

**NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2022 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(HCD 1-AC 01/22)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of California Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), title 24, part 2. HCD is proposing building standards related to the 2022 California Building Code (CBC), chapters 10 and 11A.

PUBLIC COMMENT PERIOD

Reference: Government Code (GC), section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from March 10, 2023, until midnight on April 24, 2023.

Comments may be submitted to CBSC via:

[e-Comment form](https://dgs.ca.gov/BSC/e-comments): dgs.ca.gov/BSC/e-comments

US Mail postmarked no later than April 24, 2023:

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

Any interested person, or his or her duly authorized representative, may request, no later than 15-days prior to the close of the written comment period, that a public hearing be held.

The public will have an opportunity to provide written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: GC, section 11346.5(a)(18).

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15-days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or

request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Reference: GC, section 11346.5(a)(2).

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (HSC), section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of: HSC, sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, 18941, 19960 through 19997 and 19990; and GC, sections 12955.1 and 12955.1.1.

HCD is proposing this regulatory action based on HSC, sections 17040, 17920.9, 17921, 17922, 18300, 18620, 18630, 18640, 18670, 18691, 18865, 18871.3, 18873, and 18873.1 through 18873.5; and GC, sections 12955.1 and 12955.1.1.

INFORMATIVE DIGEST

Reference: GC, section 11346.5(a)(3).

Summary of Existing Laws

GC, section 12955.1, requires HCD to propose the adoption, amendment, or repeal of building standards by the CBSC for the “design and construction of covered multifamily dwellings that are not public housing that allow access to, and use by, disabled persons”. The CBSC is authorized to adopt these building standards under the authority granted by HSC section 18949.5.

GC, section 12955.1.1, provides a clear definition for the terms “covered multifamily dwelling” and “multistory dwelling unit.”

HSC, section 17000 through 17062.5, Employee Housing Act, requires HCD to develop and adopt building standards for employee housing.

HSC, section 17040, requires HCD to adopt building standards for employee housing for “... the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing”.

HSC, section 17910 through 17995.5, State Housing Law, requires HCD to develop and adopt regulations for buildings used for human habitation.

HSC, section 17920.9, requires HCD to propose the adoption, amendment, or repeal by the CBSC of regulations necessary for the provision of minimum fire safety and fire-resistant standards relating to the manufacture, composition, and use of foam building systems manufactured for use, or used, in construction of buildings subject to State Housing Law (Part 1.5 (commencing with section 17910) of Division 13 of the HSC), mobilehomes or factory-built housing, for the protection of the health and safety of persons occupying those buildings, mobilehomes, or factory-built housing.

HSC, section 17921, requires HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

HSC, section 17922, requires that the building standards be essentially the same as the most recent editions of the international or uniform industry codes. In the absence of adoption by regulation, the most recent editions of the international or uniform codes shall be considered to be adopted one year after the date of publication of the uniform codes. The CBSC is authorized to adopt these building standards under the authority granted by HSC section 18949.5.

HSC, section 18200 through 18700, Mobilehome Parks Act, requires HCD to develop and adopt building standards for mobilehome parks.

HSC, section 18300, requires HCD to adopt building standards for mobilehome parks.

HSC, section 18620, establishes HCD's authority to propose the adoption of a building standard to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding the construction of buildings in mobilehome parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act (Part 2.1 (commencing with section 18200) of Division 13 of the HSC).

HSC, section 18630, establishes HCD's authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding plumbing in mobilehome parks that are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act (Part 2.1 (commencing with section 18200) of Division 13 of the HSC).

HSC, section 18640, authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC for toilet, shower, and laundry facilities in mobilehome parks.

HSC, section 18670, authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding electrical wiring, fixtures, and equipment installed in mobilehome parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act (Part 2.1 (commencing with section 18200) of Division 13 of the HSC).

HSC, section 18691, authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in parks.

HSC, section 18860 through 18874, Special Occupancy Parks Act, requires HCD to develop and adopt building standards for special occupancy parks.

HSC, section 18865, requires HCD to adopt building standards for special occupancy parks.

HSC, section 18871.3, establishes HCD's authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC to adopt regulations regarding the construction, location and use of accessory structures in parks.

HSC, section 18873, establishes HCD's authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC to adopt regulations regarding the construction of buildings in special occupancy parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act (Part 2.1 (commencing with section 18200) of Division 13 of the HSC).

HSC, section 18873.1, establishes HCD's authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding plumbing in special occupancy parks that are reasonably necessary for the protection of life and property and to carry out the purposes of the Special Occupancy Parks Act (Part 2.3 (commencing with section 18860) of Division 13 of the HSC).

HSC, section 18873.2, authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC for toilet, shower, and laundry facilities in special occupancy parks.

HSC, section 18873.3, authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding electrical wiring, fixtures, and equipment installed in special occupancy parks that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Special Occupancy Parks Act (Part 2.3 (commencing with section 18860) of Division 13 of the HSC).

HSC, section 18873.4, establishes HCD's authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC to adopt regulations regarding fuel gas equipment and installation within permanent buildings and parks.

HSC section 18873.5, establishes HCD's authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC to adopt regulations regarding the prevention of fire or for the protection of life and property against fire in parks.

HCD section 18941, requires HCD to administer building standards, written on a performance basis consistent with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety

HCD section 19960 through 19997, requires HCD to adopt building standards for factory-built housing.

HCD section 19990, authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding requirements related to factory-built housing to include the most recent editions of the international or uniform industry codes.

Summary of Existing Regulations

The 2022 California Building Code, CCR, title 24, part 2 (CBC), chapters 10 and 11A, became effective on January 1, 2023.

Summary of Effect

Summary of effect of the proposed specific changes on existing CBC regulations:

- Two editorial modifications to section numbers in CBC, chapter 10, and one in chapter 11A that were omitted during the 2021 Triennial Code Adoption Cycle.
- Adopt language from the Fair Housing Act Design Manual to allow a half-inch tolerance for installation of standard countertops that may project from the back wall for a maximum dimension of 25 1/2 inches (647.7 mm).

These changes will impact the following HCD programs:

- a) State Housing Law Program:** relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendments Act of 1988 (FHA) (Public Law, 100-430 – and its implementing regulations – title 24 of the Code of Federal Regulations, 100.1 et seq.) and state law accessibility requirements, except where the application is for public use only.
- b) Employee Housing Program:** relative to the use of any buildings or structures on the property in accordance with HSC section 17040.
- c) Mobilehome Parks and Special Occupancy Parks Programs:** relative to the design or construction of permanent buildings and accessory buildings and structures within the park in accordance with HSC sections 18300, 18620, 18865 and 18873.1.
- d) Factory-built Housing Program:** relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assemblies in accordance with HSC section 19990.

The standards provide consistency with model code format, state and federal laws and regulations, and conditions unique to California. In addition, the amendments provide clarity and specificity, and give direction for the code user. A discussion of the effect of the regulations may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations. However, CBC, chapter

11A is modeled after the FHA and also selected sections of the FHA Design Manual.

Policy Statement Overview

The proposed regulations as part of the update to the 2022 CBC will amend existing building standards affecting residential occupancies and building or structures accessory thereto, as provided for by federal and state accessibility requirements.

The benefits anticipated from this proposed regulatory action include updating building standards, which will result in the protection of public health and safety, worker safety, the environment, and the general welfare of California residents. In addition, providing for use of the most recent building technology, methods and materials and applying those building standards on a statewide basis, as required by statute, results in uniformity in residential construction and promotes affordable costs.

Evaluation of Consistency

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

Reference: GC, section 11346.5(a)(4).
None.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Reference: GC, section 11346.5(a)(5).
HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. Thus, HCD's proposal does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

Reference: GC, section 11346.5(a)(6).
An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. **Cost or savings to any state agency:** No additional cost or savings beyond those imposed by existing law.
- B. **Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the GC:** None.
- C. **Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the GC:** None.
- D. **Other nondiscretionary cost or savings imposed on local agencies:** No additional cost or savings beyond those imposed by existing law.
- E. **Cost or savings in federal funding to the state:** None.

Estimate: The proposed changes do not result in costs to state agencies, local agencies, or school districts.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: GC, section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

HCD has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Declaration of Evidence

Reference: GC, section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to GC section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Reference: GC, section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

N/A. HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to GC, section 11346.3(c), is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: GC, section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. HCD's proposed changes provide clarification and may save costs related to compliance.

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

Reference: GC, section 11346.5(a)(10).

HCD has assessed whether 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.

The 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.

The 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.

These regulations benefit California residents by ensuring the building standards HCD proposes provide advancement to the accessibility needs of Californians, protection of public health and safety, worker safety, and the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: GC, section 11346.5(a)(12).

There is no anticipated increased cost of compliance for the proposed California amendments.

CONSIDERATION OF ALTERNATIVES

Reference: GC, section 11346.5(a)(13).

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 than the proposed action. In addition, no reasonable alternative considered by HCD or that has otherwise been identified and brought to the attention of HCD would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: GC, sections 11346.5(a)(16), and 11346.5(a)(20).

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the [CBSC website](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

Reference: GC, section 11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the [CBSC website](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

Reference: GC, section 11346.5(a)(21).

HCD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by section 11346.6, to accommodate a person

with a visual or other disability for which effective communication is required under state or federal law. The statement shall note that providing the accessible description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: GC, Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Irina Brauzman, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive or technical aspects of the proposed changes to the building standards should be addressed to:

Primary Contact:

Veronica Turdean, Associate Construction Analyst
California Department of Housing and Community Development
State Housing Law Program
(916) 841-7609
Veronica.Turdean@hcd.ca.gov

Back up Contact:

Mitchel Baker, Assistant Deputy Director
California Department of Housing and Community Development
Codes and Standards
(916) 214-8097
Mitchel.Baker@hcd.ca.gov