

**NOTICE OF PROPOSED ACTION  
TO BUILDING STANDARDS OF THE  
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
REGARDING THE 2022 CALIFORNIA PLUMBING CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5  
(HCD 02/22)**

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 5. HCD is proposing building standards related to the adoption of the 2023 California Plumbing 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 April 21, 2023, until midnight on June 5, 2023.

Comments may be submitted to CBSC via:

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

US Mail postmarked no later than June 5, 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 Business and Professions Code Division 5; Health and Safety Code sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, 18938.3, 19960 through 19997, and 116875 and 116876; Civil Code sections 1101.3, 1101.4, 1101.5, 1954.201 and 1954.202; and Government Code sections 12955.1, 12955.1.1 and 65852.2; Water Code Sections 516 and 517; and California Code of Regulations, Title 20, sections 1605.1, 1605.3 and 1607.

The Department of Housing and Community Development is proposing this regulatory action based on authority granted in Health and Safety Code sections 17040, 17920.9, 17921, 17921.5, 17921.10, 17922, 17922.12, 17922.14, 17928, 18552, 18554, 18620, 18630, 18640, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1, 18873.2, 18938.3, 18944.11, and 19990; and Government Code sections 12955.1 and 12955.1.1.

## INFORMATIVE DIGEST

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

### Summary of Existing Laws

**Health and Safety Code, section 17000 through 17062.5**, establishes requirements for permits, fees, and responsibilities of employee housing operators and enforcement agencies, including the HCD.

**Health and Safety Code, 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."

**Health and Safety Code, section 17910 through 17995.5**, assures the availability of affordable housing and uniform statewide code enforcement to protect the health, safety, and general welfare of the public and occupants of housing and accessory buildings. As part of this responsibility, HCD may propose regulations (building standards) related to construction of hotels, motels, lodging houses, apartments, dwellings and accessory buildings thereto; and maintenance, use, occupancy, repair, alteration, moving, and demolition of existing hotels, motels, lodging houses, apartments, dwellings, and accessory buildings. The building standards are published in the California Code of Regulations, title 24, known as the California Building Standards Code.

**Health and Safety Code, section 17920.9**, requires HCD to adopt, amend, or repeal regulations 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 mobilehomes, or factory-built housing, for the protection of the health and safety of persons occupying those buildings, mobilehomes, or factory-built housing.

**Health and Safety Code, section 17921 and GOV, section 12955.1**, require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

**Health and Safety Code, section 17921.5**, requires HCD to research and develop building standards for recycled water systems for new single- family and multifamily residential buildings.

**Health and Safety Code, section 17921.10**, requires HCD to propose standards for voluntary and mandatory requirements for environmentally preferable water using devices and measures.

**Health and Safety Code, section 17922**, requires that the building standards be essentially the same as the most recent editions of the international and uniform industry codes.

**Health and Safety Code, section 17922.12**, requires HCD to adopt and submit for approval building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses.

**Health and Safety Code, section 17922.14**, requires HCD to develop and propose for adoption, building standards requiring the installation of water meters or submeters in newly constructed multiunit residential structures or mixed-use residential and commercial structures.

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

**Health and Safety Code, section 18200 through 18700**, establishes requirements for the permits, fees, and responsibilities of park operators and enforcement agencies, including the Department of Housing and Community Development, and requires the Department to develop and enforce both the regulations and the laws. As related to this rulemaking, permanent buildings within mobilehome parks are required to comply with the building standards in the California Building Standards Code (California Code of Regulations, Title 24).

**Health and Safety Code, section 18552**, requires HCD to adopt and submit building standards for manufactured home or mobilehome accessory buildings or structures.

**Health and Safety Code, section 18554**, makes it unlawful to permit any wastewater or sewage from any plumbing fixtures in a mobilehome park, a manufactured home, mobilehome, recreational vehicle, accessory structure, or permanent building in the mobilehome parks, to be discharged onto or deposited upon the surface of the ground.

**Health and Safety Code, section 18620 and 18873**, requires HCD to adopt building standards for permanent buildings in mobilehome parks and special occupancy parks.

**Health and Safety Code, section 18630**, requires HCD to adopt regulations regarding plumbing in mobilehome parks for permanent buildings.

**Health and Safety Code, section 18640**, requires HCD to propose and adopt regulations for toilet, shower, and laundry facilities in mobilehome parks.

**Health and Safety Code, section 18690**, requires HCD to adopt regulations regarding fuel gas equipment and installations in (mobilehome) parks.

**Health and Safety Code, section 18691**, requires HCD to adopt rules and regulations that are reasonably consistent with generally recognized fire protection standards, for the prevention of fire or for the protection of life and property against fire in (mobilehome) parks.

**Health and Safety Code, section 18860 through 18874**, establishes requirements for the permits, fees, and responsibilities of park operators and enforcement agencies, including the Department of Housing and Community Development, and require the Department to develop and enforce both the regulations and the laws. As related to this rulemaking, permanent buildings within special occupancy parks are required to comply with the building standards in the California Building Standards Code (California Code of Regulations, Title 24).

**Health and Safety Code, section 18865**, allows HCD to adopt regulations to interpret and make specific how any city, county, or city and county may assume the responsibility for, and jurisdiction over, the enforcement of both mobilehome parks and special occupancy parks.

**Health and Safety Code, section 18871.3**, requires HCD to propose and adopt building standards and regulations for accessory buildings or structures located in special occupancy parks.

**Health and Safety Code, section 18871.4**, makes it unlawful to permit any wastewater or sewage, from any plumbing fixtures in a manufactured home, mobilehome, recreational vehicle, accessory structure, or permanent building in the special occupancy parks, to be discharged onto or deposited upon the ground.

**Health and Safety Code, section 18873.1**, requires HCD to adopt regulations regarding the construction of all permanent buildings in special occupancy parks.

**Health and Safety Code, section 18873.2**, requires HCD to adopt regulations for toilet, shower, and laundry facilities in special occupancy parks.

**Health and Safety Code, section 18901 through 18949.31**, directs the California Building Standards Commission to administer the processes related to the adoption, approval, publication, and implementation of California's building codes. These building codes serve as the basis for the design and construction of buildings in California. HCD, as a proposing agency, follows the regulatory procedures established by the Commission for submission and approval of building standards.

**Health and Safety Code, section 18938.3**, building permits issued are valid for 12 months and can be extended 180 days per extension.

**Health and Safety Code, section 18944.11**, requires BSC and HCD to research and develop standards for electric vehicle charging stations for multifamily dwelling, hotels, and motels.

**Health and Safety Code, section 19960 through 19997**, ensures the health and safety of persons using or purchasing factory-built homes or FBH building components and provides California residents with reduced housing costs through mass production techniques resulting from a factory production environment. FBH structures are required to comply with the building standards in the California

Building Standards Code (California Code of Regulations, Title 24).

**Health and Safety Code, section 19990**, requires HCD to adopt building standards for factory-built housing.

**Health and Safety Code, section 116875**, provides for lead free installations or repairs of any public water system or any plumbing in a facility providing water for human consumption.

**Health and Safety Code, section 116876**, provides lead leaching standards for any endpoint device used to convey or dispense water for human consumption.

**Government Code, section 12955.1.1**, defines “Covered multifamily dwellings” and “Multistory dwelling unit.”

**Government Code, section 65852.2**, allows a local agency, by ordinance, to provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use.

**Business and Professions Code, division 5**, addresses statutory requirements for procedures and devices related to weights and measures. This section was referenced for standards related to water submeters required in the California Plumbing Code.

**Civil Code, section 1101.3**, defines “Noncompliant plumbing fixture” and “Water-conserving plumbing fixture.”

**Civil Code, section 1101.4**, establishes for multifamily residential property, all noncompliant plumbing fixtures must be replaced with water-conserving fixtures.

**Civil Code, section 1101.5**, establishes for building alterations to single-family residential; all noncompliant plumbing fixtures must be replaced.

**Civil Code, section 1954.201**, encourages the conservation of water in multifamily residential rental buildings and establishes submetering of dwelling units for water service.

**Civil Code, section 1954.202**, defines “Submeter”, “Water service” and “Water purveyor.”

**Water Code, section 516**, defines “Water meter.”

**Water Code, section 517**, defines “Submeter.”

**CCR Title 20, section 1605.1**, establishes Federal and State energy standards for Federally regulated appliances; Non-commercial refrigerators, refrigerator-freezers, and freezers.

**CCR Title 20, section 1605.3**, establishes State energy standards for non-federally regulated appliances; refrigerators, refrigerator-freezers, and freezers.

**CCR Title 20, section 1607**, specifies labeling requirements for the marking of appliances with manufacturer’s name, model number, and date of manufacturer, for which there is an energy efficiency, energy consumption, energy design, water efficiency, water consumption, or water design standard.

## Summary of Existing Regulations

Existing 2022 CPC regulations provide a reference to allowable lead content in pipes, pipe fittings, and fixtures used to convey water for human consumption; provide references to specified standards used for plumbing fittings; provide for sizing of piping for water supply; and required signage for on-site treated nonpotable gray water; recommendations for sizing water supply systems; and mandatory and voluntary compliance measures.

## Summary of Effect

HCD's proposal will provide updated statutory references related to lead content in pipes, pipe fittings, and fixtures used to convey water for human consumption; remove specific dates pertaining to referenced standards; propose adoption of unadopted Appendix M Peak Water Demand Calculator and changes needed to accommodate adoption of the Appendix.

## Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations.

## Policy Statement Overview

The proposed regulations will provide updated references to lead content requirements for plumbing fixtures and fittings for public health purposes; and provide recognition for water supply system sizing that may result in water and cost savings for single-family and multifamily homes.

## 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).  
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.

## 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: The use of Appendix M, as adopted by HCD, may result in cost savings to newly constructed single-family and multifamily homes due to reduction of water supply system size.

### **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/peel 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 ADOPTIONS and AMENDMENTS PROPOSED in 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.

#### **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 proposed adoptions and amendments to existing regulations will not have a significant statewide adverse economic impact to businesses. The proposed changes are editorial, in most cases; and the adoption of Appendix M Peak Water Demand Calculator provides state recognition of a calculation method that has potential to decrease cost of plumbing systems in single-family and multifamily construction due to use of smaller pipe sizes.

### **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 Department of Housing and Community Development 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.**

The adoption of the proposed regulations will provide an updated reference to lead content requirements in plumbing fixtures and fittings used to convey water for human consumption; and the adoption of Appendix M Peak Water Demand Calculator will result in reduced water supply piping systems and reduced wasted water.

## **ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

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

There is no mandated increase in costs for compliance since the adoption of Appendix M is a voluntary standard.

## **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.

## **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](https://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](https://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, District Representative II  
Department of Housing and Community Development  
State Housing Law Program  
(916) 490-7584  
[Randall.Enrico@hcd.ca.gov](mailto:Randall.Enrico@hcd.ca.gov)

Back up Contact:

Jeffrey Cooney, District Representative I  
Department of Housing and Community Development  
State Housing Law Program  
(916) 820-1532  
[Jeffrey.Cooney@hcd.ca.gov](mailto:Jeffrey.Cooney@hcd.ca.gov)