

**NOTICE OF PROPOSED ACTION  
TO 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)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 11. HCD is proposing building standards related to the adoption of the 2022 California Green Building Standards Code.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from August 13, 2021 until midnight on September 27, 2021.

Comments may be submitted to CBSC via:

[e-Comment form](https://dgs.ca.gov/BSC/e-comments): [dgs.ca.gov/BSC/e-comments](https://dgs.ca.gov/BSC/e-comments)

US Mail postmarked no later than September 27, 2021:

California Building Standards Commission  
Michael Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

**POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the

regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

## **AUTHORITY AND REFERENCE**

Reference: Government Code Section 11346.5(a)(2).

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 17040, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17922.15, 17926, 17927, 17928, 17958.12, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18941.10, 18944.11, 18949.5 and 19990; and Government Code Sections 12955.1 and 12855.1,1.

HCD is proposing this regulatory action based on Business and Professions Code Division 5; Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, 18938.6, 18941, 18941.5, 19890, 19891, 19892 and 19960 through 19997; Civil Code Sections 1101.3, 1101.4, 1101.5, 1954.201, 1954.202 and 5551; and Government Code Sections 8698.4, 12955.1, 12955.1.1 and 65852.2. California Code of Regulations, Title 20, Sections 1605.1, 1605.3 and 1607.

## **INFORMATIVE DIGEST**

Reference: Government Code Section 11346.5(a)(3).

### **Summary of Existing Laws**

Health and Safety Code Section 17921 and Government Code Section 12955.1 require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for "... the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing."

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Health and Safety Code Sections 18620 and 18873 require HCD to adopt building standards for permanent buildings in mobilehome parks and special occupancy parks.

Health and Safety Code 17928 requires HCD to review and propose green building standards that the department determines to be cost effective and feasible to promote greener construction.

## Summary of Existing Regulations

The 2019 California Code of Regulations (CCR), Title 24, California Green Building Standards Code, Part 11, also known as the California Building Standards Code, became effective on January 1, 2020.

Existing CALGreen regulations specifically related to the proposed changes:

- Includes definitions to clarify terms as used within the text of CALGreen.
- Require specific infrastructure components for future charging of electric vehicles.
- The California Building Standards Code does not regulate the number of parking spaces for residential developments. The required number of parking spaces are addressed and enforced through local government ordinances. However, Assembly Bill 1100 (Chapter 819, Statutes of 2019) proposed changes to the Vehicle Code to count electric vehicle charging spaces as standard parking spaces.
- Requires an operation and maintenance manual in each dwelling unit with specified information.
- Requires that carpet systems, carpet cushions, resilient flooring systems and thermal insulation products meet specific standards related to emission of volatile organic chemicals.
- Requires water flow rates for specified residential plumbing fixtures.
- Requires installation of water submeters for multifamily buildings and dwelling units and mixed-use residential/commercial buildings.
- Provides a Residential Occupancies Application Checklist identifying mandatory and voluntary measures in CALGreen.

The purpose of the California Green Building Standards Code, also known as CALGreen, is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental air quality. CALGreen also includes standards designed to address unique California conditions.

## Summary of Effect

Summary of effect of the proposed specific changes on existing CALGreen regulations:

- Amendments are proposed to increase Electric Vehicle (EV) charging ability and infrastructure in new multifamily housing developments as well as new hotels and motels
- Definitions are proposed to clarify conditions of electric vehicle charging scenarios, and to align with the California Plumbing Code

- HCD proposes a modification to Section 4.410.1, Operations and maintenance manual, requiring the locations of grab bar reinforcements to be included in the manual
- HCD proposes to carry forward existing amendments

### **Comparable Federal Statute or Regulations**

These regulations do not conflict with federal regulations. The State of California has preemptive authority to adopt more restrictive mandatory standards for the appliances addressed in these regulations.

### **Policy Statement Overview**

The purpose of the adoption of the California Green Building Standards Code is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental air quality.

The proposed regulations will adopt building standards that will affect the following: residential occupancies and buildings or structures accessory thereto, as provided by federal and state accessibility requirements; and the use of general design, structural, and fire and life safety requirements in housing construction, buildings and structures accessory thereto.

### **Evaluation of Consistency**

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

## **OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS**

Reference: Government Code Section 11346.5(a)(4).

Health and Safety Code section 18941.10, subsection Subsections (a)(2) requires HCD to propose and submit mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings to the CBSC. and submit the proposed mandatory building standards to the commission for consideration. Subsection (b)(1) requires HCD to amend the standards as necessary.

## **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).

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

## **ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **NO**  
Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to CBSC pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non-duplication. This proposed rulemaking incorporates specific provisions into one location in the California Building Standards Code to meet these requirements. This action will result in a minimal cost to HCD which will be absorbed in the current budget.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**  
Health and Safety Code Section 17951 provides that local enforcement agencies may prescribe fees to defray the costs of enforcement of the State Housing Law including compliance with these regulations.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**  
Other nondiscretionary cost or savings imposed on local agencies: **NO**
- D. Cost or savings in federal funding to the state: **NO**

Estimate: \$0 HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

## **INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

HCD has made an initial determination that the adoption, amendment or repeal of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. In fact, the regulations are likely to promote the expansion of businesses currently involved in EV manufacturing, charging, sales, maintenance, use and technology development. The regulations being brought to HCD from the California Air Resources Board regarding Electric Vehicle charging, however, will increase the cost of housing statewide for those who wish to rent or purchase a dwelling unit within multifamily housing developments.

## **DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any

information, facts or documents either supporting HCD's initial determination or finding to the contrary.

### **FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

Reference: Government Code Section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

**N/A.** HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

### **COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

The regulations in this rulemaking package regarding Electric Vehicle charging will increase the cost to design and construct multifamily housing developments throughout the state. These additional costs will ultimately be passed on to individuals who wish to rent or purchase dwelling units in multifamily property developments.

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

Reference: Government Code Section 11346.5(a)(10).

The HCD has assessed whether or not and to what extent this proposal will affect the following:

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

These regulations will affect the creation, or cause the elimination, of jobs within the State of California.

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

These regulations will affect the creation or the elimination of businesses within the State of California.

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

These regulations will affect the expansion of businesses currently doing business within the State of California.

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

These regulations will update and improve green building standards, which will provide increased protection of public health and safety, worker safety and the environment.

## ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

HCD has made an initial determination that this proposal will have a significant effect on housing costs.

The cost for installing mandatory measures has an estimated cost increase of about 0.1 percent to 1.4 percent for multifamily buildings and 0.5 percent to 1.1 percent for hotels/motels. Initial construction costs in new buildings of \$104 - \$183 million may be incurred between the beginning of 2023 and the end of 2025 due to the adoption of this proposed mandatory measure, or \$35 million to \$61 million annually. Additional costs may be incurred for ADA compliance which can vary greatly from property to property. Installing the same levels of EV infrastructure as required by the proposed mandatory measure after construction would cost \$648 million to \$771 million over a three-year period if installed exclusively as standalone retrofits in existing buildings. An estimated statewide-avoided cost (benefit) of \$465 million to \$667 million may be achieved by adopting these revisions to the EV charging infrastructure provisions during new construction. Additional costs will be incurred for new requirements for existing buildings, depending on the nature and frequency of retrofit activities.

This measure will protect public health and safety, the environment, and the general welfare of California residents.

## CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

HCD has determined that no reasonable alternative considered by HCD, or that has otherwise been identified and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

## AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the [CBSC website](https://dgs.ca.gov/BSC): [dgs.ca.gov/BSC](https://dgs.ca.gov/BSC).

Reference: Government Code Section 11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the [CBSC website](https://dgs.ca.gov/BSC): [dgs.ca.gov/BSC](https://dgs.ca.gov/BSC).

Reference: Government Code Section 11346.5(a)(21).

HCD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

## **CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS**

Reference: Government Code Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-5888

## **PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Primary Contact:

Emily Withers, Codes and Standards Administrator II  
Department of Housing and Community Development  
State Housing Law Program  
Telephone: (916) 263-2998  
[Emily.withers@hcd.ca.gov](mailto:Emily.withers@hcd.ca.gov)

Back up Contact:

Tom Martin, District Representative II  
Department of Housing and Community Development  
State Housing Law Program  
Telephone: (916) 263-3272  
[Thomas.g.martin@hcd.ca.gov](mailto:Thomas.g.martin@hcd.ca.gov)