

**NOTICE OF PROPOSED ACTION  
TO BUILDING STANDARDS OF THE  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
REGARDING THE 2019 CALIFORNIA PLUMBING CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5  
(HCD 06/19)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. 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 5. The HCD is proposing building standards related to 2019 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 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](mailto: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 CBSC public meeting. CBSC will schedule the meeting 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 (HSC) section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of HSC sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code sections 1101.4 and 1101.5; and Government Code sections 12955.1, 12955.1.1, and 65852.2.

HCD is proposing this regulatory action based on HSC 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 through 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

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 17922.14 requires HCD to adopt regulations for water submetering.

HSC section 17958.12 requires HCD to adopt regulations to recognize retroactive permits.

HSC section 17980.12 provides for delays in correction of building violations to Accessory Dwelling Units (ADU).

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

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

Government Code section 65852.2 (f)(2)(A) provides for Accessory Dwelling Units (ADU) meeting specified conditions to share utility connection with the primary dwellings.

### Summary of Existing Regulations

The 2019 California Building Standards Code, title 24, California Plumbing Code (CPC), part 5, adopted by reference the 2018 Uniform Plumbing Code (UPC) with California amendments, became effective on January 1, 2020.

Existing CPC regulations specifically related to the proposed changes:

- Require permits to be based on building standards approved by the CBSC and in effect at the time of permit application.
- Require building permits to be obtained prior to the construction or alteration of buildings.
- Address local authority to enforce and provide a reference to the State Housing Law related to several actions available for enforcing unsafe buildings and structures.
- Includes definitions to clarify terms as used within the text of the CPC.
- Requires drainage systems for buildings to be separate and independent from other buildings.
- Requires specific flowrates, spray force, and marking for commercial food service pre-rinse spray valves.
- Provides a reference to an existing statutory requirement in the Civil Code and Water Code for submetering individual dwelling units for rent in multifamily buildings or residential portions of mixed-use residential/commercial buildings.
- Includes requirements for cross-connection inspection and testing for alternate water sources, gray water systems, and on-site treated nonpotable gray water systems.
- Provides a California amendment table identifying minimum treatment and minimum rainwater quality standards for various uses (car washing, fountains, etc.)

### **Summary of Effect**

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

- Addition of text providing reference to the use of retroactive permits for approval of existing unpermitted residential structures and recognition of the application of prior codes, based on the determination of the local enforcing agency, will recognize the use of retroactive permits based on prior codes. This may increase the number of legally permitted existing buildings that were constructed without construction permits issued by the local enforcement agency.
- Addition of text providing a reference to special enforcement procedures related to delayed correction of building violations will allow occupancy of accessory dwelling units that need correction, but do not endanger health and safety. The text also acts as a reference to the statutory section authorizing the delay in correction.
- Definitions are proposed for “accessory dwelling unit,” “meter,” and “submeter” to clarify the meaning of the terms as used in new proposed text.
- Clarifies that accessory dwelling units may not be required to have independent or separate sewer connections.

- Specifies new water flowrates, spray force, and marking requirements for commercial pre-rinse spray valves for consistency with the California Energy Commission's (CEC) Appliance Efficiency Regulations and federal requirements.
- Includes mandatory building standards, continuing statutory requirements for submeters for rental dwelling units in multiunit and mixed use residential/commercial buildings.
- Includes clarifying changes without change in regulatory effect related to cross-connection inspection and testing for various alternate water sources to apply to initial cross connection tests.
- Repeals an existing California amendment (table) addressing minimum rainwater treatment and quality for specified uses. Proposes adoption of the model Uniform Plumbing Code table with California amendments.

These changes will affect the following programs:

- State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act and state law accessibility requirements, except where the application is for public use only.
- Employee Housing: relative to the use of any buildings or structures used for employee housing in accordance with HSC section 17040.
- 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 HSC sections 18300 and 18865.
- Factory-Built Housing: relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with HSC section 19990.

### **Comparable Federal Statute or Regulations**

The commercial pre-rinse spray valve specifications are in the 10 Code of Federal Regulations, part 431(O).

### **Policy Statement Overview**

The proposed regulations will amend existing building standards, which will affect submetering in newly constructed multiunit residential structures and for residential dwelling units in mixed-use residential/commercial structures. The proposed regulations also provide a reference to a new statutory section addressing ADU enforcement, violations, and corrections.

The benefits anticipated from this proposed regulatory action include more opportunities for housing by increasing awareness of the statutory provisions for retroactive permits and delays in building corrections and water conservation.

### **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 additional costs or savings beyond those imposed by existing law.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No additional costs or savings beyond those imposed by existing law.**
- E. Cost or savings in federal funding to the state: **None.**

Estimate: There is no additional cost of compliance for the proposed regulations. See discussions in Initial Statement of Reasons for individual sections for benefits and assumptions.

## **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 the CPC 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 relies upon to support its initial determination of no effect.

The submetering is currently required by statute (Water Code section 537.1.) These regulations are proposed to continue these standards through requirements in the CPC (building standards.)

### **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 since HCD's regulations are not mandates and do not require compliance beyond the statutory requirement.

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

Reference: Government Code Section 11346.5(a)(10).

The 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 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 new or existing 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 may allow occupancy of previously unpermitted structures or structures needing repair while ensuring protection of public health and safety, worker safety and the environment. These regulations may also increase water conservation.

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

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

There is no increased cost of compliance (from the existing statutory requirements) for the proposed California amendments.

## **CONSIDERATION OF ALTERNATIVES**

Reference: Government Code Section 11346.5(a)(13).

There were no feasible alternatives available to HCD. The exclusion of statutory requirements may cause conflict within the code and confusion for code users. These provisions are also needed to avoid conflict with CCR, title 20 (Appliance Efficiency Regulations) for pre-rinse valves and for consistency with other state agency amendments.

## **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](http://dgs.ca.gov/BSC): [dgs.ca.gov/BSC](http://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](http://dgs.ca.gov/BSC): [dgs.ca.gov/BSC](http://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 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) 263-0916

**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:

Primary Contact:

Emily Withers, Codes and Standards Administrator II  
Department of Housing and Community Development  
P.O. Box 278180  
Telephone:(916) 263-2998  
Email: [Emily.Withers@hcd.ca.gov](mailto:Emily.Withers@hcd.ca.gov)

Back up Contact:

Brianna Bolden-Hardge, Associate Governmental Program Analyst  
Department of Housing and Community Development  
P.O. Box 278180  
Telephone:(916) 223-8338  
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