

**NINE-POINT CRITERIA ANALYSIS
OF
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)
REGARDING THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE (CGBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

Building standards submitted to the California Building Standards Commission for approval are required, by Health and Safety Code Section 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.

HCD has determined that the proposed adoption of the 2010 California Green Building Standards Code (CGBC) into Title 24, Part 11 of the California Code of Regulations (CCR) does not conflict with, overlap or duplicate other building standards.

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

The CGBC was created as a result of a collaboration of the California Building Standards Commission, other state agencies, consumers, developers, design professionals and those in the building industry with an interest in developing green building standards which establish California as a leader in the efforts to reduce greenhouse gas emissions and improve environmental quality.

The publication of the 2010 CGBC is necessary to comply with Health and Safety Code Sections 17921 and 17922 of the State Housing Law, and Government Code Section 12955.1; Health and Safety Code Section 17040 of the Employee Housing Act; Health and Safety Code Section 19990 of the Factory-Built Housing Law.

3) The public interest requires the adoption of the building standards.

Consistent with the direction of the CBSC, HCD finds that the proposed adoption of the 2010 CGBC is in the best interest for the protection of the health, safety and general welfare of the building occupants and the public.

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, unfair, or capricious, in whole or in part.

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

HCD finds that adopting amendments to a uniform model code results in cost 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 the application of published building standards on a statewide basis to assist in uniformity and cost affordability. Additionally, HCD finds that the proposed adoption of the 2010 CGBC may increase certain costs; however, HCD has determined that, based upon the resulting benefits of this proposal, the cost is reasonable. (See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

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

HCD has determined that the 2010 California Green Building Standards Code (CGBC) is neither ambiguous nor vague, either in whole or in part. The language of the CGBC was developed, reviewed and edited 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. *(Health and Safety Code Section 18930 requires a statement of inadequacy of a national specification, published standard, or model code if it does not adequately address the goals of the state agency, OR a statement informing the commission that no national specification, published standard, or model code that is relevant to the proposed building standards exists.)*

Health and Safety Code Section 17922 directs the Department of Housing and Community Development (HCD) to adopt rules and regulations that are substantially the same as the most recent edition of the model building code, which in this case refers to the California Building Code, California Electrical Code, California Energy Code and California Fire Code published by the International Code Council (ICC), and the California Mechanical Code and California Plumbing Code published by the International Association of Plumbing and Mechanical Officials (IAPMO).

The CBSC requested HCD to propose standards which would become the 2010 California Green Building Standards Code (CGBC) in Title 24, Part 11 of the California Code of Regulations (CCR) as a part of the 2009 Triennial Code Adoption Cycle.

HCD has adopted the 2010 CGBC in order to establish green building standards, to incorporate the most recent changes to state and federal laws, to provide consistency and clarity and to ensure that conditions unique to California are adequately addressed.

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

HCD is using the format consistent with that adopted by the California Building Standards Commission (CBSC).

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

The proposed adoption of the 2010 California Green Building Standards Code into Title 24, Part 11 of the CCR has been submitted to the State Fire Marshal for review.