

**NOTICE OF POST-HEARING MODIFICATIONS TO TEXT OF
PROPOSED REGULATIONS
TO
BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2010 CALIFORNIA RESIDENTIAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5
(HCD 04/09)**

The California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) is providing notice of the changes made to proposed regulations, Sections R315.2, R315.3, R315.3.1, R1001.3, R1001.4, R1003.3 and R1003.4, which were the subject of a public comment period that ended on November 16, 2009. These changes are in response to comments received during the initial 45-day public comment period that began on October 2, 2009, and ended on November 16, 2009.

The CBSC will accept written comments for at least 15 days between November 25, 2009, and December 9, 2009. All written comments must be submitted to the CBSC no later than 5:00 p.m. on December 9, 2009, and addressed to:

**California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director**

Written comments may also be faxed to (916) 263-0959 or e-mailed to CBSC@dgs.ca.gov until 5:00 p.m. on December 9, 2009.

All written comments received by December 9, 2009, which pertain to the indicated changes, will be reviewed and responded to by HCD's staff as part of the compilation of the rulemaking file. Please limit comments to the modifications to the text only.

The proposed modifications to the text and a comment form may be found on the CBSC's website at the following link: http://www.bsc.ca.gov/prpsd_chngs/pc_09_comment.htm.

**REVISED EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING CHANGES TO THE
2010 CALIFORNIA RESIDENTIAL CODE (CRC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5
(HCD 04/09)**

LEGEND FOR EXPRESS TERMS:

1. **Existing California amendments or code language being modified:** *All such language shown in italics, modified language is underlined or shown in ~~strikeout~~.*
 2. **IBC language with new California amendments:** IBC language shown in normal Arial 9 point; California amendments to IBC text shown underlined and in italics.
 3. **Repealed text:** All language shown in ~~strikeout~~.
 4. **Amended, adopted or repealed language after public hearing:** All such language appears in double underline or ~~double strikeout~~.
 5. **Notation:** Authority and Reference citations are provided at the end of each section.
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1. Amend Section R315.2 as follows:

R315.2 Where required in existing dwellings. Where ~~work requiring a permit occurs in~~ is required for alterations, repairs or additions exceeding one thousand dollars (\$1,000), existing dwellings or sleeping units that have attached garages or ~~in existing dwellings or sleeping units within which~~ fuel-burning fired appliances exist, ~~carbon monoxide alarms~~ shall be provided with a carbon monoxide alarm in accordance with Section R315.1. *Carbon monoxide alarms shall only be required in the specific dwelling unit or sleeping unit for which the permit was obtained*

NOTE:

Authority cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18865 and 19990; and Government Code Sections 12955.1 and 12955.1.1.

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5, and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

Rationale:

During the 45-day public comment period, HCD's internal review identified a clarity issue. As a result, HCD proposes to remove an ambiguity related to when CO devices are required in existing dwellings. The original proposed amendment required a CO alarm upon work requiring a permit. This language was unintentionally vague and open to interpretation. HCD proposes that permits which involve at least \$1,000 in work would initiate a requirement for a CO alarm for the affected dwelling unit or sleeping unit. This dollar limit is modeled after a similar requirement for smoke alarms required by the Office of the State Fire Marshal upon modification of existing residential structures. There is no intended change in regulatory effect from the original proposed amendments other than the clarification of the level of work that would require a CO device for the dwelling or sleeping unit.

2. Amend Section R315.3 as follows:

R315.3 Alarm requirements. Single-~~and multiple-~~ station carbon monoxide alarms shall be listed as complying with the requirements of UL 2034 for equipment performance and, Carbon monoxide detectors shall be listed as complying with the requirements of UL 2075. Carbon monoxide alarms and carbon monoxide detectors shall be installed in accordance with this code, the current edition of NFPA 720 for "Single and Multiple Station Alarms and Household Carbon Monoxide Detection Systems," "Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment" and the manufacturer's installation instructions. Other carbon monoxide alarm and detection devices as recognized in NFPA 720 are also acceptable.

Carbon monoxide alarms required by Sections R315.1 and R315.2 shall be installed in the following locations:

1. Outside of each separate dwelling unit sleeping area in the immediate vicinity of the bedroom(s).
2. On every level of a dwelling unit including basements.

NOTE:

Authority cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18865 and 19990; and Government Code Sections 12955.1 and 12955.1.1.

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5, and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

Rationale:

In response to a public comment received during the 45-day public comment period from manufacturer representatives, HCD proposes to specifically identify carbon monoxide detectors meeting UL 2075 criteria as an acceptable device for purposes of this section. There is no intended change in regulatory effect since the original proposed amendment provided that "other carbon monoxide alarm and detection devices as recognized in NFPA 720 are also acceptable" and NFPA 720 recognizes CO detectors and incorporates UL 2075. In order to avoid duplication of language and redundancy, the reference to carbon monoxide detectors is not repeated in each section referencing carbon monoxide alarms. It is HCD's intent that carbon monoxide detectors meeting UL 2075 standards and used in appropriate conditions are acceptable for purposes of Section 315.1.

3. Amend Section R315.3.1 as follows:

R315.3.1 Multi Multiple-purpose alarms. ~~When a Carbon monoxide alarms is combined with a smoke alarms, in addition to the requirements of shall comply with Section R315, all applicable standards, and requirements for listing and approval by the Office of the State Fire Marshal, described in Chapter 9 for smoke alarms shall apply.~~

NOTE:

Authority cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18865 and 19990; and Government Code Sections 12955.1 and 12955.1.1.

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5, and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

Rationale:

During the 45-day public comment period, HCD's internal review and consultation with the Office of the State Fire Marshal identified consistency and clarity issues. As a result, HCD proposes amendments to this section to provide some grammatical corrections, use consistent nomenclature to NFPA 720 and to clarify that CO alarms combined with smoke alarms are also subject to any listing/approval requirements of the Office of State Fire Marshal. There is no intended change in regulatory effect.

4. Amend Section R1001.3 as follows:

R1001.3 Seismic reinforcing. Masonry or concrete chimneys in all structures by this code assigned to Seismic Design Category C, D₀, D₁ or D₂ shall be reinforced. Reinforcing shall conform to the requirements set forth in Table R1001.1 and Section R609, Grouted Masonry.

NOTE:

Authority cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18865 and 19990; and Government Code Sections 12955.1 and 12955.1.1.

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5, and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

Rationale:

HCD received comments correctly identifying that an exception exists in Section R301.2.2, which exempts one and two-family dwellings from seismic design category C requirements. The amendments proposed by HCD to Sections R1001.2, R1001.4, R1003.3 and R1003.4, were intended to require seismic reinforcing and anchorage requirements for masonry chimneys and fireplaces constructed in one and two-family dwellings in seismic design category C. HCD's initial amendments were a result of CALBO comments made during the HCD Focus Group Meeting in April 2009. HCD agrees with the commented suggestions to clarify the intent of our proposed amendments to this section. We are incorporating their suggested language in Sections R1001.2, R1001.4, R1003.3 and R1003.4. This change adds needed clarity for design and enforcement professionals. This change has no intended change in regulatory effect from the initial Express Terms proposal.

5. Amend Section R1001.4 as follows:

R1001.4 Seismic anchorage. Masonry or concrete chimneys in all structures by this code assigned to Seismic Design Categories C, D₀, D₁ or D₂ shall be anchored at each floor, ceiling or roof line more than 6 feet (1829 mm) above grade, except where constructed completely within the exterior walls. Anchorage shall conform to the requirements of Section R1001.4.1.

NOTE:

Authority cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18865 and 19990; and Government Code Sections 12955.1 and 12955.1.1.

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5, and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

Rationale:

HCD received comments correctly identifying that an exception exists in Section R301.2.2, which exempts one and two-family dwellings from seismic design category C requirements. The amendments proposed by HCD to Sections R1001.2, R1001.4, R1003.3 and R1003.4, were intended to require seismic reinforcing and anchorage requirements for masonry chimneys and fireplaces constructed in one and two-family dwellings in seismic design category C. HCD's initial amendments were a result of CALBO comments made during the HCD Focus Group Meeting in April 2009. HCD agrees with the commented suggestions to clarify the intent of our proposed amendments to this section. We are incorporating their suggested language in Sections R1001.2, R1001.4, R1003.3 and R1003.4. This change adds needed clarity for design and enforcement professionals. This change has no intended change in regulatory effect from the initial Express Terms proposal.

6. Amend Section R1003.3 as follows:

R1003.3 Seismic reinforcing. Masonry or concrete chimneys shall be constructed, anchored, supported and reinforced as required in this chapter. In all structures by this code assigned to Seismic Design Category C, D₀, D₁ or D₂ masonry and concrete chimneys shall be reinforced and anchored as detailed in Section R1003.3.1, R1003.3.2 and R1003.4. In Seismic Design Category A, or B or C, reinforcement and seismic anchorage is not required.

NOTE:

Authority cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18865 and 19990; and Government Code Sections 12955.1 and 12955.1.1.

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5, and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

Rationale:

HCD received comments correctly identifying that an exception exists in Section R301.2.2, which exempts one and two-family dwellings from seismic design category C requirements. The amendments proposed by HCD to Sections R1001.2, R1001.4, R1003.3 and R1003.4, were intended to require seismic reinforcing and anchorage requirements for masonry chimneys and fireplaces constructed in one and two-family dwellings in seismic design category C. HCD's initial amendments were a result of CALBO comments made during the HCD Focus Group Meeting in April 2009. HCD agrees with the commented suggestions to clarify the intent of our proposed amendments to this section. We are incorporating their suggested language in Sections R1001.2, R1001.4, R1003.3 and R1003.4. This change adds needed clarity for design and enforcement professionals. This change has no intended change in regulatory effect from the initial Express Terms proposal.

7. Amend Section R1003.4 as follows:

R1003.4 Seismic anchorage. Masonry and concrete chimneys and foundations in all structures by this code assigned to Seismic Design Category C, D₀, D₁ or D₂ shall be anchored at each floor, ceiling or roof line more than 6 feet (1829 mm) above grade, except where constructed completely within the exterior walls. Anchorage shall conform to the requirements in Section R1003.4.1.

NOTE:

Authority cited: Health and Safety Code Sections 17040, 17921, 17922, 18300, 18865 and 19990; and Government Code Sections 12955.1 and 12955.1.1.

Reference: Health and Safety Code Sections 17000 through 17060, 17910 through 17990, 18620, 18630, 18640, 18670, 18690, 18691, 18873 through 18873.5, and 19960 through 19997; and Government Code Sections 12955.1 and 12955.1.1.

Rationale:

HCD received comments correctly identifying that an exception exists in Section R301.2.2, which exempts one and two-family dwellings from seismic design category C requirements. The amendments proposed by HCD to Sections R1001.2, R1001.4, R1003.3 and R1003.4, were intended to require seismic reinforcing and anchorage requirements for masonry chimneys and fireplaces constructed in one and two-family dwellings in seismic design category C. HCD's initial amendments were a result of CALBO comments made during the HCD Focus Group Meeting in April 2009. HCD agrees with the commented suggestions to clarify the intent of our proposed amendments to this section. We are incorporating their suggested language in Sections R1001.2, R1001.4, R1003.3 and R1003.4. This change adds needed clarity for design and enforcement professionals. This change has no intended change in regulatory effect from the initial Express Terms proposal.
