

**NINE-POINT CRITERIA ANALYSIS
FOR PROPOSED BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2019 CALIFORNIA EXISTING BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10
(HCD 07/19)**

Building standards submitted to the California Building Standards Commission (CBSC) for approval are required by Health and Safety Code Subsection 18930(a) to be accompanied by an analysis which will, to the satisfaction of CBSC, justify their approval. The approval of these proposed building standards is justified as follows:

18930(a)(1)

The proposed building standards do not conflict with, overlap, or duplicate other building standards.

The California Department of Housing and Community Development (HCD) has determined that the proposed changes to the 2019 California Code of Regulations (CCR), title 24, California Existing Building Code (CEBC), part 10, do not conflict with, overlap or duplicate other building standards.

18930(a)(2)

The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.

The proposed changes to the 2019 CCR, title 24, CEBC, part 10, are necessary due to changes in statutory requirements for residential structures and compliance with statutory directives to HCD. Adopting building standards for residential structures is within the jurisdiction of HCD in accordance with Health and Safety Code (HSC) sections 17921 and 17922 of the State Housing Law; Government Code section 12955.1; HSC section 17040 of the Employee Housing Act; HSC section 18300 of the Mobilehome Parks Act; HSC section 18865 of the Special Occupancy Parks Act; HSC section 19990 of the Factory-Built Housing Law; and the California Building Standards law.

The proposed building standards, as applicable to residential structures, are not within the exclusive jurisdiction of another agency.

18930(a)(3)

The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.

HSC section 17921, directs HCD to propose the adoption, amendment, or repeal of building standards into Title 24 of the CCR for the protection of public health, safety, and general welfare of the occupant and the public. The current rulemaking addresses issues related to public safety (fire, structural damage) and availability of additional safe housing.

18930(a)(4)

The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

HCD has determined that the proposed building standards are not unreasonable, arbitrary, or capricious, in whole or in part.

18930(a)(5)

The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

HCD finds that the proposed amendment to the 2019 CCR, title 24, CEBC, part 10, may result in reasonable costs or costs savings to the public because it updates health and safety standards, provides for the most recent methods and materials of construction, and promotes affordable costs. The HSC, section 17950, mandates that the application of published building standards be applied on a statewide basis, which assists in uniformity and cost affordability. The proposed amendments also implement fire and structural safety provisions adopted into statute and provide for increased availability of housing.

18930(a)(6)

The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.

HCD has determined that the proposed amendments to the 2019 CCR, title 24, CEBC, part 10, are neither ambiguous nor vague, either in whole or in part. The language of the California amendments was developed, reviewed, and edited to avoid ambiguity or vagueness.

18930(a)(7)

The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

18930(a)(7)(A). If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.

18930(a)(7)(B). If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.

HCD is required to review the 2018 IEBC and, if appropriate, to include California amendments, which are necessary modifications to the model code language to incorporate state and federal law provisions. HCD's prior rulemaking HCD 05/18 proposed adoption by reference of the 2018 IEBC regulations and California amendments which ensure that the model code adequately addresses the goals and needs of the State of California. The current rulemaking proposes updates to incorporated standards.

18930(a)(8)

The format of the proposed building standards is consistent with that adopted by CBSC. HCD is using the format consistent with that adopted by the CBSC.

18930(a)(9)

The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal

The proposed amendments to the 2019 CCR, title 24, CEBC, part 10, is subject to review by the State Fire Marshal (SFM). The SFM has reviewed HCD's proposed amendments and determined that the proposed building standard promote fire and panic safety.