INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2013 CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4

(HCD 02/12)

The Administrative Procedure Act (APA) requires an Initial Statement of Reasons (ISOR) to be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE AND BENEFITS:
(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal, the problem the agency intends to address and the rationale for the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose, including the problem the agency intends to address, for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.)

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

Administrative Requirement: Health and Safety Code Sections 17922 and 19990 direct the Department of Housing and Community Development (HCD) to adopt the most recent edition of the model code, which in this case is the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials (IAPMO) as selected by the California Building Standards Commission (CBSC), into Part 4 of Title 24 of the California Code of Regulations.

2) Specific Purpose

The CBSC selected the 2012 Uniform Mechanical Code (UMC), published by the International Association of Plumbing and Mechanical Officials (IAPMO), as the model code to be referenced in Title 24, Part 4 for the 2012 Triennial Code Adoption Cycle.

The specific purpose of these regulations is to adopt by reference the 2012 edition of the Uniform Mechanical Code, with California Amendments, into Part 4, Title 24, CCR for the following programs:

a) **State Housing Law:** relative to residential occupancies, buildings or structures accessory thereto.

b) **Employee Housing Act:** relative to the use of mechanical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.

c) **Mobilehome Parks and Special Occupancy Parks:** relative to the use of mechanical equipment and 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 Health and Safety Code Section 18865 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 2012 Uniform Mechanical Code was published by IAPMO and will automatically become adopted in its entirety, pursuant to Health and Safety Code Section 17922 (b), one year from its date of publication if not amended and proposed by HCD to the CBSC for adoption.

If the 2012 Uniform Mechanical Code becomes adopted in its entirety without being proposed for adoption with amendments by HCD to the CBSC, such automatic adoption would cause considerable confusion because California Amendments are necessary modifications to the model code language to ensure that the 2013 California Mechanical Code is consistent with state law and unique California conditions.

It is necessary to propose the adoption of some sections of the 2012 Uniform Mechanical Code, with amendments to the model code language, to incorporate state and federal laws and regulations, and to benefit the health, safety, and general welfare of California residents.

It is necessary to not propose the adoption of some sections of the 2012 Uniform Mechanical Code, as they would conflict with certain existing state and federal laws, and would not benefit the health, safety, and general welfare of California residents.

It is necessary to propose the removal of some California Amendments previously proposed and adopted in the 2010 CMC that are duplicated or replaced by similar new model code language, or incorporated state and federal laws, and are no longer necessary.

It is necessary to propose to bring forward previously existing California Amendments. Some existing amendments will be brought forward without any changes and will represent no change in their effect from the 2010 California Mechanical Code. Other previously existing California Amendments will be changed as explained below.

Specific Proposed Regulatory Actions:

HCD proposes to adopt by reference the 2012 edition of the Uniform Mechanical Code with amendments into the 2013 California Mechanical Code. These proposed amendments are intended to provide clarity, specificity and direction to the code user and to implement and make specific existing state laws. These proposed amendments are a result of recommendations developed during the public participation period prior to submittal to the California Building Standards Commission (CBSC). The rationale for each amendment is listed below.

PART 1

1. DIVISION I
CALIFORNIA ADMINISTRATION

1.1.1 Title.

Rationale: HCD proposes to continue adoption of the above referenced California Amendment with modification. The reference to the Uniform Mechanical Code (UMC) is updated to show the change from the 2009 Uniform Mechanical Code to the 2012 Uniform Mechanical Code. There is no intended change in regulatory effect.

---

2. DIVISION II
ADMINISTRATION

111.2 Exempt Work.

Rationale: HCD proposes to adopt the above referenced section from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

---

3. CHAPTER 2
DEFINITIONS

HCD proposes to adopt Chapter 2 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code with amendment as follows:

203.0 "Approved"
Rationale: HCD proposes to continue adoption of the above referenced California Amendment with modification. Note 3 is deleted, which references Health and Safety Code Section 17921.3. Section 17921.3 of the Health and Safety Code remains in effect until building standards are adopted that conform to Section 17921.3 or until January 1, 2014. As current building standards in the 2010 California Plumbing Code already meet the requirements in Health and Safety Code Section 17921.3, it is unnecessary to continue Note 3. As a result of this deletion, former Notes 4-6 are editorially renumbered to Notes 3-5.

223.0 "UMC STANDARDS"
Rationale: HCD proposes to repeal the above referenced California Amendment. The reference is outdated as the Uniform Mechanical Code Standards no longer reside in Appendix A. The title of Appendix A is now "RESIDENTIAL PLAN EXAMINER REVIEW FORM FOR HVAC SYSTEM DESIGN." HCD proposes to <u>not</u> adopt Appendix A. The Reference Standards now reside in Chapter 17 of the 2012 Uniform Mechanical Code.

---

4. CHAPTER 3
GENERAL REQUIREMENTS

HCD proposes to adopt Chapter 3 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

(See Part 2 of this document for existing California Amendments from the 2010 CMC that HCD proposes to bring forward for adoption into the 2013 CMC without amendment.)

---

5. CHAPTER 4
VENTILATION AIR SUPPLY

HCD proposes to adopt Chapter 4 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code with amendment and proposes to bring forward existing California Amendments from the 2010 CMC with editorial corrections as follows:

402.5 Bathroom Exhaust Fans.

Rationale: HCD proposes to adopt the above referenced section, which provides a pointer to the CALGreen Code. All of HCD's proposed rulemaking packages include pointers to alert code users to the additional requirements located in the CALGreen Code. The pointers represent where in a subsequent rulemaking the complete CALGreen requirement may be located.

403.9 Exhaust Ventilation for Enclosed Parking Garages.
Exceptions 1 and 2.

Rationale: HCD proposes to bring forward the above referenced existing California Amendment from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code with a modification adding language requiring continuous ventilation unless exceptions are utilized. Section 403.8 from the 2010 CMC is renumbered to Section 403.9 in the 2013 CMC. Additionally, Table 4-4 is renumbered to Table 403.7 as a result of a change in the model code. Sections 403.8.2 and 403.8.2.2 from the 2010 CMC have been renumbered as Section 403.9 "Exceptions" in the 2013 CMC.

403.9.1 Alternative Exhaust Ventilation for Enclosed Parking Garages.
403.9.1.1 Minimum Exhaust Rate.
403.9.1.2 Exhaust Inlet Distribution.

Rationale: HCD proposes to bring forward the above referenced existing California Amendment from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code with an editorial correction. Section 403.8.2.1 from the 2010 CMC is renumbered to Section 403.9.1 in the 2013 CMC, and Section 403.8.1 from the 2010 CMC is renumbered to Section 403.9.1.2 in the 2013 CMC. Additionally, an internal reference to Table 4-4 is renumbered to Table 403.7. These editorial corrections are intended to clarify the intent of Section 403.9 regarding mechanical ventilation alternatives.

403.9.1.3 Exhaust System Operation.

Rationale: HCD proposes to adopt the above referenced California Amendment into the 2013 California Mechanical Code. The intent of this section is to identify the requirement for continuous operation when exceptions are not used, which would allow intermittent or modulated ventilation.

---

6. TABLE 403.7 MINIMUM EXHAUST RATES.

HCD proposes to adopt the above referenced Table from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code with amendment. A row for 'Bathroom' is added and the exhaust rate for continuous operation is reduced to 20 cfm/unit. In addition, Footnotes 8 and 9 define a bathroom consistent with the CALGreen Code and clarify that the exhaust rate for private bathrooms in dwellings is set by ASHRAE 62.2.

(See Part 2 of this document for existing California Amendments from the 2010 CMC that HCD proposes to bring forward for adoption into the 2013 CMC without amendment.)

---

7. CHAPTER 5
EXHAUST SYSTEMS

HCD proposes to adopt Chapter 5 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

506.2 Construction.

Rationale: HCD proposes to repeal the above referenced California Amendment from the 2010 California Mechanical Code. The provisions have been incorporated into the 2012 Uniform Mechanical Code; therefore, this California Amendment is no longer necessary.

---

8. CHAPTER 6
DUCT SYSTEMS

HCD proposes to adopt Chapter 6 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

602.1 General.
602.4 Joints and Seams of Ducts.
602.5 Metal.
602.6 Tin.
603.0 Quality of Material.
604.2 Metal Ducts.
604.5 Support of Ducts.
605.0 Insulation of Ducts.

Rationale: HCD proposes to repeal the above referenced California Amendments from the 2010 California Mechanical Code. These provisions have been incorporated into the 2012 Uniform Mechanical Code; therefore, the California Amendments are no longer necessary.

9. CHAPTER 7
COMBUSTION AIR

HCD proposes to adopt Chapter 7 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

---

10. CHAPTER 8
CHIMNEYS AND VENTS

HCD proposes to adopt Chapter 8 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

---

11. CHAPTER 9
INSTALLATION OF SPECIFIC APPLIANCES

HCD proposes to adopt Chapter 9 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code with amendment as follows:

924.1 Prohibited Installations.
924.1.1 Unvented Room Heaters.

Rationale: HCD proposes to adopt the above referenced sections with a new California amendment, and bring forward existing California amendments from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code prohibiting the installation of unvented room heaters in Group R Occupancy. The new California amendment corrects the occupancy classifications of a Storage Group S and aligns the "S" occupancy in the 2013 California Building Code based on the 2012 International Building Code.

---

12. CHAPTER 10
STEAM AND HOT WATER BOILERS

HCD proposes to adopt Chapter 10 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

---

13. CHAPTER 11
REFRIGERATION

HCD proposes to adopt Chapter 11 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

(See Part 2 of this document for existing California Amendments from the 2010 CMC that HCD proposes to bring forward for adoption into the 2013 CMC without amendment.)

---

14. CHAPTER 12
HYDRONICS

HCD proposes to adopt Chapter 12 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

---

15. CHAPTER 13
FUEL GAS PIPING

HCD proposes to adopt Chapter 13 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

---

16. CHAPTER 14
PROCESS PIPING

HCD proposes to not adopt Chapter 14 from the 2012 Uniform Mechanical Code.

---

17. CHAPTER 16
STATIONARY POWER PLANTS

HCD proposes to adopt Chapter 16 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

---

18. CHAPTER 17
REFERENCED STANDARDS

HCD proposes to adopt Chapter 17 from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

---

19. APPENDIX A "RESIDENTIAL PLAN EXAMINER REVIEW FORM FOR HVAC SYSTEM DESIGN"

HCD proposes to not adopt Appendix A from the 2012 Uniform Mechanical Code.

---

20. APPENDIX B "PROCEDURES TO BE FOLLOWED TO PLACE GAS EQUIPMENT IN OPERATION"

HCD proposes to not adopt Appendix B from the 2012 Uniform Mechanical Code.

---

21. APPENDIX C "INSTALLATION AND TESTING OF OIL (LIQUID) FUEL-FIRED EQUIPMENT"

HCD proposes to not adopt Appendix C from the 2012 Uniform Mechanical Code.

---

22. APPENDIX D "UNIT CONVERSION TABLES"

HCD proposes to adopt Appendix D from the 2012 Uniform Mechanical Code into the 2013 California Mechanical Code without amendment.

---

23. APPENDIX E "GREEN MECHANICAL CODE SUPPLEMENT"

HCD proposes to not adopt Appendix E from the 2012 Uniform Mechanical Code.

---

24. APPENDIX F "SIZING OF VENTING SYSTEMS SERVING APPLIANCES EQUIPPED WITH DRAFT HOODS, CATEGORY I APPLIANCES, AND APPLIANCES LISTED FOR USE WITH TYPE B VENTS"

HCD proposes to not adopt Appendix F from the 2012 Uniform Mechanical Code.

---

25. APPENDIX G "EXAMPLE CALCULATION OF OUTDOOR AIR RATE"

HCD proposes to not adopt Appendix G from the 2012 Uniform Mechanical Code.

PART 2

NOTE: *The language in Part 2 is brought forward from the previous code adoption cycle without change, except for nonsubstantive editorial corrections, and is displayed for context and for the convenience of code users.*

26. CHAPTER 1 "ADMINISTRATION"
DIVISION 1 "CALIFORNIA ADMINISTRATION"
1.1.1 Title. (See Part 1)
1.1.2 Purpose.
1.1.3 Scope.
1.1.3.1 Nonstate-Regulated Buildings, Structures, and Applications.
1.1.3.2 State-Regulated Buildings, Structures, and Applications.
1.1.4 Appendices.
1.1.5 Referenced Codes.
1.1.6 Non-Building Standards, Orders and Regulations.
1.1.7 Order of Precedence and Use.
1.1.7.1 Differences.
1.1.7.2 Specific Provisions.
1.1.7.3 Conflicts.
1.1.8 City, County, or City and County Amendments, Additions or Deletions.
1.1.8.1 Findings and Filings.
1.1.9 Effective Date of this Code.
1.1.10 Availability of Codes.
1.1.11 Format.
1.1.12 Validity.

Rationale: HCD proposes to bring forward the above referenced California Amendments in Chapter 1, Administration, Division I, California Administration from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change, except for nonsubstantive editorial corrections deleting the references to the Matrix Adoption Table (non-regulatory text) for conformity as directed by the CBSC.

1.8.0 Department of Housing and Community Development (HCD).
1.8.1 Purpose.
1.8.2 Authority and Abbreviations.
1.8.2.1 General.
1.8.2.1.1 Housing Construction.
1.8.2.1.2 Housing Accessibility.
1.8.2.1.3 Permanent Buildings in Mobilehome Parks and Special Occupancy Parks.
1.8.3 Local Enforcing Agency.
1.8.3.1 Duties and Powers.
1.8.3.2 Laws, Rules, and Regulations.
1.8.3.2.1 State Housing Law.
1.8.3.2.2 Mobilehome Parks Act.
1.8.3.2.3 Special Occupancy Parks Act.
1.8.3.2.4 Employee Housing Act.
1.8.3.2.5 Factory-Built Housing Law.
1.8.4 Permits, Fees, Applications and Inspections.
1.8.4.1 Permits.

1.8.4.2 Fees.
1.8.4.3 Plan Review and Time Limitations.
1.8.4.3.1 Retention of Plans.
1.8.4.4 Inspections.
1.8.5 Right of Entry for Enforcement.
1.8.5.1 General.
1.8.6 Local Modification by Ordinance or Regulation.
1.8.6.1 General.
1.8.6.2 Findings, Filings, and Rejections of Local Modifications.
1.8.7. Alternate Materials, Designs, Tests and Methods of Construction.
1.8.7.1 General.
1.8.7.2 Local Building Departments.
1.8.7.2.1 Approval of Alternates.
1.8.7.3 Department of Housing and Community Development.

Rationale: HCD proposes to bring forward the above referenced California Amendments in Chapter 1, Administration, Division I, California Administration from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change, except for nonsubstantive editorial corrections deleting the references to the Matrix Adoption Table (non-regulatory text) for conformity as directed by the CBSC.

1.8.8 Appeals Board.
1.8.8.1 General.
1.8.8.2 Definitions.
"Housing Appeals Board"
"Local Appeals Board"
1.8.8.3 Appeals.
1.8.9 Unsafe Buildings or Structures.
1.8.9.1 Authority to Enforce.
1.8.9.2 Actions and Proceedings.
1.8.10 Other Building Regulations.
1.8.10.1 Existing Structures.
1.8.10.2 Moved Structures.

Rationale: HCD proposes to bring forward the above referenced California Amendments in Chapter 1, Administration, Division I, California Administration from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change.

---

27. CHAPTER 2
DEFINITIONS

HCD proposes to bring forward existing California Amendments in Chapter 2 from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change.

203.0 -**A**-
APPROVED TESTING AGENCY.
ASSEMBLY BUILDING.
AUTHORITY HAVING JURISDICTION.

204.0 -**B**-
BUILDING.
BUILDING CODE.

206.0 -**D**-
DEPARTMENT.

207.0 -**E**-
ELECTRICAL CODE.
ENFORCING AGENCY.

208.0 -**F**-
FAMILY

214.0 -**L**-
LABELED.
LISTED (THIRD PARTY CERTIFIED).
LISTING AGENCY.

216.0 -**N**-
NUISANCE.

217.0 -**O**-
OCCUPANCY CLASSIFICATION.

218.0 -**P**-
PLUMBING CODE.

222.0 -**T**-
TESTING AGENCY.

223.0 -**U**-
UMC.

Rationale: HCD proposes to bring forward the above referenced existing California Amendments in Chapter 2 from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change.

---

28. CHAPTER 3
GENERAL REQUIREMENTS

303.8.1 Liquefied Petroleum Gas Appliances.

Rationale: HCD proposes to bring forward the above referenced existing California Amendment from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change except for an editorial renumbering of the section number. Section 303.7.1 from the 2010 California Mechanical Code is renumbered to Section 303.8.1 in the 2013 California Mechanical Code. The section renumbering is due to model code formatting in the 2012 Uniform Mechanical Code. There is no change in regulatory effect.

---

29. CHAPTER 4
VENTILATION AIR SUPPLY

403.7.1 Exhaust Ventilation for Enclosed Parking Garages.

Rationale: HCD proposes to bring forward the above referenced existing California Amendment from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change except for an editorial renumbering of the section number. Section 403.8 from the 2010 California Mechanical Code is renumbered to Section 403.7.1 in the 2013 California Mechanical Code. Additionally, an internal reference to Table 4-4 is renumbered to Table 403.7. These editorial changes are due to model code formatting in the 2012 Uniform Mechanical Code. There is no change in regulatory effect.

403.7.2 Exhaust Inlet Distribution.

Rationale: HCD proposes to bring forward the above referenced existing California Amendment from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change except for an editorial renumbering of the section number. Section 403.8.1 from the 2010 California Mechanical Code is renumbered to Section 403.7.2 in the 2013 California Mechanical Code. Additionally, an internal reference to Table 4-4 is renumbered to Table 403.7. These editorial changes are due to model code formatting in the 2012 Uniform Mechanical Code. There is no change in regulatory effect.

403.7.3 Alternative Exhaust Ventilation for Enclosed Parking Garages.

Rationale: HCD proposes to bring forward the above referenced existing California Amendment from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change except for an editorial renumbering of the section number. Section number 403.8.2 from the 2010 California Mechanical Code is renumbered to Section 403.7.3 in the 2013 California Mechanical Code. The section renumbering is due to model code formatting in the 2012 Uniform Mechanical Code. There is no change in regulatory effect.

403.7.3.1 Minimum Exhaust Rate.

Rationale: HCD proposes to bring forward the above referenced existing California Amendment from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change except for an editorial renumbering of the section number. Section 403.8.2.1 from the 2010 California Mechanical Code is renumbered to Section 403.7.3.1 in the 2013 California Mechanical Code. The section renumbering is due to model code formatting in the 2012 Uniform Mechanical Code. There is no change in regulatory effect.

403.7.3.2 Automatic Carbon Monoxide Sensing Devices.

Rationale: HCD proposes to bring forward the above referenced existing California Amendment from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change except for an editorial renumbering of the section number. Section 403.8.2.2 from the 2010 California Mechanical Code is renumbered to Section 403.7.3.2 in the 2013 California Mechanical Code. The section renumbering is due to model code formatting in the 2012 Uniform Mechanical Code. There is no change in regulatory effect.

---

30. CHAPTER 6
DUCT SYSTEMS

601.2 Sizing Requirements

Rationale: HCD proposes to bring forward the above referenced existing California Amendment from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change. There is no change in regulatory effect.

---

31. CHAPTER 11
REFRIGERATION

1106.3.1 Refrigerant Service Ports.

Rationale: HCD proposes to bring forward the above referenced existing California Amendment from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change. There is no change in regulatory effect.

---

32. CHAPTER 15
SOLAR SYSTEMS

1502.0 General.

Rationale: HCD proposes to bring forward the above referenced existing California Amendment from the 2010 California Mechanical Code for adoption into the 2013 California Mechanical Code without change except for an editorial renumbering of the section number. Section 1501.0 from the 2010 California Mechanical Code is renumbered to Section 1502.0 in the 2013 California Mechanical Code. The section renumbering is due to model code formatting in the 2012 Uniform Mechanical Code. There is no change in regulatory effect.

BENEFITS ANTICIPATED FROM THE PROPOSED REGULATORY ACTION

(Government Code Section 11346.2(b)(1) requires an enumeration of the benefits anticipated from the proposed regulatory action, including the benefits or goals provided in the authorizing statute.)

- Updated and improved minimum standards for mechanical systems
- Protection of public health and safety, worker safety and the environment
- General welfare of California residents

ECONOMIC IMPACT ASSESSMENT REPORT RELIED UPON

(Government Code Section 11346.3(b) requires preparation of an Economic Impact Assessment upon which the agency relies in proposing the regulation (s).)

- Economic Impact Assessment for the Adoption by Reference of the 2012 edition of the Uniform Mechanical Code with Proposed Amendments into the 2013 California Mechanical Code.

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

(Government Code Section 11346.2(b)(3) 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.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

(Government Code Section 11346.2(b)(4) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.)

HCD is statutorily required to adopt by reference model building codes, which contain prescriptive standards. Prescriptive standards provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensure compliance with minimum health, safety and welfare standards for owners, occupants and guests.

Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(5)(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 an alternative. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt this model code by reference.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

(Government Code Section 11346.2(b)(5)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt this model code by reference.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

(Government Code Section 11346.2(b)(6) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.)

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(7) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.)

These regulations do not duplicate nor conflict with federal regulations.