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**INITIAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS OF THE  
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
REGARDING THE 2022 CALIFORNIA BUILDING CODE, CHAPTER 11A  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2  
Draft**

**(HCD XX/XX)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons 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 and 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 and address the problem 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.

**Item 1**

**Chapter 11A, Existing Buildings, Section 1102A.2**

**Rationale:** This is an editorial modification to align with the Fair Housing Act (FHA). The FHA uses the terminology "...after March 13, 1991." By using the existing terminology printed in 11A, "...prior to March 13, 1991," Chapter 11A is inconsistent with the intent of the FHA by not including the date of March 13, 1991. This editorial modification will remedy this minor inconsistency.

**CAC Recommendation (if applicable):**

TBD

**Agency Response:**

TBD

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**Item 2**

**Chapter 11A, Edge Protection, Section(s) 1114A.7**

**Rationale:** This is an editorial modification with no change in regulatory effect. The reference to specific model code section numbers requires the Department of Housing and Community Development (HCD) to continuously monitor every section reference provided in the code. In response to a model code section renumbering in the 2021 International Building Code (IBC), HCD is proposing to reference chapter 10 versus the specific section, as the chapter number will likely not change but the section has changed and may change again in the future.

**CAC Recommendation (if applicable):**

TBD

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**Agency Response:**

TBD

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**Item 3**

**Chapter 11A, Number of complying bathrooms, Section 1134A.2**

**Rationale:** This is an editorial modification with no change in regulatory effect. Grab bars are not required in Division IV dwelling unit bathrooms. By requiring grab bars in dwelling unit bathrooms to comply with the requirements of grab bars in Division III common use, single-user toilet facilities has created confusion for code users. First, the inclusion of this sentence in each option implies that grab bars are required in Division IV Dwelling units when they are not. Second, dimensions and clear floor space requirements in common use, single-user toilet facilities and the dimensions and clear floor space requirements in dwelling unit bathrooms are quite different. Therefore, applying the requirements of Division III grab bars to Division IV dwelling unit bathrooms, when the grab bars are not required, is not appropriate.

**CAC Recommendation (if applicable):**

TBD

**Agency Response:**

TBD

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**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).

TBD

**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.

TBD

**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.

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### **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.

TBD

### **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.

TBD

### **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) Housing and Community Development has assessed whether or not and to what extent this proposal will affect the following:

- A. The creation or elimination of jobs within the State of California.  
TBD
- B. The creation of new businesses or the elimination of existing businesses within the State of California.  
TBD
- C. The expansion of businesses currently doing business within the State of California.  
TBD
- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.  
TBD

### **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.

TBD

### **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,

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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.

TBD