

**NINE-POINT CRITERIA ANALYSIS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT
REGARDING THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11
(HCD 04/22)**

Building standards submitted to the California Building Standards Commission (CBSC) for approval are required by Health and Safety Code (HSC) 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 proposed regulations do not conflict with, overlap, or duplicate other building standards. However, HSC section 18940.5 provides referencing or reprinting of CALGreen provisions in other parts of the California Building Standards Code.

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 regulations are within the parameters established by enabling legislation (HSC section 17928) to develop and propose green building standards for residential occupancies.

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 the Department of Housing and Community Development (HCD) to propose the adoption, amendment, or repeal of building standards into California Code of Regulations (CCR), title 24, for the protection of public health, safety, and general welfare of the occupant and the public. The proposed regulations are a continued effort to reduce greenhouse gas emissions from buildings (parking facilities); promote environmentally responsible, cost-effective, healthier places to live and work; and respond to the Governor's directive to develop a green building code.

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 of the 2022 CALGreen 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. 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 building standards require installation of an increased amount of electric vehicle supply equipment, in the form of receptacles for EV charging and EV chargers in new construction saving costs related to retrofit of parking facilities when EV charging is needed.

18930(a)(6)

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

The proposed building standards are not unnecessarily ambiguous nor vague, either in whole or in part. The proposed regulatory text has been developed by HCD and other stakeholders, reviewed by HCD and other stakeholders, and edited by HCD 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.

CALGreen is not based on a model code. HCD finds that the adoption of the 2022 CALGreen incorporates the most recent changes to state and federal laws. The proposed building standards are amendments to the initial 2022 CALGreen to implement increased EV charging opportunities.

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 of the 2022 CALGreen, CCR, title 24, part 11, is subject to review by the State Fire Marshal (SFM). HCD submitted a copy of the CALGreen regulations to the SFM and requested a written approval that was received on March 28, 2023.