

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2022 CALIFORNIA RESIDENTIAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5**

(HCD 06/21)

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

UPDATES TO THE INITIAL STATEMENT OF REASONS:

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

Item 6

Chapter 3 Building Planning, Section R303.1 Habitable rooms.

Subsequent to the 45-Day comment period, after further review section R303.1 previously proposed for adoption without changes to existing amendments only was further amended to correct reference from section M1505 to the California Mechanical Code in the new model code Exception 2. Existing amendments which were exceptions 4 and 5 were renumbered to 5 and 6 to align with the new model code language. These changes were non-substantive and no intended change in regulatory effect from the original proposal.

Item 4 Chapter 2, Section R202, Climate Zones and Live/Work Unit.

Item 9 Chapter 4, Section R408.3 Unvented crawl space.

Item 12 Chapter 7 Wall Covering, Sections R702.7 Vapor retarders, R702.7.1 Spray foam plastic insulation for moisture control with Class II and III vapor retarders, Table 702.7(3) Class III vapor retarders

These items were not displayed correctly as proposed repealed items. The items were reformatted and then made available for public comment during a subsequent 15-day public comment period from December 7, 2021, through December 21, 2021. There is no change from HCD's original intentions or intended regulatory effect for these sections. The model code Table 702.7(3) is intended to be adopted and printed in the 2022 CRC.

Item 13 Chapter 8 Roof-Ceiling Construction Section R806 Note

Item 41 Appendix AS Strawbale Construction Note

HCD proposes to withdraw these items from this rulemaking as they are related to cross-reference tables for climate zones adopted by the California Energy Commission.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

The California Department of Housing and Community Development (HCD) has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

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

The text with proposed changes was made available to the public for a 45-day comment period from September 3, 2021, through October 18, 2021. No comments were received during this 45-day comment period.

There was a subsequent 15-day public comment period from December 7, 2021, through December 21, 2021 to address changes in Items 4 (R202), 9 (R408.3), and 12 (R702.7, R702.7.1, and Table 702.7.1). Two comments were received during this 15-day comment period.

COMMENTS RECEIVED DURING THE 15-DAY PUBLIC COMMENT PERIOD

Item 12

Chapter 7 Wall Covering, Section R702.7 Vapor retarders.

HCD is proposing to repeal an existing California amendment from this section and adopt model code language as-is.

Commenter and Recommendation:

Scott Martin, 4Leaf, Inc
Pleasanton, CA

Commenter recommends that HCD strikeout additional language.

Agency Response:

HCD appreciates the commenter's point of view and the commenter's suggestions. The double strikeout and double underscore for the 15-day Express Terms can be confusing. HCD is proposing to repeal the existing California amendment and adopt model code

text without any modifications. The California Energy Commission will be proposing amendments to this section that they believe are necessary.

No changes to the Final Express Terms (FET) were made as a result of this comment.

Item 12

Chapter 7 Wall Covering, Section R702.7.1 Spray foam plastic insulation for moisture control with Class II and III vapor retarders.

HCD is proposing to repeal existing California amendments from this section and adopt model code language as-is.

Commenter and Recommendation:

Scott Martin, 4Leaf, Inc
Pleasanton, CA

Commenter recommends that if HCD is removing the amendment from section R702.7.1 then the entire section should be removed, unless some model code language is restored to ensure the sentence has some meaning.

Agency Response:

HCD appreciates the commenter's point of view and the commenter's suggestions. The double strikeout and double underscore for the 15-day Express Terms can be confusing. HCD is proposing to repeal the existing California amendments and adopt model code text without any modifications. The California Energy Commission will be proposing amendments to this section that they believe are necessary.

No changes to the FET were made as a result of this comment.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

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

HSC 18928.1 requires building standards adopted or approved by the CBSC to incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions. In addition, HSC Section 18928 directs each state agency adopting or proposing adoption of a model code, national standard, or specification to reference the most recent edition of applicable model codes, national standards or specifications. The 2022 CRC implements this requirement by proposing to adopt by reference the selected contents of the 2021 International Residential Code (i.e., model code). No other alternatives have been considered since there is a recent model code available for adoption, including any necessary existing and new California amendments. In addition, adoption of the most recent building standards on a statewide

basis, as required by statute, results in uniformity and promotes affordable construction costs.

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

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

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