

**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 03/22)**

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:

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 2022 California Building Code (CBC), California Code of Regulations (CCR), Title 24, Part 2, do not conflict with, overlap, or duplicate other building standards. HCD's proposals will avoid conflict between the CBC and the California Residential Code (CRC), Title 24, Part 2.5.

18930(a)(2)

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

The proposed repeals in 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, 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 the CCR, Title 24 for the protection of public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, lodging houses,

apartment houses, and dwellings, and buildings and structures accessory thereto. The proposed regulations address minimum standards for interior environment and health and safety.

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 amendments 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 amendments to 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 codes and additional costs incurred through misapplication or variability in application.

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 2022 CBC are neither ambiguous nor vague, either in whole or in part.

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 proposes a series of repeals and adoptions to better align with the California Energy Commission regulations and to remove duplicate requirements now contained within the California Energy Code.

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.

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 CBC, CCR, Title 24, Part 2, is subject to review by the State Fire Marshal (SFM). HCD submitted a copy of the CBC regulations to the SFM and requested a written approval that was received on April 6, 2023.