

**NOTICE OF PROPOSED ACTION  
TO  
BUILDING STANDARDS  
OF THE  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)  
REGARDING THE 2007 AND 2010 CALIFORNIA EXISTING BUILDING CODE (CEBC)  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10, APPENDIX CHAPTER A3  
(HCD EF 02/10)**

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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 10. HCD is proposing building standards related to the International Existing Building Code (IEBC).

This rulemaking action concerns Appendix Chapter A3 "Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings".

**PUBLIC COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from **June 18, 2010**, until **5:00 PM** on **August 2, 2010**. 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](mailto: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, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition or arrangement of apartment houses, hotels and dwellings, including accessory buildings, facilities and uses thereto.

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**

There are no existing building standards pertaining to this regulatory action contained in the 2007 and 2010 California Existing Building Code (CEBC.)

The Department of Housing and Community Development (HCD) has historically adopted model building codes that provide the latest seismic construction requirements for residential structures in areas more prone to seismic activity (identified by Seismic Design Categories.) However, these building codes apply to new construction and do not address retrofit or building modification to prevent comprehensive structural failures in existing structures.

Currently, the California Code of Regulations, Title 24, Part 10, CEBC, only adopts provisions for seismic strengthening of unreinforced masonry bearing wall buildings. Another vulnerable component of existing older homes is the presence of cripple walls or short walls that rest on foundations and support floors and exterior walls. These walls frequently do not include additional bracing and are prone to shifting during an earthquake. This can result in severe damage to the home and increased potential of injury or death to the occupants.

Therefore, it is important that California adopt the most current model code provisions addressing existing residential structures that would provide greater seismic protection to the public.

### **Summary of Effect**

This regulatory action makes critically needed changes to California building standards pertaining to seismic strengthening of cripple wall and sill plate anchorage in light wood-frame residential buildings. HCD proposes the adoption of Appendix Chapter A3 to provide prescriptive standards to address seismic strengthening of cripple wall and sill plate anchorage in light wood-frame residential buildings. Adoption of the provisions in Appendix Chapter A3 will provide consistent building standards on a statewide basis that address retrofit of cripple walls, provide a lower cost option for local agency adoption and implementation, and present a uniform set of requirements when programs are reviewed or audited for federal, state or local funding opportunities. Similar to other building standards, local agencies have the ability to require more stringent or alternate requirements as established in statute.

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 summarized as follows:

- Enhances public safety and welfare.
- Reduces the risk of earthquake-induced damage to existing wood-frame residential buildings.
- Reduces the risk of death or injury.
- Establishes prescriptive state-wide building standards through the adoption of IEBC Appendix Chapter A3.
- IEBC Appendix Chapter A3 is a nationally developed publication. HCD amendments provide the most up-to-date building standards.
- Positive cost/benefits
  - Repair or reconstruction costs far exceed the cost of prevention (retrofit).
  - Retrofit homes can qualify for lower insurance premiums or extra insurance benefits.

- Set prescriptive standards for strengthening that may be approved by the building official without requiring plans or calculations prepared by an architect or engineer.
  - Create Jobs.
  - No cost to develop local standards.
  - Consistent state-wide building standards.
- Applicable to existing one- and-two family dwellings and townhouses of light-frame wood construction containing one or more of the structural weaknesses specified below.
- Sill plates or floor framing that are supported directly on the ground without an approved foundation system.
  - A perimeter foundation system that is constructed only of wood posts supported on isolated pad footings.
  - Perimeter foundation systems that are not continuous.
  - A perimeter foundation system that is constructed of unreinforced masonry or stone.
  - Sill plates that are not connected to the foundation or that are connected with less than what is required by the building code.
  - Cripple walls that are not braced in accordance with the requirements of Section A304.4 and Table A3-A, or cripple walls not braced with diagonal sheathing or wood structural panels in accordance with the building code.

**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 Existing Building 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 Existing Building 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 Existing Building 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 Existing Building 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:** Jane Taylor, Senior Architect

**CBSC Back-up:** If the contact person is unavailable, please contact Michael Nearman 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](mailto: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, Housing Standards 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](mailto: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](mailto:dhensel@hcd.ca.gov)