

**FINAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)  
REGARDING THE AMENDMENT OF THE 2016 CALIFORNIA GREEN BUILDING CODE (CALGREEN)  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

**(HCD 03/16)**

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The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

**UPDATES TO THE INITIAL STATEMENT OF REASONS:**

(Government Code Section 11346.9(a)(1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

No data or any technical, theoretical or empirical study, report, or similar document on which the Department of Housing and Community Development (HCD) is relying, has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

(If the determination as to whether the proposed regulation would impose a local mandate, the agency shall state whether the mandate is reimbursable pursuant to Government Code Part 7 (commencing with Section 17500) of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the findings)

**OBJECTIONS OR RECOMMENDATIONS MADE REGARDING PROPOSED REGULATION(S)**

(Government Code Section 11346.9(a)(3)) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The text with proposed changes was made available to the public for a 45-day public comment period from **March 17, 2017 until May 1, 2017**. There is no subsequent public comment period.

One comment in support of HCD's proposals was received during the 45-Day Public Comment Period. No comment(s) were received after the close of the public comment period.

The following is HCD's summary of and response to comment(s), specifically directed at the Agency's proposed action.

**NOTE:** *The complete text of each comment submitted during the 45-Day Comment Period may be viewed at the following internet address:*

<http://www.bsc.ca.gov/Rulemaking/adoptcycle/2016InterveningCodeAdoptionCycle/2016PublicCommentPeriods/GREENPEME45-DayPublicCommentPeriod.aspx>

**COMMENTS RECEIVED DURING THE 45-DAY PUBLIC COMMENT PERIOD ARE LISTED BELOW**

**1. COMMENTER:** Hannah Goldsmith, Project Manager  
California Electric Transportation Coalition  
Address: 1015 K Street, Suite 200, Sacramento, CA 95814  
Phone: (916) 551-1943

**COMMENT:** EM-1

The commenter supports the proposed changes to the California Green Building Standards Code (CALGreen), specifically the new requirement for electric vehicle (EV) charging infrastructure for new hotels/motels in Section 4.106.4.3, developed in collaboration with the California Air Resources Code (CARB).

The commenter believes this proposal will help expand PEV charging across California, and expresses an opinion these amendments go hand in hand with the investments in PEV-charging infrastructure being made by the public and private sectors, including California's investor-owned and publicly-owned utilities.

The commenter also believes these amendments are essential for this code cycle, so that the PEV-charging infrastructure gap for hotels/motels will be filled in time to meet California's goal of achieving a zero-emission vehicle infrastructure able to support 1 million vehicles by 2020.

**HCD RESPONSE:**

HCD appreciates the commenter's support of the proposed amendments.

**THERE WAS NO 15-DAY PUBLIC COMMENT PERIOD**

**DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS**

(Government Code Section 11346.9(a)(4)) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Health and Safety Code (HSC) Section 18928.1 requires building standards adopted or approved by the California Building Standards Commission to incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions. In addition, HSC Section 18928 directs each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

In the case of the California Green Building Standards Code (CALGreen), there is no model code applicable to residential occupancies to be adopted. Health and Safety Code Section 17928 mandates HCD to review relevant green building guidelines and to propose green building features that are cost effective and feasible as mandatory building standards. HCD evaluated the available relevant green building guidelines; no alternatives were available for HCD to consider.

**REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:**

(Government Code Section 11346.9(a)(5)) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

There were no alternatives available to HCD. Providing the most recent methods and applying those building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable costs.