

***UPDATED* NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)
REGARDING AMENDMENTS TO THE
2016 CALIFORNIA BUILDING CODE AND
2016 CALIFORNIA RESIDENTIAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 2 AND 2.5
(HCD EF 01/18)**

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, Parts 2 and 2.5. HCD is proposing amendments to building standards in the 2016 California Building Code (CBC) and 2016 California Residential Code (CRC) related to Emergency Housing.

PUBLIC HEARING

Reference: Government Code Sections 11346.5(a)(1) and 11346.8.
The CBSC on behalf of the Department of Housing and Community Development will hold a public hearing at 10:00 AM and ending at 1:00 PM on August 16, 2018, during which time any person may present statements or arguments relevant to the proposed regulatory action summarized below. The location of the public hearing is:

California Building Standards Commission
2525 Natomas Park Drive, Suite 120
Sacramento, CA 95833

TELECONFERENCE

Teleconference Number 877-953-8408, Participant Code 3177657

Please review the "Teleconference Instructions" located at the end of this notice prior to calling.

AND

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(15).
Written comments will be accepted by the CBSC regarding the proposed changes from July 13, 2018, until 5:00 PM on August 27, 2018.

Please address your comments to:

California Building Standards Commission
Attention: Mia Marvelli, Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Written comments may also be emailed to CBSC@dgs.ca.gov. The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on

building standards at a public meeting to be conducted by the 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 the 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).

The California Building Standards Commission 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 17000-17062.5, 17910-17995.5, 18200-18700, 18860-18874, and 19960-19997; Civil Code Sections 1101.4 and 1101.5; and Government Code Sections 12955.1 and 12955.1.1.

HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1, 18873.2, 18873.3, 18873.4, 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

INFORMATIVE DIGEST

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

Summary of Existing Laws

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

Health and Safety Code Section 17922 requires that the building standards be essentially the same as the most recent editions of the uniform industry codes with any additions or deletions by HCD. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

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

Health and Safety Code Sections 18300 and 18865 require HCD to adopt building standards for mobilehome parks and special occupancy parks.

HSC Section 18937 provides that a proposing agency can propose a finding of emergency in accordance with Government Code Sections 11346.1 and 11346.5.

HSC Section 18938 requires the filing of emergency standards with the Secretary of State by CBSC only after they have been approved by the commissioners. It requires that the standards become effective when filed with Secretary of State or at a later date specified in the standards, and that they be published in California Code of Regulations, Title 24.

Government Code Section 11346.1 (e) states that no regulation, amendment, or order of repeal initially adopted as an emergency regulatory action shall remain in effect more than 180 days unless the adopting agency has complied with Sections 11346.2 to 11347.3, inclusive, either before adopting an emergency regulation or within the 180-day period. The adopting agency, prior to the expiration of the 180-day period, shall transmit to the office for filing with the Secretary of State the adopted regulation, amendment, or order of repeal, the rulemaking file, and a certification that Sections 11346.2 to 11347.3, inclusive, were complied with either before the emergency regulation was adopted or within the 180-day period.

Summary of Existing Regulations

The 2016 CBC and 2016 CRC, Parts 2 and 2.5 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2015 International Building Code (IBC) and 2015 International Residential Code (IRC) with California amendments, effective on January 1, 2017.

Summary of Effect

HCD proposes to amend the 2016 edition of the CBC and CRC, Title 24, Parts 2 and 2.5, of the California Code of Regulations. The proposed action will make permanently effective, upon approval of adoption, approval by the commissioners, and filing with Secretary of State, the addition of Appendix N in Title 24, Part 2, and Appendix X in Title 24, Part 2.5. Although adopted by HCD, the proposed appendices are voluntary, and will be mandatory only if adopted by a local jurisdiction.

The proposed appendices are intended to provide a consistent and available standard by which local agencies may develop emergency housing or shelter ordinances and provide a minimum set of building standards for compliance. The proposed emergency regulations also provide a consistent standard for HCD to review, provide recommendations, and approve local emergency housing or shelter ordinances that are submitted to HCD for review. The formal adoption of these standards into the CBC and CRC also protects HCD from use and enforcement of underground regulations not formally adopted in accordance with the Building Standards Law.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations.

Policy Statement Overview

Assembly Bill (AB) 932 (Chapter 786, Statutes of 2017) authorizes the Cities of Berkeley, Emeryville, Los Angeles, Oakland, and San Diego, the County of Santa Clara, and the City and County of San Francisco to adopt, by ordinance, reasonable local standards and procedures for design, site development and operation of homeless shelters and structures and facilities within. AB 932 also requires HCD to review the city/county draft ordinance to ensure it meets minimum health and safety standards. Currently, there are no standards in the 2016 CBC or 2016 CRC specifically addressing all types of shelters that are suitable for use as emergency housing.

AB 2176 (Chapter 691, Statutes of 2016) authorized the City of San Jose to adopt, by ordinance, reasonable local standards for the design, site development, and operation of emergency bridge housing communities and structures and facilities within. AB 2176 also provided specific requirements for emergency sleeping cabins (as defined) which addressed lighting, heating, ventilation, single electrical receptacle, forms of egress, locks, accessibility, and smoke alarms. The provisions of AB 2176 are operative until January 1, 2022, and effective until conforming standards are approved for the CBSC.

HCD finds that provisions currently being amended to the 2016 CBC and CRC are critical and that there should be no undue delay in enacting measures to provide construction guidance to local agencies for emergency housing as well as minimum standards for reviewing and evaluating draft local ordinances for HCD approval or disapproval.

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. 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).

See HCD's "Economic and Fiscal Impact Statement" (Form 399)

A. Cost or Savings to any state agency: **NO**

Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to CBSC pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non-duplication. This proposed rulemaking incorporates specific provisions into one location with the CBC and CRC to meet these requirements. This action will result in a minimal cost to HCD which will be absorbed in the current budget.

- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**

Health and Safety Code Section 17951 provides that local enforcement agencies may prescribe fees to defray the costs of enforcement of the State Housing Law including compliance with these regulations.

- 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 believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(7).

HCD has made an initial determination that the adoption/amendment/ repeal of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

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). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

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

Reference: Government Code Section 11346.5(a)(11).

N/A. 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.

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).

HCD has assessed whether or not 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.

These regulations will update and improve building standards related to the construction and maintenance of emergency housing.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See Economic Impact of the Proposed California Building Code Regulations on Private Persons and Businesses in the State of California in the rulemaking file.)

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, or 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 CBSC. This notice, the express terms and initial statement of reasons can be accessed from the CBSC website:

<http://www.bsc.ca.gov/Rulemaking/regrule/CertifyingRulemakingsforApprovedEmergencyBuildingStandards.aspx>

In addition, rulemaking documents will be posted on HCD's website:

<http://www.hcd.ca.gov/building-standards/buiding-code/index.shtml>

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](#).

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 Government Code Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the 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:

Gary Fabian
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Stoyan Bumbalov, Codes and Standards Administrator I
Department of Housing and Community Development

Division of Codes and Standards
Telephone: (916) 263-4715
Email: Stoyan.Bumbalov@hcd.ca.gov
Fax: (916) 327-4712

Emily Withers, Codes and Standards Administrator II
Department of Housing and Community Development
Division of Codes and Standards
Telephone: (916) 263-2998
Email: Emily.Withers@hcd.ca.gov
Fax: (916) 327-4712

****TELECONFERENCE INSTRUCTIONS****

Please mute your phone until prompted by the chair.

If you wish to make a comment on a specific agenda item, please listen for the chair to ask for any comments from the public.

At this time please take yourself off of mute, announce your name and who you are representing before making your comments.

Note: For best results, call from a land-line using the telephone handset only. This enhances the ability to hear your comments clearly. Calling from a speaker phone or a cell phone reduces the quality of the call and is harder to hear your comments.