
Building standards submitted to the California Building Standards Commission (CBSC) for approval are required, by Health and Safety Code Subsection 18930(a), to be accompanied by an analysis which will, to the satisfaction of the Commission, justify their approval. The approval of these proposed building standards is justified as follows:

1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

The proposed building standards include new provisions to the California Building Code (CBC) and California Existing Building Code (CEBC) recently proposed and preliminarily approved for the 2018 International Building Code (IBC) and 2018 International Existing Building Code (IEBC) model codes and will be the basis for the 2019 CBC and 2019 CEBC. Therefore, HCD’s proposed building standards do not conflict with, overlap or duplicate existing California building standards. Upon publication of the 2018 IBC and 2018 IEBC which should include some duplicate measures, HCD will repeal any corresponding California amendments to avoid duplication within the 2019 CBC and CEBC.

2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.

HCD has statutory authority to adopt building standards for residential structures and accessory structures. No other state agency has primary authority to adopt building standards for residential structures.

Senate Bill 465 (Chapter 372/Statutes of 2016) directs a working group formed by CBSC to study exterior elevated element (EEE) failures and to report findings and recommendations for statutory and/or building standard changes to the Legislature.

3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.

Health and Safety Code Section 17921 directs HCD to propose the adoption, amendment, or repeal of building standards into Title 24 of the California Code of Regulations for the protection of public health, safety, and general welfare of the occupant and the public.

The June 2015 Berkeley balcony failure resulted in 6 deaths and was international news. Shortly after, a July 2015 Folsom stairway collapse occurred. Due to these prominent failures and resulting loss of life any feasible methods to prevent these failures should be evaluated and considered for adoption into the building standards code.
4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

HCD has determined that the proposed building standards are not unreasonable, arbitrary, or capricious, in whole or in part. These standards have been evaluated through the ICC Committee Action Hearings (April 19-30, 2016), Public Comment Hearings (October 19-25, 2016), and an Online Governmental Consensus Vote (November 8-27, 2016) ending in an “Approved as Submitted” or “Approved as Modified by Public Comment.” The ICC proposals will receive final approval for inclusion in the 2018 IBC and 2018 IEBC after certification by the ICC Validation Committee and confirmation by the ICC Board of Directors.

5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

The proposed increase in Live Load for balconies and decks, Table 1607.1, may, in some instances, increase the cost of construction; however, the balcony will be able to support higher loads than the existing code requirements and provide a greater margin of safety. This change will provide consistency between the IBC/CBC and the 2016 ASCE 7 Minimum Design Loads and Associated Criteria for Buildings and Other Structures. ASCE 7 provides requirements for general structural design and includes means for determining dead, live, soil, flood, snow, rain, atmospheric ice, earthquake, and wind loads, as well as their combinations, which are suitable for inclusion in building codes and other documents.

HCD finds that the adoption of amendments in the 2016 CBC and 2016 CEBC will result in reasonable costs or costs savings to the public because it updates health and safety standards, provides the most recent methods, and promotes affordable costs. Health and Safety Code Section 17950 mandates that the application of published building standards be applied on a statewide basis, which assists in uniformity and cost affordability. Although the proposed 2018 IBC and 2018 IEBC are not published to-date, the proposals considered for adoption by HCD have been approved through several code development processes and are only pending final ICC approval and certification.

6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.

HCD has determined that the adoption of amendments in the 2016 CBC and 2016 CEBC is neither ambiguous nor vague, either in whole or in part. The language proposed in the California amendments was developed, reviewed, and edited through the ICC code development process consisting of review by technical committees, public and governmental votes to avoid ambiguity or vagueness.

7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

HCD’s proposal is based on code proposals largely approved for the 2018 IBC and 2018 IEBC, both international model codes.

8) The format of the proposed building standards is consistent with that adopted by the Commission.

Yes. The proposed regulations follow the format of the 2016 CBC and 2016 CEBC.

9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.

The Office of the State Fire Marshal (SFM) has reviewed HCD’s proposed regulations and determined that they do not promote fire and panic safety. Therefore, the SFM has no comments and approves the emergency rulemaking. (See letter dated from Greg Andersen, January 18, 2017.)