# ADDITIONAL 15-DAY EXPRESS TERMS AND RATIONALE FOR PROPOSED BUILDING STANDARDS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REGARDING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE,

# CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART  11

# (HCD 03/21)

No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. If a sufficiently related change is made, the full text of the resulting adoption, amendment, or repeal, with the change clearly indicated, shall be made available to the public for at least 15 or 45 days before the agency adopts, amends, or repeals the resulting regulation.

Any written comments received regarding the change must be responded to in the final statement of reasons required by Section 11346.9 (Government Code Section 11346.8(c)).

If using assistive technology, please adjust your settings to recognize underline, strikeout, double strikeout and ellipsis. Double underline will be indicated by parenthetical notes within the text. The notes will not be codified or published in the code.

## LEGEND for EXPRESS TERMS

* Existing California amendments appear upright.
* Unmodified California 45-day amendments appear in underline and ~~strikeout~~.
* California additional 15-day amendments appear in double underline and double strikeout.
* Ellipsis ( ...) indicate existing text remains unchanged.
* **Rationale**: The justification for the change is shown after each section or series of related changes.

# ADDITIONAL 15-DAY EXPRESS TERMS

# Item 2 Chapter 2 Definitions, Section 202 Definitions

**ELECTRIC VEHICLE (EV) READY SPACE.** (begin double underline) **[HCD]** (end double underline) A (begin double underline) vehicle (end double underline) space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.

**Rationale:** HCD proposes to add the HCD banner to clarify that the definition applies to the electric vehicle (EV) ready space provisions adopted by HCD in section 4.106.4 and A4.106.8.2. HCD also proposes addition of the word “vehicle” for purposes of consistency with other definitions such as “electric vehicle capable space.” There is no change in regulatory effect from the original proposed 45-day text definition.

**Notation:**

Authority: Health and Safety Code Sections 17040, 17920.9, 17921, 17921.5, 17921.10, 17922, 17922.12, 17922.14, 17928, 18938.3, 18941.10, 18944.11, and 19990; and Government Code Sections 12955.1 and 12955.1.1.

Reference(s): Business and Professions Code Division 5; Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18938.3, and 19960 through 19997; Civil Code Sections 1101.3, 1101.4, 1101.5, 1954.201, and 1954.202; Government Code Sections 12955.1, 12955.1.1, and 65852.2; Water Code Sections 516 and 517; and California Code of Regulations, Title 20, Sections 1605.1, 1605.3, and 1607.

# Item 4 Chapter 4 Residential Mandatory Measures, Section 4.106 Site Development

**4.106.4 Electric vehicle (EV) charging for new construction. (Title included for context only; no change to original proposed 45-day text.)**

**4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.** (No proposed changes to 45-day text for this paragraph or Items 1 and 2.)

1. **EV Capable**. (No change to proposed 45-day text.)
2. **EV Ready.** (No change to proposed 45-day text.)
3. **EV Chargers.** Five (5) percent of the total number of parking spaces shall be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests. (begin double strikeout) When chargers are installed, spaces shall comply with Sections 4.106.4.2.2.1 and 4.106.4.2.2.2.(end double strikeout)

When (begin double underline) low power Level 2 EV charging receptacles or (end double underline) Level 2 EVSE(begin double strikeout) is (end double strikeout) (begin double underline) are(end double underline) installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes and installed EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.

**Rationale related to Section 4.106.2.2 Number 3:** HCD proposes, in coordination with the Division of the State Architect (DSA), to remove proposed text (last sentence) from this item because reference to the code sections in this sentence are not applicable to the California Building Code (CBC) Chapter 11B-regulated facilities of public housing, hotels, and motels, and do not reference the exception of these requirements for these facilities, already in regulation. Further, specificity is proposed in section 4.106.4.2.2.1 as related to EV charging stations under the scope of the CBC, Chapter 11B.

**Rationale related to use of automatic load management systems (ALMS):** HCD proposes to provide clarification that ALMS may be used as an option for managing electrical loads for both low power Level 2 receptacles and Level 2 electric vehicle service equipment (EVSE; chargers). Use of the ALMS is allowed only for those receptacles and chargers installed in excess of those required by this section.

**4.106.4.2.2.1** **Electric vehicle charging stations (EVCS).** (begin double strikeout) EVCS required by Section 4.106.4.2.2, Item 3, shall comply with at least one of the following options: (end double strikeout) (begin double underline) Electric vehicle charging stations required by Section 4.106.4.2.2 Item 3 shall comply with Section 4.106.4.2.2.1. (end double underline)

(begin double strikeout)

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A or Chapter 11B as applicable, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.

**Exception:** Electric vehicle charging stations designed and constructed in compliance with the California Building Code, Chapter 11B, are not required to comply with Section 4.106.4.2.1.1 and Section 4.106.4.2.2, Item 3.

**Note:** Electric vehicle charging stations serving public housing, hotels or motels are required to comply with the California Building Code, Chapter 11B.

(end double strikeout)

(begin double underline) **Exception:** Electric vehicle charging stations serving public accommodations, public housing, motels, and hotels shall not be required to comply with this section. See California Building Code, Chapter 11B for applicable requirements.

**4.106.4.2.2.1.1** **Location.** EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.

**Exception:** Electric vehicle charging stations designed and constructed in compliance with the California Building Code, Chapter 11B, are not required to comply with Section 4.106.4.2.2.1.1 and Section 4.106.4.2.2.1.2, Item 3. (end double underline)

(begin double strikeout)**4.106.4.2.2.2** (end double strikeout) (begin double underline) **4.106.4.2.2.1.2** (end double underline) **Electric vehicle charging stations (EVCS) dimensions.** (No proposed text changes to this paragraph except for renumbering. No proposed changes to 45-day text for Items 1 through 3.)

(begin double strikeout)**4.106.4.2.2.3** (end double strikeout) (begin double underline) **4.106.4.2.2.1.3** (end double underline) **Accessible EV spaces.** In addition to the requirements in Sections (begin double strikeout)4.106.4.2.2.1 (end double strikeout) (begin double underline)4.106.4.2.2.1.1(end double underline) and (begin double strikeout)4.106.4.2.2.2 (end double strikeout) (begin double underline)4.106.4.2.2.1.2, (end double underline) (begin double strikeout)EV spaces for hotels/motels and (end double strikeout) all EVSE, when installed, shall comply with the accessibility provisions for EV (begin double strikeout)charging stations (end double strikeout) (begin double underline)chargers (end double underline) in the California Building Code, Chapter 11B. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A.

**Rationale for section 4.106.4.2.2.1:** In the regulatory requirements adopted in the 2019 CAL Green Code for new multifamily dwellings, HCD provided an exception to specific EVCS requirements that conflict with the accessibility provisions of CBC Chapter 11B for public housing, hotels, and motels. In this 15-day Express Terms document, new provisions are introduced that require EVSE to be installed. DSA has expressed concerns that these new provisions altered the code structure of the requirements, so that the exceptions for CBC Chapter 11B-regulated facilities were not maintained consistent with the requirements already adopted in the 2019 Algren. Portions of section 4.106.4.2.2.1 have been revised (introductory sentence) and relocated to section 4.106.4.2.2.1.1.

According to DSA, to maintain consistency with requirements already in regulation, electric vehicle charging stations (EVCS) serving public housing, motels, and hotels must be excepted from the requirements for location, dimensions, and accessible EV spaces; and reference must be made to comply with the accessibility requirements for EVCSs stipulatedin CBC Chapter 11B for these facilities.

While originally proposed 45-day text accomplishes this reference by way of a “note”; to create an enforceable action, DSA requested that the “note” be changed to an “exception”. To address DSA’s concern, HCD is proposing to identify the accessibility provisions for specified Chapter 11B applications as an exception.

**Rationale for sections 4.106.4.2.2.1.1, 4.106.4.2.2.1.2 and 4.106.4.2.2.1.3:** Relocating the proposed exception in advance of the requirements for location, dimensions, and accessible EV spaces, necessitates edits to the hierarchical code numbering structure, which requires the introduction of subsections 4.106.4.2.2.1.1 (new subsection number and title), 4.106.4.2.2.1.2 (renumbering only) and 4.106.4.2.2.1.3 (renumbering, updating references to section numbers). These changes to section 4.106.4.2.2.1 provide clarity as to the specific requirements that are excepted for CBC Chapter 11B-regulated facilities addressing DSA’s concerns.

Additional proposed changes to section 4.106.4.2.2.1.3 addressing accessible EV spaces remove references to hotels/motels as already covered by the afore mentioned exception and reflects new hierarchical code section numbering. Additionally, the proposed changes in this section also provide direction that “chargers” at EVCSs in Chapter 11A-regulated multifamily housing facilities must comply with CBC Chapter 11B requirements to eliminate confusion as to the specific element that is required to comply.

HCD also adds clarifying rationale for accessibility of EV ready spaces and EVCS in multifamily developments. CBC Chapter 11A, unlike Chapter 11B, does not provide specific sections addressing facilities for EV charging. The number of EV ready spaces and EV charging stations required to be accessible for multifamily developments shall be in accordance with Chapter 11A, Sections 1109A.3, 1109A.4 and 1109A.5.

(begin double strikeout)**4.106.4.2.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings.** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten (10) percent of the total number of parking spaces added or altered, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE.

**Notes:**

* + 1. Construction documents are intended to demonstrate the project’s capability and capacity for facilitating future EV charging.
    2. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use. (end double strikeout)

**Rationale:** HCD proposes to relocate this section and renumber it as section 4.106.4.3 as a separate section instead of being a subsection of new construction. This section references provisions related to existing buildings or existing parking facilities. There is no change in regulatory effect from the 45-Day Express Terms and this relocation matches the hierarchy format of the code.

(begin double strikeout)**4.106.4.2.4** (end double strikeout) (begin double underline) **4.106.4.2.3**(end double underline) **EV space requirements.** (No change to proposed 45-day text except renumbering of section.)

(begin double strikeout)**4.106.4.2.5**(end double strikeout) (begin double underline) **4.106.4.2.4**(end double underline) **Identification.** (No change to proposed 45-day text except renumbering of section.)

(begin double strikeout)**4.106.4.2.6** (end double strikeout) (begin double underline)**4.106.4.2.5** (end double underline)**Electric Vehicle Ready Space Signage.** (No change to proposed 45-day text except renumbering of section.)

(begin double underline)**4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings.** When new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered and the work requires a building permit, ten (10) percent of the total number of parking spaces added or altered, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Level 2 EVSE.

**Notes:**

1. Construction documents are intended to demonstrate the project’s capability and capacity for facilitating future EV charging.
2. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use. (end double underline)

**Rationale:** HCD proposes to relocate and renumber section 4.106.4.2.3 (as proposed in 45-day text) to section 4.106.4.3 locating it outside of the new construction provisions since this section references provisions related to existing buildings or existing parking facilities. There is no change in regulatory effect from the 45-Day Express Terms and this relocation matches the hierarchy format of the code.

**Notation:**

Authority: Health and Safety Code Sections 17040, 17920.9, 17921, 17921.5, 17921.10, 17922, 17922.12, 17922.14, 17928, 18938.3, 18941.10, 18944.11, and 19990; and Government Code Sections 12955.1 and 12955.1.1.

Reference(s): Business and Professions Code Division 5; Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18938.3, and 19960 through 19997; Civil Code Sections 1101.3, 1101.4, 1101.5, 1954.201, and 1954.202; Government Code Sections 12955.1, 12955.1.1, and 65852.2; Water Code Sections 516 and 517; and California Code of Regulations, Title 20, Sections 1605.1, 1605.3, and 1607.

# Item 11 Appendix A4 Residential Voluntary Measures, Division A4.1 Planning and Design, Section A4.106.8.2.1 Multifamily development projects and hotels and motels.

**A4.106.8.2.1 Multifamily development projects and hotels and motels.**

**Tier 1.**

**EV Ready.** (No change to 45-day proposed text.)

**EV Chargers for projects with 20 or more dwelling units, sleeping units or guest rooms.** Ten (10) percent of the total number of parking spaces shall be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests. (begin double strikeout)When chargers are installed, spaces shall comply with Sections 4.106.4.2.2.1 and 4.106.4.2.2.2. (end double strikeout)

**Tier 2.**

**EV Ready.** (No change to 45-day proposed text.)

**EV Chargers for projects with 20 or more dwelling units, sleeping units or guest rooms.** Fifteen (15) percent of the total number of parking spaces shall be equipped with Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests. (begin double strikeout)When chargers are installed, spaces shall comply with Sections 4.106.4.2.2.1 and 4.106.4.2.2.2. (end double strikeout)

**Rationale for Tier 1 and Tier 2:** HCD proposes to remove the last sentence in the 45-day Tier 1 and Tier 2 requirements for EV chargers for projects with 20 or more dwelling units, sleeping units or guest rooms. The reference to the code sections in these sentences are not applicable to the CBC Chapter 11B-regulated facilities of public housing, hotels, and motels; and do not reference the exception of these requirements for these facilities already in regulation.

**A4.106.8.2.~~1~~2 Technical requirements**. The EV spaces required by Section A4.106.8.2 shall be designed and constructed in accordance with Sections ~~4.106.4.2 (Notes), 4.106.4.2.1, 4.106.4.2.2, 4.106.4.2.3, 4.106.4.2.4, and 4.106.4.2.5~~ (begin double strikeout)4.106.4.2.1 (Notes), 4.106.4.2.2.1, 4.106.4.2.2.2, 4.106.4.2.2.3, 4.106.4.2.4(1) and (2), 4.106.4.2.5, and 4.106.4.2.6 (end double strikeout) (begin double underline)4.106.4.2, 4.106.4.2.1 (Notes), 4.106.4.2.2 (Notes), 4.106.4.2.2.1.1, 4.106.4.2.2.1.2, 4.106.4.2.2.1.3, 4.106.4.2.3, 4.106.4.2.4, and 4.106.4.2.5(end double underline)

**Rationale:** HCD proposes changes to this section to reflect renumbering of other sections addressing technical requirements for EV charging. This provides consistency in reference to other sections for CALGreen.

# Item 15 Appendix A4 Residential Voluntary Measures, Division A4.6 Tier 1 and Tier 2

**SECTION A4.602**

**RESIDENTIAL OCCUPANCIES APPLICATION CHECKLIST**

**Effective January 1, ~~2020~~ *2023***

**RESIDENTIAL OCCUPANCIES APPLICATION CHECKLIST**

No changes to the proposed 45-day text unless indicated below in double underline and double strikeout.

Figure below depicts residential occupancies application checklist and indicates 4.106.4 has mandatory provisions to provide capability for EV charging for specified residential dwellings. A4.106.8 has voluntary EV charging standards for residential dwellings. Changes in text proposed for the 15-day comment period reflects renumbering of Section 4.106.4.2.3 to 4.106.4.3 related to EV charging for existing parking lots or new parking lots. Double strikeout of numbers 4.2.2 and double underline of numbers 4.3, respectively. 

**Notation:**

Authority: Health and Safety Code Sections 17040, 17920.9, 17921, 17921.5, 17921.10, 17922, 17922.12, 17922.14, 17928, 18938.3, 18941.10, 18944.11, and 19990; and Government Code Sections 12955.1 and 12955.1.1.

Reference(s): Business and Professions Code Division 5; Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18938.3, and 19960 through 19997; Civil Code Sections 1101.3, 1101.4, 1101.5, 1954.201, and 1954.202; Government Code Sections 12955.1, 12955.1.1, and 65852.2; Water Code Sections 516 and 517; and California Code of Regulations, Title 20, Sections 1605.1, 1605.3, and 1607.