

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2022 CALIFORNIA EXISTING BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

(07/21)

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.

Specific Purpose

The California Building Standards Commission (CBSC) selected the 2021 International Existing Building Code (IEBC), published by the International Code Council (ICC), as the model code to be referenced in Title 24, Part 10, for the 2021 Triennial Code Adoption Cycle.

The specific purpose of these regulations is to adopt by reference the 2021 edition of the IEBC, with California Amendments, into the 2022 California Existing Building Code (CEBC), California Code of Regulations (CCR), Title 24, Part 10, for the following programs:

- a) **State Housing Law Program:** relative to residential occupancies, buildings or structures accessory thereto and as provided in Health and Safety Code (HSC) Section 17921.
- b) **Employee Housing Program:** relative to any building or structure or outdoors on premises or property in accordance with HSC Section 17040.
- c) **Mobilehome Parks or Special Occupancy Parks Programs:** relative to the use of building systems in or on any permanent buildings, accessory buildings, and structures under the ownership and control of the park operator within the park in accordance with HSC Section 18300 for mobilehome parks, and HSC Section 18865 for special occupancy parks.
- d) **Factory-Built Housing Program:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with HSC Section 19990.

The Public Problem, Administrative Requirement, or Other Circumstance Addressed

Administrative Requirement: HSC Sections 17922 and 19990 direct the California Department of Housing and Community Development (HCD) to adopt the most recent

edition of the model code, which, in this case, is the IEBC published by the ICC as selected by CBSC, into CCR, Title 24, Part 10.

Rationale for Necessity

The 2021 IEBC was published by the ICC and will automatically become adopted in its entirety, pursuant to HSC Section 17922(b), one year from its date of publication if not amended and proposed by HCD to CBSC for adoption.

If the 2021 IEBC becomes adopted in its entirety without being proposed for adoption with amendments by HCD to CBSC, such automatic adoption would cause considerable confusion because California amendments are necessary modifications to the model code language to ensure that the 2022 CEBC is consistent with state law and unique California conditions.

It is necessary to propose the adoption of some sections of the 2021 IEBC, with amendments to the model code language, to incorporate state and federal laws and regulations, and to benefit the health, safety, and general welfare of California residents.

It is necessary to not propose the adoption of some sections of the 2021 IEBC, as they would conflict with certain existing state and federal laws, and would not benefit the health, safety, and general welfare of California residents.

It is necessary to propose the removal of some California amendments previously proposed and adopted in the 2019 CEBC that are duplicated or replaced by similar new model code language, or incorporated state and federal laws, and are no longer necessary.

It is necessary to bring forward previously existing California amendments. Some existing amendments will be brought forward without any changes and will represent no change in regulatory effect from the 2019 CEBC. Other previously existing California amendments will be changed as explained below.

SPECIFIC PROPOSED REGULATORY ACTIONS

HCD proposes to adopt by reference the 2021 edition of the IEBC with amendments into the 2022 CEBC. These proposed amendments are intended to provide clarity, specificity and direction to the code user; and to implement and make specific existing state laws. Many of the proposed amendments are a result of recommendations developed during the public participation period prior to submittal to CBSC to be included in the 2021 Triennial Code Adoption Cycle. The rationale for each amendment is listed below.

Acronyms:

CBC	California Building Code
CEC	California Electrical Code
CEBC	California Existing Building Code
CMC	California Mechanical Code
CPC	California Plumbing Code
CRC	California Residential Code
CALGreen	California Green Building Standards Code
HCD	Department of Housing and Community Development
IBC	International Building Code
IEBC	International Existing Building Code

ITEM 1

CHAPTER 1, SCOPE AND ADMINISTRATION, DIVISION I, CALIFORNIA ADMINISTRATION

HCD proposes to bring forward Chapter 1, Division I, Sections 1.1 and 1.8, from the 2019 CEBC for adoption into the 2022 CEBC with modifications as follows:

SECTION 1.1 – GENERAL

1.1.1 Title.

Rationale: HCD proposes to continue adoption of the above referenced section with modification. The proposed modification updates the reference to the IEBC from the 2018 IEBC to the 2021 IEBC.

1.1.2 Purpose.

1.1.3 Scope.

1.1.3.1 Nonstate-regulated buildings, structures, and applications.

1.1.3.2 State-regulated buildings, structures, and applications.

1.1.4 Appendices.

1.1.5 Referenced codes.

1.1.6 Nonbuilding standards, orders and regulations.

1.1.7 Order of precedence and use.

1.1.7.1 Differences.

1.1.7.2 Specific provisions.

1.1.7.3 Conflicts.

1.1.7.3.1 Detached one-and two-family dwellings.

1.1.8 City, county, or city and county amendments, additions or deletions.

1.1.8.1 Findings and filings.

1.1.9 Effective date of this code.

1.1.10 Availability of codes.

1.1.11 Format.

1.1.12 Validity.

Rationale: HCD proposes to continue adoption of the above referenced sections without modifications, except for Section 1.1.8.1, Findings and filings, to update HCD's mailing address. Chapter 1, Division I, contains general requirements specific to the needs of California and each state agency. Section 1.1 is similar to Section 1.1 in Chapter 1, Division I, in the California Building Code (CBC), California Residential Code (CRC), California Mechanical Code (CMC), and California Plumbing Code (CPC). The existing amendments have been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

SECTION 1.8 – DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

1.8.1 Purpose.

Rationale: HCD proposes to continue adoption of the above referenced section without modification to existing California amendment.

SECTION 1.8.2 – AUTHORITY AND ABBREVIATIONS

1.8.2.1 General.

Rationale: HCD proposes to continue adoption of the above referenced section without modification. Chapter 1, Division I, contains general requirements specific to California, and authorizes different state agencies to promulgate building standards and regulations. Section 1.8 *et seq.*, provides specific requirements and the authority vested to HCD by statute, promotes uniform enforcement throughout the state, and ensures local enforcement agencies are provided with accurate statutory information regarding the enforcement of building standards in California. Section 1.8 is similar to Section 1.8 in Chapter 1, Division I, in the CBC, CRC, CMC, and CPC. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

1.8.2.1.1 Housing construction.

1.8.2.1.2 Housing accessibility.

1.8.2.1.3 Permanent buildings in mobilehome parks and special occupancy parks.

Rationale: HCD proposes to continue adoption of the above referenced sections with new modifications. The proposed modifications provide clarity and consistency with all parts of Title 24 and update authority and references used for HCD 1, HCD 2, and HCD 1-AC. There is no intended change in regulatory effect. This change is in compliance with Nine-Point Criteria #2 to identify statutory authority for HCD to adopt regulations. These sections have been brought forward from the 2019 CEBC for adoption into the 2022 CEBC with modification.

SECTION 1.8.3 – LOCAL ENFORCING AGENCY

1.8.3.1 Duties and powers.

1.8.3.2 Laws, rules and regulations.

1.8.3.2.1 State Housing Law.

1.8.3.2.2 Mobilehome Parks Act.

1.8.3.2.3 Special Occupancy Parks Act.

1.8.3.2.4 Employee Housing Act.

1.8.3.2.5 Factory-Built Housing Law.

Rationale: HCD proposes to continue adoption of the above referenced sections without modification. Chapter 1, Division I, contains general requirements specific to California, and authorizes different state agencies to promulgate building standards and regulations. Section 1.8 *et seq.*, provides specific requirements and the authority vested to HCD by statute, promotes uniform enforcement throughout the state, and ensures local enforcement agencies are provided with accurate statutory information regarding the enforcement of building standards in California. These sections have been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

SECTION 1.8.4 – PERMITS, FEES, APPLICATIONS AND INSPECTIONS

1.8.4.1 Permits.

1.8.4.2 Fees.

1.8.4.3 Plan review and time limitations.

1.8.4.3.1 Retention of plans.

Rationale: HCD proposes to continue adoption of the above referenced sections without modification. Chapter 1, Division I, contains general requirements specific to California, and authorizes different state agencies to promulgate building standards and regulations. Section 1.8 *et seq.*, provides specific requirements and the authority vested to HCD by

statute, promotes uniform enforcement throughout the state, and ensures local enforcement agencies are provided with accurate statutory information regarding the enforcement of building standards in California. These sections have been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

1.8.4.4 Inspections.

Rationale: HCD proposes to continue adoption of the above referenced section with modification. Chapter 1, Division I, contains general requirements specific to California, and authorizes different state agencies to promulgate building standards and regulations. Section 1.8 *et seq.*, provides specific requirements and the authority vested to HCD by statute, promotes uniform enforcement throughout the state, and ensures local enforcement agencies are provided with accurate statutory information regarding the enforcement of building standards in California. This section has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC with modification to identify Section 109.3.11 as a required inspection.

SECTION 1.8.5 – RIGHT OF ENTRY FOR ENFORCEMENT

1.8.5.1 General.

Rationale: HCD proposes to continue adoption of the above referenced section without modifications. Chapter 1, Division I, contains general requirements specific to California, and authorizes different state agencies to promulgate building standards and regulations. Section 1.8 *et seq.*, provides specific requirements and the authority vested to HCD by statute, promotes uniform enforcement throughout the state, and ensures local enforcement agencies are provided with accurate statutory information regarding the enforcement of building standards in California. This section has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

SECTION 1.8.6 – LOCAL MODIFICATION BY ORDINANCE OR REGULATION

1.8.6.1 General.

1.8.6.2 Findings, filings and rejections of local modifications.

Rationale: HCD proposes to continue adoption of the above referenced sections without modifications. Chapter 1, Division I, contains general requirements specific to California, and authorizes different state agencies to promulgate building standards and regulations. Section 1.8 *et seq.*, provides specific requirements and the authority vested to HCD by statute, promotes uniform enforcement throughout the state, and ensures local enforcement agencies are provided with accurate statutory information regarding the enforcement of building standards in California. These sections have been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

SECTION 1.8.7 – ALTERNATE MATERIALS, DESIGNS, TESTS AND METHODS OF CONSTRUCTION

1.8.7.1 General.

1.8.7.2 Local building departments.

1.8.7.2.1 Approval of alternates.

1.8.7.3 Department of Housing and Community Development.

Rationale: HCD proposes to continue adoption of the above referenced sections without modifications. Chapter 1, Division I, contains general requirements specific to California, and authorizes different state agencies to promulgate building standards and regulations.

Section 1.8 *et seq.*, provides specific requirements and the authority vested to HCD by statute, promotes uniform enforcement throughout the state, and ensures local enforcement agencies are provided with accurate statutory information regarding the enforcement of building standards in California. These sections have been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

SECTION 1.8.8 – APPEALS BOARD

- 1.8.8.1 General.**
- 1.8.8.2 Definitions.**
- 1.8.8.3 Appeals.**

Rationale: HCD proposes to continue adoption of the above referenced sections without modification. Chapter 1, Division I, contains general requirements specific to California, and authorizes different state agencies to promulgate building standards and regulations. Section 1.8 *et seq.*, provides specific requirements and the authority vested to HCD by statute, promotes uniform enforcement throughout the state, and ensures local enforcement agencies are provided with accurate statutory information regarding the enforcement of building standards in California. These sections have been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

SECTION 1.8.9 - UNSAFE BUILDINGS OR STRUCTURES

- 1.8.9.1 Authority to enforce.**
- 1.8.9.2 Actions and proceedings.**

Rationale: HCD proposes to continue adoption of the above referenced sections without modification. Chapter 1, Division I, contains general requirements specific to California, and authorizes different state agencies to promulgate building standards and regulations. Section 1.8 *et seq.*, provides specific requirements and the authority vested to HCD by statute, promotes uniform enforcement throughout the state, and ensures local enforcement agencies are provided with accurate statutory information regarding the enforcement of building standards in California. These sections have been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

SECTION 1.8.10 - OTHER BUILDING REGULATIONS

- 1.8.10.1 Existing structures.**
- 1.8.10.2 Moved structures.**

Rationale: HCD proposes to continue adoption of the above referenced sections without modification. Chapter 1, Division I, contains general requirements specific to California, and authorizes different state agencies to promulgate building standards and regulations. Section 1.8 *et seq.*, provides specific requirements and the authority vested to HCD by statute, promotes uniform enforcement throughout the state, and ensures local enforcement agencies are provided with accurate statutory information regarding the enforcement of building standards in California. These sections have been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 2

CHAPTER 1, DIVISION II, SCOPE AND ADMINISTRATION

HCD proposes to adopt Chapter 1, Division II, Sections 101.2, 101.8, 105.2 (Building 1 – 6 only), 106.1, 106.2.1, 106.2.3, 106.2.4, 106.2.5, 106.2.6, 109.3, 109.3.1, 109.3.2, 109.3.3, 109.3.4, 109.3.4.1, 109.3.5, 109.3.6, 109.3.7, 109.3.8, 109.3.9, 109.3.10, and 109.3.11 ONLY, with new and existing amendments as follows:

SECTION - 101 SCOPE AND GENERAL REQUIREMENTS

Section: 101.8 Maintenance.

Rationale: HCD proposes to continue adoption of the above referenced existing California amendment without modification, which was adopted during the 2017 emergency rulemaking process for the exterior elevated elements. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

SECTION - 109 INSPECTIONS

Section: 109.3.4.1 Moisture content verification.

Rationale: HCD proposes to continue adoption of the above referenced existing California amendment without modification. The existing amendment provides the code user with the correct references to the California Green Building Standards Code (CALGreen). The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

Section: 109.3.6 Weather-exposed balcony and walking surface waterproofing

Rationale: HCD proposes to continue adoption of the above referenced section with California amendment. Similar language was adopted in the 2016 CBC and 2016 CEBC during the 2017 Emergency Rulemaking and is currently part of the 2018 IBC and the 2018 IEBC. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

The Building, Fire and Other Code Advisory Committee (CAC) recommended short term further study for all proposals related to exterior elevated walking surfaces (exterior elevated elements). Their suggestions included looking at the inclusion of “vapor” and “moisture.” The three coordinating agencies (HCD, CBSC and DSA) concluded that the use of “water” is fundamental to all other further-compartmenting terms. “Water,” whether in a solid or gaseous state, will be at some point a liquid, which is the culprit in penetration of assemblies, and the target of these provisions. Additionally, since this is model language, the thinking is that use of only the term “water” has been thoroughly vetted. The conclusion of the agencies was to adopt the model code language without amendment.

Section: 109.3.6.1 Weather exposed balcony and walking surface (exterior elevated element) inspections for multifamily buildings with three or more dwellings units.

Rationale: HCD proposes to continue adoption of the above referenced existing California amendment. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

Section: 109.3.8 (Formerly 109.3.7) Other inspections.

Rationale: HCD proposes to continue adoption of the above referenced section with existing California amendment without modification. The existing amendment is a note,

clarifying that all noncompliant plumbing fixtures are required to be replaced with water conserving plumbing fixtures regardless of whether permitted work improvements are being done or not. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

Chapter 587, Statutes of 2009 (Senate Bill 407), codified in the California Civil Code (Section 1101.1, *et seq.*), requires replacement of noncompliant plumbing fixtures in all existing single-family residential real property by January 1, 2017, and in all existing multifamily residential real property (including residential hotels) and commercial real property (including hotels and motels) by January 1, 2019. The law also mandates replacement of noncompliant plumbing fixtures in single-family residential buildings (on and after January 1, 2014) for alterations, improvements or additions. The existing note provides a reference to the Civil Code, but addresses only residential buildings undergoing permitted alterations, additions or improvements.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 3

CHAPTER 2, DEFINITIONS

HCD proposes to adopt Chapter 2 from the 2021 IEBC into the 2022 CEBC, with new and existing amendments as follows:

SECTION - 202 GENERAL DEFINITIONS

ACCESSORY DWELLING UNIT. [HCD 1 & HCD 2]

APPROVED.

BUILDING.

BUILDING OFFICIAL.

CODE OFFICIAL.

EXTERIOR ELEVATED ELEMENT.

SUBSTANDARD BUILDING.

UNSAFE.

Rationale HCD proposes to continue adoption of the above referenced definitions with existing California amendments from the 2019 CEBC into the 2022 CEBC without modification. There is no intended change in regulatory effect.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 4

CHAPTER 3, PROVISIONS FOR ALL COMPLIANCE METHODS

HCD proposes to adopt Chapter 3, Sections 301 and 302 only, from the 2021 IEBC into the 2022 CEBC, with new amendments as follows:

SECTION 301 – ADMINISTRATION

Section: 301.1 Applicability.

Rationale: HCD proposes to continue adoption of the above referenced section with an existing California amendment without modification. The amendment provides a reference to the CCR, Title 25, Division 1, Chapter 1, Subchapter 1. This section has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

Title 25 contains provisions for maintenance, alteration, repair, addition, or change of occupancy to existing buildings and accessory structures under the authority of HCD. The amendment is intended to modify the scope, clarifying that in addition to the requirements the CEBC, existing buildings (and accessory structures) with Group R occupancies shall comply with the applicable sections of Title 25.

Exception 1 provides a reference to Title 25, which includes provisions for the use and maintenance of permanent structures in mobilehome parks and special occupancy parks. Exception 2 exempts limited-density owner-built rural dwellings and provides a reference to Chapter 2 of the CRC for the defined term. There is no intended change in regulatory effect.

Section: 301.3 Alteration, addition or change of occupancy.

Rationale: HCD proposes to continue adoption of the above referenced section with new and existing California amendments. The new amendment points the code user to the CBC, Chapter 11A. The existing amendment is a “Note” which specifies sections 301.3.2 and 301.3.3 are permitted only if adopted by the local jurisdiction. This section has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC. There is no intended change in regulatory effect.

Section: 301.3.2 Work area compliance method.

Rationale: HCD proposes to continue adoption of the above referenced section with an existing California amendment. The amendment adds a note to clarify that Chapters 6-12 are not adopted by HCD, but may be available for adoption by local ordinance. This section has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC. There is no intended change in regulatory effect.

Section: 301.3.3 Performance compliance method.

Rationale: HCD proposes to adopt the above referenced section with an existing California amendment. The amendment adds a note to clarify that Chapter 13 is not adopted by HCD but may be adopted on the local level by a local ordinance pursuant to Section 1.1.11. This section has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC. There is no intended change in regulatory effect.

Section: 301.4 Relocated or moved buildings.

Rationale: HCD proposes to continue adoption of the above referenced section with an existing California amendment. The amendment adds the term “moved” for consistency with Chapter 14 and to provide clarity to the code user. The existing amendment has been

brought forward from the 2019 CEBC for adoption into the 2022 CEBC. There is no intended change in regulatory effect.

SECTION 302 - GENERAL PROVISIONS

Section: 302.2 (Formerly 302.3) Additional codes.

Rationale: HCD proposes to continue adoption of the above referenced section with an existing California amendment. The amendment refers to the applicable building codes in California. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC. There is no intended change in regulatory effect.

Section: 302.2.1 Additional codes in health care. 302.4.1 (Formerly 302.5.1) New structural members and connections. 302.5 (Formerly 302.6) Occupancy and use.

Rationale: HCD proposes to continue to not adopt the above referenced sections.

Section: 302.4 (formerly 302.5) New and replacement materials.

Rationale: HCD proposes to continue adoption of the above referenced section with an existing California amendment. The existing amendment clarifies that local ordinances or regulations shall permit the replacement, retention and extension of original materials, and the use of original methods of construction, if the building is not a substandard building. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC. There is no intended change in regulatory effect.

SECTION 303 – STORM SHELTERS

SECTION 304 – STRUCTURAL DESIGN LOADS AND EVALUATION AND DESIGN PROCEDURES

SECTION 305 - IN-SITU LOAD TESTS

SECTION 306 - ACCESSIBILITY FOR EXISTING BUILDINGS

Rationale: HCD proposes to continue to not adopt the above referenced sections.

Section: 306.1 (formerly 305.1) Scope.

Rationale: HCD proposes NOT to adopt the above referenced section. However, HCD proposes to carry forward the existing California amendment which is a note that clarifies the accessibility provisions for covered multifamily dwellings are located in Chapter 11A of the CBC. This is an existing California amendment. The model code renumbered this section. There is no intended change in regulatory effect.

SECTION 307 - SMOKE ALARMS [Not adopted by HCD]

Rationale: HCD proposes to continue to not adopt the above referenced sections.

SECTION 308 – CARBON MONOXIDE DETECTION [Not adopted by HCD]

Section: 308.1 Carbon monoxide detection.

Rationale: HCD proposes to not adopt the above referenced section. However, HCD proposes to add language that clarifies carbon monoxide detection shall be provided in all existing Group R buildings, as required by the CBC or the CRC.

SECTION 309 – ADDITIONS AND REPLACEMENTS OF EXTERIOR WALL COVERINGS AND EXTERIOR WALL ENVELOPES [Not adopted by HCD]

Rationale: HCD proposes to continue to not adopt the above referenced section.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 5

CHAPTER 3, PROVISIONS FOR ALL COMPLIANCE METHODS

HCD proposes to repeal the following California amendment from Chapter 3 of the 2019 California Existing Building Code as follows:

Section: 301.5 Compliance with accessibility.

Rationale: HCD proposes to repeal the California amendment to the above referenced section. The model code language has been removed and therefore the amendment is no longer necessary.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 6

CHAPTER 4, REPAIRS

HCD proposes to adopt Chapter 4, except Sections 405.2.1 through 405.2.5, 406, and 407, from the 2021 IEBC into the 2022 CEBC, with new and existing amendments as follows:

SECTION - 401 GENERAL

Section: 401.1 Scope.

Rationale: HCD proposes to continue adoption of the above referenced section with an existing California amendment without modification. The amendment removes the sentence regarding historical buildings. HCD proposes bringing forward the original proposed amendment for the 2019 CEBC for adoption into the 2022 CEBC, however, other state agencies may reinstate the model code text. There is no intended change in regulatory effect.

SECTION 402 - BUILDING ELEMENTS AND MATERIALS

Section: 402.2 Existing materials.

Rationale: HCD proposes to continue adoption of the above referenced California amendment section with modification. The existing amendment states that existing materials need to comply with a section of Chapter 3. The new amendment updates the specific section number. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

Section: 402.3 New and replacement materials.

Rationale: HCD proposes to continue adoption of the above referenced California amendment section with modification. The existing amendment states that new and replacement materials need to comply with a section of Chapter 3. The new amendment updates the specific section number. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

SECTION 407 - MECHANICAL

Section: 407.1 General

Rationale: HCD proposes to continue adoption of the above referenced section with an existing California amendment without modification. The amendment refers to the CMC for existing mechanical systems undergoing repair. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC. There is no intended change in regulatory effect.

Section: 407.2 Mechanical draft systems for manually fired appliances and fireplaces.

Rationale: HCD proposes NOT to adopt the above referenced section. The applicable code for existing mechanical systems undergoing repair, including mechanical draft systems for manually fired appliances and fireplaces, is the CMC.

SECTION 408 - PLUMBING

Section: 408.1 Materials.

Rationale: HCD proposes to continue adoption of the above referenced section with an existing California amendment without modification. The amendment refers to the CPC and Division 4.3 of CALGreen for existing plumbing systems undergoing repair. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC. There is no intended change in regulatory effect.

Section: 408.2 Water closet replacement.

Rationale: HCD proposes to continue adoption of the above referenced section with an existing California amendment without modification. The amendment corrects the maximum flow rates for water closets, which is 1.28 gallons per flush. The amendment provides clarity and consistency with CALGreen and the CPC.

HCD proposes NOT to adopt the exception, which conflicts with the existing laws and regulations related to flow rates for water closets.

Section: 408.3 Health care facilities.

Rationale: HCD proposes to continue to not adopt the above referenced section. HCD does not have authority over health care facilities.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 7

CHAPTER 5, PRESCRIPTIVE COMPLIANCE METHOD

HCD proposes to adopt Chapter 5, except sections 501.3, 502.6, 503.14, 503.15, 503.16, 503.17, 504, 506.6, and 507 from the 2021 IEBC into the 2022 CEBC with new and existing amendments as follows. HCD also proposes to repeal section 502.7 from the 2019 CEBC.:

SECTION - 501 GENERAL

Section: 501.1 Scope.

Rationale: HCD proposes to continue adoption of the above referenced section with a California amendment with modification. Exceptions have been renumbered. The second paragraph provides a reference to the CCR, Title 25, Division 1, Chapter 1, Subchapter 1. The existing amendments have been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

Title 25 contains provisions for maintenance, alteration, repair, addition, or change of occupancy to existing buildings and accessory structures under the authority of HCD. The amendment is intended to modify the scope, clarifying that in addition to the requirements the CEBC, existing buildings (and accessory structures) with Group R occupancies shall comply with the applicable sections of CCR, Title 25.

HCD also proposes to continue adoption of two California exceptions, exempting specific type of buildings/structures under HCD authority. Exception 2 provides a reference to Title 25, which includes provisions for the use and maintenance of permanent structures in mobilehome parks and special occupancy parks. HCD proposes to add the term “relocated” for consistency with Chapter 14 and other sections in the code, and to provide clarity to the code user. Exception 3 exempts limited-density owner-built rural dwellings. These two exceptions have been renumbered since the model code removed the model code exception.

Section: 501.3 Health care facilities.

Rationale: HCD proposes to continue to not adopt the above referenced section. HCD does not have authority over health care facilities.

Section: 501.5 Carbon monoxide alarms.

Rationale: HCD proposes to continue adoption of the above referenced California amendment as relocated. The amendment was formerly an amendment to model code Section 503.15 which was removed from the model code. HCD is proposing to move this amendment to the general section of Chapter 5 since carbon monoxide alarms are required in all existing residential buildings in accordance with HSC Section 17926.

SECTION – 502 ADDITIONS

Section: 502.1 General.

Rationale: HCD proposes to continue adoption of the above referenced section with California amendment without modification. The existing amendment repeals the general term “International” and refers to the CBC and CRC as the appropriate codes to provide consistency and clarity to the code user. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC. There is no intended change in regulatory effect.

Section: 502.6 Enhanced classroom acoustics.

Rationale: HCD proposes to not adopt the above referenced section. HCD does not have authority over classrooms.

Section: 502.7 Carbon monoxide alarms in existing portions of a building. (2019 CEBC)

Rationale: HCD proposes to repeal the California amendment to the above referenced section. The model code language has been removed and therefore the amendment is no longer necessary.

SECTION – 503 ALTERATIONS

Section: 503.1 General.

Rationale: HCD proposes to continue adoption of the above referenced section with California amendment without modification. The amendment repeals the term “International” and refers to the CBC and CRC as the appropriate code to provide consistency and clarity to the code user. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

Section: 503.14 Smoke compartments.

Rationale: HCD proposes to continue to not adopt the above referenced section. HCD does not have authority over Group I-2 occupancies.

Section: 503.16 Enhanced classroom acoustics.

Rationale: HCD proposes to continue to not adopt the above referenced section. HCD does not have authority over classrooms.

Section: 503.17 Locking arrangements in educational occupancies.

Rationale: HCD proposes to continue to not adopt the above referenced section. HCD does not have authority over educational occupancies.

SECTION – 504 FIRE ESCAPES

Rationale: HCD proposes to continue to not adopt the above referenced section. HCD has no authority over fire escapes; this section is adopted by the State Fire Marshal (SFM) for residential occupancies.

SECTION – 505 WINDOWS AND EMERGENCY ESCAPE OPENINGS

Section: 505.2 Window opening control devices on replacement windows.

Rationale: HCD proposes to continue adoption of the above referenced section with California amendment without modification. The model code provides safety measures for windows where specific conditions are met; however, these requirements apply to windows in Group R-2 and R-3 buildings only, and do not include Group R-1 occupancies (hotels and motels). The existing amendment adds Group R-1 and sleeping units to the text, mandating the same safety requirements for hotels and motels. A similar amendment was adopted in the CBC for new construction during the 2015 Triennial Code Adoption Cycle as a result of stakeholders’ comments, requesting HCD to develop safety measures for dangerous window openings in transient lodging facilities.

SECTION – 506 CHANGE OF OCCUPANCY

Section: 506.6 Enhance classroom acoustics.

Rationale: HCD proposes to continue to not adopt the above referenced section. HCD does not have authority over classrooms.

SECTION – 507 HISTORIC BUILDINGS

Rationale: HCD proposes to continue NOT to adopt the above referenced section.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 8

CHAPTER 6, CLASSIFICATION OF WORK

CHAPTER 7, ALTERATIONS—LEVEL 1

CHAPTER 8, ALTERATIONS—LEVEL 2

CHAPTER 9, ALTERATIONS—LEVEL 3

CHAPTER 10, CHANGE OF OCCUPANCY

CHAPTER 11, ADDITIONS

CHAPTER 12, HISTORIC BUILDINGS

CHAPTER 13, PERFORMANCE COMPLIANCE METHODS

Rationale: HCD proposes to continue to not adopt the above referenced chapters from the 2021 IEBC.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 9

CHAPTER 14, RELOCATED OR MOVED BUILDINGS

HCD proposes to adopt Chapter 14 from the 2021 IEBC into the 2022 CEBC with existing amendments as follows:

SECTION – 1401 GENERAL

Section: 1401.1 Scope

Rationale: HCD proposes to continue adoption of the above referenced section with California amendment without modification. The amendment clarifies that the provisions of Chapter 14 are not applicable to commercial modulars, manufactured homes, mobilehomes, multi-unit manufactured housing, and special purpose commercial modulars. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

In California, HCD has specific authority to implement and enforce installation/reinstallation of manufactured homes, mobilehomes, and commercial modular structures, as defined in the specified Health and Safety Code sections. Requirements for identification of manufactured homes are located in the specified Federal regulations; and requirements for identification of commercial modulars and special purpose commercial modulars are specified in CCR, Title 25, Sections 4032 and 4034(c).

Section: 1401.2 Conformance

Rationale: HCD proposes to continue adoption of the above referenced section with California amendment without modification. The amendment clarifies that in addition to the model code requirements, residential occupancies under HCD authority shall comply with the building code provisions in effect at the time of original construction and shall not be substandard buildings. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

**ITEM 10
CHAPTER 15, CONSTRUCTION SAFEGUARDS**

HCD proposes to adopt Chapter 15, Sections 1501, 1502, 1503, 1505, and 1508 only, from the 2021 IEBC into the 2022 CEBC with existing amendments as follows:

HCD Note: Sections 1501, 1502, and 1503 were adopted by HCD in the 2016 CEBC. Sections 1505 (Means of Egress) and 1508 (Accessibility) were not adopted in the 2016 CEBC. However, after further review, HCD considered that these sections would be beneficial, if adopted, and would not conflict with the State Housing Law. HCD proposes to continue not adopting Sections 1504, 1506, 1507, and 1509 since HCD has no regulatory authority to develop standards for fire extinguishers, standpipes, automatic sprinkler systems, and water supply for fire protection.

SECTION - 1501 GENERAL

Section: 1501.6.1 Walkways.

Rationale: HCD proposes to continue adoption of the above referenced section with California amendment without modification. The existing amendment provides a correct reference to the accessibility provisions in Chapter 11A of the CBC. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 11
CHAPTER 16, REFERENCED STANDARDS

Rationale: HCD proposes to adopt Chapter 16 without amendments.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 12
APPENDIX A, GUIDELINES FOR THE SEISMIC RETROFIT OF EXISTING BUILDINGS

APPENDIX A1, SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

HCD proposes to adopt Appendix A, Chapter A1, with existing amendments as follows:

SECTION - A100 APPLICATION

Section: A100.1 Vesting Authority.

Rationale: HCD proposes to continue adoption of the above referenced existing California amendments without new modifications. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

SECTION - A103 DEFINITIONS

Section: A103.1 Definitions.

Rationale: HCD proposes to adopt the above referenced section with an existing California amendment. The amendment provides a correct reference to the CBC which is adopted for use in California. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

BUILDING CODE.

Rationale: HCD proposes to continue adoption of the above referenced California definition. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

SECTION - A105 GENERAL REQUIREMENTS

Section: A105.4 Structural observation, testing and inspection.

Rationale: HCD proposes to continue adoption of the above referenced section with an existing California amendment. The amendment is a general reference to Section 1704 of the California Building code. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 13

APPENDIX A, GUIDELINES FOR THE SEISMIC RETROFIT OF EXISTING BUILDINGS

CHAPTER A2, EARTHQUAKE HAZARD REDUCTION IN EXISTING REINFORCED CONCRETE AND REINFORCED MASONRY WALL BUILDINGS WITH FLEXIBLE DIAPHRAGMS

HCD proposes to continue to not adopt Appendix A, Chapter A2, from the 2021 IEBC.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 14

APPENDIX A, GUIDELINES FOR THE SEISMIC RETROFIT OF EXISTING BUILDINGS

CHAPTER A3, PRESCRIPTIVE PROVISIONS FOR SEISMIC STRENGTHENING OF CRIPPLE WALLS AND SILL PLATE ANCHORAGE OF LIGHT, WOOD-FRAME RESIDENTIAL BUILDINGS

HCD proposes to adopt Appendix A, Chapter A3, with existing amendments as follows:

SECTION - A302 DEFINITIONS

Section: A302.1 Definitions.

Rationale: HCD proposes to adopt the above referenced section with an existing California amendment. The amendment replaces the reference to the building code with a correct reference to the CBC. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

CODE OFFICIAL.

ENFORCING AGENCY.

Rationale: HCD proposes to continue adoption of the above referenced California definitions without modifications. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

SECTION - A304 STRENGTHENING REQUIREMENTS

Section: A304. 5 Inspections.

Rationale: HCD proposes to adopt the above referenced section with an existing California amendment. The amendment renames the section to "Inspections." The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

Section: A304.6 Phasing of the strengthening work.

Rationale: HCD proposes to continue adoption of the above referenced California amendment without modification. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC.

FIGURE A304.1.3 TYPICAL FLOOR TO CRIPPLE WALL CONNECTION (FLOOR

JOISTS NOT PARALLEL TO FOUNDATIONS)

Rationale: HCD proposes to adopt the above referenced figure with an existing California amendment. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC. There is no intended change in regulatory effect.

FIGURE A304.3.1(1) SILL PLATE ANCHORING TO EXISTING FOUNDATION

Rationale: HCD proposes to adopt the above referenced figure with an existing California amendment, which modifies the title. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC. There is no intended change in regulatory effect.

FIGURE A304.4.1(3) PARTIAL CRIPPLE STUD WALL ELEVATION

Rationale: HCD proposes to adopt the above referenced figure with an existing California amendment. The existing amendment has been brought forward from the 2019 CEBC for adoption into the 2022 CEBC. There is no intended change in regulatory effect.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 15

APPENDIX A, GUIDELINES FOR THE SEISMIC RETROFIT OF EXISTING BUILDINGS CHAPTER A4, EARTHQUAKE RISK REDUCTION IN WOOD-FRAME RESIDENTIAL BUILDINGS WITH SOFT, WEAK OR OPEN FRONT WALLS

HCD proposes to continue to not adopt Appendix A, Chapter A4, from the 2021 IEBC.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 16

APPENDIX A, GUIDELINES FOR THE SEISMIC RETROFIT OF EXISTING BUILDINGS CHAPTER A5, REFERENCED STANDARDS

HCD proposes to adopt Appendix A, Chapter A5, from the 2021 IEBC into the 2022 CEBC without amendments.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 17

APPENDIX B, SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS FOR EXISTING BUILDINGS AND FACILITIES

HCD proposes to continue to not adopt Appendix B from the 2021 IEBC.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 18

APPENDIX C, GUIDELINES FOR THE WIND RETROFIT OF EXISTING BUILDINGS

HCD proposes to continue to not adopt Appendix C from the 2021 IEBC.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 19

APPENDIX D, BOARD OF APPEALS

HCD proposes to continue to not adopt Appendix D from the 2021 IEBC.

CAC Recommendation (if applicable):

TBD

Agency Response:

TBD

ITEM 20

RESOURCE A, GUIDELINES ON FIRE RATINGS OF ARCHAIC MATERIALS AND ASSEMBLIES

HCD proposes to continue to not adopt Resource A from the 2021 IEBC.

CAC Recommendation (if applicable):

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).

- 2021 IEBC

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.

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.

HSC Section 17922 requires HCD to adopt by reference model building codes, e.g., IEBC, which contains prescriptive standards. Prescriptive standards 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.

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.

None. There were no alternatives available to HCD. HCD is required by statute to adopt this model code by reference. The proposed amendments are the only reasonable alternative for clarifying the 2022 CEBC.

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.

HCD is required by statute to adopt this model code by reference, however, HCD also has authority to propose additions and deletions to the model code per HSC Section 17922. HCD convened a pre-rulemaking stakeholder meeting on March 29, 2021, to solicit comment on new requirements in the 2021 IEBC. No comments were received related to adverse impacts on small businesses.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE 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 this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. HCD convened a stakeholder meeting March 29, 2021, to provide an opportunity for stakeholders to comment on major issues of concern related to the adoption of the 2021 IEBC.

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

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

The Department of Housing and Community Development 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 not 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 not affect the creation or the elimination of existing business within the State of California.

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

These regulations will not 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.

The adoption of the 2021 IEBC through incorporation by reference with California amendments will provide stakeholders with a code establishing minimum requirements for existing buildings using prescriptive and some performance-related provisions. It is founded on broad-based principles intended to encourage the use and reuse of existing buildings while requiring reasonable upgrades and improvements. These regulations will update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety, and the environment.

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.

- No increased cost of compliance for those regulations that make only technical and nonsubstantive changes.
- Government Code Section 11346.2(b)(5)(B)(ii) provides that the model codes

adopted pursuant to HSC Section 18928 shall be exempt from the requirements of Government Code Section 11346.2(b)(5)(B) unless upon request, as specified. The purpose of this rulemaking is to adopt the 2021 IEBC which is a model code setting forth requirements for building systems in structures.

- The potential benefits provide recognition and appropriate use of new technologies and materials, clarity for the code users and local enforcement agencies, and may increase business due to the adoption of new building standards.
- As noted in Section D (Benefits of the Regulation), benefits include protection of public health and safety, worker safety, and the environment.

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.

The regulations do not duplicate nor conflict with federal regulations. The State of California has preemptive authority to adopt more restrictive mandatory standards for the construction methods and materials addressed in these regulations.