

**NINE-POINT CRITERIA ANALYSIS
OF
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)
REGARDING THE 2010 CALIFORNIA EXISTING BUILDING CODE (CEBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10
(HCD 06/09)**

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 2009 International Existing Building Code (IEBC) Appendix Chapter A1 into the 2010 California Existing Building Code (CEBC), Title 24, Part 10 of the California Code of Regulations (CCR) do 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 California Building Standards Commission (CBSC) requested HCD to propose amendments, if necessary, which would become part of the 2010 CEBC in Title 24, Part 10 of the CCR.

The publishing of the 2010 CEBC is necessary to comply with Health and Safety Code, Division 13, Part 1.5 commencing with Section 17910 of the State Housing Law, and Government Code Section 12955.1; Health and Safety Code Sections 18300, 18620, 18640, 18865, 18865.3, 18873 and 18873.2 of the Mobilehome Parks Act and Special Occupancy Parks Act; Health and Safety Code Section 17040 of the Employee Housing Act; and 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 CEBC is in the best interest for the protection of public 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, 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 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 that the application of published building standards be applied on a statewide basis which assists in uniformity and cost affordability. (See *Economic Impact of the Proposed California Existing Building 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 Existing Building Code (CEBC) is neither ambiguous nor vague, either in whole or in part.

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 code, which in this case is the International Existing Building Code published by the International Code Council (ICC).

The CBSC requested HCD to propose amendments, if necessary, which would become part of the 2010 California Existing Building Code (CEBC) in Title 24, Part 10 of the California Code of Regulations (CCR).

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 California Existing Building Code (CEBC) into Title 24, Part 10 of the CCR has been submitted to the State Fire Marshal for review.