

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE FOLLOWING CALIFORNIA CODES:
2010 CALIFORNIA BUILDING CODE
2010 CALIFORNIA RESIDENTIAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 2 AND 2.5, RESPECTIVELY
(HCD EF 01/11)**

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 building standards related to the 2010 California Building Code (CBC) and 2010 California Residential Code (CRC).

This rulemaking action concerns carbon monoxide alarms and carbon monoxide detection systems.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from **April 22, 2011**, until **5:00 PM** on **June 6, 2011**. Please address your comments to:

**California Building Standards Commission,
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: Dave Walls, Executive Director**

Written comments may also be faxed to (916) 263-0959 or e-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), 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.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the 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). The 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 and/or oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The CBSC 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 and make specific the provisions of Health and Safety Code Sections 17922 and 18941.7. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922 and 19990.

INFORMATIVE DIGEST

Summary of Existing Laws

Existing state law governs the erection, construction, movement, enlargement, conversion, alteration, repair, removal, demolition or arrangement of all residential occupancies including, but not limited to, apartment houses, hotels and dwellings, and buildings and structures accessory thereto.

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 Sections 17922 and 19990 require that the building standards be essentially the same as the most recent editions of the uniform industry codes. 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 17922 also states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code 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."

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

Additionally, current state law requires the building department of every city, county and city and county to enforce regulations published in the California Building Standards Code, as well as other rules and regulations promulgated by HCD.

Summary of Existing Regulations

The 2010 CBC (based on the 2009 International Building Code) and the 2010 CRC (based on the 2009 International Residential Code), Parts 2 and 2.5, respectively, of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, became effective on January 1, 2011.

The purpose of the California Building Code and the California Residential Code is to establish the minimum requirements necessary to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, accessibility, use and occupancy, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment.

Summary of Effect

HCD proposes to amend the 2010 California Building Code (CBC) and the 2010 California Residential Code (CRC) into CCR, Title 24, Parts 2 and 2.5, respectively, for the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the federal Fair Housing Amendments Act and state law accessibility requirements, except where the application is for public use only.
- b) Employee Housing Act: relative to the occupancy of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.
- c) Mobilehome Parks or 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, 18620, 18640, 18865, 18865.3, 18873 and 18873.2.
- d) 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.

This regulatory action incorporates model code language that will be included in the 2012 edition of the International Building Code (IBC) in order to ease the future transition to that code. The amendments provide designers, builders, property owners and enforcing agencies the maximum amount of time to understand and implement statutory changes pursuant to Senate Bill 183 (Chapter 19, Statutes of 2010) enacted during the 2009/2010 legislative cycle, in addition to the new requirements contained in the national model codes HCD is mandated to use in California. The amendments also provide clarification of carbon monoxide devices, especially regarding implementation dates created by legislative mandate, enforcement authority, and requirements when major or minor work is being performed on an existing structure. Other general issues related to the installation of carbon monoxide alarms and carbon monoxide detection systems are also addressed.

An in-depth discussion of the effect of the amendments may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The broad objective of these proposed building standards is to provide clarification regarding the intent, purpose and installation requirements for carbon monoxide devices in residential occupancies.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

None.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, 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

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission 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 California Building Standards Code 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: 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: NONE.
- E. Cost or savings in federal funding to the state: NONE.

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 NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

HCD has made an initial determination that the 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. (See *Economic Impact of the Proposed California Building Code and California Residential Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DECLARATION OF EVIDENCE

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

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

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.

SMALL BUSINESS EFFECT

HCD has initially determined that a small business may be affected by these proposed regulations. (See *Economic Impact of the Proposed California Building Code and California Residential Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

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

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- 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.

- 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.

- 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.

(See *Economic Impact of the Proposed California Building Code and California Residential Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

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 and California Residential Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

CONSIDERATION OF ALTERNATIVES

HCD must determine 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.

AVAILABILITY OF RULEMAKING DOCUMENTS

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 also be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov>; in addition, the rulemaking documents will be posted on HCD's website at <http://www.hcd.ca.gov/codes/shl/t24.html>.

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 California Building Standards Commission website or HCD's website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

CBSC Contact: Michael Nearman (michael.nearman@dgs.ca.gov)

CBSC Back-up: If the contact person is unavailable, please contact Jane Taylor at the phone number or fax number provided below.

CBSC Address: California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

CBSC Telephone: (916) 263-0916

CBSC Fax: (916) 263-0959

CBSC E-mail: CBSC@dgs.ca.gov

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

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

Shawn Huff, State Housing Law Programs Manager
Division of Codes and Standards
Department of Housing and Community Development
Telephone: (916) 445-9471
Fax: (916) 327-4712
E-mail: shuff@hcd.ca.gov

Back-up:

Doug Hensel, Assistant Deputy Director
Division of Codes and Standards
Department of Housing and Community Development
Telephone: (916) 445-9471
Fax: (916) 327-4712
E-mail: dhensel@hcd.ca.gov