

**FINAL STATEMENT OF REASONS
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)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

The Department of Housing and Community Development (HCD) has not added any data (including technical, theoretical, or empirical studies, reports, or similar documents relied upon) that would necessitate an update of the information contained in the Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The text with proposed changes was made available to the public for a 45-day comment period from March 31, 2023, through May 15, 2023. There was no subsequent public comment period(s).

A total of 1,085 comments were received during the 45-day public comment period. This Final Statement of Reasons includes a reference to several duplicate comments received during the 45-day comment period. HCD consolidated similar comments and corresponding responses to comments. HCD did not consider responses on non-HCD proposals or proposals not addressed during the specified public comment period. HCD acknowledges all of the comments and responded to only the comments that pertained to the proposed amendments for the 2022 Intervening Code Adoption Cycle and those received prior to the close of the comment period. Due to the large volume of comments received on items 5, 12, and 14, a complete list of commenters and signatories can be found in Attachments A and B.

Of the 1,085 comments, HCD received four (4) comments that were outside the scope of the 45-day Express Terms. Acknowledgements of these comments are located after Item 16.

COMMENTS RECEIVED DURING THE 45-DAY PUBLIC COMMENT PERIOD

Item 1

Chapter 2 Definitions, Section 202 Definitions.

HCD proposes to adopt and amend definitions in this section to clarify terms used in Section 4.106.4.2 and Section A4.106.8.2.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 1.

Agency Response:

HCD recognizes the comment and appreciates EVCAC's support to approve item 1.

Item 1

Chapter 2 Definitions, Section 202 Definitions.

HCD proposes to adopt and amend definitions in this section to clarify terms used in Section 4.106.4.2 and Section A4.106.8.2.

Commenter(s) and Recommendation (if applicable):

California Statewide Utility Codes and Standards Team

The Commenter requests that HCD amend the definitions for Electrical Vehicle Charging Station (EVCS), Level 2 Electric Vehicle Supply Equipment, Level 2 Electric Vehicle (EV) Charger, Low Power Level 2 Electric Vehicle (EV) Charging Receptacle. The Commenter also suggests changes to definitions not being proposed for amendment e.g., Electric Vehicle (EV) Charger, and Electric Vehicle (EV) Ready Space. Additionally, the Commenter suggests adding a definition for Low Power Level 2 Electric Vehicle Supply Equipment (EVSE).

Agency Response:

HCD appreciates the Commenter's recommendation to amend the above referenced definitions. HCD coordinated with stakeholders, organizations, and other state agencies, to develop clear definitions for proposed adoption and amendment. Upon review, HCD has decided not to make any changes to the definitions. However, HCD will continue to assess and develop purposeful California Green Building Standards (CALGreen) definitions that have clear meaning to the code user.

Item 2

Chapter 4 Residential Mandatory Measures, Section 4.106.4 Electric vehicle (EV) charging for new construction.

HCD proposes to continue to adopt the above referenced section with amendment and also proposes to amend language referencing compliance with the California Electrical Code for consistency with other sections.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 2.

Agency Response:

HCD recognizes the comment and appreciates EVCAC's support to approve item 2.

Item 3

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2 New multifamily dwellings, hotels and motels and new residential parking facilities.

HCD proposes to continue to adopt the above referenced section with amendment. The proposed amendment repeals the reference to Section 4.106.4.2.1, which is proposed as "Reserved" in this rulemaking. The proposed amendment also repeals the reference to future EV charging spaces now that HCD requires actual installation of EVSE.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 3.

Agency Response:

HCD recognizes the comment and appreciates the support to approve item 3.

Item 4

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.1 Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms.

HCD proposes to repeal text from the above referenced section and propose it as "Reserved." The requirements for less than 20 dwelling units or hotel/motel units; and 20 or more dwelling units or hotel/motel units have been combined into Section 4.106.4.2.2.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 4.

Agency Response:

HCD recognizes the comment and appreciates EVCAC's support to approve item 4.

Item 4

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.1 Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms.

HCD proposes to repeal text from the above referenced section and propose it as "Reserved." The requirements for less than 20 dwelling units or hotel/motel units; and 20 or more dwelling units or hotel/motel units have been combined into Section 4.106.4.2.2.

Commenter(s) and Recommendation (if applicable):

California Building Industry Association (CBIA) and California Apartment Association (CAA)

On behalf of the CBIA and CAA, the Commenters strongly support the updates to EV charging building standards. The Commenters recognize and commend HCD for working towards Administration and decarbonization goals with the need to provide affordable housing. Additionally, the Commenters would like for HCD to acknowledge that moving forward, non-building code issues must be addressed by manufacturers, other agencies, and utility companies. The Commenters recommend that HCD and all interested parties consider an Alternative Method of Compliance in the Triennial Code Adoption Cycle.

Agency Response:

HCD acknowledges the comment and appreciates CBIA and CAA's support on the 2022 CALGreen building standards package. HCD recognizes non-building code issues and the time needed to research and consider an alternative method of compliance wherein builders would have the option of installing a level of EV ready parking spaces that are equal to or greater than the total number of apartments. HCD will continue to coordinate with all interested parties to further develop the above mentioned items in future code adoption cycles.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

Jack Lucero Fleck, California Resident

The Commenter requests that HCD clarify if a builder or developer in a jurisdiction without a reach code is permitted to comply with one of the voluntary Tiers in lieu of complying with the mandatory code. The Commenter suggests that HCD should insert the sentence, "Use of the Tier 1 or Tier 2 provisions shall be permitted should the applicant wish to follow them in lieu of the mandatory provisions."

Agency Response:

HCD appreciates the comment and suggestion that was provided. Upon review, HCD has decided not to make any additional changes. Voluntary measures within this code include provisions that may be adopted by cities/counties. However, the requirements of the mandatory measures remain the minimum statewide standards to be applied as scoped within the code. Local adoption of voluntary measures does not take the place of the mandatory measures within the code, unless the local voluntary measures meet and exceed the mandatory provisions.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

Analisa Bevan, California Air Resources Board (CARB)

CARB supports the proposal to increase the percentages of required Electric Vehicle (EV) Ready and Level 2 electric vehicle supply equipment (EVSE) in newly constructed multifamily dwellings, hotels, and motels, resulting in 50% of required parking spaces having EV charging capabilities.

Agency Response:

HCD appreciates the Commenter's letter of support to increase the percentages of required Electric Vehicle (EV) Ready and Level 2 electric vehicle supply equipment (EVSE) in newly constructed multifamily dwellings, hotels, and motels.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes.

Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

Various commenters; See Attachment A for a complete list.

The Commenters' request that HCD add a clarifying sentence that a developer may follow the voluntary Tier 1 or Tier 2 standards in lieu of the standards included in the mandatory section.

Agency Response:

HCD appreciates the comment and suggestion that was provided. Upon review, HCD has decided not to make any additional changes. Voluntary measures within this code include provisions that may be adopted by cities/counties. However, the requirements of the mandatory measures remain the minimum statewide standards to be applied as scoped within the code. Local adoption of voluntary measures does not take the place of the mandatory measures within the code, unless the local voluntary measures meet and exceed the mandatory provisions.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

Nicholas Johnson and Mercedes Bankston Orange Charger Inc.; Senator Josh Becker, District 13; Senator Lola Smallwood-Cuevas, District 28; Senator Skinner, District 9

The Commenters' request that HCD add a clarifying sentence that a developer may follow the voluntary Tier 1 or Tier 2 standards in lieu of the standards included in the mandatory section.

Agency Response:

HCD appreciates the comment and suggestion that was provided. Upon review, HCD has decided not to make any additional changes. Voluntary measures within this code include provisions that may be adopted by cities/counties. However, the requirements of the mandatory measures remain the minimum statewide standards to be applied as scoped within the code. Local adoption of voluntary measures does not take the place of the mandatory measures within the code, unless the local voluntary measures meet and exceed the mandatory provisions.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

Kristian Corby, California Electric Transportation Coalition (CaETC)

The Commenter suggests that HCD review the exception given to local governments to waive the requirements to install EV charging infrastructure and recommends that HCD collect and publish data on when, how often, and at what cost these exceptions are used. Additionally, the Commenter recommends that HCD review and determine whether outlets are the right option for EV charging at new multifamily housing.

Agency Response:

HCD appreciates the Commenter's recommendations and acknowledges the statements regarding electrical outlets and exceptions provided to local governments. Upon review, HCD has decided not to make any additional changes. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

Raghav Murali, PowerFlex Inc.

The Commenter recommends that HCD amend the automatic load management systems (ALMS) requirements to allow required EVSE that use ALMS to size onsite distribution infrastructure to deliver a minimum of 3.3 kW. The Commenter suggests removing the language, "beyond the minimum required", from the code section.

Agency Response:

HCD appreciates the Commenter's suggestion to amend the existing code language. Upon review, HCD has decided not to make any additional changes. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

The Commenter is concerned that providing EV charging when parking is unassigned is not the intent of the proposed regulations. In addition, the Commenter is concerned that the 40% requirement could leave multifamily occupants with limited access to EV charging through their dwelling's electrical service. The Commenter suggests clarifying the ability of building officials to work with applicants to utilize the enhanced provisions in the Appendix 4 Voluntary Measures to satisfy the basic requirements. Lastly, the Commenter requests clarification of the exception, as currently written, it could be construed to provide relief from the Mandatory Requirements.

Agency Response:

HCD recognizes and appreciates the Commenter's suggestion to clarify the existing code language. Upon review, HCD has decided not to make any additional changes. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

California Statewide Utility Codes and Standards Team

The Commenter recommends that HCD amend the proposed text in Section 4.106.4.2.2 and eliminate receptacles as a compliance option in Section 4.106.4.2.2. Item 1. Additionally the Commenter suggests that HCD amend the text in Section 4.106.4.2.2. Item 2.

Agency Response:

HCD appreciates the recommendations being provided to modify the proposed amendment in Section 4.106.4.2.2, Items 1 and 2. Upon review, HCD has decided not

to make any changes to the proposed amendment. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

California Building Industry Association (CBIA) and California Apartment Association (CAA)

On behalf of the CBIA and CAA, the Commenters strongly support the updates to EV charging building standards. The Commenters recognize and commend HCD for working towards Administration and decarbonization goals with the need to provide affordable housing. Additionally, the Commenters would like for HCD to acknowledge that moving forward, non-building code issues must be addressed by manufacturers, other agencies, and utility companies. The Commenters recommend that HCD and all interested parties consider an Alternative Method of Compliance in the Triennial Code Adoption Cycle.

Agency Response:

HCD acknowledges the comment and appreciates CBIA and CAA's support on the 2022 CALGreen building standards package. HCD recognizes non-building code issues and the time needed to research and consider an alternative method of compliance wherein builders would have the option of installing a level of EV ready parking spaces that are equal to or greater than the total number of apartments. HCD will continue to coordinate with all interested parties to further develop the above mentioned items in future code adoption cycles.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

Tessa Sanchez and Noelani Derrickson, Tesla, Inc.

The Commenters' recommend adding limitations to the exemption if a parking facility deems itself incapable of supporting EV charging. Additionally, the Commenter's recommend that HCD remove the J1772 requirement for EV chargers.

Agency Response:

HCD acknowledges the comment and appreciates the recommendations provided by Tesla, Inc. Upon review, HCD has decided not to make any additional changes. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

Tessa Sanchez and Noelani Derrickson, Tesla, Inc.

The Commenters' recommend revisions to clarify that Low Power Level 2 is the minimum and not the recommended ceiling for EV Ready requirements.

Agency Response:

HCD acknowledges the comment and appreciates the recommendations provided by Tesla, Inc. HCD disagrees with the recommendation to clarify that Low Power Level 2 is the minimum and not recommended ceiling for EV Ready requirements. Adding the word "minimum standards" was addressed by HCD during the Code Advisory Committee meeting; provisions in the California Green Building Standards Code that are prescriptive are minimum standards by default and this would set unnecessary precedent for every prescriptive section within the Code. Code users are always able to exceed the minimum requirements of the code and install more than the statewide mandatory minimum.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

Linda Hutchins-Knowles, EV Charging for All Coalition (EVCAC)
See Attachment B for a complete list of signatories.

The Commenters' request that HCD add clarity to the text "assigned parking", and provide each dwelling unit with an EV charging space rather than 40% of parking spaces. Additionally, the Commenters' request that HCD clarify that a developer may follow the voluntary Tier 1 or Tier 2 standards in lieu of the standards included in the mandatory section and clarify the requirements when the number of parking spaces is less than the number of dwelling units.

Agency Response:

HCD appreciates the comment and suggestion that was provided. Upon review, HCD has decided not to make any additional changes. Voluntary measures within this code include provisions that may be adopted by cities/counties. However, the requirements of the mandatory measures remain the minimum statewide standards to be applied as scoped within the code. Local adoption of voluntary measures does not take the place of the mandatory measures within the code, unless the local voluntary measures meet and exceed the mandatory provisions.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

Sven Thesen & Associates

The Commenters request that HCD clarify that a developer may follow the voluntary Tier 1 or Tier 2 standards in lieu of the standards included in the mandatory section.

Agency Response:

HCD appreciates the comment and suggestion that was provided. Upon review, HCD has decided not to make any additional changes. Voluntary measures within this code include provisions that may be adopted by cities/counties. However, the requirements of the mandatory measures remain the minimum statewide standards to be applied as scoped within the code. Local adoption of voluntary measures does not take the place of the mandatory measures within the code, unless the local voluntary measures meet and exceed the mandatory provisions.

Item 5

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms.

HCD proposes to amend the existing title to remove reference to 20 or more units and repeal the existing code language for EV capable along with the exception and notes. Additionally, HCD proposes to renumber the subitems and modify the titles with amendments to the subitems 1a-1d and 2a-2b.

Commenter(s) and Recommendation (if applicable):

California Legislature: Senator Josh Becker, District 13; Senator Ben Allen, District 24; Senator Anna Caballero, District 14; Senator Dave Cortese, District 15; Senator John Laird, District 17; Senator Nancy Skinner, District 9; Senator Lola Smallwood-Cuevas, District 28; Assemblymember Marc Berman, District 23; Assemblymember Laura Friedman, District 44; Assemblymember Tina McKinnor, District 61; Assemblymember Diane Papan, District 21

The Commenters requests that HCD clarify if a builder or developer in a jurisdiction without a reach code is permitted to comply with one of the voluntary Tiers in lieu of complying with the mandatory code. The Commenter suggests that HCD should insert the sentence, "Use of the Tier 1 or Tier 2 provisions shall be permitted should the applicant wish to follow them in lieu of the mandatory provisions."

Agency Response:

HCD appreciates the comment and suggestion that was provided. Upon review, HCD has decided not to make any additional changes. Voluntary measures within this code include provisions that may be adopted by cities/counties. However, the requirements of the mandatory measures remain the minimum statewide standards to be applied as scoped within the code. Local adoption of voluntary measures does not take the place of the mandatory measures within the code, unless the local voluntary measures meet and exceed the mandatory provisions.

Item 6

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2.1 Electric vehicle charging stations (EVCS).

HCD proposes to continue to adopt the above referenced section with amendment and propose to amend the language to clarify that Section 4.106.4.2.2, item 2, refers to EVCS with chargers installed.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 6.

Agency Response:

HCD recognizes the comment and appreciates EVCAC's support to approve item 6.

Item 6

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2.1 Electric vehicle charging stations (EVCS).

HCD proposes to continue to adopt the above referenced section with amendment and propose to amend the language to clarify that Section 4.106.4.2.2, item 2, refers to EVCS with chargers installed.

Commenter(s) and Recommendation (if applicable):

California Statewide Utility Codes and Standards Team

The Commenter recommends that HCD amend the proposed text being amended for Section 4.106.4.2.2.1.

Agency Response:

HCD appreciates the recommendations being provided to modify the proposed amendment in Section 4.106.4.2.2.1. Upon review, HCD has decided not to make any changes to the proposed amendment. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties oinn their proposal.

Item 7

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2.1.1 Location.

HCD proposes to repeal the above referenced section and move existing text into Section 4.106.4.2.2.1.2 Electric vehicle charging stations (EVCS) dimensions.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 7.

Agency Response:

HCD recognizes the comment and appreciates EVCAC's support to approve item 7.

Item 8

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2.1.2 Electric vehicle charging stations (EVCS) dimensions.

HCD proposes to continue adoption of the above referenced section as retitled, renumbered and incorporating text from existing Section 4.106.4.2.2.1.1

Commenter(s) and Recommendation (if applicable):

California Statewide Utility Codes and Standards Team

The Commenter recommends that HCD amend the proposed text being amended for renumbered Section 4.106.4.2.2.1, with subitems 1, 2, 3 with subitems 3a, 3b, and Exception.

Agency Response:

HCD appreciates the recommendations being provided to amend the proposed amendment to the text. Upon review, HCD has decided not to make any changes to the proposed amendment. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 8

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2.1.2 Electric vehicle charging stations (EVCS) dimensions.

HCD proposes to continue adoption of the above referenced section as retitled, renumbered and incorporating text from existing Section 4.106.4.2.2.1.1

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 8.

Agency Response:

HCD recognizes the comment and appreciates EVCAC's support to approve item 8.

Item 9

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2.1.3 Accessible EV spaces.

HCD proposes to continue adoption of the above referenced section as renumbered and with amendments.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 9.

Agency Response:

HCD recognizes the comment and appreciates EVCAC's support to approve item 9.

Item 9

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.2.1.3 Accessible EV spaces.

HCD proposes to continue adoption of the above referenced section as renumbered and with amendments.

Commenter(s) and Recommendation (if applicable):

California Statewide Utility Codes and Standards Team

The Commenter recommends that HCD amend the proposed text in renumbered Section 4.106.4.2.2.1.2.

Agency Response:

HCD appreciates the recommendations being provided to amend the proposed amendment to the text. Upon review, HCD has decided not to make any changes to the proposed amendment. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 10

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.3 EV space requirements.

HCD proposes to repeal text from the above referenced section.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 10.

Agency Response:

HCD recognizes the comment and appreciates EVCAC's support to approve item 10.

Item 11

Chapter 4 Residential Mandatory Measures, Section 4.106.4.2.4 Identification.

HCD proposes to repeal text from the above referenced section.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 11.

Agency Response:

HCD recognizes the comment and appreciates EVCAC's support to approve item 11.

Item 12

Chapter 4 Residential Mandatory Measures, Section 4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings.

HCD proposes continued adoption of the above referenced section to clarify that "electric vehicle charging spaces" as referenced in existing code are "EV capable spaces." This is being updated for consistency with other modifications related to EV charging spaces. HCD proposes to specify identification of service panel or subpanel circuit panel directory spaces for overcurrent protective devices as "EV capable." This language has been repealed from existing Section 4.106.4.2.4 and relocated into 4.106.4.3. There is no anticipated fiscal impact.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Corelis Associates Architecture & Planning

The Commenter suggests that the continuation of EV capable in item 12 was an oversight and requests the proposal to be approved as amended with suggested language.

Agency Response:

HCD appreciates the Commenter's suggestion to amend the code language. Upon review, HCD has decided not to make any changes to the proposed amendment. HCD proposes to retain EV Capable requirements for existing parking facilities undergoing alterations or additional that serve multifamily buildings. This was not an oversight by HCD.

Item 12

Chapter 4 Residential Mandatory Measures, Section 4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings.

HCD proposes continued adoption of the above referenced section to clarify that "electric vehicle charging spaces" as referenced in existing code are "EV capable spaces." This is being updated for consistency with other modifications related to EV charging spaces. HCD proposes to specify identification of service panel or subpanel circuit panel directory spaces for overcurrent protective devices as "EV capable." This language has been repealed from existing Section 4.106.4.2.4 and relocated into 4.106.4.3. There is no anticipated fiscal impact.

Commenter(s) and Recommendation (if applicable):

Various commenters; See Attachment A for a complete list.

The Commenters suggests revising the wording in this item to provide consistency with the other residential EV charging amendments that have eliminated the use of EV capable spaces as a compliance option (requiring EV ready or EVSE instead).

Agency Response:

HCD appreciates the Commenters' suggestion to amend this code language. Upon review, HCD has decided not to make any additional changes. HCD concluded that the term "EV Capable" is the only appropriate term to use for this section of CALGreen code. HCD uses "EV Capable", because this term has a definition that is relative to the requirements in this code section, that is, the requirements for infrastructure for future EV charging, including reserved service panel space and raceways for conductors. Use of "EV Ready" or "EVSE", would not be compatible within this section of code.

Item 12

Chapter 4 Residential Mandatory Measures, Section 4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings.

HCD proposes continued adoption of the above referenced section to clarify that "electric vehicle charging spaces" as referenced in existing code are "EV capable spaces." This is being updated for consistency with other modifications related to EV charging spaces.

HCD proposes to specify identification of service panel or subpanel circuit panel directory spaces for overcurrent protective devices as “EV capable.” This language has been repealed from existing Section 4.106.4.2.4 and relocated into 4.106.4.3. There is no anticipated fiscal impact.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

The Commenter suggests that the continuation of EV capable in item 12 was an oversight and requests the proposal to be approved as amended with suggested language.

Agency Response:

HCD appreciates the Commenter’s suggestion to amend the code language. Upon review, HCD has decided not to make any changes to the proposed amendment. HCD proposes to retain EV Capable requirements for existing parking facilities undergoing alterations or additional that serve multifamily buildings. This was not an oversight by HCD.

Item 12

Chapter 4 Residential Mandatory Measures, Section 4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings.

HCD proposes continued adoption of the above referenced section to clarify that “electric vehicle charging spaces” as referenced in existing code are “EV capable spaces.” This is being updated for consistency with other modifications related to EV charging spaces. HCD proposes to specify identification of service panel or subpanel circuit panel directory spaces for overcurrent protective devices as “EV capable.” This language has been repealed from existing Section 4.106.4.2.4 and relocated into 4.106.4.3. There is no anticipated fiscal impact.

Commenter(s) and Recommendation (if applicable):

California Statewide Utility Codes and Standards Team

The Commenter suggests that HCD clarify the alterations/additions for parking lots and allow ALMS for code-required EV spaces in existing building projects.

Agency Response:

HCD appreciates the comment and suggestion that was provided. Upon review, HCD has decided not to make any additional changes. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 12

Chapter 4 Residential Mandatory Measures, Section 4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings.

HCD proposes continued adoption of the above referenced section to clarify that “electric vehicle charging spaces” as referenced in existing code are “EV capable spaces.” This is being updated for consistency with other modifications related to EV charging spaces. HCD proposes to specify identification of service panel or subpanel circuit panel directory spaces for overcurrent protective devices as “EV capable.” This language has been repealed from existing Section 4.106.4.2.4 and relocated into 4.106.4.3. There is no anticipated fiscal impact.

Commenter(s) and Recommendation (if applicable):

Linda Hutchins-Knowles, EV Charging for All Coalition (EVCAC)
See Attachment B for a complete list of signatories.

The Commenters’ request that HCD provide consistency with the other residential EV charging amendments that have eliminated the use of “EV Capable” spaces as a compliance option.

Agency Response:

HCD appreciates the Commenters’ suggestions and recommendations to amend the section. Upon review, HCD has decided not to make any additional changes. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 13

Appendix A4 Residential Voluntary Measures, Section A4.106.8 Electric vehicle (EV) charging for new construction.

HCD proposes to continue adoption of the above referenced section with amendments.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 13.

Agency Response:

HCD recognizes the comment and appreciates EVCAC’s support to approve item 13.

Item 14

Appendix A4 Residential Voluntary Measures, Section A4.106.8.2 New multifamily development projects and hotels and motels.

HCD proposes to amend the existing title and repeal the existing code language for Tier 1 and Tier 2 requirements. HCD proposes new Tier 1 (Option A and Option B) and Tier 2 (Option A and Option B) voluntary measures to be adopted at the local level.

Commenter(s) and Recommendation (if applicable):

Various commenters; See Attachment A for a complete list.

The Commenters suggests removing the exception language “or parking facilities otherwise incapable of supporting electric vehicle charging” to avoid undermining the intended purpose of the code.

Agency Response:

HCD appreciates the Commenter’s suggestion to amend the code language. Upon further review, HCD has decided not to make any additional changes. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 14

Appendix A4 Residential Voluntary Measures, Section A4.106.8.2 New multifamily development projects and hotels and motels.

HCD proposes to amend the existing title and repeal the existing code language for Tier 1 and Tier 2 requirements. HCD proposes new Tier 1 (Option A and Option B) and Tier 2 (Option A and Option B) voluntary measures to be adopted at the local level.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

The Commenter suggests clarifying or removing the exception language “or parking facilities otherwise incapable of supporting electric vehicle charging”.

Agency Response:

HCD appreciates the Commenter’s suggestion to amend the code language. Upon further review, HCD has decided not to make any additional changes. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 14

Appendix A4 Residential Voluntary Measures, Section A4.106.8 Electric vehicle (EV) charging for new construction.

HCD proposes to amend the existing title and repeal the existing code language for Tier 1 and Tier 2 requirements. HCD proposes new Tier 1 (Option A and Option B) and Tier 2 (Option A and Option B) voluntary measures to be adopted at the local level.

Commenter(s) and Recommendation (if applicable):

California Statewide Utility Codes and Standards Team

The Commenter recommends that HCD amend the text in proposed Tier 1 Option A and eliminate receptacles as a compliance option.

Agency Response:

HCD appreciates the Commenter’s suggestion to amend the code language. Upon further review, HCD has decided not to make any additional changes. HCD encourages the Commenter’s to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 14

Appendix A4 Residential Voluntary Measures, Section A4.106.8 Electric vehicle (EV) charging for new construction.

HCD proposes to amend the existing title and repeal the existing code language for Tier 1 and Tier 2 requirements. HCD proposes new Tier 1 (Option A and Option B) and Tier 2 (Option A and Option B) voluntary measures to be adopted at the local level.

Commenter(s) and Recommendation (if applicable):

Tessa Sanchez and Noelani Derrickson, Tesla, Inc.

The Commenter's recommend that HCD remove the J1772 requirement for EV chargers.

Agency Response:

HCD acknowledges the comment and appreciates the recommendations provided by Tesla. Upon review, HCD has decided not to make any additional changes. HCD encourages the Commenter to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 14

Appendix A4 Residential Voluntary Measures, Section A4.106.8 Electric vehicle (EV) charging for new construction.

HCD proposes to amend the existing title and repeal the existing code language for Tier 1 and Tier 2 requirements. HCD proposes new Tier 1 (Option A and Option B) and Tier 2 (Option A and Option B) voluntary measures to be adopted at the local level.

Commenter(s) and Recommendation (if applicable):

Tessa Sanchez and Noelani Derrickson, Tesla, Inc.

The Commenter's strongly support HCD's proposal to increase EV parking spaces with receptacles and EV chargers at new hotels, motels, and multifamily buildings and raise voluntary Tier I and II percentages for Options A and B respectively.

Agency Response:

HCD recognizes the comment and appreciates Tesla's support on the proposed increases related to EV charging in the mandatory and voluntary measures.

Item 14

Appendix A4 Residential Voluntary Measures, Section A4.106.8 Electric vehicle (EV) charging for new construction.

HCD proposes to amend the existing title and repeal the existing code language for Tier 1 and Tier 2 requirements. HCD proposes new Tier 1 (Option A and Option B) and Tier 2 (Option A and Option B) voluntary measures to be adopted at the local level.

Commenter(s) and Recommendation (if applicable):

Linda Hutchins-Knowles, EV Charging for All Coalition (EVCAC)
See Attachment B for a complete list of signatories.

The Commenters' request that HCD clarify the meaning or remove the exception language "...or parking facilities parking facilities otherwise incapable of supporting electric vehicle charging."

Agency Response:

HCD appreciates the Commenters' suggestions and recommendations to amend the section. Upon review, HCD has decided not to make any additional changes. HCD encourages the Commenter's to engage in future rulemaking cycles to address all interested parties in their proposal.

Item 15

Appendix A4 Residential Voluntary Measures, Section A4.106.8.2.2 Technical requirements.

HCD proposes to continue to adopt the above referenced section with amendment. The proposed amendment corrects references to repealed Sections 4.106.4.2.1 (Notes); 4.106.4.2.2 (Notes), 4.106.4.2.3, 4.106.4.2.4 and renumbered Section 4.106.4.2.2.1.3 in the mandatory EV charging sections.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 15.

Agency Response:

HCD recognizes the comment and appreciates EVCAC's support to approve item 15.

Item 16

Appendix A4 Residential Voluntary Measures, Section A4.602 Residential Occupancies Application Checklist.

HCD proposes to amend the Residential Occupancies Application Checklist to coordinate with proposed changes and existing text in other sections of CAL Green in this rulemaking.

Commenter(s) and Recommendation (if applicable):

Dennis J. Corelis, Electric Vehicle Charging for All Coalition (EVCAC)

On behalf of the EVCAC, the Commenter recommends approval of item 16.

Agency Response:

HCD recognizes the comment and appreciates EVCAC's support to approve item 16.

COMMENTS RECEIVED THAT WERE OUTSIDE THE SCOPE OF THE 45-DAY EXPRESS TERMS

Comment 1

Notice of Proposed Action.

Commenter(s) and Recommendation (if applicable):

Birgitte Rasine and Michelle Pierce

The Commenters' recommend that HCD include additional language regarding the cost savings and benefits of Electric Vehicles (EV) and EV Charging for multifamily housing.

Agency Response:

HCD appreciates the recommendations provided by the Commenters. The basis of this comment is outside the scope of this 45-day Express Terms. Government Code, Section 11346.9, states that a comment is "irrelevant" if it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action.

Comment 2

Notice of Proposed Action and Initial Statement of Reasons.

Commenter(s) and Recommendation (if applicable):

Sven Thesen & Associates

The commenter suggests that HCD does not follow the requirements within Government Code, section 11346.5(a)(13) and did not evaluate the economic benefit of a universal access option in the NOPA and Initial Statement of Reasons (ISOR).

Agency Response:

HCD appreciates the feedback and recommendations provided by the Commenter. The basis of this comment is outside the scope of this 45-day Express Terms. Government Code, Section 11346.9, states that a comment is "irrelevant" if it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action.

Comment 3

General.

Commenter(s) and Recommendation (if applicable):

R.T.

The commenter expressed concern about light and noise pollution.

Agency Response:

HCD appreciates the feedback and recommendations provided by the Commenter. The basis of this comment is outside the scope of this 45-day Express Terms. Government Code, Section 11346.9, states that a comment is "irrelevant" if it is not specifically

directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action.

Comment 4
General.

Commenter(s) and Recommendation (if applicable):

Sue Hammond

The commenter is requesting that HCD expand on EV charging options for new apartments and condos.

Agency Response:

HCD appreciates the feedback and recommendations provided by the Commenter. The basis of this comment is outside the scope of this 45-day Express Terms. Government Code, Section 11346.9, states that a comment is "irrelevant" if it is not specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

HCD has determined that there are no reasonable alternatives to be considered or have otherwise been identified and brought to the attention of HCD. Health and Safety Code, Section 17928, mandates HCD to review relevant green building guidelines and to propose green building features that are cost effective and feasible as mandatory building standards. HCD evaluated the available green building guidelines, held multiple focus group meetings, and worked in conjunction with California Air Resources Board, California Building Standards Commission, Division of the State Architect, the building industry, advocates, and other stakeholders to determine the most appropriate building standards.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

Not applicable.