

**NINE-POINT CRITERIA ANALYSIS
FOR PROPOSED BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2019 CALIFORNIA BUILDING CODE, CHAPTER 11A
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(HCD 02/19)**

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 Department of Housing and Community Development (HCD) has determined that the proposed changes to the 2019 California Code of Regulations (CCR), title 24, California Building Code (CBC), Chapter 11A, part 2, will include some duplication with the Division of State Architect's (DSA), proposed building standards to the 2019 CBC, part 2. DSA's 11B proposals are similar to HCD's proposed building standards for Items 4,5 and 6.

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 2019 CCR, title 24, CBC, Chapter 11A, part 2, are necessary for 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 sections 17921 and 17922 of the State Housing Law; Government Code section 12955.1; Health and Safety Code section 17040 of the Employee Housing Act; Health and Safety Code section 18300 of the Mobilehome Parks Act; Health and Safety Code section 18865 of the Special Occupancy Parks Act; Health and Safety Code 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.

Health and Safety Code 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.

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 amendments to the 2019 CCR, title 24, CBC, Chapter 11A, part 2, 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 Health and Safety Code 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 proposed amendments to the 2019 CCR, title 24, CBC, Chapter 11A, part 2, 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.

Chapter 11A is not based on a model code. HCD's prior rulemaking HCD 3-18 proposed adoption of the 2019 CCR, title 24, CBC, Chapter 11A, part 2, which incorporates the most recent changes to state and federal laws, provides consistency and clarity and ensures that conditions unique to California are adequately addressed. The current rulemaking proposes updates to the 2019 CBC, Chapter 11A.

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, CBC, Chapter 11A CBC, part 2, are subject to review by the State Fire Marshal (SFM). The SFM has reviewed HCD's proposed amendments and determined that the proposed building standards promote fire and panic safety.