

**FINDING OF EMERGENCY
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING AMENDMENTS TO THE FOLLOWING CALIFORNIA CODES:
2010 CALIFORNIA BUILDING CODE
2010 CALIFORNIA RESIDENTIAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 2 AND 2.5, RESPECTIVELY
(HCD EF 01/11)**

Government Code Section 11346.1 requires that any finding of emergency shall include a written statement which contains the information required by paragraphs (2) to (6), inclusive, of subsection (a) of Section 11346.5 and a description of the specific facts demonstrating the need for immediate action.

The adoption of these building standards or order of repeal is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

The following information provides an explanation and evidence that the amendments to the 2010 California Building Code (CBC) and 2010 California Residential Code (CRC), Title 24, Parts 2 and 2.5, respectively, as proposed by the Department of Housing and Community Development (HCD) are necessary for the immediate preservation of the public peace, health and safety or general welfare of the public relating to existing dwellings where no work is being performed, existing dwellings where alterations, repairs, additions or exterior work is being done and on newly constructed Group R occupancies where carbon monoxide alarms are required.

California law requires all detached single family dwellings to have carbon monoxide alarms installed prior to July 1, 2011, and all other dwelling units by January 1, 2013. State law allows these devices to be battery operated or plug-in with battery back-up. However, the law also states that these devices must comply with the installation requirements for new construction contained in the 2010 CBC and 2010 CRC, which require these devices to be hardwired and interconnected. These two requirements create conflict and have created an unintended problem relating to the power source and interconnection. Dwellings undergoing minor alteration, repair of certain exterior work as specified would, in most cases, require additional permits, inspections and other contracting obligations for specified trades to do electrical work associated with the CBC- and CRC-required power source (hard wire) and interconnection; whereas, the statute would allow battery operated alarms.

Senate Bill 183, "The Carbon Monoxide Poison Prevention Act of 2010," modeled much of its language after existing statute for smoke alarms found in Health and Safety Code Sections 13113.7 and 13113.8. Accordingly, HCD developed carbon monoxide alarm regulations similar to that of current smoke alarm requirements. However, the 2009 International Residential Code (IRC) included two exceptions in Section R314.3.1 that would have exempted installation of smoke alarms in existing dwellings undergoing alterations, repairs and exterior work, which would be in violation of existing law. Although initially removed from the 2010 CRC, the California State Fire Marshal has proposed to reinstate and relocate the exemptions to model code Sections R314.4 and R314.5 specific to power source and interconnection of smoke alarms. This proposal ensures compliance with California law. HCD similarly proposes to add these exceptions to power source and interconnection for carbon monoxide devices. The proposed amendments intend to clarify existing statute, reduce economic hardship and ensure internal consistency and compliance with California building standards. The proposed amendments still provide equivalent protection from carbon monoxide poisoning and ensure that the regulated public is given detailed guidance on the required installation of carbon monoxide alarms in existing dwellings.

HCD's proposal adopts two model code exceptions that address the power supply and interconnection issue for existing structures and corrects the conflict which currently exists between statute and regulation. HCD also proposes other amendments in this rulemaking package in an effort to ensure that additional changes between now and the staggered implementation dates will not be necessary.