

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2016 CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4

(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 Sections 17922 and 19990 direct the Department of Housing and Community Development (HCD) to adopt the most recent edition of the model code, which in this case is the Uniform Mechanical Code (UMC) published by the International Association of Plumbing and Mechanical Officials (IAPMO) as selected by the California Building Standards Commission (CBSC), into Part 4 of Title 24 of the California Code of Regulations (CCR).

2) Specific Purpose

The CBSC selected the 2015 Uniform Mechanical Code (UMC), published by the International Association of Plumbing and Mechanical Officials (IAPMO), as the model code to be referenced in Title 24, Part 4 for the 2015 Triennial Code Adoption Cycle.

The specific purpose of these regulations is to adopt by reference the 2015 edition of the Uniform Mechanical Code, with California Amendments, into the 2016 California Mechanical Code (California Code of Regulations (CCR), Title 24, Part 4), for the following programs:

- a) **State Housing Law:** relative to residential occupancies, buildings or structures accessory thereto and as provided in Health and Safety Code Section 17921.2.
- b) **Employee Housing Act:** relative to the use of mechanical 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 mechanical 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 2015 Uniform Mechanical Code was published by IAPMO and 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 amended and proposed by HCD to the CBSC for adoption.

If the 2015 Uniform Mechanical Code becomes adopted in its entirety without being proposed for adoption with amendments by HCD to the CBSC, such automatic adoption would cause considerable confusion because California Amendments are necessary modifications to the model code language to ensure that the 2016 California Mechanical Code is consistent with state law and unique California conditions.

It is necessary to propose the adoption of some sections of the 2015 Uniform Mechanical Code, with amendments to the model code language, to incorporate state and federal laws and regulations, and to benefit the health, safety, and general welfare of California residents.

It is necessary to not propose the adoption of some sections of the 2015 Uniform Mechanical Code, as they would conflict with certain existing state and federal laws, and would not benefit the health, safety, and general welfare of California residents.

It is necessary to propose the removal of some California Amendments previously proposed and adopted in the 2013 California Mechanical Code that are duplicated or replaced by similar new model code language, or incorporated state and federal laws, and are no longer necessary.

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

Specific Proposed Regulatory Actions:

HCD proposes to adopt by reference the 2015 edition of the Uniform Mechanical Code with amendments into the 2016 California Mechanical Code. These proposed amendments are intended to provide clarity, specificity and direction to the code user and to implement and make specific existing state laws. These proposed amendments are a result of recommendations developed during the public participation period prior to submittal to the California Building Standards Commission (CBSC) to be included in the 2015 Triennial Code Adoption Cycle. The rationale for each amendment by chapter and section is listed below.

1. CHAPTER 1 ADMINISTRATION

DIVISION 1 CALIFORNIA ADMINISTRATION

HCD proposes to bring forward existing California amendments in Chapter 1, Administration, Division I, California Administration, from the 2013 California Mechanical Code into the 2016 California Mechanical Code with modifications as follows.

1.1.0 General

1.1.1 Title.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code with modification. The reference to the Uniform Mechanical Code is updated to show the change from the 2012 Uniform Mechanical Code to the 2015 Uniform Mechanical Code. There is no intended change in regulatory effect.

1.1.2 Purpose.

1.1.3 Scope.

1.1.3.1 Nonstate-Regulated Buildings, Structures, and Applications.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code. There is no intended change in regulatory effect.

1.1.3.2 State-Regulated Buildings, Structures, and Applications

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code 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 “new common-use areas” in Item 8. HCD is also proposing editorial modifications related to capitalization of defined terms and other changes for consistency with the language in CBC, Chapter 11A, modified during the 2013 Intervening Code Adoption Cycle. There is no intended change in regulatory effect.

1.1.4 Appendices.

1.1.5 Referenced Codes.

1.1.6 NonBuilding Standards, Orders and Regulations.

1.1.7 Order of Precedence and Use.

1.1.7.1 Differences.

1.1.7.2 Specific Provisions.

1.1.7.3 Conflicts.

1.1.8 City, County, or City and County Amendments, Additions or Deletions.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

1.1.8.1 Findings and Filings.

Rationale: HCD proposes to bring forward the above referenced existing California amendment with a nonsubstantive editorial modification. The modification provides the code user with the current address where the HCD headquarters is now located. There is no intended change in regulatory effect.

1.1.9 Effective Date of this Code.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

1.1.10 Availability of Codes.

Rationale: HCD proposes to bring forward the above referenced existing California amendment with a nonsubstantive editorial modification. The modification provides the code user with the correct reference to the Health and Safety Code Section 18942 (e) (1) and (2). The proposed modification is necessary due to the changes and renumbering in the Health and Safety Code. There is no intended change in regulatory effect.

1.1.11 Format.

1.1.12 Validity.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

1.8.0 Department of Housing and Community Development (HCD).

1.8.1 Purpose.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

1.8.2 Authority and Abbreviations.

1.8.2.1 General.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

1.8.2.1.1 Housing Construction.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code with modification. The proposed modification changes the term “apartment houses” to “apartments” for consistency with the California Building Code. The term “apartment house” is not used in the International Building Code or the California Building Code. The terms currently used are “apartment”, “apartments” and/or “condominiums”. There is no intended change in regulatory effect.

1.8.2.1.2 Housing Accessibility.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code 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. Additionally, HCD proposes to change the term “apartment houses” to “apartments” and add the terms “public housing” for consistency with the California Building Code. The term “apartment house” is not used

in the International Building Code or the California Building Code. The terms currently used are “apartment”, “apartments” and/or “condominiums”. HCD is also proposing editorial modifications related to capitalization of defined terms. 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.

1.8.2.1.3 Permanent Buildings in Mobilehome Parks and Special Occupancy Parks.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

1.8.3 Local Enforcing Agency.

1.8.3.1 Duties and Powers.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code with a modification to change “apartment houses” to “apartments” and add “condominiums” to the list for consistency with the California Building Code. The term “apartment house” is not used in the International Building Code or the California Building Code. The terms currently used are “apartment”, “apartments” and/or “condominiums”. There is no intended change in regulatory effect.

1.8.3.2 Laws, Rules, and Regulations.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

1.8.3.2.1 State Housing Law.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code with a modification to change “apartment houses” to “apartments” and add “condominiums” to the list to be consistent with the California Building Code. The term “apartment house” is not used in the International Building Code or the California Building Code. The terms currently used are “apartment”, “apartments” and/or “condominiums”. There is no intended change in regulatory effect.

1.8.3.2.2 Mobilehome Parks Act.

1.8.3.2.3 Special Occupancy Parks Act.

1.8.3.2.4 Employee Housing Act.

1.8.3.2.5 Factory-Built Housing Law.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code. There is no intended change in regulatory effect.

1.8.4 Permits, Fees, Applications and Inspections.

1.8.4.1 Permits.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code with modification. The modification clarifies the reference to model code section numbers due to model code reformatting and renumbering. There is no intended change in regulatory effect.

1.8.4.2 Fees.

1.8.4.3 Plan Review and Time Limitations.

1.8.4.3.1 Retention of Plans.

1.8.4.4 Inspections.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code with modification. HCD proposes to change the reference from “Section 1351” to “Section 4100”. The modification is necessary due to changes and renumbering in the Civil Code.

1.8.5 Right of Entry for Enforcement.

1.8.5.1 General.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

1.8.6 Local Modification by Ordinance or Regulation.

1.8.6.1 General.

1.8.6.2 Findings, Filings, and Rejections of Local Modifications.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

1.8.7. Alternate Materials, Designs, Tests and Methods of Construction.

1.8.7.1 General.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

1.8.7.2 Local Building Departments.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code with a modification to change “apartment houses” to “apartments” and add “condominiums” to the list to be consistent with the California Building Code. The term “apartment house” is not used in the International Building Code or the California Building Code. The terms currently used are “apartment”, “apartments” and/or “condominiums”. HCD is also proposing editorial modifications to defined terms these modifications are being proposed in other parts of Title 24 during this rulemaking and are necessary for consistency. There is no intended change in regulatory effect.

1.8.7.2.1 Approval of Alternates.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code with modifications relating to capitalization of defined terms, and also changes the California Building Code reference from Chapter 11A to Chapter 2. There is no intended change in regulatory effect.

1.8.7.3 Department of Housing and Community Development.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code with a modification to change “apartment houses” to “apartments” and add “condominiums” to the list to be consistent with the California Building Code. The term “apartment house” is not used in the International Building Code or the California Building Code. The terms currently used are “apartment”, “apartments” and/or “condominiums”. HCD is also proposing editorial modifications to defined terms these modifications are being proposed in other parts of Title 24 during this rulemaking and are necessary for consistency. There is no intended change in regulatory effect.

1.8.8 Appeals Board.

1.8.8.1 General.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code with modification. HCD proposes to add “construction” to the text which addresses the authority of local jurisdictions to hear appeals. Health and Safety Code Section 17920.6 Local Appeals Board includes the building (construction) requirements as a matter in which the appeals board may hear and render decisions. There is no intended change in regulatory effect.

1.8.8.2 Definitions.

1.8.8.3 Appeals.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

1.8.9 Unsafe Buildings or Structures.

1.8.9.1 Authority to Enforce.

1.8.9.2 Actions and Proceedings.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

1.8.10 Other Building Regulations

1.8.10.1 Existing Structures.

1.8.10.2 Moved Structures.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code with modification. The modification recognizes and incorporates reference to the California Existing Building Code for existing structures, clarifies statutory references, and provides consistency with other California Codes. There is no intended change in regulatory effect.

2. DIVISION II ADMINISTRATION

104.2 Exempt Work.

Rationale: HCD proposes to adopt the above referenced section (Item 1 through 5 only) from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code without amendment.

3. CHAPTER 2 DEFINITIONS

HCD proposes to bring forward existing California Amendments in Chapter 2 from the 2013 California Mechanical Code into the 2016 California Mechanical Code as follows:

| | |
|---|------------|
| 203.0 Approved. Approved Testing Agency. Assembly Building. Authority Having Jurisdiction. | -A- |
| 204.0 Building. Building Code. | -B- |
| 206.0 Department. | -D- |
| 207.0 Electrical Code. Enforcing Agency. | -E- |
| 208.0 Family. | -F- |
| 214.0 Labeled. Listed (Third Party Certified). Listing Agency. | -L- |
| 216.0 Nuisance. | -N- |
| 217.0 Occupancy Classification. | -O- |
| 218.0 Plumbing Code. | -P- |
| 222.0 Testing Agency. | -T- |

Rationale: HCD proposes to bring forward the above referenced existing California Amendments in Chapter 2 from the 2013 California Mechanical Code for adoption into the 2016 California Mechanical Code without change.

4. CHAPTER 3 GENERAL REQUIREMENTS

HCD proposes to adopt Chapter 3 from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code and proposes to bring forward existing California Amendments as follows:

303.7.1(Formerly 303.8.1) Liquefied Petroleum Gas Appliances.

Rationale: HCD proposes to bring forward the above referenced existing California Amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code without change except for an editorial renumbering of the section number due to model code reformatting. Section 303.8 from the 2012 Uniform Mechanical Code has been renumbered to Section 303.7 in the 2015 Uniform Mechanical Code. The California amendment Section 303.8.1 from the 2013 California Mechanical Code is being carried forward and renumbered to Section 303.7.1 due to model code renumbering. There is no change in regulatory effect.

5. CHAPTER 4 VENTILATION AIR SUPPLY

HCD proposes to adopt Chapter 4 from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code and proposes to bring forward existing California Amendments as follows:

402.5 Bathroom Exhaust Fans.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification.

403.7.2.1(Formerly 403.9.1) Alternative Exhaust Ventilation for Enclosed Parking Garages.

403.7.2.2(Formerly 403.9.1.1) Minimum Exhaust Rate.

403.7.2.3(Formerly 403.9.1.2) Exhaust Inlet Distribution.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification except for editorial renumbering due to model code numbering changes. There is no change in regulatory effect.

403.7.2.4(Formerly 403.9.1.3) Exhaust System Operation.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code with modification. The modification is necessary due to model code renumbering. There is no change in regulatory effect.

TABLE 403.7 MINIMUM EXHAUST RATES.

Rationale: HCD proposes to adopt the above referenced table and bring forward the existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification except for editorial renumbering of the footnotes due to model code numbering changes. There is no change in regulatory effect.

**6. CHAPTER 4
VENTILATION AIR SUPPLY**

403.9 Exhaust Ventilation for Enclosed Parking Garages.

Rationale: HCD proposes to repeal and not bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code. The 2015 Uniform Mechanical Code language has incorporated the requirements of the existing California amendment.

**7. CHAPTER 5
EXHAUST SYSTEMS**

HCD proposes to adopt Chapter 5 from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code without amendment.

**8. CHAPTER 6
DUCT SYSTEMS**

HCD proposes to adopt Chapter 6 from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code with amendments as follows:

601.2 Sizing Requirements.

Rationale: HCD proposes to bring forward the above referenced existing California amendment from the 2013 California Mechanical Code into the 2016 California Mechanical Code without modification. There is no intended change in regulatory effect.

**9. CHAPTER 7
COMBUSTION AIR**

HCD proposes to adopt Chapter 7 from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code without amendment.

**10. CHAPTER 8
CHIMNEYS AND VENTS**

HCD proposes to adopt Chapter 8 from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code without amendment.

**11. CHAPTER 9
INSTALLATION OF SPECIFIC APPLIANCES**

HCD proposes to adopt Chapter 9 from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code and proposes to bring forward existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code as follows:

912.1 Reserved

Rationale:

HCD proposes to repeal the above referenced section from the 2015 Uniform Mechanical Code and not adopt this section into the 2016 California Mechanical Code. This model code section is unnecessary due to the general requirement for all gas fireplaces in newly constructed residential buildings, and additions and alterations which increase the conditioned area, volume or size, to be direct-vent sealed-combustion type as currently adopted in Section 4.503.1 of the California Green Building Standards Code (CALGreen). This proposed amendment is

necessary due to the proposed HCD amendment in Section 912.2 which provides clear prescriptive requirements for the installation of gas fireplaces in California.

912.2 Installation.

Rationale: HCD proposes to adopt the above referenced section from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code with a new amendment. HCD originally proposed in the voluntary 2008 California Green Building Standards Code (CALGreen) Section 803 to adopt a requirement for gas fireplaces to be direct-vent, sealed-combustion type. This amendment was carried forward into Section 4.503.1 of the mandatory 2010 CALGreen and is now proposed for adoption into the 2016 California Mechanical Code to clearly identify the requirements for gas fireplaces in California. This amendment is necessary for clarity and convenience of the code user. There is no intended change in regulatory effect, as this requirement was already approved by the Building Standards Commission and adopted into Part 11 of CCR, Title 24 during the 2009 and 2012 Triennial Code Adoption Cycles for the 2010 and 2013 editions of CALGreen. Should the CALGreen Code be discontinued and incorporated into other parts of Title 24 in future rulemaking activity, this California amendment will not require additional modification or repeal.

916.2.1 (Formerly 924.1) Prohibited Installations.

916.2.1.1 (Formerly 924.1.1) Unvented Room Heaters.

Rationale: HCD proposes to bring forward the above referenced existing California amendments from the 2013 California Mechanical Code into the 2016 California Mechanical Code without change. The existing amendments are proposed to be relocated due to model code renumbering. There is no intended change in regulatory effect.

12. CHAPTER 10 BOILERS AND PRESSURE VESSELS

HCD proposes to adopt Chapter 10 from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code without amendment.

13. CHAPTER 11 REFRIGERATION

HCD proposes to adopt Chapter 11 from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code without amendment.

14. CHAPTER 12 HYDRONICS

HCD proposes to adopt Chapter 12 from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code without amendment.

15. CHAPTER 13 FUEL GAS PIPING

HCD proposes to adopt Chapter 13 from the 2015 Uniform Mechanical Code into the 2016 California Mechanical Code without amendment.

16. CHAPTER 14 PROCESS PIPING

HCD proposes to not adopt Chapter 14 from the 2015 Uniform Mechanical Code.

HCD proposes to not adopt Appendix F from the 2015 Uniform Mechanical Code.

26. APPENDIX G EXAMPLE CALCULATION OF OUTDOOR AIR RATE

HCD proposes to not adopt Appendix G from the 2015 Uniform Mechanical Code.

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 CMC.

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 existing building 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)(6)(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, and may increase business due to the adoption of new building standards.
- 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.