

**NINE-POINT CRITERIA ANALYSIS
FOR PROPOSED BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2022 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(HCD 1-AC 01/22)**

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:

HSC section 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 chapters 10 and 11A of the 2022 California Building Code (CBC), California Code of Regulations (CCR), title 24, part 2, do not conflict with, overlap, or duplicate other building standards.

HSC section 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 building standards in chapters 10 and 11A of the 2022 CBC are necessary for compliance with statutory directives to HCD. Adopting building standards for residential structures is within the jurisdiction of HCD in accordance with 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 (covered multifamily dwellings), are not within the exclusive jurisdiction of another agency.

HSC section 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. The proposed regulations provide clarity within the code and eliminate conflict with accessibility statutes and regulations.

HSC section 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.

HSC section 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 building standards and amendments to chapters 10 and 11A of the 2022 CBC will not result in a cost to the public. 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 changes eliminate conflict within the code and additional costs incurred through misapplication or variability in application.

HSC section 18930(a)(6)

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

HCD has determined that the proposed building standards and amendments to chapters 10 and 11A of the 2022 CBC 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.

HSC section 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 International Building Code and, if appropriate, include California amendments, which are necessary modifications to the model code language to incorporate state and federal law provisions. HCD has proposed California amendments to the 2022 CCR, title 24, CBC, part 2, chapter 10, which ensure that the model code adequately addresses the goals and needs of the State of California

Chapter 11A is not directly based on a model code but references the Federal Fair Housing Amendments Act (FHA). HCD's prior intervening rulemaking (HCD 04/21) proposed adoption of chapter 11A, which incorporated the most recent changes to state and federal laws, provided consistency and clarity, and ensured that conditions unique to California were adequately addressed. The current rulemaking proposes editorial and clarification updates to chapter 11A with no intended change in regulatory effect.

HSC section 18930(a)(8)

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

HCD is using the format as directed by the CBSC.

HSC section 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 2022 California Building Code, CCR, title 24, part 2, chapters 10 and 11A are subject to review by the State Fire Marshal (SFM). HCD submitted a copy of chapters 10 and 11A regulations to the SFM and requested a written approval that was received on March 28, 2023.