

**NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

(HCD 08/19)

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et seq.,. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

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 11. HCD is proposing building standards related to the 2019 California Green Building Standards Code (CALGreen).

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 10, 2020**, until **5:00 pm** on **May 26, 2020**.

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.

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 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 CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (HSC) 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 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19998; and Government Code sections 12955.1 and 129551.1.

HCD is proposing this regulatory action based on HSC sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.2 and 19990; and Government Code section 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 17921 and Government Code section 12955.1 require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

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

HSC sections 18300 and 18865 require HCD to adopt building standards for mobilehome parks and special occupancy parks.

Summary of Existing Regulations

The 2019 California Code of Regulations (CCR), title 24, California Green Building Standards Code, part 11, also known as the California Building Standards Code, became effective on January 1, 2020.

Existing CALGreen regulations specifically related to the proposed changes:

- Includes definitions to clarify terms as used within the text of CALGreen.
- Require specific infrastructure components for future charging of electric vehicles.

- 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.
- Requires an operation and maintenance manual in each dwelling unit with specified information.
- Requires that carpet systems, carpet cushions, resilient flooring systems and thermal insulation products meet specific standards related to emission of volatile organic chemicals.
- Requires water flow rates for specified residential plumbing fixtures, but does not address commercial pre-rinse spray valves. The California Energy Commission's Appliance Efficiency Regulations (title 20) and the nonresidential portion of CALGreen address commercial pre-rinse valves.
- Requires installation of water submeters for non-residential buildings with indoor water use in excess of specified limits (adopted by the California Building Standards Commission).
- Provides for optional adoption of building standards related to light pollution reduction. These standards are also referenced in the 2019 California Energy Code (title 24, part 6) and in the nonresidential portion of the 2019 CALGreen.
- Provides a Residential Occupancies Application Checklist identifying mandatory and voluntary measures in CALGreen.

The purpose of the California Green Building Standards Code, also known as CALGreen, 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 air quality. CALGreen also includes standards designed to address unique California conditions.

Summary of Effect

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

- Amendments are proposed for "accessory dwelling unit" to reflect new statutory changes and for consistency with other parts of the California Building Standards Code.
- A definition is proposed for "submeter" to clarify the meaning of the term as used in new proposed text.
- Clarifies that a raceway is not required when wiring is installed at the time of construction for electric vehicle charger use. This waives the requirement for installation of a raceway when not needed for future installation of wiring.

- Clarifies that electric vehicle charging spaces are considered parking spaces for purposes of local parking space requirements. This will help projects with limited parking areas meet the required number of electric vehicle charging spaces and parking spaces.
- Adds a “pointer” to the California Plumbing Code and the requirement for water submeters for individual dwelling units in multifamily buildings and in mixed use residential/commercial buildings.
- Requires information related to defensible space for residential fire protection purposes be included in the operation and maintenance manual. This will provide the homeowner with additional information for safeguarding and ensuring durability of the dwelling.
- Updates technical standards related to emission of volatile organic chemicals to the latest version.
- Repeals voluntary (elective) standards related to light pollution reduction since the requirements are already addressed by the 2019 California Energy Code for low-rise, high-rise and hotel/motel buildings.
- Updates the Residential Occupancies Application Checklist to incorporate corresponding changes in the main text of CALGreen.

These changes will affect the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto.
- b) Employee Housing: relative to the occupancy of any buildings or structures used for employee housing in accordance with Health and Safety Code section 17040.
- c) Mobilehome Parks and Special Occupancy Parks: relative to the design or construction of permanent buildings and accessory buildings and structures within the park in accordance with Health and Safety Code sections 18300 and 18865.
- d) Factory-Built Housing: relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code section 19990.

The standards provide consistency with previous code format, state and federal laws and regulations, and address unique California conditions. In addition, the regulations provide clarity and specificity, and give direction for the code user. A discussion of the effect of the regulations may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

These regulations do not conflict with federal regulations. The State of California has preemptive authority to adopt more restrictive mandatory standards for the appliances addressed in these regulations. The pre-rinse spray valve regulations provide consistency with 10 Code of Federal Regulations part 431(O), and the CCR, title 20, (Appliance Efficiency Regulations.)

Policy Statement Overview

The purpose of the adoption of the California Green Building Standards 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 air quality.

The proposed regulations will adopt 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.

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: **None.**
Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- B. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- C. Other nondiscretionary cost or savings imposed on local agencies: **None.**
- D. Cost or savings in federal funding to the state: **None.**

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/repeal of this proposed action 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).

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

HCD proposed regulations include references to updated technical standards which have no economic impact. Proposed regulations related to electric vehicle (EV) charging spaces may have cost savings due to exemption from installation of a raceway when not needed, and the application of an EV charging space to parking space quotas. The commercial pre-rinse valve requirement is a federal standard which is also adopted in the California Appliance Efficient Regulations and also proposed for adoption in the California Plumbing Code.

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.

No reporting requirements are proposed.

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 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 green building standards, which will provide increased protection of public health and safety, worker safety and the environment.

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.

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.

There were no feasible alternatives available to HCD. The exclusion of statutory requirements may cause conflict within the code and confusion for code users.

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](#).

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 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:

Michael Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-5888

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:

Primary Contact:

Thomas G. Martin, District Representative II
Department of Housing and Community Development
P.O. Box 278180
Sacramento, CA 95827-8180
Telephone: (916) 263-3272
Email: Thomas.G.Martin@hcd.ca.gov

Back up Contact:

Karla DaRosa, Associate Governmental Program Analyst
Department of Housing and Community Development
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