

**NINE-POINT CRITERIA ANALYSIS
OF
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)

REGARDING THE 2001 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

Building standards submitted to the California Building Standards Commission for approval are required, by Health and Safety Code Subsection 18930(a), to be accompanied by an analysis which will, to the satisfaction of the Commission, justify their approval. The approval of these proposed building standards is justified as follows:

1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

The Department of Housing and Community Development (HCD) has determined that the proposed changes to the 2001 California Building Code into the California Code of Regulations, Title 24, Part 2, do not conflict with, overlap or duplicate other building standards.

2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.

The proposed changes to the 2001 California Building Code into the California Code of Regulations, Title 24, Part 2, are necessary to comply with Health and Safety Code Section 17921 and Government Code Sections 12955.1 and 12955.1.1.

The proposed building standards are not within the exclusive jurisdiction of another agency, nor do they conflict with the terms of SB 1025, which specifies the implementation responsibilities for both the Department of Housing and Community Development and the Division of the State Architect. As indicated below, the Department of Housing and Community Development is permitted, if it deems necessary, the adoption of the proposed standards related to residential housing; the Division of the State Architect is likewise permitted, when it deems it necessary, to adopt regulations governing public housing.

Government Code 12955.1(b)(2) states, in pertinent part:

“Notwithstanding subdivision (c), the Division of the State Architect and the Department of Housing and Community Development may adopt regulations to

clarify, interpret, or implement this subdivision, if either of them deem it necessary and appropriate.

“(c) Notwithstanding Section 12935, regulations adopting building standards necessary to implement, interpret, or make specific the provisions of this section shall be developed by the Division of the State Architect for public housing and by the Department of Housing and Community Development for all other residential occupancies,....” (emphasis added)

3) The public interest requires the adoption of the building standards.

Health and Safety Code Section 17921 directs the Department of Housing and Community Development (HCD) to propose the adoption, amendment, or repeal of building standards into Title 24 of the California Code of Regulations for the protection of public health, safety and general welfare of the occupants and the public.

4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

HCD has determined that the proposed building standards are not unreasonable, arbitrary, or capricious, in whole or in part.

5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

HCD finds that the proposed changes to the 2001 California Building Code into the California Code of Regulations, Title 24, Part 2, may increase certain costs; however, HCD has determined that, based on the resulting benefits of this proposal, this cost is reasonable.

6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.

HCD has determined that the proposed changes to the 2001 California Building Code into the California Code of Regulations, Title 24, Part 2, are not unnecessarily ambiguous or vague, in whole or in part.

7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate. *(Health and Safety Code Section 18930 requires a statement of inadequacy of a national specification, published standard, or model code if it does not adequately address the goals of the state agency, OR a statement informing the Commission that no national specification, published standard, or model code that is relevant to the proposed building standards exists.)*

HCD has included in the proposed changes to the 2001 California Building Code into California Code of Regulations, Title 24, Part 2, amendments which ensure that the model code adequately addresses the goals of the State of California.

Further, Fair Housing Amendments Act of 1988 (42 USC 36901, *et seq.*) contains comparable accessibility standards. Federal statutes and regulations (24 CFR Ch 1, Subch. A, Appendix II) specifically exempt townhouse-type construction in covered multifamily buildings (those without elevators) from building standards for persons with disabilities.

These proposed state building standards, as intended by SB 1025, will exceed federal statutes and regulations by requiring that 10% of townhouse-type construction in covered multifamily buildings (those without elevators) in California is subject to building standards for persons with disabilities.

8) The format of the proposed building standards is consistent with that adopted by the Commission.

HCD is using the format consistent with the CBSC.

9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.

The proposed changes to the 2001 California Building Code into the California Code of Regulations, Title 24, Part 2, have been submitted to the State Fire Marshal for review.