

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11
(HCD 07/15)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

(Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1)

No data or any technical, theoretical or empirical study, report, or similar document on which the Department of Housing and Community Development (HCD) is relying, has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

HCD withdrew proposed Section 4.304.2 "Irrigation controllers." This withdrawal reflects proposed regulatory changes, currently pending approval, in a certifying rulemaking (HCD EF 01-15) for the 2013 CALGreen Code.

For the 45-day comment period, HCD proposed to modify Section 4.304.2 by repealing the phrase "provided by the builder," and replacing the existing note with a reference to the HCD's CALGreen Guide. However, HCD proposed to repeal this section in the certifying emergency rulemaking (HCD EF 01-15) for the 2013 CALGreen Code, currently pending approval by the BSC. To avoid confusion, HCD withdrew the proposed modification from the 2016 CALGreen package.

HCD has also made an editorial correction to Section A4.602 "Residential Occupancies Application Checklist" to align with modifications proposed to Division A4.3 in the 2016 CALGreen.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

HCD has determined that the proposed regulatory action would not impose a mandate on school districts. HCD has determined that the proposed regulations would impose a mandate on local agencies; however, HSC 17951 provides for local agencies to prescribe fees to offset costs of enforcement.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

(Government Code Section 11346.9(a)(3)) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The text with proposed changes clearly indicated was made available to the public from **October 9, 2015**, until **November 23, 2015**. There was no subsequent public comment period.

One comment in support of HCD's proposals was received during the 45-day public comment period, which ended on **November 23, 2015**. No comment(s) were received after the close of the public comment period.

The following is HCD's summary of, and response to comment(s), specifically directed at the agency's proposed action. HCD has evaluated the submitted comments and provided the responses below.

NOTE: *The complete text of each comment submitted during the 45-day comment period may be viewed at the following internet address: <http://www.bsc.ca.gov/>*

COMMENTS RECEIVED DURING THE 45-DAY PUBLIC COMMENT PERIOD ARE LISTED BELOW.

(The text with proposed changes clearly indicated was made available to the public from October 9, 2015 until November 23, 2015)

1. COMMENTER: California Statewide Utility Codes and Standards Team (EM-1)
Address: No Address Provided
Phone: No Phone Number Provided

COMMENT: EM-1. Sections 202, 4.303 and A4.303

The commenter supports the modifications to Sections 202, 4.303 and A4.303, proposed by HCD.

The commenter appreciates the opportunity to continue working with HCD in future rulemakings that will improve the water efficiency standards for showerheads, urinals, toilets, residential lavatory faucets, and domestic hot water distribution. In addition, the commenter would like to work with HCD to include a compact (hot water) distribution design option into CALGreen in the next code cycle.

HCD RESPONSE:

HCD appreciates the commenter's support of the proposed amendments.

THERE WAS NO 15-DAY PUBLIC COMMENT PERIOD

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4)) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Health and Safety Code (HSC) Section 18928.1 requires building standards adopted or approved by the California Building Standards Commission to incorporate the text of the model codes, applicable national specifications, or published standards, in whole or in part, only by reference, with appropriate additions or deletions. In addition, HSC Section 18928 directs each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

In the case of the California Green Building Standards Code (CALGreen), there is no model code applicable to residential occupancies to be adopted. Health and Safety Code Section 17928 mandates HCD to review relevant green building guidelines and to propose green building features that are cost effective and feasible as mandatory building standards. HCD evaluated the available relevant green building guidelines; no alternatives were available for HCD to consider.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT

ON SMALL BUSINESSES: (Government Code Section 11346.9(a)(5)) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

There were no alternatives available to HCD. Providing the most recent methods and applying those building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable costs.