

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT
REGARDING THE 2022 CALIFORNIA PLUMBING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5
(DSA-SS 05/22)**

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.

The Division of the State Architect has not added any data (including technical, theoretical, or empirical studies, reports, or similar documents relied upon) that would necessitate an update of the information contained in 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 Division of the State Architect has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

This proposal includes amendments that add an exception to the CPC Separate Facilities requirement, allowing for the design of all-gender multi-user restrooms in state buildings, state colleges and universities as an alternative. The proposal also contains editorial amendments that improve clarity and consistency within the CPC, including updated definitions, corrected code section references, and pointers to existing statute and regulations. Providing the proposed exception will allow, but not require, state buildings, state colleges and universities the ability to accept or require restrooms designed to be more inclusive of all genders.

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 April 21, 2023, until June 5, 2023. DSA received public comments listed below. Please see below for responses.

The text, with proposed changes, was made available to the public for an additional 15-day comment period from June 15, 2023, through June 30, 2023. DSA received public comments listed below. Please see below for responses.

Item 1

Chapter 2 DEFINITIONS, Section 218.0.

DSA-SS proposes to add a definition of the term Privacy Compartment which is included in the proposed exception.

Commenter(s) and Recommendation (if applicable):

None

Agency Response:

N/A

Item 2

Chapter 4 PLUMBING FIXTURES AND FIXTURE FITTINGS, Sections 422.1 Fixture Count, 422.1.1 Fixture Calculations, 422.1.2 Family or Assisted-Use Toilet and Bathing Facilities, and 422.2 Separate Facilities

DSA-SS proposes to add an amendment to clarify total fixture count requirements in Section 422.1.1 Fixture Calculations, when all-gender multi-user facilities are provided and add an exception to Section 422.2 Separate Facilities when restroom facilities are designed for use by all-genders.

Commenter(s) and Recommendation (if applicable):

Selena Chow, Department of Social Services, Recommendation to approve

Agency Response:

DSA-SS thanks the commenters for their support of this proposed amendment. DSA-SS is proposing no further changes to this section in response to this comment.

Commenter(s) and Recommendation (if applicable):

Nubyaan Scott, Disability Rights California, Michal Healy, Santa Clara Unified School District, Recommendation to approve but expressed concerns about the requirement for full height partitions.

Agency Response:

DSA-SS thanks the commenters for their support of this proposed amendment and has amended this section to allow the enforcing agency to not require full height partitions. In alignment with this change to this item DSA-SS amended the definition in Item 1 to include the full description of a privacy compartment and remove definition specific language from the exception. Comments received from Kendra Muller and Akiko Nishino representing Disability Rights California, during the 15 day comment period expressed support of these amendments.

Commenter(s) and Recommendation (if applicable):

Kendra Muller and Akiko Nishino, Disability Rights California, Recommendation to approve but suggested amendments to Section 422.2 exceptions 2 and 3 to modify references to “both sexes” to “all genders”.

Agency Response:

DSA-SS thanks the commenters for their support of this proposed amendment but notes that this comment is not responsive to a particular proposed item. DSA-SS will consider these suggested changes in a future code cycle. DSA-SS is proposing no further changes to this section in response 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.

The Division of the State Architect has not identified any reasonable alternative to the proposed action and no adverse impact to affected private persons or small business due to these proposed changes is expected.

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).

N/A