

PUBLIC COMMENT on PROPOSED BUILDING STANDARDS
For Publication in Title 24, California Code of Regulations

See instructions for completing this form on Page 2.

Commenter Contact Information

Name: Emily Withers Date: 10/1/2018
Representing: Dept. of Housing and Community Development
Mailing Address: Number & Street: 2020 West El Camino Avenue, Suite 200
City: Sacramento State: CA Zip Code: 95833
Telephone #: 916 263-2998 Email: ewithers@hcd.ca.gov

Proposed Building Standard

Title 24 Part #: (select one) Part 2 Section #: 1.8.4.1 Exceptions
Proposing State Agency Dept. of Housing and Community Development
This comment is intended for review during: (select one)
 Code Advisory Committee
 45-Day Comment Period
 15-Day Comment Period
 Commission Meeting

Your recommendation based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form is: (select one)
 Approve Disapprove
 Further Study Required Approve as Amended

In support of your recommendation above, provide the rationale based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form. If you recommend anything other than approve, cite the criteria in your comment. If you oppose a proposed building standard, offer a solution or alternative for the state agency to consider. Please use separate pages if your comment does not fit in this space.

See Attachment A 1.8.4.1.

Attachments?

Check if you have attached additional pages. The number of pages attached is: 1

For CBSC Office Use Only Date Received: _____ Rulemaking Item #: _____

ATTACHMENT A

Section 1.8.4.1

Senate Bill 1226 (Chapter 1010/Statutes of 2018), operative January 1, 2019, added Health and Safety Code Section 17958.12 to the State Housing Law. This section recognizes existing discretion of enforcing agencies to apply building standards in effect at the time of building construction and to grant case-by-case approvals for use of alternate methods of construction and/or materials.

HCD proposes to amend Section 1.8.4.1 to clarify the authority of enforcing agencies to determine date of construction of non-permitted residential structures and to issue retroactive building permits.

The new proposed exception supports 9-Point Criteria #1 by avoiding potential conflict with existing California amendment Section 1.8.4.1 which states that a written construction permit be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, moving or alteration of any building or structure. The proposed exception meets 9-Point Criteria #2 in being within the parameters established by enabling legislation and not within the jurisdiction of another state agency. The proposed exception also meets 9-Point Criteria #3 due to its contribution to making unpermitted existing housing available for legal occupancy and the public interest in reducing California's housing crisis.

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Building Standards Nine-Point Criteria. Health and Safety Code Section 18930(a) reads:

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Proposed Building Standard

Title 24 Part #: (select one) Part 2 Section #: 202
Proposing State Agency Dept. of Housing and Community Development
This comment is intended for review during: (select one)
 Code Advisory Committee
 45-Day Comment Period
 15-Day Comment Period
 Commission Meeting

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 Further Study Required Approve as Amended

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HCD unintentionally omitted reference to "containing only one room" in the proposed amended definition for "efficiency dwelling unit." HCD will be correcting this oversight.
HCD intends to co-adopt the Division of State Architect's amended definition for "riser" to clarify application to risers connected to landings.
Both proposed changes address 9-Point criteria #1 (conflict) and #4 (ambiguity).

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Proposed Building Standard

Title 24 Part #: (select one) Part 2 Section #: 406.2.1
Proposing State Agency Dept. of Housing and Community Development
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Senate Bill 969 (Chapter 621/Statutes of 2018) amended Health and Safety Code Section 19891 requiring backup batteries for garage door openers; and added Section 19892 related to sale and installation of garage doors. HCD proposes including a reference to new Section 19892. This proposal meets 9-Point criteria #2 (enabling legislation) and #3 (fire safety).

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Mailing Address: Number & Street: 2020 West El Camino Avenue, Suite 200
City: Sacramento State: CA Zip Code: 95833
Telephone #: 916 263-2998 Email: ewithers@hcd.ca.gov

Proposed Building Standard

Title 24 Part #: (select one) Part 2 Section #: 420.2 & 420.3 errata
Proposing State Agency Dept. of Housing and Community Development
This comment is intended for review during: (select one)
 Code Advisory Committee
 45-Day Comment Period
 15-Day Comment Period
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ICC errata for Sections 420.2 and 420.3 indicate that the exceptions in these two sections were withdrawn late in the process, however, were printed in the first edition of the 2018 International Building Code. HCD proposes that the sections be corrected to delete the extraneous information. This will comply with Criteria #7 to incorporate the model as formally adopted by ICC.

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Proposed Building Standard

Title 24 Part #: (select one) Part 2 Section #: 420.10.1
Proposing State Agency Dept. of Housing and Community Development
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HCD will be incorporating an editorial correction to this section properly identifying the last sentence in Item 4 as a new California amendment. This will be shown in double underscore in the 15-Day Express Terms document. The original intent of the new amendment was to meet 9-Point criteria #1 and to avoid potential conflict with the 2019 California Energy Code.

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Proposed Building Standard

Title 24 Part #: (select one) Part 2 Section #: Table 1607.1
Proposing State Agency Dept. of Housing and Community Development
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HCD omitted a proposal to repeal an existing 2016 CBC California amendment in Table 1607.1. Carrying forward the existing California amendment in the 2019 CBC would result in duplication of text (9-Point Criteria #1) since the adopted model code text already includes the 2016 California amendment text.

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Mailing Address: Number & Street: 2020 West El Camino Avenue, Suite 200
City: Sacramento State: CA Zip Code: 95833
Telephone #: 916 263-2998 Email: ewithers@hcd.ca.gov

Proposed Building Standard

Title 24 Part #: (select one) Part 2 Section #: 3307.1
Proposing State Agency Dept. of Housing and Community Development
This comment is intended for review during: (select one)
 Code Advisory Committee
 45-Day Comment Period
 15-Day Comment Period
 Commission Meeting

Your recommendation based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form is: (select one)

- Approve Disapprove
 Further Study Required Approve as Amended

In support of your recommendation above, provide the rationale based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form. If you recommend anything other than approve, cite the criteria in your comment. If you oppose a proposed building standard, offer a solution or alternative for the state agency to consider. Please use separate pages if your comment does not fit in this space.

The Civil Code requires owners of adjacent buildings to have at least 30 days to protect their buildings when proposed excavations are deeper than walls or foundations of adjoining buildings or close enough to endanger the buildings; and requires the owner of the land being excavated to provide protection to the impacted adjacent buildings under specified conditions. HCD proposes to reference Civil Code Sec. 832 to avoid conflicts (Criteria #1).

Attachments?

Check if you have attached additional pages. The number of pages attached is:

For CBSC Office Use Only Date Received: _____ Rulemaking Item #: _____

Instructions for completing this form

1. Use of this form is optional. It helps CBSC and other state proposing agencies to correctly administer your comments.
2. For matters to be considered at a public CBSC Code Advisory Committee (CAC) meeting, written comments should be received at least seven days before the scheduled meeting.
3. For matters subject to a 45-Day or 15-Day public comment period announced by a Notice of Proposed Action (NOPA), written comments **must be received** on or before the close of the comment period identified in the NOPA.
4. Separate comment forms are necessary for CAC and public comment periods.
5. Separate comment forms are necessary for each state agency proposal.
6. This form is available in fill-and-print format at the CBSC website, www.bsc.ca.gov, for you to complete and submit electronically. Or print a blank form and type or complete by hand. You may attach additional pages if necessary.
7. Submit comments to CBSC, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833-2936, or by email to cbsc@dgs.ca.gov. Please do not fax comments.
8. Written and oral comments may also be provided at CBSC public meetings to consider the proposed building standards.

For assistance, call CBSC at (916) 263-0916 or email cbsc@dgs.ca.gov.

Building Standards Nine-Point Criteria. Health and Safety Code Section 18930(a) reads:

(a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:

- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
- (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
- (3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.
- (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
- (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
- (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
- (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
- (8) The format of the proposed building standards is consistent with that adopted by the commission.
- (9) The proposed building standard, if it promotes fire and panic safety, as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

PUBLIC COMMENT on PROPOSED BUILDING STANDARDS
For Publication in Title 24, California Code of Regulations

See instructions for completing this form on Page 2.

Commenter Contact Information

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Proposed Building Standard

Title 24 Part #: (select one) Part 2 Section #: Appendix F (note)

Proposing State Agency Dept. of Housing and Community Development

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An editorial correction is needed to correctly display the proposed amendment as proposed new text in the Appendix note.

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