

EXECUTIVE SUMMARY

HCD EF 01/15

SUBJECT:

These amendments, in part, complete the certifying rulemaking process following the approved adoption of emergency regulations to the 2013 California Green Building Standards Code on May 29, 2015 and October 21, 2015 (90-day re-adoption). These amendments also accommodate changes, effective September 25, 2015, to the referenced Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division 2, Chapter 2.7, Section 490 et seq.) by the California Department of Water Resources subsequent to the adoption of the emergency regulations.

PROPOSING STATE AGENCY

Department of Housing and Community Development (HCD)

SUMMARY OF PROPOSED BUILDING STANDARDS

HCD, in coordination with the Governor's Office of Planning and Research, the Department of Water Resources (DWR), the California Building Standards Commission (CBSC), the Division of the State Architect – Structural Safety (DSA-SS), and the Office of Statewide Health Planning and Development (OSHPD), as well as water purveyors and other stakeholders, has developed emergency regulations that amend the 2013 California Green Building Standards Code (Part 11, Title 24, California Code of Regulations, also known as "CALGreen") as follows:

- Adds and repeals definitions to Chapter 2
- Amends Section 4.304 pertaining to Outdoor Water Use
- Amends and Repeals Sections from A4.304 pertaining to Outdoor Water Use

BACKGROUND:

Emergency proclamations issued by Governor Brown in January and April of 2014, as well as Executive Order B-29-15 (issued April 1, 2015), gave direction to HCD and other agencies to propose emergency building standard regulation pertaining to the reduction of water use for exterior landscape irrigation for specified residential buildings by updating the outdoor potable water use requirements located in The California Green Building Standards Code (CALGreen), Chapter 4 and Appendix Chapter A4. Currently DWR establishes, through Title 23 regulations, the required use of a Model Water Efficient Landscape Ordinance (MWELO) or a Locally Established Landscape Ordinance (WELO) that is equivalent to the MWELO. A coordinated effort took place with DWR to establish the appropriate formulas and regulatory language to accomplish the desired reduction in water used in exterior landscape irrigation systems within the 2013 California Green Building Standards Code, Title 24, Part 11 (CALGreen). Along with DWR, CBSC for nonresidential construction, DSA-SS for public schools K - 12 and community colleges, and OSHPD for hospitals, skilled nursing facilities and correctional treatment centers also proposed new emergency mandatory requirements addressing the outdoor use of water in landscape irrigation systems.

FINDINGS:

The proposed submittal appears to be compliant with the Administrative Procedure Act and State Building Standards Law. Please refer to the Final Statement of Reasons for information

on HCD's responses to comments received during the 45-day and 15-day public comment periods.

Enclosed for commission consideration are the following documents:

- Final Express Terms;
- Final Statement of Reasons;
- Nine-Point Criteria Analysis;
- Updated Informative Digest;
- Fiscal and Economic Impact Statement; and
- Initial Statement of Reasons (for reference only)

COMMISSION ACTION:

A nine-point analysis prepared in accordance with Health and Safety Code Section 18930 must, to the satisfaction of the commission, justify the approval of the proposed building standards. The commission must give great weight to the determination and analysis of the proposing agency on each of the nine points.

Any factual determination of the proposing agency shall be considered conclusive by the commission unless the commission expressly finds, and sets forth its reasons in writing, that the determination of the proposing agency is arbitrary and capricious, or substantially unsupported by the evidence. If there is such a finding, the commission may return the proposal to the proposing agency for re-examination of the disputed facts.

The commission may take any one of the following actions on this item:

- **Approve**
- **Disapprove**
- **Approve as Amended**
- **Further Study Required**