

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE AMENDMENT OF THE 2013 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

(HCD 01/13)

The Administrative Procedure Act (APA) requires an Initial Statement of Reasons (ISOR) to 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, 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, including the problem the agency intends to address, 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.)

1) The Public Problem, Administrative Requirement, or Other Circumstance Addressed

Administrative Requirement: Health and Safety Code Sections 17922 and 19990 direct the Department of Housing and Community Development (HCD) to adopt the most recent edition of the model code, which, in this case, is the Uniform Plumbing Code (UPC) published by the International Association of Plumbing and Mechanical Officials (IAPMO) as selected by the California Building Standards Commission (CBSC), into Part 5 of Title 24, of the California Code of Regulations (CCR).

2) Specific Purpose

HCD has determined the amendment of the 2013 edition of the California Plumbing Code is needed pursuant to the requirements of Health and Safety Code Section 17921 and Government Code Section 12955.1.

The **specific purpose** of these regulations is to amend the 2013 California Plumbing Code, Title 24, Part 5 of the California Code of Regulations (CCR) for the following programs:

- a) **State Housing Law:** relative to residential occupancies, buildings or structures accessory thereto.
- b) **Employee Housing Act:** relative to the use of plumbing equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- c) **Mobilehome Parks and Special Occupancy Parks:** relative to the use of plumbing equipment and systems in or on any permanent buildings, accessory buildings, and structures under the ownership and control of the park operator, within the park, in accordance with Health and Safety Code Section 18300 for mobilehome parks, and Health and Safety Code Section 18865 for special occupancy parks.
- d) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

3) Rationale for Necessity

The 2013 California Plumbing Code (CPC) became effective on January 1, 2014. HCD has developed amendments to the 2013 CPC to incorporate updates and corrections to regulations, which will benefit the health, safety and general welfare of California residents.

The proposed changes to the 2013 CPC are necessary to provide clarity and consistency for enforcement and application with regard to statewide needs and to address conditions unique to California.

Specific Proposed Regulatory Actions:

HCD proposes to amend the 2013 California Plumbing Code. The rationale for each amendment is listed below.

1. CHAPTER 4 PLUMBING FIXTURES AND FIXTURE FITTINGS

SECTION: 403.0 Water-Conserving Fixtures and Fittings.

Rationale: HCD proposes to add a note to Section 403.0. Senate Bill 407 (Padilla; Chapter 587, Statutes of 2009), codified in the California Civil Code, requires replacement of noncompliant plumbing fixtures in all existing single-family residential real property by January 1, 2017, and in all existing multifamily residential real property (including residential hotels) and commercial real property (including hotels and motels) by January 1, 2019. In addition, this legislative requirement mandates replacement of noncompliant plumbing fixtures in single-family residential buildings on and after January 1, 2014, for alterations, improvements or additions. The note provides guidance and direction where affected parties can find the specific requirements in the California Civil Code, Section 1101.1, *et seq.* There is no intended change in regulatory effect.

2. CHAPTER 6 WATER SUPPLY AND DISTRIBUTION

SECTION: 610.13 Exceptions.

Rationale: HCD proposes to amend Exception 6 of the above referenced section to clarify that the pipe sizing requirements of Section 610 are not applicable to nonpotable gray water and rainwater piping as defined in Chapter 2. However, on-site treated gray water piping is not exempt and is subject to the pipe sizing requirements of Section 610. Without this amendment, Section 610.13, Exception 6 and Section 1604.13 (both model code language) would be in conflict. This amendment further clarifies that the definitions for gray water and rainwater are located in Chapter 2 and not in Section 601.2, which provides requirements for identification of potable and nonpotable water systems. There is no intended change in regulatory effect.

3. CHAPTER 16 ALTERNATE WATER SOURCES FOR NONPOTABLE APPLICATIONS

SECTIONS: 1602.1.1 Clothes Washer System. 1602.2.3 Diversion. 1602.10.2 Determination of Maximum Absorption Capacity.

Rationale for Section 1602.1.1: HCD proposes to amend the above referenced section by adding item (13). This item clarifies that gray water discharge from a clothes washer system through a standpipe shall be properly trapped in accordance with Section 1005.0 to prevent the passage of odors, insects or vermin into the interior environment. There is no intended change in regulatory effect.

Rationale for Section 1602.2.3: HCD proposes to add an exception to the above referenced section. The exception clarifies that a clothes washer system that is in compliance with Section 1602.1.1 is exempt from the requirement to install a diverter valve. There is no intended change in regulatory effect.

Rationale for Section 1602.10.2: HCD proposes to add an exception to the above referenced section. This exception was originally included in the 2010 CPC, Chapter 16A, Section 1608A.0, and was intended to be brought forward in the 2013 CPC, Chapter 16. The fact that it was not brought forward from the 2010 CPC to the 2013 CPC during the 2012 Triennial Code Adoption Cycle was an unintentional oversight. There is no intended change in regulatory effect.

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).)

None.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

(Government Code Section 11346.2(b)(4) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.)

HCD is statutorily required to adopt by reference model building codes, which contain prescriptive standards. Prescriptive standards provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensure compliance with minimum health, safety and welfare standards for owners, occupants and guests.

Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(5)(A) requires a description of reasonable alternatives to the regulation and the agency's reason 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 an alternative. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt this model code by reference.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

(Government Code Section 11346.2(b)(5)(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.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt this model code by reference.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

(Government Code Section 11346.2(b)(6)(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.)

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS THAT IMPACT HOUSING

(Government Code Section 11346.2(b)(6)(B) states if a proposed regulation that is a building standard impacts housing, 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.)

- No increased cost of compliance because the regulations make only technical, nonsubstantive or clarifying changes. It is anticipated that a reduction in costs may result from compliance with certain proposed clarifying provisions.
- Potential benefits include updated and improved minimum standards for plumbing systems.
- Protection of public health and safety, worker safety and the environment.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(7) 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, 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.)

These regulations do not duplicate nor conflict with federal regulations.