

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2016 CALIFORNIA ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3

(HCD)**

The Administrative Procedure Act (APA) requires an Initial Statement of Reasons (ISOR) to be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:

(Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal, the problem the agency intends to address, and the rationale for the determination by the agency that each adoption, amendment or repeal is reasonably necessary to carry out the purpose, including the problem the agency intends to address, for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.)

1) The Public Problem, Administrative Requirement, or Other Circumstance Addressed

Administrative Requirement: Health and Safety Code Section 17922 directs the Department of Housing and Community Development (HCD) to adopt the most recent edition of the model code, which, in this case, is the National Electrical Code (NEC) published by the National Fire Protection Association (NFPA).

2) Specific Purpose

The California Building Standards Commission (CBSC) selected the 2014 National Electrical Code as the model code to be referenced in Title 24, Part 3 of the California Code of Regulations (CCR) for the 2015 Triennial Code Adoption Cycle.

The specific purpose of these regulations is to adopt by reference the 2014 edition of the National Electrical Code, with California Amendments, into the 2016 California Electrical Code, Title 24, Part 3 of the CCR for the following programs:

- a) **State Housing Law:** relative to residential occupancies, buildings or structures accessory thereto.
- b) **Employee Housing Act:** relative to the use of electrical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- c) **Mobilehome Parks and Special Occupancy Parks:** relative to the use of electrical equipment and systems in or on any permanent buildings, accessory buildings, and structures under the ownership and control of the park operator, within the park, in accordance with Health and Safety Code Section 18300 for mobilehome parks, and Health and Safety Code Section 18865 for special occupancy parks.
- d) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

3) Rationale for Necessity

The National Fire Protection Association acted on the 2014 National Electrical Code at its Association Technical Meeting held June 10-13, 2013. The 2014 edition of the National Electrical Code was issued by the Standards Council on August 1, 2013, with an effective date of August 21, 2013, and supersedes all previous editions. The National Electrical Code will automatically become adopted, in its entirety, pursuant to Health and Safety Code Section 17922(b), one year from its date of publication, if not adopted or proposed for adoption by HCD to the CBSC prior to that date.

If the 2014 National Electrical Code becomes adopted in its entirety without being adopted by the CBSC, such automatic adoption would cause considerable confusion because California Amendments, also known as "State Amendments", are necessary modifications to the model code language to ensure that the 2016 California Electrical Code is consistent with state law.

It is necessary to propose the adoption of some sections of the 2014 National Electrical Code with amendments to the model code language to incorporate state law provisions and to accommodate unique California conditions.

It is necessary to not propose the adoption of some sections of the 2014 National Electrical Code as they would conflict with existing state law provisions and not accommodate unique California conditions.

It is necessary to bring forward previously existing California Amendments. Some existing amendments will be brought forward without any changes and will represent no change in regulatory effect from the 2013 California Electrical Code. Other previously existing California Amendments will be changed as explained below.

Specific Proposed Regulatory Actions:

HCD proposes to adopt the 2014 NEC by reference into the 2016 CEC with modification. The rationale for each modification is listed below.

**1. CALIFORNIA ARTICLE 89
GENERAL CODE PROVISIONS**

**SECTIONS: 89.101 GENERAL
89.101.1 Title**

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 CEC into the 2016 CEC with modification. The proposed modification of Section 89.101.1 updates the reference to the National Electrical Code (NEC) from the 2011 edition to the current 2014 edition.

SECTION: 89.101.3.2 State-Regulated Buildings, Structures, and Applications

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 CEC into the 2016 CEC with modification. The proposed modification changes the term "apartment houses" to "apartments" in item # 7. This modification is also being proposed in other parts of Title 24 during this rulemaking and is necessary for consistency. The proposed modification also changes the term "common-use spaces" to "common-use areas" in item # 8. HCD is also proposing editorial modifications related to capitalization of defined terms. There is no intended change in regulatory effect and editorial corrections to defined term.

**SECTIONS: 89.101.8.1 Findings and Filings
89.101.10 Availability of Codes**

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 CEC into the 2016 CEC with modification. The proposed modification to Section 89.101.8.1 updates the physical address to the current location for HCD headquarters. The modification to Section 89.101.10 corrects an outdated section reference in Health and Safety Code Section 18942 which was changed by legislation. There is no intended change in regulatory effect.

**SECTIONS: 89.108 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
89.108.2.1.1 Housing Construction
89.108.2.1.2 Housing Accessibility**

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 CEC into the 2016 CEC with modification. The proposed modification changes the California Building Code references from Chapter 11A to Chapter 2, as the defined terms in the CBC were relocated to Chapter 2 in prior rulemaking. HCD is also proposing editorial modifications related to capitalization of defined terms. Additionally, HCD proposes to change the term "apartment houses" to "apartments," and add the term "public housing." These

modifications are also being proposed in other parts of Title 24 during this rulemaking and are necessary for consistency. There is no intended change in regulatory effect.

SECTION: 89.108.3.1 Duties and Powers

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 CEC into the 2016 CEC with modification. The proposed modification changes the term “apartment houses” to “apartments” and adds the term “condominiums.” This modification is also being proposed in other parts of Title 24 during this rulemaking and is necessary for consistency. There is no intended change in regulatory effect.

SECTION: 89.108.3.2.1 State Housing Law

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 CEC into the 2016 CEC with modification. The proposed modification changes the term “apartment houses” to “apartments” and adds the term “condominiums”. This modification is also being proposed in other parts of Title 24 during this rulemaking and is necessary for consistency. There is no intended change in regulatory effect.

SECTION: 89.108.4.3.1 Retention of Plans

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 CEC into the 2016 CEC with modification. HCD proposes to change the reference to “Section 1351” to “Section 4100”. This modification is necessary due to changes and renumbering in the Civil Code. There is no intended change in regulatory effect.

SECTION: 89.108.7.2 Local Building Departments

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 CEC into the 2016 CEC with modification. The proposed modification changes the term “apartment houses” to “apartments” and adds the term “condominiums”. This modification is also being proposed in other parts of Title 24 during this rulemaking and is necessary for consistency. There is no intended change in regulatory effect.

SECTION: 89.108.7.2.1 Approval of Alternates

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 CEC into the 2016 CEC with modification. The proposed modification corrects the California Building Code reference for defined terms from Chapter 11A to Chapter 2. HCD is also proposing editorial modifications related to capitalization of defined terms. There is no intended change in regulatory effect.

SECTION: 89.108.7.3 Department of Housing and Community Development

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 CEC into the 2016 CEC with modification. The proposed modification changes the term “apartment houses” to “apartments” and adds the term “condominiums”. This modification is also being proposed in other parts of Title 24 during this rulemaking and is necessary for consistency. There is no intended change in regulatory effect.

**SECTIONS: 89.108.8 APPEALS BOARD
89.108.8.1 General**

**** Informative Note for Section 89.108.8.1: (The text shown in the Express Terms is not the same language printed in the 2013 CEC, but is correct based upon the amendment that was approved during the 2010 Annual Code Adoption Cycle. The incorrect version of Section 89.108.8.1 was erroneously printed in the 2013 CEC.)**

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 CEC into the 2016 CEC with modification. HCD proposes to add the term “construction” to the text addressing the authority of local jurisdictions to hear appeals. The proposed amendment provides clarity to the code user and consistency with the Health and Safety Code and Section 89.108.8.2 of this code. This modification is also being proposed in other parts of Title 24 during this rulemaking and is necessary for consistency. There is no intended change in regulatory effect.

**SECTIONS: 89.108.10 OTHER BUILDING REGULATIONS
89.108.10.1 Existing Structures
89.108.10.2 Moved Structures**

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 CEC into the 2016 CEC with modification. The proposed modifications to Sections 89.108.10.1 and 89.108.10.2 recognize and incorporate reference to the California Existing Building Code for existing structures, clarify statutory references, and provide consistency with other California Codes. During the approval and adoption of the 2015 International Building Code by the International Code Council, the provisions for existing buildings were relocated from Chapter 34 into the 2015 International Existing Building Code. Additionally, in separate rulemaking action, HCD is proposing to adopt the 2015 International Existing Building Code with amendments into the 2016 California Existing Building Code, Title 24, Part 10. The existing California amendments for existing structures will be relocated from Chapter 34 of the 2013 CBC into the 2016 CEBC. There is no intended change in regulatory effect.

**2. CALIFORNIA ARTICLE 89
GENERAL CODE PROVISIONS**

**SECTIONS: 89.101.2, 89.101.3, 89.101.3.1, 89.101.3.3, 89.101.4 – 89.101.7, 89.101.7.1 – 89.101.7.3,
89.101.8, 89.101.9, 89.101.11, 89.101.12, 89.108.1, 89.108.2, 89.108.2.1, 89.108.2.1.3,
89.108.3.2, 89.108.3.2.2 – 89.108.3.2.5, 89.108.4.1 - 89.108.4.3, 89.108.4.4, 89.108.5.1,
89.108.6.1, 89.108.6.2, 89.108.7.1, 89.108.8.2, 89.108.8.3, 89.108.9.1, 89.108.9.2.**

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 CEC into the 2016 CEC without modification.

3. ARTICLE: 90 Introduction

Rationale: HCD proposes to adopt Article 90 from the 2014 NEC into the 2016 CEC without amendment.

**4. Chapter 1 General
ARTICLES: 100, 110
SECTION: 110.13 MOUNTING AND COOLING OF EQUIPMENT**

Rationale: HCD proposes to adopt Articles 100 and 110 from the 2014 NEC, and bring forward the existing California amendments of Article 100 “Ballasted Solar Photovoltaic System” and Article 110, Section 110.13 “Mounting and Cooling of Equipment” from the 2013 CEC into the 2016 CEC.

5. Chapter 2 Wiring and Protection
ARTICLES: 200, 210, 215, 220, 225, 230, 240, 250, 280, 285.

Rationale: HCD proposes to adopt the above referenced Articles from the 2014 NEC into the 2016 CEC without amendment.

6. Chapter 3 Wiring Methods and Materials
ARTICLES: 300, 310, 312, 314, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 348, 350, 352, 353, 354, 355, 356, 358, 360, 362, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 393, 394, 396, 398, 399.

Note that Article 393 "Low-Voltage Suspended Ceiling Power Distribution Systems" is a new Article in the 2014 NEC.

SECTION: 334.10 Uses Permitted

Rationale: HCD proposes to adopt the above referenced Articles from the 2014 NEC, and to bring forward the existing California amendment of Section 334.10 "Uses Permitted" from the 2013 CEC into the 2016 CEC with modification. The existing California amendment to the "Note" provides the user with a specific reference to the California Building Code for Types I, II, III, IV and V construction as used in Section 334.10 Items (2), (3), (4) and (5). The proposed modification deletes the phrase "Title 24, Part 2" and changes the reference to the California Building Code. This change is necessary for consistency with other parts of Title 24. There is no intended change in regulatory effect.

SECTION: 394.12 Uses Not Permitted

Rationale: HCD proposes to adopt the above referenced Article from the 2014 NEC, and to bring forward the existing California amendment of Section 394.12 "Uses Not Permitted" from the 2013 CEC into the 2016 CEC with modification. The existing amendment provides specificity to the code user as it relates to the use of knob-and-tube wiring in California. The existing amendment allows for areas with existing knob-and-tube wiring to be insulated as long as certain requirements are met for fire safety. One of the requirements is that the wiring shall be surveyed by an electrical contractor and a certification shall be provided stating that the wiring is in good condition with no evidence of deterioration, improper over-current protection, or improper connections or splices. The proposed modification changes the reference to the California Building Code, deleting unnecessary text identifying the Title and Part of the Regulation. This change is necessary for consistency with other parts of Title 24. There is no intended change in regulatory effect.

7. Chapter 4 Equipment for General Use
ARTICLES: 400, 402, 404, 406, 408, 409, 410, 411, 422, 424, 426, 427, 430, 440, 445, 450, 455, 460, 470, 480, 490
SECTION: 450.23 Less-Flammable Liquid-Insulated Transformers

Rationale: HCD proposes to adopt the above referenced Articles from the 2014 NEC, and to bring forward the existing California amendment of Section 450.23 "Less-Flammable Liquid-Insulated Transformers" from the 2013 CEC into the 2016 CEC with modification. The existing amendment adds a Note which provides the user with a specific reference to the California Building Code for Types I and II construction as used in Section 450.23. The proposed modification changes the reference to the California Building Code, deleting unnecessary text identifying the Title and Part of the Regulation. This change is necessary for consistency with other parts of Title 24. There is no intended change in regulatory effect.

8. Chapter 5 Special Occupancies
ARTICLES: 518, 545, 590

Rationale: HCD proposes to adopt the above referenced Articles from the 2014 NEC into the 2016 CEC without amendment.

9. **Chapter 5 Special Occupancies**
ARTICLES: 500, 501, 502, 503, 504, 505, 506, 510, 511, 513, 514, 515, 516, 517, 520, 522, 525, 530, 540, 547, 550, 551, 552, 553, 555

Rationale: HCD proposes to *not* adopt the above referenced Articles from the 2014 NEC. The code provisions covered by these Articles do not fall within the occupancies regulated by HCD.

10. **Chapter 6 Special Equipment**
ARTICLES: 600, 620, 625, 626, 646, 680, 682, 690, 692, 694
SECTION: 625.1.1 (HCD 1) Electric Vehicle (EV) Charging for New Construction

Rationale: HCD proposes to adopt the above referenced Article from the 2014 NEC into the 2016 CEC with amendment. Section 625.1.1 “Electric Vehicle Charging for New One- and Two-Family Dwellings, Townhouses with Private Attached Garages, and New Multifamily Dwellings” is proposed to be added, and is a pointer to the California Green Building Standards Code (CALGreen). During the 2012 Triennial Code Adoption Cycle, pointers to mandatory CALGreen Code requirements were proposed for inclusion into other codes to enhance user convenience.

Note: Article 646 “Modular Data Centers” is a new Article in the 2014 NEC.

11. **Chapter 6 Special Equipment**
ARTICLE: 625
SECTIONS: 625.13 Electric Vehicle Supply Equipment
625.14 Rating

Rationale: HCD proposes to repeal the above referenced California amendments from the 2013 CEC and *not* bring these amendments forward into the 2016 CEC. The amendments, which were based on a Tentative Interim Agreement (TIA) are no longer necessary, since the requirements have been incorporated into the model code Section 625.41 and 625.44 in the 2014 NEC.

12. **Chapter 6 Special Equipment**
ARTICLES: 604, 605, 610, 630, 640, 645, 647, 650, 660, 665, 668, 669, 670, 675, 685, 695

Rationale: HCD proposes to *not* adopt the above referenced Articles from the 2014 NEC. The code provisions covered by these Articles do not fall within the occupancies regulated by HCD.

13. **Chapter 7 Special Conditions**
ARTICLES: 700, 702, 705, 708, 720, 725, 727, 728, 750, 770

Rationale: HCD proposes to adopt the above referenced Articles from the 2014 NEC into the 2016 CEC without amendment. Note that Article 728 “Fire-Resistive Cable Systems” and Article 750 “Energy Management Systems” are new Articles in the 2014 NEC.

14. **Chapter 7 Special Conditions**
ARTICLES: 701, 760

Rationale: HCD proposes to *not* adopt the above referenced Articles from the 2014 NEC.

15. **Chapter 8 Communications Systems**
ARTICLES: 800, 810, 820, 830, 840

Rationale: HCD proposes to adopt the above referenced Articles from the 2014 NEC into the 2016 CEC without amendment.

16. Chapter 9 Tables
TABLES: 1, 2, 4, 5, 5A, 8, 9, 10, 11(A), 11(B), 12(A), 12(B)

Rationale: HCD proposes to adopt the above referenced Chapter from the 2014 NEC into the 2016 CEC without amendment.

17. Annexes

Rationale: HCD proposes to *not* adopt Annexes A, B, C, D, E, F, G, H, I and J from the 2014 NEC. The Annexes are available for local enforcement agencies to adopt by ordinance.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

(Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).)

None.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

(Government Code Section 11346.2(b)(1)) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.)

HCD is statutorily required to adopt by reference model building codes, which contain prescriptive standards. Prescriptive standards provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensure compliance with minimum health, safety and welfare standards for owners, occupants and guests.

Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(4)(A)) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt the model code by reference. The proposed amendments are the only reasonable alternative for clarifying the 2016 CEC.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

(Government Code Section 11346.2(b)(4)(B)) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt the model code by reference. The proposed amendments have no negative impact on small business.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

(Government Code Section 11346.2(b)(5)(A)) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.)

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION.

(Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)).

HCD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

- The benefits of the regulations to the health and welfare of California residents, worker safety, and the state's environment.

These regulations will update and improve minimum electrical standards, which will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

(Government Code Section 11346.2(b)(5)(B)(i)) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.)

- No increased cost of compliance for those regulations that make only technical and nonsubstantive changes.
- The potential benefits provide recognition and appropriate use of new technologies and materials, clarity for the code users and local enforcement agencies.
- Protection of public health and safety, worker safety and the environment.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(6)) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.)

These regulations do not duplicate nor conflict with federal regulations.