

**FINAL 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
(HCD 07/21)**

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.

There are no updates.

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 public comment period from September 3, 2021, until October 18, 2021. There was no subsequent public comment period. One comment was received during the public comment period.

Item 7

Chapter 5 Prescriptive Compliance Method, Section 506.1

HCD is proposing to adopt Section 506.1 from the model code without amendment. This section requires existing buildings undergoing a change in occupancy to comply with the requirements of the International Building Code (to be adopted as the California Building Code) for the new use or occupancy. The section, however, provides that a change in occupancy may be allowed, at the discretion of the building official, without complying with the International Existing Building Code (IEBC; to be adopted as the California Existing Building Code [CEBC]) if the new occupancy is less hazardous, based on life and fire risk, than the existing occupancy.

Commenter and Recommendation:

Bryce Nesbitt
Obviously Enterprises
Berkeley, CA

The commenter suggests HCD amend the CEBC Section 506.1 to allow the usage of the exterior wall fire-rating provisions at the time of construction, during a change of use.

Agency Response:

HCD thanks the commenter for the comment. HCD is required to adopt the most recent version of the model code. Amendments can be made to the model code if they conflict with California state law. The Office of the State Fire Marshal (SFM) has authority over all fire/life safety issues for all occupancies throughout the state. It would be up to the SFM to make an amendment that allows for a less restrictive requirement associated with fire/life safety issues.

There were no changes made to the Final Express Terms due to 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 California Building Standards Commission 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 CEBC implements this requirement by proposing to adopt by reference the selected contents of the 2021 IEBC (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.