

**NINE-POINT CRITERIA ANALYSIS
OF
PROPOSED EMERGENCY BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2007 CALIFORNIA PLUMBING CODE (CPC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5, CHAPTER 16A, PART I
(GRAYWATER SYSTEMS)**

Building standards submitted to the California Building Standards Commission for approval are required by Health and Safety Code Section 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 2007 California Plumbing Code (CPC), California Code of Regulations, Title 24, Part 5, Chapter 16A, Part I 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 2007 California Plumbing Code (CPC), California Code of Regulations, Title 24, Part 5, Chapter 16A, Part I are necessary to comply with Health and Safety Code Sections 17040, 17921, 17922 and 19990. The purpose of these building standards is to implement, interpret and make specific the provisions of Health and Safety Code Sections 17922.12 and 18941.7.

The proposed building standards are not within the exclusive jurisdiction of another agency.

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

The Governor has declared that a drought, and subsequent state of emergency, exists. Severe drought conditions and water delivery restrictions imperil the safety of persons and property in California. Streamlining permitting and regulatory compliance actions for water conservation and recycling projects is necessary to provide relief.

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 occupant 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 changes to the 2007 California Plumbing Code (CPC), California Code of Regulations, Title 24, Part 5, Chapter 16A, Part I result in reasonable costs or costs savings to the public because it updates health and safety standards, provides the most recent methods, offers a number of alternatives and promotes affordable costs; especially when compared to the potential of substantial energy and water savings.

Health and Safety Code Section 17950 mandates that the application of published building standards be applied on a statewide basis which assists in uniformity and cost affordability.

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

HCD has determined that the changes to the 2007 California Plumbing Code (CPC), California Code of Regulations, Title 24, Part 5, Chapter 16A, Part I are neither ambiguous nor vague, either in whole or in part. The language of the California amendments was developed using the text to be included in the 2009 UPC and has been extensively reviewed and edited to avoid ambiguity or vagueness.

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 18938 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 is required to review the UPC and, if appropriate, to include California amendments, which are necessary modifications to the model code language to incorporate state and federal law provisions. HCD has included amendments to the 2007 California Plumbing Code which ensure that the model code adequately addresses the goals and needs of the State of California.

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

HCD has consulted with, and is using formats obtained from, the California Building Standards Commission.

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 2007 California Plumbing Code (CPC), California Code of Regulations, Title 24, Part 5, Chapter 16A, Part I (Graywater Standards) do not promote fire and panic safety as determined by the State Fire Marshal (SFM).