

**INITIAL STATEMENT OF REASONS  
FOR PROPOSED 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 03/22)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

**STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS**

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

**ITEM 1**

**Chapter 12 Interior Environment, Section 1202.3 Unvented attic and unvented enclosed rafter assemblies.**

Rationale: The Department of Housing and Community Development (HCD) proposes to repeal California amendments to the above referenced section, item 5, subitem section 5.1. During the 2021 Triennial Code Adoption Cycle, which resulted in the 2022 California Building Code (CBC) and California Residential Code (CRC), the California Energy Commission (Commission) amended sections in both CBC and CRC to align with the California Energy Code (CEC) and California Climate Zones. These subitem sections were originally adopted by HCD in response to a request from the Commission and included references to California Climate Zones. Starting with the 2022 California Building Standards Code (CBSC), the Commission has taken a direct role in coordinating requirements between the CEC and other parts of the CBSC. This was especially the case when International Climate Zones were referenced in the model code, e.g., International Building Code (IBC) and a cross-reference was needed to the appropriate California Climate Zones as used in the CEC. The California amendment within subitem 5.1 was repealed from section R806.5, item 5 of the 2022 CRC. The California amendment within subitem 5.1 is now proposed to be repealed in the CBC for consistency with the 2022 CRC. However, the Commission's 2022 Single-Family Residential Compliance Manual includes a recommendation to check with local jurisdictions to determine specific requirements for unvented attic conditions. In addition, the Health and Safety Code (HSC) Section 17922 directs HCD to adopt substantially the same requirements as specified in the current version of the model codes. Therefore, HCD is proposing to repeal the existing California amendments referencing California Climate Zones and provisions for vapor retarders and insulation. There are no additional costs related to this amendment.

**CAC Recommendation:**

Approve.

**Agency Response:**

Accept.

---

**ITEM 2**

**Chapter 14 Exterior Walls, Sections 1404.3 Vapor retarders, Section 1404.3.2 Class III Vapor retarders and Table 1404.4(3) Class III Vapor Retarders.**

Rationale: HCD proposes to repeal California amendments to the above referenced Sections. Section 1404.3 references vapor retarder requirements in the California Energy Code (CEC). HCD proposes repealing this amendment since it is not necessary to duplicate requirements in the CEC which may change with each code adoption cycle. Section 1404.3.2 addresses use of Class III vapor retarders for “low-rise” residential buildings as defined by the CEC. Similar provisions related to use of Class III vapor retarders were not carried forward to the 2022 CRC resulting in inconsistency between the CBC and CRC. In addition, Table 1404.3(3) which is printed in the 2022 CBC but not adopted by HCD, includes substantially the same provisions for the use of Class III vapor retarders. The California Energy Commission (Commission) has provided a cross reference in Table 1202.3.1 to address the International Energy Conservation Code’s Climate Zones vs. California Climate Zones which can be used for Table 1404.3(3). Therefore, HCD proposes adoption of Table 1404.3(3) from the 2021 International Building Code. See Item 1 for background on updates to Energy Code references in the 2022 CBC and CRC.

**CAC Recommendation:**

Approve.

**Agency Response:**

Accept.

---

**TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS**

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

None.

**STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS**

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

HSC Section 17922 requires HCD to adopt by reference model building codes, e.g., IBC, which contain prescriptive standards. Prescriptive standards provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensure compliance with minimum health, safety and welfare standards for owners, occupants, and guests.

Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency. HCD's initial adoption of the IBC followed these parameters.

### **CONSIDERATION OF REASONABLE ALTERNATIVES**

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

HCD's proposed amendments will provide for implementation of the model code provisions as detailed in the 2021 International Building Code. The adoption of the model code text for the specific sections addressed in this rulemaking should be less burdensome and equally effective in achieving the purposes of the regulation. These changes also provide additional consistency with similar amendments in the 2022 California Residential Code.

### **REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

There are no adverse impacts on small business, therefore, no reasonable alternatives for mitigation.

### **FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS**

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

HCD's proposed amendments will not result in significant adverse impact on businesses since the proposed amendments do not prohibit or require the use of any specific materials or method of construction not currently addressed in the CBC.

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

Government Code Sections 11346.3(b)(1) and 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.**  
HCD's proposed amendments will not result in the creation or 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.**  
HCD's proposed amendments will not result in the creation of new businesses or the elimination of existing business within the State of California.

**C. The expansion of businesses currently doing business within the State of California.**

HCD's proposed amendments will not result in 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.**

HCD's proposed amendments will provide benefits for the health and welfare of California residents, worker safety, and state's environment as provided for in the adoption of the International Building Code (model code).

**ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS**

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

There are no increased costs for compliance or estimated potential benefits since these proposals are repeals of existing California amendments.

**DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

HCD's proposed amendments do not duplicate or conflict with federal regulations.