

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2013 CALIFORNIA ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

(HCD 01/12)

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(b)(1) 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 Section 17922 directs the Department of Housing and Community Development (HCD) to recommend adoption of the most recent edition of the National Electrical Code into Part 3, Title 24, California Code of Regulations (CCR.)

2) Specific Purpose

The California Building Standards Commission (CBSC) selected the 2011 National Electrical Code published by the National Fire Protection Association as the model code to be referenced in Title 24, Part 3, CCR for the 2013 code adoption cycle.

The specific purpose of these regulations is to adopt by reference the 2011 edition of the National Electrical Code, with California Amendments, into Part 3, 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 or maintenance of electrical 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 installation, use and maintenance of electrical equipment and systems in or on any permanent buildings or 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 component, or manufactured assembly in accordance with Health and Safety Code Section 19990.

3) Rationale for Necessity

The National Fire Protection Association acted on the 2011 National Electrical Code at its Association Technical Meeting held June 7-10, 2010. The 2011 edition of the National Electrical Code was issued by the Standards Council on August 5, 2010, with an effective date of August 27, 2010, and supersedes all previous editions. The National Electrical Code 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 adopted or proposed for adoption by HCD to the CBSC prior to that date.

If the 2011 National Electrical Code becomes adopted in its entirety without being adopted by the CBSC, such automatic adoption would cause considerable confusion because California Amendments, also known as “State amendments,” are necessary modifications to the model code language to ensure that the 2013 California Electrical Code is consistent with state law and unique California conditions.

It is necessary to propose the adoption of some sections of the 2011 National Electrical Code with amendments to the model code language to incorporate state law provisions and to accommodate unique California conditions.

It is necessary to not propose the adoption of some sections of the 2011 National Electrical Code as they would conflict with existing state law and to accommodate unique California conditions.

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 Electrical Code. Other previously existing California Amendments will be changed as explained below.

Specific Proposed Regulatory Actions:

HCD proposes to adopt the 2011 National Electrical Code by reference into the 2013 California Electrical Code with amendments. HCD also proposes to bring forward existing language contained in California Article 89 of the 2010 California Electrical Code for adoption into the 2013 California Electrical Code. The rationale for each amendment is listed below.

PART 1

**CALIFORNIA ARTICLE 89
GENERAL CODE PROVISIONS**

HCD proposes to bring forward the existing language contained in California Article 89, Section 89.101.1, from the 2010 California Electrical Code for adoption into the 2013 California Electrical Code with the following amendment:

SECTION: 89.101.1 Title

HCD proposes to correct a typographical error by deleting ‘s’ from ‘adoption’ and updating 2008 National Electrical Code to 2011 National Electrical Code.

HCD proposes to bring forward the existing language contained in California Article 89, Section 89.108.2.1.2, of the 2010 California Electrical Code for adoption into the 2013 California Electrical Code with the following amendment:

SECTION: 89.108.2.1.2 Housing Accessibility

HCD proposes to correct the definition of “PERSONS WITH DISABILITIES,” by deleting “PHYSICAL” for purposes of consistency with the California Building Code, Title 24, Part 2, and proposes to delete the reference to the Matrix Adoption Table (non-regulatory text) for conformity as directed by the CBSC.

**ARTICLE 90
INTRODUCTION**

HCD proposes to adopt Article 90 from the 2011 National Electrical Code into the 2013 California Electrical Code without amendment.

CHAPTER 1 GENERAL

HCD proposes to adopt Chapter 1, Articles 100 and 110, from the 2011 National Electrical Code into the 2013 California Electrical Code with the following amendments:

ARTICLE 100 Definitions

Ballasted Solar Photovoltaic System.

ARTICLE 110 Requirements for Electrical Installations

SECTION: 110.13 Mounting and Cooling Equipment.

Ballasted PV systems are rooftop systems which rely on weight and friction to resist wind and seismic forces without having a positive attachment to the roof. These systems have emerged as an attractive technology especially for large flat rooftops as they reduce costs and limit unnecessary roof penetrations. Currently the electrical code requires all electrical equipment to be attached firmly to the surface on which it is mounted. Ballasted PV systems can move in a seismic event and would cause damage to the electrical equipment if the equipment was not allowed to move with the PV system. This proposed amendment would allow the electrical equipment to be installed to allow for the maximum movement which may the PV system may be exposed to.

CHAPTER 2 WIRING AND PROTECTION

HCD proposes to adopt Chapter 2, Articles 200, 210, 215, 220, 225, 230, 240, 250, 280 and 285, from the 2011 National Electrical Code into the 2013 California Electrical Code without amendment.

CHAPTER 3 WIRING METHODS AND MATERIALS

HCD proposes to adopt Chapter 3, Articles 300, 310, 312, 314, 320, 322, 324, 326, 328, 330, 332, 334 (*also see Part 2, P. 4*), 336, 338, 340, 342, 344, 348, 350, 352-356, 358, 360, 362, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394 (*also see Part 2, P. 4*), 396, 398 and 399, from the 2011 National Electrical Code into the 2013 California Electrical Code without amendment.

CHAPTER 4 EQUIPMENT FOR GENERAL USE

HCD proposes to adopt Chapter 4, Articles 400, 402, 404, 406, 408, 409, 410, 411, 422, 424, 426, 427, 430, 440, 445, 450 (*also see Part 2, P. 4*), 455, 460, 470, 480 and 490, from the 2011 National Electrical Code into the 2013 California Electrical Code without amendment.

CHAPTER 5 SPECIAL OCCUPANCIES

HCD proposes to adopt Chapter 5, Articles 518, 545 and 590, from the 2011 National Electrical Code into the 2013 California Electrical Code without amendment.

HCD proposes to **not** adopt Chapter 5, Articles 500, 501, 502, 503, 504, 505, 506, 510, 511, 513, 514, 515, 516, 517, 520, 522, 525, 530, 540, 547, 550, 551, 552, 553 and 555 from the 2011 National Electrical Code. The regulations covered by these articles do not fall within the occupancies regulated by HCD.

CHAPTER 6 SPECIAL EQUIPMENT

HCD proposes to adopt Chapter 6, Articles 600, 620, 625, 626, 680, 682, 690, 692 and 694, from the 2011 National Electrical Code into the 2013 California Electrical Code without amendment.

HCD proposes to **not** adopt Chapter 6, Articles 604, 605, 610, 630, 640, 645, 647, 650, 660, 665, 668, 669, 670, 675, 685 and 695 from the 2011 National Electrical Code. The code provisions covered by these articles do not fall within HCD's authority.

**ARTICLE 334
NONMETALLIC-SHEATHED CABLE: TYPES NM, NMC, AND NMS**

HCD proposes to bring forward the existing language contained in Chapter 3, Article 334, from the 2010 California Electrical Code for adoption into the 2013 California Electrical Code as indicated below:

SECTION: 334.10 Uses Permitted

HCD proposes to bring forward the existing "Note" directly under the FPN (Fine Print Note) for clarity and specificity. The note provides the user with a specific reference to the California Building Code for Types III, IV and V construction as used in Section 334.10, items (2), (3) and (4).

SECTION: 334.12 Uses Not Permitted

HCD proposes to bring forward the existing "Note" to provide the user with a reference to the California Building Code for Types I and II construction as specified in Section 334.12, item (A)(1) Exception.

**ARTICLE 394
CONCEALED KNOB-AND-TUBE WIRING**

HCD proposes to bring forward the existing language contained in Chapter 3, Article 394, from the 2010 California Electrical Code for adoption into the 2013 California Electrical Code as indicated below:

SECTION: 394.12 Uses Not Permitted

HCD proposes to bring forward the existing amendment for HCD 1 that provides specificity for the code user as it relates to the use of knob-and-tube wiring in California.

**ARTICLE 450
TRANSFORMERS AND TRANSFORMER VAULTS (INCLUDING SECONDARY TIES)**

HCD proposes to bring forward the existing language contained in Chapter 4, Article 450, from the 2010 California Electrical Code for adoption into the 2013 California Electrical Code as indicated below:

SECTION: 450.23 Less-Flammable Liquid-Insulated Transformers

HCD proposes to bring forward the existing "Note" directly under the FPN (Fine Print Note) for clarity and specificity. The note provides the user with a specific reference to the California Building Code for Types I and II construction as used in Section 334.12.

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 electrical standards
- 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 2011 edition of the National Electrical Code with Proposed Amendments into the 2013 California Electrical 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.