

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2022 CALIFORNIA RESIDENTIAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5
SECTION R320, ACCESSIBILITY AND FALL PREVENTION**

(HCD 06/21)

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

Specific Purpose

The California Building Standards Commission (CBSC) selected the 2021 International Residential Code (IRC), published by the International Code Council (ICC), as the model code to be referenced in the California Code of Regulations (CCR), Title 24, Part 2.5, for the 2021 Triennial Code Adoption Cycle.

The specific purpose of these regulations is to adopt by reference the 2021 IRC, with California amendments, into the 2022 California Residential Code (CRC), CCR, Title 24, Part 2.5, for the following programs:

- a) **State Housing Law:** relative to residential occupancies, buildings or structures accessory thereto.
- b) **Employee Housing Act:** relative to the use of plumbing equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code (HSC) Section 17040.
- c) **Mobilehome Parks and Special Occupancy Parks:** relative to the use of plumbing equipment and systems in or on any permanent buildings, accessory buildings, and structures under the ownership and control of the park operator, within the park, in accordance with HSC Section 18300 for mobilehome parks, and HSC Section 18865 for special occupancy parks.
- d) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with HSC Section 19990.

The Public Problem, Administrative Requirement, or Other Circumstance Addressed

Administrative Requirement: HSC Sections 17922 and 19990 direct the California

Department of Housing and Community Development (HCD) to adopt the most recent edition of the model code, which, in this case, is the 2021 IRC published by ICC as selected by CBSC, into the 2022 CRC, Part 2.5 of Title 24, of the CCR.

Rationale for Necessity

The 2021 IRC was published by ICC and will automatically become adopted in its entirety, pursuant to HSC Section 17922(b), one year from its date of publication if not amended and proposed by HCD to the CBSC for adoption.

If the 2021 IRC becomes adopted in its entirety without being proposed for adoption with amendments by HCD to CBSC, such automatic adoption would cause considerable confusion because California amendments, also known as State amendments, are necessary modifications to the model code language to ensure that the 2022 CRC is consistent with state law and unique California conditions.

It is necessary to propose the adoption of some sections of the 2021 IRC, with amendments to the model code language, to incorporate state and federal laws and regulations, and to benefit the health, safety, and general welfare of California residents.

It is necessary to not propose the adoption of some sections of the 2021 IRC, as they would conflict with certain existing state and federal laws, and would not benefit the health, safety, and general welfare of California residents.

It is necessary to propose the removal of some California amendments previously proposed and adopted in the 2019 CRC that are duplicated or replaced by similar new model code language, or incorporated state and federal laws, and are no longer necessary.

It is necessary to propose to bring forward previously existing California amendments. Some existing amendments will be brought forward without any changes and will represent no change in their effect from the 2019 CRC. Other previously existing California amendments will be changed as explained below.

SPECIFIC PROPOSED REGULATORY ACTIONS

HCD proposes to adopt by reference the 2021 edition of the IRC with amendments into the 2022 CRC. The proposed amendments are intended to provide clarity, specificity, and direction to the code user and to implement and make specific existing state laws. The proposed amendments are a result of recommendations developed during the public participation period prior to submittal to the CBSC. The rationale for each amendment by chapter and section is listed below. In addition, most proposed changes include a reference to regulatory approval criteria identified in HSC Section 18930(a) (Nine-Point Criteria).

SECTION R320 ACCESSIBILITY AND FALL PREVENTION

Section: **R320.1 Scope.**

Rationale: HCD proposes continued adoption of the above referenced section with an existing California amendment. The existing amendment directs the code user to Chapter 11A of the CBC which contains the provisions for Housing Accessibility in California.

Section: **R320.2 Live/work units**

Rationale: HCD proposes to adopt the above referenced section with a new California amendment. The amendment repeals the references to the nonresidential portion of the live/work unknit and the reference to Chapter 11 of the IBC. HCD does not adopt Chapter 11 of the IBC. HCD proposes a correct reference to the CBC Chapters 11A and 11B.

Sections:

- R320.3 Fall prevention.**
- R320.3.1 Reinforcement for grab bars.**
- R320.3.1.1 Documentation for grab bar reinforcement.**
- R320.3.2 Electrical receptacle outlet, switch and control heights.**
- R320.3.3 Interior doors.**
- R320.3.4 Doorbell buttons.**

Rationale: On October 8, 2019, Senate Bill 280 (Chapter 640, Statutes of 2019) was signed into law and added Section 17922.15 to the HSC, requiring HCD to investigate possible changes to regulations in the CRC that promote aging-in-place design elements specifically limited to the following: the location of doorbells, light switches, and heating/ventilation/air conditioning controls; the installation of grab bar reinforcements; and one bathroom door and one bedroom with a 32-inch clear opening width. HCD proposes to adopt the above referenced new California amendments as implementation of HSC Section 17922.15. HCD has not identified any significant costs associated with implementation of these regulations since planning and design of projects can accommodate these requirements without additional costs.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

- 2021 IRC
- SB 280

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

HSC Section 17922 requires HCD to adopt by reference model building codes, e.g., IRC, which contains prescriptive standards. Prescriptive standards provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensure compliance with minimum health, safety and welfare standards for owners, occupants and guests.

Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In

the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

None. There were no alternatives available to HCD. HCD is required by statute to adopt this model code by reference. The proposed amendments are the only reasonable alternative for clarifying the 2022 CRC.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

HCD is required by statute to adopt this model code by reference, however, HCD also has authority to propose additions and deletions to the model code per HSC Section 17922. HCD convened a pre-rulemaking stakeholder meeting on March 29, 2021, to solicit comment on new requirements in the 2021 IRC. No comments were received related to adverse impacts on small businesses.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. HCD convened a stakeholder meeting March 29, 2021, to provide an opportunity for stakeholders to comment on major issues of concern related to adoption of the 2021 IRC.

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

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

HSC 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 existing business 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 2021 IRC through incorporation by reference with California amendments will provide stakeholders with a code regulating the construction of single-family houses, two-family houses (duplexes) and buildings consisting of three or more townhouse units. The benefits of devoting a separate code to residential construction include the fact that the user need not navigate through a multitude of code provisions that do not apply to residential construction in order to locate that which is applicable. Due to California's adoption of the Uniform Plumbing Code, Uniform Mechanical Code, California Energy Code and National Electrical Code, chapters in the IRC addressing these subjects are not adopted. These regulations will also update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

- No increased cost of compliance for those regulations that make only technical and nonsubstantive changes.
- There are no significant costs associated with the Fall Prevention provisions proposed for the 2022 CRC. These costs were discussed with stakeholders in a Focus Group Meeting held on March 9, 2021, and also in previous meetings related to the adoption of Universal Design provisions. Only minor, if any, costs were related to the provision of reinforcement materials which could use scrap materials from construction.
- Government Code Section 11346.2(b)(5)(B)(ii) provides that the model codes adopted pursuant to HSC Section 18928 shall be exempt from the requirements of Government Code Section 11346.2(b)(5)(B) unless upon request as specified. The purpose of this rulemaking is to adopt the 2021 IRC which is a model code setting forth requirements one- and two-family homes and townhomes.
- The potential benefits provide recognition and appropriate use of new technologies and materials, clarity for the code users and local enforcement agencies, and may increase business due to the adoption of new building standards.
- As noted in Section D ("benefits of the regulation") benefits include protection of public health and safety, worker safety and the environment.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission

within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

The regulations do not duplicate nor conflict with federal regulations. The State of California has preemptive authority to adopt more restrictive mandatory standards for the construction methods and materials addressed in these regulations.