

**NINE-POINT CRITERIA ANALYSIS
FOR PROPOSED BUILDING STANDARDS
OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2019 CALIFORNIA MECHANICAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4
(HCD 05/19)**

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 CBSC, justify their approval. The approval of these proposed building standards is justified as follows:

18930(a)(1)

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

The Department of Housing and Community Development (HCD) has determined that the proposed building standards to the 2019 California Code of Regulations, title 24, California Mechanical Code (CMC), part 4, will include some duplication with other parts of title 24 recognizing permits in the administrative chapters of the codes.

18930(a)(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 proposed building standards are necessary to comply with Health and Safety Code (HSC) sections 17921 and 17922 of the State Housing Law; Government Code section 12955.1; HSC section 17040 of the Employee Housing Act; HSC section 18300 of the Mobilehome Parks Act; HSC section 18865 of the Special Occupancy Parks Act; HSC section 19990 of the Factory-Built Housing Law; and the California Building Standards law.

18930(a)(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.

HSC section 17921 directs HCD to propose the adoption, amendment, or repeal of building standards into the CCR, title 24, for the protection of public health, safety, and general welfare of the occupant and the public.

18930(a)(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.

18930(a)(5)

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

HCD finds that the proposed building standards have no fiscal impact and have benefits for increased safe housing.

18930(a)(6)

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

HCD has determined that the proposed amendments to the 2019 CCR, title 24, CMC, part 4, are neither ambiguous nor vague, either in whole or in part. The language of the California amendments was developed, reviewed, and edited to avoid ambiguity or vagueness.

18930(a)(7)

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

18930(a)(7)(A). If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.

18930(a)(7)(B). If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.

HCD is required to review the 2018 Uniform Mechanical Code and, if appropriate, include California amendments to incorporate provisions of state and federal law. HCD has proposed California amendments to the 2019 CCR, title 24, CMC, part 4, which ensure that the model code adequately addresses the goals and needs of the State of California.

18930(a)(8)

The format of the proposed building standards is consistent with that adopted by CBSC.

HCD has determined that the format of the proposed building standards is consistent with that adopted by the CBSC.

18930(a)(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 amendments to the 2019 CCR, title 24, CMC, part 4, are subject to review by the State Fire Marshal (SFM). The SFM has reviewed HCD's proposed amendments and determined that the proposed building standard promote fire and panic safety.