

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2010 CALIFORNIA ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3
(HCD 01/08)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

(Government Code Section 11346.9(a) (1) requires an update of the information contained in the initial statement of reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

No data or any technical, theoretical or empirical study, report, or similar document on which the Department of Housing and Community Development (HCD) is relying has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

Non-substantive changes address grammatical, editorial language revisions and/or ambiguities. Substantive changes modify the originally intended regulatory effect.

There were no substantive or non-substantive revisions made to HCD's Express Terms as a result of comments received during the 45-day public comment period that ended on October 12, 2009.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Pursuant to Government Code Section 11346.9(a) (2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

The Department of Housing and Community Development has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

(Government Code Section 11346.9(a) (3))

The following is a summary of and response to comments specifically directed at HCD's proposed action or to the procedures followed by HCD in proposing or adopting the actions or reasons for making no change:

COMMENTS AND RESPONSES MADE DURING THE 45-DAY COMMENT PERIOD.

(Text with proposed changes clearly indicated was made available to the public from August 28, 2009 until October 12, 2009.)

- 1. COMMENTER:** Terry Szalai, P.E.
Technical/Quality Advisor
Suite 16 Electrical Engineering
A Division of Summit Engineering Inc.
463 Aviation Boulevard, Suite 200
Santa Rosa, CA 95403

COMMENT: EM-1. Section 250.24 and Articles 550 and 551. The commenter notes that HCD's written rationale for the non-adoption of Article 550 (Mobile Homes, Manufactured Homes, and Mobile Home Parks) and Article 551 (Recreational Vehicles and Recreational Vehicle Parks) is inaccurate since HCD does regulate these parks. The commenter also notes that specified provisions in Article 250 (Grounding and Bonding) of the 2008 NEC are in conflict with specified provisions in Title 25, Division 1, addressing electrical requirements in mobilehome parks and special occupancy parks. The commenter further recommends that HCD correct the Title 25 regulations to comply with Article 250.

The complete comment submitted by Terry Szalai, P.E. is available at the following internet address:
http://www.bsc.ca.gov/prpsd_chngs/pc_09_comment.htm.

RESPONSE:

HCD has eight programs within its Division of Codes and Standards. The Mobilehome Parks and Special Occupancy Parks Program has statutory authority to promulgate regulations, including electrical requirements, specific to the comment received. Those regulations are found in California Code of Regulations, Title 25, Division 1 (Housing and Community Development), which undergoes separate and different rulemaking proceedings. The current Title 24 (Building Standards Code) rulemaking is specific to authority established under the State Housing Law Health and Safety Code Section 17910 et seq., and its scope and authority is specific to HCD 1, HCD 2 and HCD 1-AC, which does not include mobilehomes, manufactured homes, recreational vehicles or parks. This comment has been forwarded to the Mobilehome Parks and Special Occupancy Parks Program for review and analysis since it falls outside this rulemaking.

2. **COMMENTER:** Gerard Winstanley, Program Manager
National Electrical Manufacturers Association (NEMA)
Low Voltage Distribution Equipment Section
(Comment forwarded via email by Malilia C. Clarke, NEMA, Administrative Associate,
Technical Services)

COMMENT: EM-2. Adoption of 2008 National Electrical Code (NEC). The commenter notes that the 2008 NEC expanded requirements for arc-fault circuit interrupters (AFCIs) will provide a dramatic decrease in the annual number of electrical fires. The commenter further requests the California Building Standards Commission (CBSC) to support HCD in adoption of the 2008 NEC, including expanded provisions for AFCI requirements, as well as other updated safety codes. The complete comment submitted by Gerard Winstanley, as forwarded by Malilia Clarke, is available at the following internet address:
http://www.bsc.ca.gov/prpsd_chngs/pc_09_comment.htm.

RESPONSE:

HCD acknowledges this comment and thanks the commenter for review and support of HCD's proposed adoption of the 2008 NEC into the 2010 California Electrical Code.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a) (4))

The Department of Housing and Community Development has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

(Government Code Section 11346.9(a) (5))

No proposed alternatives were received by the Department of Housing and Community Development that would lessen the adverse economic impact on small businesses.