the proposed regulatory action.

INFORMATIVE DIGEST

This regulatory action would revise the Board of Governors (Board) regulations in response to the Higher Education Student Housing and Capacity Expansion Grant Program of 2021 (Education Code sections 17200-17204), and consistent with recommendations of the Affordable Student Housing Taskforce, to eliminate barriers to the maintenance of affordable student housing facilities.

Historically, the Chancellor's Office and the California Department of Finance have interpreted the Board's construction regulations as not authorizing revenue-generating project proposals, particularly with tax-exempt general obligation bond dollars. The proposed regulatory action would define "affordable student housing" in alignment with the 2021 grant program and would amend the Board's existing regulations governing community college district construction "projects" to include affordable student housing facilities. Among other things, these changes would allow affordable student housing facilities to access funds made available through the Community College Facility Scheduled Maintenance and

Special Repair Program to ensure affordable student housing facilities remain in good repair.

The following changes are proposed to the Board's facility construction regulations in Title 5 of the California Code of Regulations:

Section 57001.

- A definition of "affordable student housing is added.

Section 57001.5.

- The definition of "project" permitted under the regulations is revised to include "affordable student housing facilities."
- The term "dormitories" is removed from a list of things that are excluded from the definition of "project."
- Other clarifying revisions are proposed.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The estimated cost or savings of the proposed regulatory action are anticipated to be as follows:

Mandate on local agencies or community college districts: *None*.

Cost or savings to state agencies: *None*.

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code: *None*.

Other non-discretionary cost or savings imposed on community college districts: *None*.

Cost or savings in federal funding to state agencies: *None*.

The proposed amendments to title 5 would result in no fiscal impact to local or state governments, nor will it have any fiscal impact on any federal funding.

CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to the Regulations Coordinator, at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the language of the proposed regulatory action, and all of the information upon which the proposal is based, may be obtained online at:

[Office of General Counsel - Pending Regulatory Action](#)

Those who receive the Board of Governors Agenda package for the July 24, 2023, meeting can find a further description of the proposal and the full text of the regulatory action. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.