

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT
REGARDING THE 2025 CALIFORNIA GREEN BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11
(HCD 04/24)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

The California Department of Housing and Community Development (HCD) proposes to adopt mandatory and voluntary green building standards for occupancies within its authority, and further proposes to make amendments and clarifications to the 2025 California Green Building Standards Code, California Code of Regulations, Title 24, Part 11 (CALGreen).

ITEM 1

Chapter 2 Definitions, Section 202 Definitions.

Rationale: HCD proposes to adopt the following definitions in this section to clarify terms as they are used throughout the CALGreen Code.

Residential Long-Term Bicycle Parking.

Residential Short-Term Bicycle Parking.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 2

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily dwellings, hotels and motels.

HCD proposes to continue to adopt the above referenced section with the following amendments:

Rationale: HCD proposes to amend the title of section 4.106.4.2.2, from “Multifamily dwellings, hotels and motels” to “Multifamily dwellings” to separate the requirements for multifamily buildings and hotels and motels to create distinct building standards for these different types of residential occupancies.

HCD proposes to repeal section 4.106.4.2.2 (1)(a) to separate the EV ready parking space with receptacle requirements for multifamily dwellings and proposes new requirements in a separate section for hotels and motels. This proposal provides clarity for the code user by organizing the requirements based upon the residential occupancy type. HCD does not have the authority to designate the number or type of parking spaces serving newly constructed multifamily buildings; this proposal only seeks to clarify which EV charging building standards apply when certain types of parking spaces are provided.

HCD proposes to amend subsection 4.106.4.2.2 (1)(b) to subsection (1)(a) and amend the title to “Multifamily Parking Facilities with Assigned Parking.” This proposal requires that at least one low power Level 2 EV charging receptacle shall be provided for each dwelling unit with assigned parking. This proposal also clarifies the required number of low power Level 2 EV charging receptacles at assigned parking spaces when the total number of dwelling units exceeds the number of assigned parking spaces. HCD further proposes to carry forward the existing exemption for parking facilities served by parking lifts.

HCD proposes to add new section 4.106.4.2.2 (1)(b), titled “Multifamily Parking Facilities with Unassigned Parking”. This section clarifies the number of low power Level 2 EV charging receptacles that are required for newly constructed multifamily projects with unassigned parking; i.e., at least one low power Level 2 EV charging receptacle shall be provided at an unassigned parking space for each dwelling unit. This proposal also clarifies the required number of low power Level 2 EV charging receptacles at unassigned parking spaces when the total number of dwelling units exceeds the number of unassigned parking spaces. HCD further proposes to carry forward the existing exemption for parking facilities served by parking lifts.

HCD proposes to add new section 4.106.4.2.2 (1)(c), titled “Multifamily Parking Facilities with Assigned and Unassigned Parking”. This section is proposed to clarify the appropriate number of low power Level 2 EV charging receptacles that are required when newly constructed multifamily projects provide both assigned and unassigned parking spaces.

HCD proposes to renumber section 4.106.4.2.2 (1)(c) to section 4.106.4.2.2 (1)(d) and modify the language to clarify that EV charging receptacles in multifamily parking facilities at assigned parking spaces shall be provided with a dedicated branch circuit connected to the dwelling unit’s electrical panel, unless determined as infeasible. HCD further proposes to carry forward the existing exemption for parking facilities served by parking lifts.

HCD proposes to renumber section 4.106.4.2.2 (1)(d) to section 4.106.4.2.2 (1)(e).

HCD proposes to repeal section 4.106.4.2.2 (2)(a) and relocate it into a new section to separate the requirements for hotels and motels.

HCD proposes to renumber section 4.106.4.2.2 (2)(b) to section 4.106.4.2.2 (2)(a) and change the title to “Multifamily Parking Facilities with Unassigned or Common Use Parking” to clarify the applicability of the Level 2 EV charger requirements within this section. HCD is also proposing to clarify that Level 2 EV charger requirements are also required for unassigned parking spaces in addition to the low power Level 2 EV charging receptacle requirements in section 4.106.4.2.2 (1). HCD proposes to clarify that all unassigned parking spaces not already provided with low power Level 2 EV charging receptacles, pursuant to section 4.106.4.2.2 (1), and common use parking, shall be provided with Level 2 EV chargers at a rate of twenty-five (25) percent of those spaces, which is an increase from the current ten (10) percent.

HCD proposes to relocate and renumber the requirements for EV charger connectors to new section 4.106.4.2.2 (2)(b) and add a new title “EV Charger Connectors.” HCD proposes two EV charger connector types, J1772 or J3400. This proposal provides flexibility to the designer or builder to use EV chargers with standard connectors that are useable by most EV users.

HCD proposes to relocate and renumber the Automatic Load Management System (ALMS) requirements from the voluntary measures, section A4.106.8.2, and add mandatory ALMS measures under new subsection number 4.106.4.2.2 (2)(c). This proposal is intended to allow more flexibility in the use of ALMS as an option to reduce the maximum required electrical capacity for the site and to each parking space served.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 3

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.6 Hotels and motels.

HCD proposes the adopt new section 4.106.4.2.6 “Hotels and motels” to separate hotel and motel requirements from multifamily dwelling requirements in section 4.106.4.2.2.

Rationale: HCD proposes to relocate and renumber existing requirements from section 4.106.4.2.2 (1)(a) to newly proposed section 4.106.4.2.6 (1)(a) and add the exception for parking facilities served by parking lifts, similar to section 4.106.4.2.2 (1)(a) and 4.106.4.2.2 (1)(b).

HCD proposes to relocate and renumber existing requirements for receptacle configurations from section 4.106.4.2.2 (1)(c) to newly proposed section 4.106.4.2.6 (1)(b).

HCD proposes to relocate and renumber existing requirements for EV ready parking spaces with EV chargers specific to hotels and motels from section 4.106.4.2.2 (2)(a) to newly proposed section 4.106.4.2.6 (2)(a), increase the number of Level 2 EV chargers at hotel and motel parking spaces from ten (10) percent to twenty-five (25) percent, identify the EV charger connector requirements in new section 4.106.4.2.6 (2)(b) and add the exception for parking facilities served by parking lifts.

HCD also proposes to relocate and renumber the Automatic Load Management System (ALMS) requirements from the voluntary measures, section A4.106.8.2, and add mandatory ALMS measures, under new subsection number 4.106.4.2.6 (2)(c). This proposal is intended to allow more flexibility in the use of ALMS as an option to reduce the maximum required electrical capacity at the site and to each parking space served.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 4

Chapter 4 Residential Mandatory Measures, Section 4.106.4.3 Electric vehicle

charging for additions and alterations of parking facilities serving existing multifamily buildings.

HCD proposes to adopt the above referenced section with the following amendment:

Rationale: HCD has been directed by Assembly Bill 1738 (Chapter 687, Statutes of 2022) (AB 1738) to research, develop, and propose for adoption mandatory building standards for the installation of EV charging stations with low power Level 2 or higher EV chargers in existing multifamily dwellings, hotels, and motels, during certain retrofits, additions, and alterations to existing parking facilities.

HCD proposes to amend the title of section 4.106.4.3 to “Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings, hotels, and motels”. The addition of “hotels and motels” is in response to requirements set forth in AB 1738.

HCD proposes to modify the existing requirements for EV Capable when new parking facilities are added and include a requirement for either low power Level 2 EV charging receptacle or a level 2 EV charger that is triggered by alterations or additions to existing parking facilities where a building permit is required. HCD proposes to remove the percentage requirements for the total number of parking spaces added or altered that will be EV spaces capable of supporting future Level 2 EVSE (EV Capable Spaces) and require that “each” parking space that is added or altered under a building permit with a valuation or work exceeding one thousand dollars (\$1,000), be equipped with one low power Level 2 EV charging receptacle or one Level 2 EVSE charger.

HCD is proposing an exception to this requirement for minor alterations requiring a permit with a valuation of \$1,000 or less, such as installation of an electrical receptacle for level 1 EV charging. The exception was added after a stakeholder comment that posed the scenario where a building owner was voluntarily installing Level 1 EV receptacle for EV charging at an existing packing facility. The commenter suggested that the proposed modification may trigger the requirements of this section and require low power Level 2 receptacle or Level 2 charger instead of Level 1. HCD believes that the proposed exception is needed so there is not a disincentive for a building owner to make low-cost improvements that may include level 1 EV charging. HCD’s research reflected that the cost of a new Level 1 receptacle for EV charging may be as high as \$1,000. HCD proposes to remove notes 1 and 2 from section 4.106.4.3, as these requirements no longer support the proposals in these building standards.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.4 Bicycle parking.

HCD proposes to relocate and amend existing requirements from Appendix A4.106.9 into a new section 4.106.4.4.

Rationale: HCD has been directed by Assembly Bill 2863, (Chapter 809, Statutes of 2022) (AB 2863) to research, develop, and propose for adoption, mandatory building standards

for short-term and long-term bicycle parking serving multifamily dwellings, hotels, and motels. HCD proposes to relocate voluntary measures within existing section A4.106.9 into new section 4.106.4.4, chapter 4, Residential Mandatory Measures with amendments.

HCD is proposing to relocate existing requirements from section A4.106.9.1 into 4.106.4.4.1 and provide amendments, based on similar local jurisdiction code amendments, to clarify the rate short-term bicycle parking required (i.e., one parking space for every 10,000 square feet) and the type of bicycle parking anchoring and enclosures for multifamily buildings, hotels, and motels.

HCD is proposing to relocate existing requirements from section A4.106.9.2 into 4.106.4.4.2 and provide amendments to clarify the type of long-term bicycle parking enclosures and anchoring required for multifamily buildings.

HCD is proposing to relocate existing requirements from section A4.106.9.3 into 4.106.4.4.3 and provide amendments to clarify the type of long-term bicycle parking enclosures and anchoring required for hotels and motels.

This proposal incorporates new mandatory requirements for bicycle parking in newly constructed multifamily buildings, hotels, and motels and is intended to meet HCD's obligation under AB 2863.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 6

Chapter 4 Residential Mandatory Measures, Section 4.303.1.4.5 Pre-rinse spray valves.

HCD to adopt the above referenced section with the following amendment:

Rationale: HCD is proposing to amend Section 4.303.1.4.5 Pre-rinse spray valves by repealing references to California Code of Regulations, Title 20 (Appliance Efficiency Regulations) and adding "Commercial Pre-Rinse Spray Valves". Additionally, HCD is proposing to add a reference to the California Plumbing Code, Section 420.3. The following change is being made since the 2024 Uniform Plumbing Code adopted standards for pre-rinse spray valves and California adopts the same standards by reference. Therefore, the reference to Title 20 is no longer needed. The proposed changes provide proper reference based on recent model plumbing code updates. This amendment has been coordinated with the Building Standards Commission, California Energy Commission, and the Division of the State Architect with no intended change in regulatory effect.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 7

Appendix A4 Residential Voluntary Measures, Section A4.106.8.2 New multifamily dwellings, hotels and motels.

HCD proposes to continue to adopt the above referenced section with the following amendments:

Rationale: HCD proposes to modify the title of Tier 1 to “Tier 1. New multifamily dwellings, hotels and motels.”

HCD proposes to amend section A4.106.8.2 (Tier 1, subsection (1a)) by increasing the number of low power Level 2 EV charging receptacles from fifty (50) percent to sixty (60) percent for hotels and motels. HCD proposes to amend section A4.106.8.2 (Tier 1, subsection (1b)) with a new requirement for the installation of a raceway that allows for installation of a 208/240-volt 40-ampere branch circuit to accommodate new technology changes or future higher ampacity needs, based on feedback from stakeholders. This proposal shall apply to raceways installed for low power Level 2 EV charging receptacle at parking spaces serving multifamily dwellings, hotels, and motels. HCD propose repeal obsolete exception 1 and modify and renumber exceptions 2 within this section.

HCD proposes to amend section A4.106.8.2 (Tier 1, subsection (2a)) by increasing the number of Level EV chargers from fifteen (15) percent to forty (40) percent for hotels and motels.

HCD proposes to modify existing section A4.106.8.2 (Tier 1, subsection (2b)) by updating the title to “Multifamily Parking Facilities with Unassigned or Common Use Parking” to clarify the applicability of the Level 2 EV charger requirements within this section. HCD is also proposing to clarify that low power Level 2 EV charging receptacle requirements in section A4.106.8 (Tier 1, subsection 1) apply to parking spaces separately than Level 2 EV charger requirements. HCD proposes to clarify that all unassigned parking spaces not already provided with low power Level 2 EV charging receptacles pursuant to section A4.106.8 (Tier 1, subsection 1), and common use parking, shall be provided with Level 2 EV chargers at a rate of forty (40) percent of those spaces, which is an increase from the current fifteen (15) percent. HCD further proposes to carry forward the existing exemption for parking facilities served by parking lifts.

HCD proposes to repeal the ALMS requirements and relocated it to the mandatory measures as identified in Items 1 and 2 of this proposal.

HCD proposes to repeal section A4.106.8.2 Tier 1, Option B due to the expansion of the mandatory measure in items 1 and 2 in this proposal, resulting in various voluntary measures being obsolete.

HCD proposes to repeal section A4.106.8.2 Tier 2, due to the expansion of the mandatory measure in items 1 and 2 in this proposal, resulting in various voluntary measures being obsolete.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 8

Appendix A4 Residential Voluntary Measures, Section A4.106.9 Bicycle parking.

HCD proposes to repeal the above referenced section.

Rationale: HCD proposes to repeal the existing voluntary measures in section A4.106.9 and relocate the requirements with amendments into new mandatory section 4.106.4.4, Residential Mandatory Measures to meet HCD's obligations under AB 2863.

CAC Recommendation:

TBD

Agency Response:

TBD

ITEM 9

Appendix A4 Residential Voluntary Measures, Section A4.602 Residential Occupancies Application Checklist.

HCD proposes to continue adoption of the above referenced section with amendments as follows:

Rationale: HCD proposes to amend the above referenced section (checklist) to coordinate with proposed adopted, amended, and repealed sections in this building standards package.

CAC Recommendation:

TBD

Agency Response:

TBD

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

Assembly Bill 1738. Building standards: installation of electric vehicle charging stations: existing buildings. Chapter 687, Statutes of 2022.

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1738.

Assembly Bill 2863. Green building standards: bicycle parking. Chapter 809, Statutes of 2022.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2863.

2022 Scoping Plan for Achieving Carbon Neutrality. [2022 Scoping Plan Update \(ca.gov\)](https://www.ca.gov/scoping-plan).

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

HCD is statutorily required to propose adoption of (by reference) model building codes for other parts of the California Building Standards Code which contain prescriptive or performance standards. Although CALGreen is not based on a model code, prescriptive standards are necessary as they provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensure compliance with minimum health, safety, and welfare standards for owners, occupants, and guests. Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency. The CALGreen proposals in this package do include some performance standards.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency’s reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

HCD considered two alternatives noted below. Through HCD analysis it was determined that there is no reasonable alternative considered by HCD or that has otherwise been identified and brought to the attention of HCD would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Alternative 1: HCD considered proposing 60% of all newly constructed multifamily dwelling, hotel, and motel parking spaces to have low power Level 2 charging receptacles and 10% of parking spaces to be equipped with Level 2 EVSE.

Alternative 2: HCD considered proposing 55% of all newly constructed multifamily dwelling, hotel, and motel parking spaces to have low power Level 2 charging receptacles and 20% of all parking spaces to be equipped with Level 2 EVSE.

The table below lists the costs and benefits of the proposed code, and the two alternatives HCD considered and ultimately rejected in favor of the proposed code.

Comparison between Proposed Code, Alternative 1 and Alternative 2

	Proposed Code	Alternative 1	Alternative 2
Cost	\$208.6 million to \$411.5 million	\$200.4 million to \$405.7 million	\$253.0 to \$485.4 million
Benefit	\$767.3 million to \$1,199.5 million	\$700.1 million to \$1,089.2 million	\$847.8 million to \$1,340.9 million

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to

the attention of the agency that would lessen any adverse impact on small business.

This type of information is not readily available for developers planning new construction of multifamily housing in California. Therefore, HCD is unable to estimate how many small businesses are impacted by the proposed regulation.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

HCD has determined that these proposed amendments would marginally increase costs to California business enterprises. It is estimated that an additional GHG emissions reduction potential between 188,000 to 258,000 metric tons of CO₂ equivalent (CO₂e) will be saved annually over the lifetime of the proposed amendments.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.2(b)(2) and 11346.3(b)(1)

The Department of Housing and Community Development has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

Some jobs may be created for installation, maintenance, and manufacturing of EV charging equipment. The elimination of jobs is unknown.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

Some special trade construction businesses may be created. No business is expected to be eliminated.

C. The expansion of businesses currently doing business within the State of California.

The proposal is likely to promote the expansion of businesses currently involved in EV equipment manufacturing, installation, maintenance, use, and technology development.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The proposal will increase the sustainability of California's natural resources and promote public health by reducing GHG emissions.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

Staff estimates over the 3-year lifetime of these code provisions that a total of 133,723 new construction multifamily dwelling parking spaces will have EV charging infrastructure, for a total initial construction cost of \$155.9 million to \$298.2 million. Further, staff estimates a statewide benefit of \$637.8 million to \$913.9 million, when the infrastructure is installed at the point of new construction. Staff estimates a total annual greenhouse gas reduction potential of 573,000 to 732,000 metric tons of CO₂e.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

HCD has analyzed both this proposal and relevant law and concluded that these proposed building standards do not duplicate or conflict with federal law or regulations.