

**NINE-POINT CRITERIA ANALYSIS
OF
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

REGARDING THE 2013 CALIFORNIA GREEN BUILDING STANDARDS
(CALGREEN) CODE
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 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 mandatory measures to the CALGreen Code which do not currently exist in the 2013 Building Standards Code. Additional revisions and repeals are proposed to avoid conflict with the proposed new mandatory measures. The changes proposed in these emergency regulations are also being proposed in the 2013 California Plumbing Code for consistency.

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.

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.

California is currently undergoing a severe drought and Governor's Executive Order B-29-15 identifies the effects of the drought and extreme peril to safety of persons and property in the state. Therefore, it is in the public interest that HCD coordinate with other state agencies to help reduce the use of potable water. The proposed building standards are proposed to help reduce the use of potable water in certain indoor plumbing fixtures in residential projects.

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.

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.

The proposed changes to fixture flow rate in gallons per minute (for lavatory faucets), and flush volume in gallons per flush (for wall mount urinals) are intended to bring the CALGreen Code into alignment with the

Title 20 Appliance Efficiency Regulations Adopted by the California Energy Commission (CEC) which will be effective on January 1, 2016 (urinals) and July 1, 2016 (lavatory faucets.)

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

HCD finds that the adoption of amendments in the 2013 CALGreen results 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.

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 2013 CALGreen is 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.

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 not based on a national model code, specification or standard, and is proposed to align with existing regulations in Title 20 for appliance efficiency adopted by the California Energy Commission.

(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.

The California Energy Commission (CEC) adopted Appliance Efficiency Regulations into CCR, Title 20 which contained requirements limiting the flow of water in residential lavatory faucets and urinals. The effective date of these Appliance Efficiency Regulations is January 1, 2016 (urinals) and July 1, 2016 (lavatory faucets.) The current requirements in the national model codes and 2013 California codes are less restrictive than the flow rates adopted by the CEC and are effective until Dec 31, 2016. This difference of nearly 6-12 months in effective dates, and conflict with existing California Codes may lead to confusion by code users, therefore HCD is proposing amendments to address this conflict.

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 2013 California Green Building Standards Code (CALGreen).

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.

These regulations are not associated with fire and panic safety since the regulations address plumbing fixtures and indoor water use.