

**NINE-POINT CRITERIA ANALYSIS
FOR PROPOSED BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2022 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5
(HCD 02/21)**

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 Department of Housing and Community Development (HCD) has determined that the proposed adoption by reference of the 2021 Uniform Plumbing Code (UPC); and new and modified California amendments to the 2022 California Plumbing Code (CPC) will include some duplication with the 2022 California Green Building Standards (CALGreen) Code. This duplication is necessary since both codes recognize plumbing fixtures and fittings related to water conservation. Fuel gas provisions in the 2022 CPC are duplicated in the 2022 California Mechanical Code due to the same chapters in the 2021 UPC and 2021 Uniform Mechanical Code.

The proposed building standards to the CPC, part 5, will include duplication with other parts of the California Code of Regulations (CCR), title 24 in Chapter 1 Administration, Division I (Article 89 in the California Electrical Code), which is shared between various parts of title 24.

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 adoption by reference of the 2021 UPC with amendments into the 2022 CPC, CCR, title 24, part 5, is necessary to comply with HSC sections 17921 and 17922 of the State Housing Law; Government Code (GC) section 12955.1; HSC section 17040 of the Employee Housing Act; HSC section 18620 of the Mobilehome Parks Act; HSC section 18873 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 CCR, title 24 for the protection of public health, safety, and general welfare of the occupant and the public.

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 adoption by reference of the 2021 UPC with amendments into the 2022 CPC, CCR, title 24, part 5, results in reasonable costs or costs savings to the public because it updates health and safety standards, provides 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.

18930(a)(6)

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

HCD has determined that the adoption by reference of the 2021 UPC with amendments into the 2022 CPC, CCR, title 24, part 5, is 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 2021 UPC and, if appropriate, to include California amendments, which are necessary modifications to the model code language to incorporate provisions of state and federal laws. HCD has included in the proposed adoption by reference of the 2021 UPC provisions, California amendments, which ensure that the model code adequately addresses the goals and needs of the State of California.

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 adoption by reference of the 2021 UPC with amendments into the 2022 CPC, CCR, title 24, part 5, is subject to review by the State Fire Marshal (SFM). This rulemaking document is subject to change after the CBSC's Code Advisory Committee meeting. HCD will submit a copy of the regulations to the SFM and request a written approval after the Code Advisory Committee meeting. HCD submitted a copy of the regulations to the SFM and received written approval on May 14, 2021 from SFM.