

**NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11
(HCD 04/22)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the 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 11. HCD is proposing building standards related to the adoption of the 2022 California Green Building Standards Code.

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from March 31, 2023, until midnight on May 15, 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 15, 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 Sections 17040, 17042, 17921, 17928, 17958.12, 18938.3, 18941.5, 19990 and 19984; Government Code Sections 12955, 12955.1; and Vehicle Code Section 22511.2.

HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17928, 18938.3, 18941.10, 19984, and 19990; and Government Code Sections 12955, 12955.1 and 12955.1.1.

INFORMATIVE DIGEST

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

Summary of Existing Laws

Health and Safety Code, sections 17040 and 17042, respectively require 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;" and provide for specified exceptions.

Health and Safety Code, sections 17921 and 17958.12, respectively authorize HCD to propose the adoption, amendment, or repeal of building standards by the CBSC; and authorizes the issuance of retroactive permits for unpermitted buildings.

Health and Safety Code, section 17928, requires HCD to review and propose green building standards that HCD determines to be cost effective and feasible to promote greener construction.

Health and Safety Code, sections 18938.3, 18941.5 and 18941.10, respectively require HCD to adopt building standards based on the most recent version of specified model codes; authorizes cities/counties to adopt more restrictive building standards due to local climate, geology, or topography; and authorizes the California Building Standards Commission to adopt mandatory building standards related to electric vehicle charging.

Health and Safety Code, section 18949.5, transferred authority to adopt, or review and approve building standards to CBSC for specific state agencies.

Health and Safety Code, sections 19990 and 19984, respectively require HCD to adopt building standards and related regulations for factory-built housing; and publish building standards in the California Building Standards Code.

Government Code, sections 12955, 12955.1, and 12955.1.1, address housing discrimination by identifying unlawful practices; requiring specified building features providing accessibility and use by persons with disabilities; and provides definitions for "covered multifamily dwellings" and "multistory dwelling unit" for use in interpretation of section 12955.1.

Vehicle Code, section 22511.2, provides for parking spaces served by electric

vehicle supply equipment or designated as a future electric vehicle charging space to be counted as at least one standard automobile parking space for purposes of complying with local minimum parking space requirements.

Summary of Existing Regulations

The 2022 California Code of Regulations (CCR), Title 24, California Green Building Standards (CALGreen) Code, Part 11, became effective on January 1, 2023.

Existing CALGreen regulations specifically related to the proposed changes:

- Includes definitions to clarify terms as used within the text of CALGreen.
- Requires specific infrastructure components for future charging of electric vehicles.
- Provides a Residential Occupancies Application Checklist identifying mandatory and voluntary measures in CALGreen.

Also, the California Building Standards Code does not regulate the number of parking spaces for residential developments. The required number of parking spaces are addressed and enforced through local government ordinances. However, Assembly Bill 1100 (Chapter 819, Statutes of 2019) proposed changes to the Vehicle Code to count electric vehicle charging spaces as standard parking spaces.

The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. The CALGreen Code also includes standards designed to address unique California conditions.

Summary of Effect

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

- New and revised definitions are proposed to clarify use of the terms in the mandatory and voluntary sections of the CALGreen Code.
- Amendments are proposed to increase Electric Vehicle (EV) charging ability and infrastructure in new multifamily housing developments as well as in new hotels and motels. This includes a repeal of requirements for EV capable spaces which are infrastructure only to allow for future installation of EV chargers, not the present charging of EVs.
- Amendments and new measures are proposed related to the voluntary measures related to EV charging. This includes an option proposed by stakeholders during this and the previous rulemaking cycle.
- Amendments to the Residential Occupancies Checklist are proposed in Section A4.602 to reflect changes proposed for mandatory and voluntary sections of the CALGreen Code. Nonsubstantive editorial amendments are also proposed for this section.

Comparable Federal Statute or Regulations

These regulations do not conflict with federal regulations.

Policy Statement Overview

The purpose of the adoption of the CALGreen Code is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. The CALGreen Code also includes standards designed to address unique California conditions.

The proposed changes to the building standards with statewide application will lead to substantial environmental benefits through reduction in GHG emissions, criteria pollutants, and fossil fuel dependency leading to improved public health, and potentially result in significant cost savings (avoided costs) associated with future installation of electric vehicle (EV) charging stations at multifamily dwellings and hotels and motels. The proposed regulations, if approved, will implement building standards that will affect the following: residential occupancies and buildings or structures accessory thereto, as provided by federal and state accessibility requirements; and the use of general design, structural, and fire and life safety requirements in housing construction, buildings, and structures accessory thereto. More specifically, the proposed changes assist in implementation of the Governor's Executive Orders B-16-2012, B-48-2018 and N-79-20. These goals include having over 1.5 million zero-emission vehicles (ZEVs) on California roadways by 2025; 5 million ZEVs on California roadways by 2030, and passenger vehicle and truck sales in California to be 100 percent ZEVs by 2035, respectively.

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: Government Code Section 11346.5(a)(4).

Health and Safety Code section 18941.10, subsection Subsections (a)(2) requires HCD to propose mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and submit the proposed mandatory building standards to the CBSC for consideration.

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.

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: \$0. HCD believes that any additional expenditure resulting from this proposed action will be nominal and will be able to be absorbed within existing budgets and resources.

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 adoption, amendment or repeal of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. In fact, the regulations are likely to promote the expansion of businesses currently involved in EV manufacturing, charging, sales, maintenance, use and technology development.

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 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 Government Code Section 11346.5(a)(8). HCD has determined that these proposed amendments would marginally increase costs to California business enterprises, representing 0.33 percent to 1.40 percent of the total new construction costs of multifamily dwellings and hotels and motels with significant benefits to Californians due to improved air quality and GHG emissions reduction.

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.

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 Government Code Section 11346.3(c) is not required.

CARB has estimated an annual greenhouse gas emissions reduction of 194,000 to 246,000 metric tons of CO₂ equivalent in newly constructed multifamily dwellings. In newly constructed hotels and motels, CARB staff estimates an annual greenhouse gas reduction of 57,000 to 90,000 metric tons of CO₂ equivalent.

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.

The regulations in this rulemaking package regarding EV charging will increase the cost to design and construct multifamily housing developments and hotels/motels throughout the state. These additional costs will ultimately be passed on to individuals who wish to rent or purchase dwelling units in multifamily property developments or stay in hotels/motels.

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

Reference: Government Code 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.

Some jobs may be created for installation, maintenance, and manufacturing of EV receptacles, EV chargers and ALMS. No jobs are expected to be eliminated as a direct result of this proposal.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

Some special trade construction businesses may be created. No jobs are expected to be eliminated as a direct result of this proposal. Some jobs may be created.

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

The proposal is likely to promote the expansion of businesses currently involved in EV charging equipment manufacturing, installation, maintenance, use and technology development. The proposal should also increase charging opportunities, leading to increased business related to use of EVs.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

This proposal increases the sustainability of California's natural resources and promotes public health by reducing petroleum-based automotive fuel use, GHG emissions, and criteria pollutants.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

The additional cost for installing more low power Level 2 charging receptacles and Level 2 EVSE is 0.44 percent to 1.58 percent of the total construction costs for hotels, motels and multi-unit dwellings. The net initial construction costs in new buildings of \$22.4 million to \$40.4 million may be incurred between mid-2024 through the end of 2025 due to the adoption of this proposed mandatory measure, or \$14.9 million to \$26.9 million annually. Additional costs may be incurred for compliance with ADA compliance, which can vary greatly from property to property. Alternately, installing the same levels of EV infrastructure as required by the proposed mandatory measure, but doing so as retrofits in existing buildings, would cost \$84.6 million to \$101.2 million over an 18-month period. This retrofit cost is approximately three to six times larger than the construction cost. Stated another way, an estimated statewide-avoided cost (benefit) of \$60.8 million to \$62.1 million may be achieved by adopting these revisions to the EV charging infrastructure provisions during new construction. Additional costs will be incurred for new requirements for existing buildings, depending on the nature and frequency of retrofit activities. This measure will protect public health and safety, the environment, and the general welfare of California residents.

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 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. As noted, HCD's proposal includes an optional method of complying with voluntary standards that may result in reduced costs under some conditions.

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
irina.brauzman@dgs.ca.gov

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:

Tom Martin, District Representative II
California Department of Housing and Community Development
State Housing Law Program
(916) 263-3272
Thomas.G.Martin@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