

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE ADOPTION BY REFERENCE OF THE
2009 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE (IEBC)
INTO THE 2010 CALIFORNIA EXISTING BUILDING CODE (CEBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10
(HCD 06/09)**

The Administrative Procedure Act (APA) requires an Initial Statement of Reasons 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 AND RATIONALE:

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal and the rationale of the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose for which it is proposed.

- When repealing adopted California original standards, summarize the effect of the standards and explain why the standard is no longer necessary.
- When amending a standard, explain the standard proposed to be modified, explain the effect of the proposed modification, explain the inadequacy of the standards being modified, and explain why the proposed amendment is necessary.)

Assembly Bill 204 (Ch. 1082, Stats. of 1991) require the Department of Housing and Community Development (HCD) to adopt, approve, codify, and publish by reference in the California Building Standards Code the building standards in model code Appendix Chapter A1 of the Uniform Code for Building Conservation of the International Conference of Building Officials (ICBO) to provide minimum standards for existing unreinforced masonry (URM) bearing wall buildings. Additionally, Health and Safety Code Section 17922 requires HCD to adopt the most recent edition of the uniform model codes.

The Uniform Code for Building Conservation was last published in 1997. ICBO merged with other code organizations and now publishes Appendix Chapter A1 in the International Existing Building Code.

In 1986, California passed a law that required local governments in Seismic Zone 4 to inventory their URM buildings. In addition, the law required that local governments establish loss reduction programs for URM buildings and report to the state the progress of their programs. While progress has been reported for about 2/3 of the buildings inventoried, one third remains at risk of collapse, at least in part due to ineffective local programs. In their recent report cited below, the Seismic Safety Commission (SSC) recommended that the state adopt the International Existing Building Code (IEBC) model code as one means of improving results.

HCD proposes to repeal Appendix Chapter A1 of the 2006 International Existing Building Code and adopt Appendix Chapter A1 "Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings" of the 2009 IEBC published by the International Code Council. The purpose of this action is to adopt the latest standards as required by Health and Safety Code Section 17922 and as recommended by the SSC, making the standards available to local governments for their loss reduction programs.

The rationale for the adoption of the 2009 IEBC is the improvement of the loss reduction programs and the successful mitigation of the remaining at-risk URM buildings.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

(Government Code Section 11346.2(b)(2) 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).)

California Seismic Safety Commission's 2004 Report to the California Legislature titled "Status of the Unreinforced Masonry Building Law" (Seismic Safety Commission SSC 2005-02, published June 9, 2005.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(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 as an alternative.)

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

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

(Government Code Section 11346.2(b)(3)(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. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse 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.

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

(Government Code Section 11346.2(b)(4) 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.)

Per SSC 2005-02, in addition to recommending the adoption of the latest edition of the IEBC, the SSC recommended that state and local governments provide economic incentives to URM building owners to defray costs associated with retrofitting, which may offset any costs associated with adoption of the latest edition of the model code mandated by state law.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(5) 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. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives.)

These regulations neither duplicate nor conflict with federal regulations.