

**FINAL STATEMENT OF REASONS
FOR
FINAL EMERGENCY BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL
REGARDING THE 2010 CALIFORNIA RESIDENTIAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5
SMOKE ALARM POWER SOURCE / INTERCONNECTION REQUIREMENTS
FOR EXISTING BUILDINGS**

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))

The Office of the State Fire Marshal has not added any additional data or any technical, theoretical or empirical studies, reports or similar documents on which the SFM relied on in proposing these amendments to Title 24, Part 2.5 into this Final Statement of Reason.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Pursuant to Government Code Section 11346.9(a)(2)),

The Office of the State Fire Marshal has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

(Government Code Section 11346.9(a)(3))

[List 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 actions or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group]

The following is the Office of the State Fire Marshal's summary of and response to comments specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change:

COMMENTS RECEIVED DURING THE 45-DAY COMMENT PERIOD.

Pursuant to the requirements of Government Code Section 11346.8 (c), and Section 44 of Title 1 of the California Code of Regulations, the California Building Standards Commission provided a notice of proposed action for proposed modifications to California Code of Regulations Title 24 Part 2.5 which were the subject of a Notice of Proposed Action (Register 2011, Volume No. 16-Z, notice File No. Z-2011-0412-08).

The text with the modifications clearly indicated, were made available to the public for a 45-day written public comment period from April 22, 2011 to June 6, 2011.

Name/Organization: Stephan Kiefer, Chair, CALBO State Code Committee

While we believe the intent of these amendments are appropriate, we recommend the wording be consistent with the proposed HCD language in Section 315.1.3 exceptions 3 and 4.

The exceptions for smoke alarms and carbon monoxide alarms are the same and should therefore be written in the same format. We believe the proposed HCD language for section 315.1.3 exceptions 3 and 4 is more clear than that of the proposed SFM language for 314.4 exceptions 4 and 5. Ensuring this consistency is a primary function of the CBSC.

We appreciate and support the hard work of the Commission and the other State Agencies. In particular, we appreciate the ongoing effort to minimize changes to the model code documents. We respectfully request consideration of the modifications noted above.

Response:

The SFM is providing further modification to the above exceptions based on comments received during the 45-day comment period. The SFM agrees in keeping consistency between similar provisions. However, the SFM is not able to make all necessary revisions in this rulemaking and will work with the Department of Housing and Community in future rulemaking cycles to provide further consistency with the provisions for carbon monoxide alarms contained in the California Building and Residential Codes.

SFM change to accommodate as follows:

R314.4 Power source. *Smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.*

Exceptions:

1. *Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.*
2. *Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.*
3. *Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.*
4. ~~*Work involving smoke alarms are permitted to be solely battery operated where repairs or alterations are limited to the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.*~~
5. ~~*Smoke alarms are permitted to be solely battery operated when work is limited to the installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section or the installation, alteration or repair of electrical systems which do not result in the removal of interior wall or ceiling finishes exposing the structure.*~~

R314.5 Interconnection. *Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.*

Exceptions:

1. *Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.*
2. *Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.*
3. ~~*Work involving smoke alarms are not required to be interconnected where repairs or alterations are limited to the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.*~~
4. ~~*Smoke alarms are not required to be interconnected when work is limited to the installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section or the installation, alteration or repair of electrical systems which do not result in the removal of interior wall or ceiling finishes exposing the structure.*~~

Notation:

Authority: Health and Safety Code Sections 13100.1, 13108, 13113.7, 13113.8, 13114, 13143, 17921(b), 18928(a), and 18949.2(b) and (c)

Reference: Health and Safety Code Sections 13108, 13113.7, 13113.8, 13114, 17921(b) and 18949.2(b) and (c)

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4))

The Office of the State Fire Marshal had made an initial determination at the start of the 45-Day Public Comment Period that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the adopted regulation.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

(Government Code Section 11346.9(a)(5))

The Office of the State Fire Marshal did not receive any proposed alternatives that would lessen the adverse economic impact on small businesses.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE

(Government Code Section 11347.6)

The Office of Small Business Advocate did not offer comments to the Office of the State Fire Marshal on this proposed rulemaking action.