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**Subject:** Request for Public Comments  
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Dear Commissioners and HCD Staff,

I respectfully submit this comment regarding the 2025 CALGreen Intervening Code Cycle to address a structural inconsistency in California housing law and building standards.

## **1. Legal Framework Already Allows Very Small Housing**

California law clearly establishes that:

- Efficiency units may be as small as 150 square feet
- Local agencies may not impose standards that effectively prohibit such units

However, in practice, current building and energy code requirements often make construction of small efficiency units economically infeasible, particularly in rural areas.

## **2. De Facto Prohibition Through Cost**

While small units are legally permitted, the cumulative effect of:

- Prescriptive building standards
- Energy compliance requirements
- Permitting complexity
- Engineering requirements
- Fee structures

results in construction costs frequently exceeding \$300,000–\$400,000, even for very small units.

This creates a de facto prohibition, where:

- The law allows small housing
- But the regulatory framework makes it practically impossible to build

### **3. Inconsistency with State Housing Policy**

California has repeatedly adopted policies to:

- Remove barriers to housing production

- Promote affordability
- Encourage diverse housing types
- Support rural and workforce housing

A regulatory framework that allows 150 sq ft units in theory but requires costs comparable to full-sized homes is inconsistent with these objectives.

## **4. Disproportionate Regulation of Small Structures**

Applying the same level of prescriptive requirements to:

- A 400 sq ft rural efficiency unit  
and
- A 2,500 sq ft suburban home

results in disproportionate cost impacts that are not aligned with:

- Actual risk
- Resource consumption
- Occupancy levels

Small structures inherently:

- Use fewer materials
- Require less energy
- Pose lower overall system demand

Yet they are often subject to nearly identical regulatory burdens.

## **5. Need for a Scaled, Performance-Based Approach**

To resolve this inconsistency, I respectfully request that HCD and the Commission:

### **Develop a scaled regulatory framework**

**that:**

- Aligns requirements with structure size and occupancy
- Uses performance-based standards rather than strictly prescriptive requirements
- Recognizes the reduced impact of small efficiency units

## **6. Rural Context Requires Additional Flexibility**

Rural parcels present unique conditions:

- Lack of access to centralized infrastructure
- Greater distances and higher construction costs
- Need for caretaker, workforce, and owner-occupied housing

Existing pathways, such as limited-density owner-built housing concepts, demonstrate that California has already recognized the need for flexibility in rural areas.

However, current implementation does not provide a practical, affordable pathway for small, legal housing units.

## **7. Requested Action**

I respectfully request that the Commission and HCD:

1. Evaluate whether current CALGreen and Title 24 requirements create unintentional barriers to small efficiency units
2. Develop a Rural Small Efficiency Unit (RSEU) pathway with scaled, performance-based requirements
3. Ensure that building standards do not function as a de facto prohibition on housing types already permitted under state law

4. Provide guidance to local jurisdictions to support consistent implementation

## 8. Conclusion

California has taken important steps to legalize small and diverse housing types. However, without corresponding adjustments to building standards, these policies cannot be fully realized.

Aligning building standards with the scale, risk, and impact of small efficiency units will:

- Improve affordability
- Increase compliance
- Reduce unpermitted construction
- Advance the State's housing and sustainability goals

Thank you for your consideration.

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