

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2022 CALIFORNIA BUILDING CODE, CHAPTER 11A,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

(HCD 1-AC 04/21)

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 to the Initial Statement of Reasons.

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 August 13, 2021, until September 27, 2021. There was no subsequent public comment period. Two stakeholders submitted comments during the comment period. HCD responded to all the comments received during the 45-day public comment period. These

comments did not result in any changes to the Express Terms or rationale for the changes. Please see below.

Item 1

Chapter 11A Housing Accessibility, Section 1102A.2 Existing buildings.

This section exempts the alteration, repair, rehabilitation or maintenance of existing buildings built prior to March 13, 1991 from the provisions of the California Building Code (CBC) Chapter 11A. HCD's proposed amendments correct the time period of "on or before March 13, 1991," clarifying that buildings built on March 13 are also not subject to the requirements of Chapter 11A.

Commenter(s) and Recommendation (if applicable):

Anne Jungwirth (email with attached letter from Shane Diller)
Shane Diller, CALBO President 2021-2022

Commenter supports the clarification of the effective date of Chapter 11A to match the Fair Housing Act (FHA). Commenter also recommends future amendments to address the gap in scoping that occurred for all multi-family dwellings between the CBC and FHA between March 13, 1991, and the subsequent edition of the CBC for types of dwellings included.

Agency Response:

HCD thanks the commenter for their support of the proposed changes. HCD will also consider the comment related to additional revisions for subsequent code adoption cycles. There is no change in the Express Terms or rationale due to this comment.

Commenter(s) and Recommendation (if applicable):

Nubyaan Scott, Disability Rights California

Commenter recommends "approve" for this section.

Agency Response:

HCD thanks the commenter for their support of the proposed changes. There is no change in the Express Terms or rationale due to this comment.

Item 2

Chapter 11A Housing Accessibility, Section 1114A.7 Edge protection.

This section provides requirements for edges of ramps and ramp landings and references specific sections in Chapter 10 of the CBC. HCD's proposed amendments delete reference to specific section numbers and use a generic reference to Chapter 10 to reduce constant updating when changes occur in the CBC.

Commenter(s) and Recommendation (if applicable):

Anne Jungwirth (email with attached letter from Shane Diller)
Shane Diller, CALBO President 2021-2022

Commenter supports the use of generic references to sections in other chapters of the CBC. The generic reference would not need updating as frequently.

Agency Response:

HCD thanks the commenter for their support of the proposed changes. There is no change in the Express Terms or rationale due to this comment.

Commenter(s) and Recommendation (if applicable):

Nubyaan Scott, Disability Rights California

Commenter recommends “approve” for this section.

Agency Response:

HCD thanks the commenter for their support of the proposed changes. There is no change in the Express Terms or rationale due to this comment.

Item 3

Chapter 11A Housing Accessibility, Section 1134A.2 Number of complying bathrooms.

This section provides two options for bathrooms in compliance with the requirements in Chapter 11A. HCD proposes deleting references to requirements for installation of grab bars which created confusion on whether grab bars were or were not required in complying bathrooms.

Commenter(s) and Recommendation (if applicable):

Anne Jungwirth (email with attached letter from Shane Diller)
Shane Diller, CALBO President 2021-2022

Commenter supports the deletion of references to grab bars in dwellings units to meet the same technical provisions as in common areas. The commenter notes that the section has caused some confusion to their membership. The commenter also notes that clear floor space in dwelling units may be smaller in dwelling units than in common areas and the space may not allow grab bars or wall reinforcement as stated.

Agency Response:

HCD thanks the commenter for their support of the proposed changes. There is no change in the Express Terms or rationale due to this comment.

Commenter(s) and Recommendation (if applicable):

Nubyaan Scott, Disability Rights California

Commenter recommends “approve” for this section.

Agency Response:

HCD thanks the commenter for their support of the proposed changes. There is no change in the Express Terms or rationale 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.

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 and equally effective in implementing the statutory policy or other provisions of law.

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).

Not applicable.