

**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 03/22)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the 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 amendments to the 2022 California Building Code (CBC).

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 **April 7, 2023**, until midnight on **May 22, 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 **May 22, 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: Government Code 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: Government Code section 11346.5(a)(2).

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code (HSC) Sections 17040, 17042, 17921, 17922, 17922.6, 17922.15, 18300, 18400, 18620, 18866, 18873, 18938.3, 18941, 19984, 19990 and 19991; Business and Professions Code Sections 5537 and 6737.1; and Government Code Section 12955.1.

HCD is proposing this regulatory action based on HSC Sections 17040, 17920.9, 17921, 17922, 17922.6, 17926, 17928, 17958.12, 18552, 18620, 18871.3, 18873, 18873.5, 18938.3 and 19990; and Government Code Sections 12955.1.

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws

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 17042 requires HCD to not adopt or publish a building standard as defined in Section 18909, unless the provisions of Sections 18930, 18933, 18938, 18940, 18943, 18944, and 18945 are expressly excepted in the statute under which the authority to adopt rules, regulations, or orders is delegated.

HSC Section 17920.9 requires HCD to propose the adoption, amendment, or repeal by the California Building Standards Commission 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 this part, mobile homes or factory-built housing, for the protection of the health and safety of persons occupying those buildings, mobile homes, or factory-built housing.

HSC Section 17921 and Government Code Section 12955.1 require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

HSC Section 17922 states that the most recent editions of the international or uniform codes referred to in the section shall be considered adopted one year after the date of publication of the international or uniform codes.

HSC Section 17922.6 establishes HCD's authority to prepare and adopt minimum standards that establish uniform minimum noise insulation requirements for hotels, motels, apartment houses, and dwellings other than detached single-family dwellings.

HSC Section 17922.15 establishes HCD's authority to investigate possible changes to the building standards in the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations) that promote aging-in-place design and are limited to all of the following:

(1) The location of doorbells, light switches, and heating, ventilation, and air-conditioning (HVAC) controls that are reachable by those with mobility impairments.

(2) The installation of support backing for the later installation of grab bars in one or more bathrooms.

(3) The provision of a 32-inch clearance in the width opening for one bathroom door and one bedroom door on the ground floor, or, in the case of a two- or three-story single-family dwelling, on the second or third floor of the dwelling if a bathroom or bedroom is not located on the ground floor.

(b) If the department determines that one or more of the changes described in subdivision (a) can be incorporated into the California Residential Code without significantly increasing the cost of construction, the department may propose building standards to that effect for consideration by the California Building Standards Commission. The department shall include in any proposed building standard, regarding the 32-inch clearance width for a bathroom and bedroom door described in paragraph (3) of subdivision (a), a finding whether a delay of 18 months in the effective date of that proposed building standard is warranted to provide adequate time for industry to incorporate this change into standard designs.

HSC Section 17926 establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 to adopt regulations regarding installation of carbon monoxide detectors in hotel and motel dwelling units intended for human occupancy.

HSC Section 17928 requires HCD establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission for adoption of green building standards.

HSC Section 17958.12 establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 to authorize, when a record of the issuance of a building permit for the construction of an existing residential unit does not exist, a local enforcement official to determine the date of construction of that residential unit, apply this part, the building standards in the California Building Standards Code, and other specified rules and regulations in effect on that date of construction to that residential unit, and issue a retroactive building permit for that construction.

HSC Sections 18300 require HCD to adopt building standards for mobilehome parks and special occupancy parks.

HSC Section 18400 establishes HCD's authority to enter and inspect all parks, and accommodations in order to secure the enforcement of the mobile parks act regulations.

HSC Section 18552 establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 to adopt regulations for manufactured home or mobilehome accessory buildings or structures. The regulations adopted by the department shall provide for the construction, location, and use of manufactured home or mobilehome accessory buildings or structures to

protect the health and safety of the occupants and the public and shall be enforced by the appropriate enforcement agency.

HSC Section 18620 establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 to adopt regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property.

HSC Section 18866 and 18871.3 requires HCD to enforce the rules and regulations related to special occupancy park act.

HSC Section 18873 establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 to adopt regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property.

HSC Section 18873.5 establishes HCD's authority to propose the adoption of a building standard to the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 to adopt regulations regarding accessory buildings or structures located in a park. The regulations shall provide for the construction, location, and use of accessory buildings or structures located in a special occupancy park to protect the health and safety of the occupants and the public.

HSC Section 18938.3 establishes HCD's authority to adopt model codes.

HSC 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.

HSC Section 18949.5 transfers HCD's responsibilities for adopting building standards to the California Building Standards Commission.

HSC Section 19984 requires HCD to enforce the rules and regulations related to factory-built housing.

HSC Section 19990 requires HCD to adopt building standards for factory-built housing.

HSC Section 19991 requires HCD to enforce the building standards published in the State Building Standards Code relating to factory-built housing.

Business and Professional Code Section 5537 and 6737.1 establishes building's official authority to require the preparation of plans, drawings, specification or calculations in compliance with conventional framing requirements for woodframe construction found in the most recent edition of Title 24 of the California Code of Regulations.

Summary of Existing Regulations

The California Building Standards Code, Title 24, Part 2, 2022 CBC, adopted by reference the 2021 International Building Code (IBC) with California amendments and is effective on January 1, 2023. Existing CBC regulations specifically related to

the proposed changes include section 1202.3 which covers unvented attics, unvented enclosed roof framing assemblies, related vapor retarders and climate zones as well as sections 1404.3 and 1404.3.2 which cover the application of the different classes of vapor retarders in specific climate zones.

Summary of Effect

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 existing California amendments referencing California Climate Zones and provisions for vapor retarders and insulation. The California Energy Commission has also provided a cross reference for International Energy Conservation Code Climate Zones vs. California Climate Zones for code user convenience. HCD also proposes the adoption of Table 1404.3(3) from the 2021 International Building Code to address use of vapor retarders.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations.

Policy Statement Overview

The proposed amendments for the 2022 CBC will repeal the remaining existing HCD amendments related to California Climate Zones. If approved, HCD will then be in compliance with Health and Safety Code 17922 by adopting substantially the same requirements as in the 2021 IBC.

Evaluation of Consistency

HCD has determined that the proposed repeals 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: Government Code Section 11346.5(a)(4).

None

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. 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: Government Code 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**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**

- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

Estimate:

HCD has determined that the repeal will have no fiscal effect since the IBC has substantially the same requirements.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code 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 repeal of these amendments 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: Government Code Section 11346.5(a)(8).

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

HCD has determined that the repeal of these HCD amendments will have no effect since the adopted 2021 IBC has substantially the same requirements.

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

Reference: Government Code 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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code 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.

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

Reference: Government Code Section 11346.5(a)(10).

The 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.

These regulations will not affect the creation or the elimination of businesses within the State of California.

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

These 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.

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 OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

None.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code 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. The proposed regulations adopt specific sections of the 2021 IBC with substantially the same requirements.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code 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: Government Code 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: Government Code 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: Government Code 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:

Randall Enrico
California Department of Housing and Community Development
State Housing Law Program
(916) 490-7584
Randall.Enrico@hcd.ca.gov

Back up Contact:

Tom Martin
California Department of Housing and Community Development
State Housing Law Program
(916) 263-3272
Thomas.G.Martin@hcd.ca.gov