

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)
REGARDING THE CALIFORNIA EXISTING BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10

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 AND RATIONALE:

Statutes of 1991, Chapter 1082 (AB 204) requires the Housing and Community Development (HCD) adopt, approve, codify, and publish by reference in the California Building Standards Code the building standards in model code Appendix Chapter A1 of the Uniform Code for Building Conservation of the International Conference of Building Officials to provide minimum standards for existing unreinforced masonry (URM) bearing wall buildings. Furthermore, Health and Safety Code (H & SC) section 18928.1 requires state agencies adopting model codes to adopt the most recent editions.

In 1986, California passed a law that required local governments in Seismic Zone 4 to inventory their URM buildings. In addition, the law required that local governments establish loss reduction programs for URM buildings and report to the state the progress of their programs. While progress has been reported for about 2/3 of the buildings inventoried, one third remain at risk of collapse, at least in part due to ineffective local programs. In their recent report cited below, the Seismic Safety Commission (SSC) recommended that the state adopt the International Existing Building Code (IEBC) model code as one means of improving results.

HCD proposes to repeal Appendix Chapter 1 of the 2006 International Existing Building Code and adopt Appendix Chapter A1 – Seismic Strengthening Provisions for Unreinforced Masonry Buildings of the 2009 IEBC published by the International Code Council. The purpose of this action is to adopt the latest standards as required by H & SC Section 18928 and as recommended by the SSC, making the standards available to local governments for their loss reduction programs. The rationale for the adoption is the improvement of these programs and the successful mitigation of the remaining at-risk URM buildings.

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

California Seismic Safety Commission's 2004 Report to the California Legislature titled "Status of the Unreinforced Masonry Building Law"
(Seismic Safety Commission SSC 2005-02, published June 9, 2005)

CONSIDERATION OF REASONABLE ALTERNATIVES

No alternatives to adopting the IEBC were identified. However, the adoption of the most recent edition of this model code is mandated by H & SC Sections 18928.1 and 18934.6.

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

No alternatives were identified to lessen the adverse impact on small business, because the adoption of the most recent edition of this model code is mandated by H & SC Sections 18928.1 and 18934.6.

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

In SSC 2005-02, in addition to recommending the state's adoption of the latest edition of the IEBC, the SSC recommended that state and local governments provide economic incentives to URM building owners to defray costs associated with retrofitting, which may offset any costs associated with adoption of the latest edition of model code mandated by state law.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

There are no federal regulations related to the adoption of the latest edition of model codes. The requirements are set forth in H & SC Sections 18928.1 and 18934.6.