

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE FOLLOWING CALIFORNIA CODES:
2010 CALIFORNIA BUILDING CODE (CBC)
2010 CALIFORNIA RESIDENTIAL CODE (CRC)
2010 CALIFORNIA ELECTRICAL CODE (CEC)
2010 CALIFORNIA MECHANICAL CODE (CMC)
2010 CALIFORNIA PLUMBING CODE (CPC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 2, 2.5, 3, 4 AND 5, RESPECTIVELY**

The Administrative Procedure Act requires an Initial Statement of Reasons to be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal and the rationale of the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose for which it is proposed.

- When repealing adopted California original standards, summarize the effect of the standards and explain why the standard is no longer necessary
- When amending a standard, explain the standard proposed to be modified, explain the effect of the proposed modification, explain the inadequacy of the standards being modified, and explain why the proposed amendment is necessary)

1) The Public Problem, Administrative Requirement, or Other Circumstance Addressed.

Administrative Requirement: Health and Safety Code Section 17921 directs the Department of Housing and Community Development (HCD) to propose adoption, amendment or repeal of building standards for the protection of public health, safety and general welfare. Government Code Section 12955.1 provides direction for HCD to propose adoption of building standards necessary to prohibit discrimination in the design and construction of all housing other than publicly funded housing.

2) Specific Purpose

HCD has determined the amendment of the 2010 editions of the CBC, CRC, CEC, CMC and CPC is needed pursuant to the requirements of Health and Safety Code Section 17921 and Government Code Section 12955.1.

The specific purpose of these regulations is to amend the 2010 CBC, 2010 CRC, 2010 CEC, 2010 CMC and 2010 CPC into Title 24, Parts 2, 2.5, 3, 4 and 5, respectively, of the California Code of Regulations (CCR) for the following programs:

- a) **State Housing Law:** 1. relative to residential occupancies, buildings or structures accessory thereto and as provided in Health and Safety Code Section 17921; 2. relative to California Fair Employment and Housing accessibility requirements as provided in Government Code Section 12955.1, except where the application is for public use only.
- b) **Employee Housing Act:** relative to any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- c) **Mobilehome Parks or Special Occupancy Parks:** relative to the use of building systems in or on any permanent buildings, accessory buildings, and structures under the ownership and control of the park operator within the park in accordance with Health and Safety Code Section 18300 for mobilehome parks, and Sections 18865 and 18873 for special occupancy parks.
- d) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

3) Rationale for Necessity

The 2010 CBC (based on the International Building Code) and the 2010 CRC (based on the International Residential Code), both published by the International Code Council (ICC), the 2010 CEC (based on the National Electrical Code), published by the National Fire Protection Association (NFPA), and the 2010 CMC (based on the Uniform Mechanical Code) and the 2010 CPC (based on the Uniform Plumbing Code), both published by the International Association of Plumbing and Mechanical Officials (IAPMO), become effective on January 1, 2011.

It is necessary to propose the identical amendment of Section 1.8.8 (2010 CBC, CMC and CPC), Section 1.8.7 (2010 CRC) and Article 89.108.8 (2010 CEC) to provide clarification regarding the intent, purpose and qualifications of the local appeals board.

Specific Proposed Regulatory Actions:

***SPECIAL NOTE:** The identical regulation regarding the “Appeals Board” process appears in five of the 2010 California codes (i.e., CBC, CRC, CEC, CMC and CPC.) Since the exact language is repeated in each of these codes, HCD is displaying the amended text, which affects all of the aforementioned codes, only once as shown below.*

HCD proposes the identical amendment of Section 1.8.8.1 (2010 CBC, 2010 CMC and 2010 CPC), Section 1.8.7.1 (2010 CRC) and Section 89.108.8.1 (2010 CEC). The rationale for the amendment follows:

SECTION 1.8.8 (CBC, CMC AND CPC); 1.8.7 (CRC); ARTICLE 89.108.8 (CEC) – APPEALS BOARD

SECTION 1.8.8.1 (CBC, CMC AND CPC); 1.8.7.1 (CRC); 89.108.8.1 (CEC) – GENERAL

The proposed amendment of the above-listed sections provides necessary clarification to explain the need for all jurisdictions to have a process to hear appeals. It further clarifies that local governing bodies are not mandated by HCD to establish a local appeals board and/or housing appeals board. This amendment also provides clarification that the specific qualifications of the appeals board members is to remain at the discretion of the local governing bodies and advises that any combination of education, training, and/or experience may meet the qualification requirements for appeals board appointees. Additionally, this amendment clarifies that local governing bodies may act as the appeals board when no other appeals board has been established. Lastly, by including a reference to the applicable sections of California Law, code users are provided the pertinent statutory information regarding the appeals process.

The amendments have no intended change in regulatory effect.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

(Government Code Section 11346.2(b)(2) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).)

None.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency’s reason for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternative.)

None.

