

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11
HCD 01/10**

The Administrative Procedure Act requires an Initial Statement of Reasons to be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal and the rationale of the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose for which it is proposed.

- When repealing adopted California original standards, summarize the effect of the standards and explain why the standard is no longer necessary
- When amending a standard, explain the standard proposed to be modified, explain the effect of the proposed modification, explain the inadequacy of the standards being modified, and explain why the proposed amendment is necessary)

1) The Public Problem, Administrative Requirement, or Other Circumstance Addressed.

Administrative Requirement: Health and Safety Code Section 17921 directs the Department of Housing and Community Development (HCD) to propose adoption, amendment or repeal of building standards for the protection of public health, safety and general welfare.

2) Specific Purpose

HCD has determined the amendment of the 2010 California Green Building Standards Code (CGBC), also known as CALGreen, is needed pursuant to the requirements of Health and Safety Code Section 17921.

The **specific purpose** of these regulations is to amend the 2010 CALGreen code, Title 24, Part 11, of the California Code of Regulations (CCR) for the following programs:

- a) **State Housing Law:** 1. relative to residential occupancies, buildings or structures accessory thereto and as provided in Health and Safety Code Section 17921; 2. relative to California Fair Employment and Housing accessibility requirements as provided in Government Code Section 12955.1, except where the application is for public use only.
- b) **Employee Housing Act:** relative to any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- c) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

3) Rationale for Necessity

The 2010 California Green Building Standards Code (CALGreen) became effective on January 1, 2011. HCD has developed amendments to the 2010 CALGreen code to implement, interpret, and make specific provisions of state and federal law and/or to incorporate provisions that benefit the health, safety and general welfare of the people of California.

The proposed changes to the building standards with statewide application will lead to substantial environmental benefits through reduction in the use of energy, water, and raw materials; improved public and building occupant health due to improved indoor air quality; and overall reduction of detrimental environmental impacts.

Specific Proposed Regulatory Actions: HCD proposes to amend the 2010 California Green Building Standards Code (CALGreen). The rationale for each amendment is listed below.

CHAPTER 2 DEFINITIONS

SECTION: 202 Definitions.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. In response to a recommendation by the California Air Resources Board, HCD is including a definition for the acronym ARB (CARB) for user reference.

Similarly, HCD proposes to include a definition for the acronym TDV (Time Dependent Valuation Energy) used in Chapters 4 and 5. There is no intended change in regulatory effect.

CHAPTER 3 GREEN BUILDING

SECTION: 304.1.1 Tiers.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The amendment is in response to a comment from the California Air Resources Board requesting clarification of provisions addressing Tier 1, Tier 2, or other voluntary provisions, and state agency applications. The modifications specifically identify code divisions enumerating HCD and BSC Tier 1 and Tier 2 requirements and clarify that the voluntary measures are to be adopted and enforced at the local level. HCD also proposes to add a sentence directing users to the local amendment process, especially where changes in energy standards are proposed. There is no intended change in regulatory effect.

CHAPTER 4 RESIDENTIAL MANDATORY MEASURES

SECTION: 4.106.3 Grading and paving.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The amendment re-titles this section from "Surface drainage" to "Grading and paving" and reorganizes text to align with Section 5.106.10 (non-residential.) There is no intended change in regulatory effect.

SECTION: 4.303.1 Twenty percent savings.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The amendments provide clarity for users to identify the appropriate baseline or maximum flow rate columns. Also, text has been reorganized to align the plumbing fixtures in the same order as they are referenced in the tables. The titles "Prescriptive Method" and "Performance Method" are added for clarity and easy identification. There is no intended change in regulatory effect.

TABLE 4.303.1 WATER USE BASELINE

HCD proposes to amend the above-listed Table in Title 24, Part 11, CALGreen. The addition of "Baseline" clarifies the purpose of the flow rate column; a footnote referencing the origin of the baseline flow rate is repealed to reduce user confusion; and footnotes are reorganized to accurately reflect the changes. An additional fixture, "lavatory faucets, nonresidential" is added to the table similar to Table 5.303.2.2 (nonresidential) since these types of faucets also may be used in low-rise residential structures. There is no intended change in regulatory effect.

SECTION: 4.303.2 Multiple showerheads serving one shower.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The amendments provide clarity by identifying the appropriate column in the table displaying flow rates. Additional clarification is provided that the flow rates apply to individual shower valves regardless of the number of showerheads connected to that valve. There is no intended change in regulatory effect.

TABLE 4.303.2 FIXTURE FLOW RATES

HCD proposes to amend the above-listed Table in Title 24, Part 11, CALGreen. Adding "Baseline" clarifies the function of the column reflecting flow rate. A footnote referencing the origin of the baseline flow rate is repealed to reduce user confusion. An additional fixture, lavatory faucets and "nonresidential" are added to the table similar to Table 5.303.2.3 (nonresidential) since these types of faucets also may be used in low-rise residential structures, and an associated footnote clarifies that aerators may be used to reduce flow rate. A footnote added to the table allows a kitchen faucet to temporarily increase flow above 1.8 gpm @ 60 psi, but not to exceed 2.2 gpm @ 60 psi. This provision allows for filling pots, vessels or the sink in a shorter time; however, the faucet must default to the reduced flow rate of 1.8 gpm @ 60 psi when shut off. Footnotes are reorganized to reflect the changes. There is no intended change in regulatory effect.

TABLE: 4.303.3 STANDARDS FOR PLUMBING FIXTURES AND FIXTURE FITTINGS

HCD proposes to amend the above-listed Table in Title 24, Part 11, CALGreen. ASME Standard A112.18.1/CSA B125.1 is added for showerheads to provide clarity for the user and for consistency with Table 5.303.6 (non-residential.) There is no intended change in regulatory effect since the standard is already referenced for other plumbing fixtures.

SECTION: 4.406.1 Rodent proofing.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The intent of this section is focused on rodent proofing, not energy. The existing language could have been misinterpreted. The proposed language is more direct by deleting designation as an exception and re-titling the section from "Joints and openings" to "rodent proofing". There is no intended change in regulatory effect.

SECTION: 4.408.1 Construction waste management.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The amendments to this section include a title change from "Construction waste reduction of at least 50 percent" to "Construction waste management" and reference to additional methods of waste reduction previously found in Chapter 8 under the Construction Waste Management Plan. The proposed removal of the sample Construction Waste Management forms from Chapter 8 (see Chapter 8 discussion) necessitates formal recognition of this option in Chapter 4. The word "waste" is substituted for "debris" and an exception previously located in Section 4.408.2.2 is moved to this section increasing the number of exceptions from two to three. There is no intended change in regulatory effect.

SECTION: 4.408.2 Construction waste management plan.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The amendments clarify that compliance with, and submittal of, a construction waste management plan is one of the accepted methods for the required 50% construction and demolition waste reduction. The requirement for submittal of a construction waste management plan when there is no existing local ordinance that is more stringent is repealed since other methods are acceptable for compliance. Additional changes include clarification that referenced materials are "construction and demolition waste" materials and the commonly used terms "source-separated" and "single stream" are also added regarding on-site waste sorting or mixing, respectively. There is no intended change in regulatory effect.

SECTION: 4.408.2.1 Documentation.

HCD proposes to renumber and amend the above-listed section to Section 4.408.5 (see Section 4.408.5 discussion.) There is no intended change in regulatory effect.

SECTION: 4.408.2.2 Isolated jobsites.

HCD proposes to repeal the above-listed section in Title 24, Part 11, CALGreen. This section discusses an exception to the requirements of Section 4.408.1 for isolated jobsites and is added to the other exceptions in Section 4.408.1. Notes 1 and 2 are repealed from this section and added to Section 4.408.5, which is the appropriate location because the "Notes" concern documentation rather than isolated jobsites. There is no intended change in regulatory effect.

SECTION: 4.408.3 Waste management company.

HCD proposes to add the above-listed section to Title 24, Part 11, CALGreen. The section provides an alternate method of compliance with the 50 percent or greater construction and demolition waste requirements in Section 4.408.1 and is currently being utilized in many local jurisdictions. This option is currently referenced in Chapter 8 under the sample Construction Waste Management Plan; however, it is not explicit. The proposed removal of the Construction Waste Management forms from Chapter 8 (see Chapter 8 discussion) necessitates formal recognition of this option in Chapter 4. There is no intended change in regulatory effect.

SECTION: 4.408.4 Waste stream reduction alternative.

HCD proposes to add the above-listed section to Title 24, Part 11, CALGreen. The section clarifies that a waste stream reduction method, utilizing a maximum waste disposal rate of 4 pounds per square foot of building area into landfills, is also an acceptable method for meeting the construction waste reduction requirement. This option is currently referenced in Chapter 8 under the sample Construction Waste Management Plan; however, the proposed removal of the form from the regulatory text (see Chapter 8 discussion) necessitates formal recognition of this option in Chapter 4. There is no intended change in regulatory effect.

SECTION: 4.408.5 Documentation.

HCD proposes to renumber and amend former Section 4.408.2.1 to the above-listed section in Title 24, Part 11, CALGreen. Additionally, the text of Notes 1 and 2 are repealed from Section 4.408.2.2 and added to this section, which is the appropriate location. The added "Notes" in this section concern 'documentation' rather than 'isolated jobsites'. Note 1 also is amended to reflect proposed changes to Chapter 8, including the correction of the referenced location of sample forms created to assist individuals in documenting compliance with the construction waste requirements. There is no intended change in regulatory effect.

SECTION: 4.502.1 Definitions. (COMPOSITE WOOD PRODUCTS and VOC)

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The proposed definitions are now the same as those used in Section 5.502.1 (nonresidential), which includes finger-jointed lumber and a reference to CCR, Title 17, Section 93120.1(a), and provides full names for referenced agency acronyms. There is no intended change in regulatory effect.

SECTION: 4.504.1 Covering of duct openings and protection of mechanical equipment during construction.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The modification is in response to a comment from the California Air Resources Board and clarifies that covering of the specified equipment is important at the time of rough installation as well as during storage of the equipment for protection from water, dust and debris. There is no intended change in regulatory effect.

SECTION: 4.504.3 Carpet systems.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The modification clarifies application of the California Department of Public Health's new 2010 Standard Method 01350 for testing and evaluation of VOC emissions, which superseded the previous "standard practice". The change is in coordination with the California Building Standards Commission's 2010 CALGreen annual update. There is no intended change in regulatory effect.

SECTION: 4.504.3.1 Carpet cushion.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The modification is a nonsubstantive editorial correction changing "Institute" to "Institute's". There is no intended change in regulatory effect.

SECTION: 4.504.4 Resilient flooring systems.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The CHPS Low-Emitting Materials Table (List) has been discontinued by CHPS and replaced by the CHPS High Performance Products Database, which is in the early stages of being populated with information on qualifying low-emitting materials. HCD is clarifying that products meeting the California Department of Public Health's 2010 Standard Method for testing and evaluation of VOC emissions, and products certified by the Greenguard Children & Schools program, would also be acceptable methods of compliance. These modifications are in coordination with similar changes proposed by the California Building Standards Commission's 2010 CALGreen annual update and errata of November 11, 2010. There is no intended change in regulatory effect.

SECTION: 4.504.5.1 Documentation.

HCD proposes to amend the above-listed section in Title 24, Part 11. The modification incorporates a comment made by the California Air Resources Board. The amendment does not change compliance documentation requirements, but further expands acceptable documentation methods available for local enforcing agencies to consider. There is no intended change in regulatory effect.

SECTION: 4.505.2 Concrete slab foundations.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The amendment completes the intent of this section by clarifying that not only the California Building Code (CBC) must be complied with, but also the California Residential Code (CRC) when considering vapor retarder requirements under a concrete floor. There is no intended change in regulatory effect.

SECTION: 4.505.3 Moisture content of building materials

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The amendment clarifies the ability of the enforcing agency to approve alternate methods as applied to moisture content verification. It is a requirement to verify the moisture content of framing members prior to enclosure. The method of verification is not changed; however, the amendment is a pointer to CALGreen Section 101.8, which allows the enforcing agency to approve an alternate method to verify moisture content if it is at least equivalent to that required by code. There is no intended change in regulatory effect.

SECTION: 4.506.1 Bathroom exhaust fans.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. It is required to have a fan in each bathroom. Section A4.602 "Residential Occupancies Application Checklist" indicates HCD's intent that bathroom exhaust fans shall be provided in every bathroom; however, previously this requirement was not explicit in Section 4.506.1. Details are added to the requirements for a humidity control for clarity. HCD did not intend to require an exact range of 50 percent to 80 percent relative humidity. The requirement is for a range with a maximum setting of 80 percent. Also, the humidity control is not required to be an integral (i.e., built-in) part of the fan. Additionally, lighting integral to exhaust fans such as exhaust fans with lights shall comply with the switching and control requirements in Title 24, Part 6, California Energy Code. There is no intended change in regulatory effect.

SECTION: 4.507.2 Heating and air-conditioning system design.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The changes provide complete titles for referenced ANSI/ACCA documents in this section. There is no intended change in regulatory effect.

CHAPTER 6 REFERENCED ORGANIZATIONS AND STANDARDS

HCD proposes to amend the table listing standards in the above-listed chapter in Title 24, Part 11, CALGreen. The amendments correspond to changes made in Section 4.507.2. There is no intended change in regulatory effect.

CHAPTER 8 COMPLIANCE FORMS AND WORKSHEETS

HCD proposes to add explanatory text underneath the Chapter 8 heading that directs users to the location of sample forms (www.hcd.ca.gov/CALGreen.html), which may be of assistance in documenting compliance. There is no intended change in regulatory effect.

WORKSHEET (WS-1) BASELINE WATER USE

HCD proposes to amend the above-listed Worksheet in Title 24, Part 11, CALGreen. The footnote addressing the baseline flow rate is repealed to reduce user confusion, and footnotes are reorganized to reflect appearance in the table. There is no intended change in regulatory effect.

WORKSHEET (WS-2) 20 PERCENT REDUCTION WATER USE

HCD proposes to amend the above-listed Worksheet in Title 24, Part 11, CALGreen. The footnote addressing the fixture or fitting flow rates is revised to clarify that flow rate values used for calculation cannot exceed baseline flow rates from the California Energy Commission's 2010 Appliance Efficiency Regulations. Also, the footnotes are reorganized to reflect the changes. There is no intended change in regulatory effect.

Construction Waste management (CWM) Plan, Construction Waste Management (CWM) Worksheet, and Construction Waste Management (CWM) Acknowledgment

HCD proposes to repeal the above-listed sample forms from Chapter 8 in Title 24, Part 11, CALGreen. HCD has developed new documents for use in implementation of CALGreen, including a construction waste management plan and worksheets. The newly developed documents are designed specifically for low-rise residential projects. HCD determined that placement of these forms is more suitable in the HCD publication "A Guide to the California Green Building Standards Code (Low-Rise Residential)", which is available for reference or download on HCD's website. The repeal of these forms in CALGreen has no intended change in regulatory effect since the forms/worksheets in CALGreen were samples or optional.

APPENDIX A4 RESIDENTIAL VOLUNTARY MEASURES

SECTION: A4.106.5.3 Solar reflectance index alternative.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The accurate phrase is "Solar Reflectance Index". The California Energy Commission's (CEC) reference document, upon which this section is based, previously used the word "Reflective". The change from "Reflective" to "Reflectance" is a technical correction. Additionally, "Title 24, Part 6" is replaced with "California Energy Code" for uniformity. There is no intended change in regulatory effect.

SECTION: A4.203.1 Energy performance.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The amendments clarify that calculation of the building's performance be based on the Time Dependent Valuation (TDV) energy used instead of energy and carbon dioxide emissions. The reference to TDV clarifies the type of energy evaluated. The repeal of reference to carbon dioxide emissions is proposed since current software used for energy calculations does not include a calculation for carbon dioxide emissions. HCD also proposes correcting the reference to the "2008 energy standards" to the 2010 California Energy Code. There is no intended change in regulatory effect.

SECTION: A4.211.1 New solar homes partnership.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The amendment clarifies that the Tier II level of the New Solar Homes Partnership also requires an additional 30 percent reduction in the residential building's space cooling, or air conditioning, energy compared to the 2010 California Energy Code. There is no intended change in regulatory effect.

SECTION: A4.211.2 Solar water heating system.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The amendment is in response to a recommendation by the California Energy Commission that CALGreen allow the use of OG 100 solar collectors to be consistent with solar water heating options recognized by the California Energy Code. It further clarifies that OG 100 solar collectors as certified by the Solar Rating and Certification Corporation (CRCC) are also a suitable option for meeting this elective measure.

SECTION: A4.402 Definitions.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. Since Section A4.405.3 "Recycled Content" is being modified in coordination with the California Building Standards Commission, the definitions that are already included in Division A5.4 also are needed in Division A4.4 to provide clarity for the code user. There is no intended change in regulatory effect.

SECTION: A4.404.3 Building systems.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. As a result of a comment received, 'truss' is repealed and 'system' is added to eliminate any unintentional limitation that the word 'truss' may have suggested. HCD acknowledges the use of systems other than a truss system in roof and floor construction. There is no intended change in regulatory effect.

SECTIONS: A4.405.3 Recycled Content; A4.405.3.1 Determination of recycled content value (RCV_M); A4.405.3.1.2 Assemblies; A4.405.3.2 Concrete; and A4.405.3.3 Steel products.

HCD proposes to amend the above-listed sections in Title 24, Part 11, CALGreen. These sections are being modified in coordination with the California Building Standards Commission. The amendments, added for clarity, provide information for the code user to calculate the percentage of recycled content in construction materials.

SECTION: A4.408.1.1 Documentation.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. A reference to Section 4.408.2 is corrected to Section 4.408.5 as a result of a proposed renumbering. There is no intended change in regulatory effect.

SECTION: A4.502 Definitions. (NO ADDED FORMALDEHYDE (NAF) BASED RESINS)

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. HCD received input from the California Air Resources Board recommending using the wording for "NO ADDED FORMALDEHYDE (NAF) BASED RESINS" from CCR, Title 17, Section 93120.1(a). There is no intended change in regulatory effect.

SECTION: A4.504.2 Resilient flooring systems.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The CHPS Low-Emitting Materials Table (List) has been discontinued by CHPS and replaced by the CHPS High Performance Products Database, which is in the early stages of being populated with information on qualifying low-emitting materials. HCD is clarifying that products meeting the California Department of Public Health's 2010 Standard Method for testing and evaluation of VOC emissions, and products certified by the Greenguard Children & Schools program, are also acceptable methods of compliance. Additionally, references to website addresses are removed to avoid inaccuracies associated with future specific website address changes. These modifications are in coordination with similar changes proposed by the California Building Standards Commission's 2010 CALGreen annual update and errata of November 11, 2010. There is no intended change in regulatory effect.

SECTION: A4.504.3 Thermal insulation.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. In response to a comment from the California Air Resources Board, amendments to this section provide necessary clarification regarding formaldehyde in thermal insulation. The references to compliance methods or certifications are included in Tier 2 by default and avoid redundancy between the Tier 1 and Tier 2 language. This proposal also repeals the reference to No Added Formaldehyde (NAF) based resins in Tier 2 to avoid confusion with NAF resins used in composite wood products.

Additionally, the CHPS Low-Emitting Materials Table (List) has been discontinued by CHPS and replaced by the CHPS High Performance Products Database, which is in the early stages of being populated with information on qualifying low-emitting materials. HCD is clarifying that products meeting the California Department of Public Health's 2010 Standard Method for testing and evaluation of VOC emissions, and products certified by the Greenguard Children & Schools program, are also acceptable methods of compliance. These modifications are in coordination with similar changes proposed by the California Building Standards Commission's 2010 CALGreen annual update. There is no intended change in regulatory effect.

SECTION: A4.601.4.2 Prerequisite and elective measures for Tier 1.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. Local agencies adopting Tier 1 and/or Tier 2 green building standards must adopt specified prerequisite measures for each Tier. Implementation of prerequisite measure Section A4.304.4 (Potable Water Reduction) requires implementation of Section A4.304.3, which establishes a baseline water budget. This baseline water budget is required for the calculation of potable water reduction pursuant to Section A4.304.4; therefore, it is a prerequisite. Due to the necessity to implement Section A4.304.3 prior to Section A4.304.4, HCD also proposes to identify Section A4.304.3 as a Tier 1 and/or Tier 2 prerequisite measure. There is no intended change in regulatory effect.

SECTION: A4.601.5.2 Prerequisite and elective measures for Tier 2.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. Local agencies adopting Tier 1 and/or Tier 2 green building standards must adopt specified prerequisite measures for each Tier. Implementation of prerequisite measure Section A4.304.4 (Potable Water Reduction) requires implementation of Section A4.304.3, which establishes a baseline water budget. This baseline water budget is required for the calculation of potable water reduction pursuant to Section A4.304.4; therefore, it is a prerequisite. Due to the necessity to implement Section A4.304.3 prior to Section A4.304.4, HCD also proposes to identify Section A4.304.3 as a Tier 1 and/or Tier 2 prerequisite measure. There is no intended change in regulatory effect.

SECTION: A4.602 RESIDENTIAL OCCUPANCIES APPLICATION CHECKLIST.

HCD proposes to amend the above-listed section in Title 24, Part 11, CALGreen. The Residential Occupancies Application Checklist is updated to reflect changes made in Sections 4.106.3, A4.211.1, 4.303.1, 4.303.2, A4.304.3, 4.406.1, 4.408.1, 4.408.2, 4.504.4 and 4.507.2 (See an explanation of the rationale under each section.) There is no intended change in regulatory effect.

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

(Government Code Section 11346.2(b)(2) 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).)

None.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency's reason 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 alternative.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt model codes by reference.

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

(Government Code Section 11346.2(b)(3)(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. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse 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.

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

(Government Code Section 11346.2(b)(4) 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.)

None.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(5) 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. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives.)

These regulations neither duplicate nor conflict with federal regulations.