

**NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2025 CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5
(HCD 03/24)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The HCD is proposing building standards related to the 2025 California Plumbing Code (CPC).

PUBLIC COMMENT PERIOD

Reference: Government Code 11346.5(a)(1), 11346.5(a)(15) and 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **May 17, 2024**, until midnight on **July 1, 2024**.

Comments may be submitted to CBSC via:

Email: cbsc@dgs.ca.gov

US Mail postmarked no later than **July 1, 2024**:

California Building Standards Commission
Attention: Public Comments
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Note: Only comments received in an accessible format will be viewable via CBSC's website.

Any interested person, or their duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide written and oral comments regarding the proposed action on building standards at a public meeting to be conducted by CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Business and Professions Code Division 5; Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, 18938.6, 18941, 19892 and 19960 through 19997; Civil Code Sections 832, 1101.4, 1101.5, 1954.201, 1954.202; Government Code Sections 12955.1, 12955.1.1. and 65852.2.

The Department of Housing and Community Development is proposing this regulatory action based on Health and Safety Code Sections 17040, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17926, 17927, 17928, 17958.12, 18938.3, 18944.11 and 19990; and Government Code Section 12955.1

INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws

Health and Safety Code, section 17000 through 17062.5 requires HCD to develop and propose adoption of building standards for employee housing.

Health and Safety Code, section 17040 requires HCD to propose adoption of building standards for employee housing for "... the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing".

Health and Safety Code, section 17910 through 17995.5 requires HCD to develop and propose adoption of regulations for buildings used for human habitation.

Health and Safety Code, section 17920.9 requires HCD to propose the adoption, amendment, or repeal by the CBSC of regulations necessary for the provision of minimum fire safety and fire-resistant standards relating to the manufacture, composition, and use of foam building systems manufactured for use, or used, in construction of buildings subject to this part, mobilehomes or factory-built housing, for the protection of the health and safety of persons occupying those buildings, mobilehomes, or factory-built housing.

Health and Safety Code, section 17921 requires HCD to propose the adoption, amendment, or repeal of building standards by the CBSC. HSC, section 17922, requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by HSC, section 18949.5.

Health and Safety Code, section 17921.5 establishes HCD's authority to develop mandatory green building standards for recycled water systems.

Health and Safety Code, section 17921.6 establishes HCD's authority to prepare and propose adoption of minimum standards regulating the use and application of

cellular concrete as it determines are reasonably necessary for the protection of life and property.

Health and Safety Code, section 17921.10 sets forth the standards proposed by HCD pursuant to section 17921. Those may include voluntary best practice and mandatory requirements related to environmentally preferable water using devices and measures.

Health and Safety Code, section 17922 states that the most recent editions of the international or uniform codes referred to in that section shall be considered to be adopted one year after the date of publication of the applicable international or uniform codes.

Health and Safety Code, section 17922.6 establishes HCD's authority to coordinate the proposal of minimum building standards that establish uniform minimum noise insulation requirements for hotels, motels, apartment houses, and dwellings other than detached single-family dwellings.

Health and Safety Code, section 17922.12 establishes HCD's authority to propose adoption of building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor uses.

Health and Safety Code, section 17922.14 establishes HCD's authority to prepare and propose adoption of building standards requiring the installation of water meters or submeters in newly constructed multiunit residential structures or mixed-use residential and commercial structures, as those terms are defined in section 517 of the Water Code.

Health and Safety Code, section 17926 establishes HCD's authority to propose adoption of building standards for the installation of carbon monoxide detectors in hotel and motel dwelling units intended for human occupancy.

Health and Safety Code, section 17927 establishes HCD's authority to propose the adoption of a building standard to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of Division 13 to authorize HCD to adopt, amend, and repeal rules and regulations for garage door springs for installation in garages which are accessory to apartment houses, hotels, motels, and dwellings as the department determines are reasonably necessary to prevent the death or injury of persons or damage to property resulting from the breaking of the garage door springs.

Health and Safety Code, section 17928 authorizes HCD to review green building guidelines used for green building.

Health and Safety Code, section 17958.12 establishes HCD's authority to propose the adoption of a building standard related to retroactive permits.

Health and Safety Code, section 18200 through 18700 requires HCD to develop and propose adoption of building standards for permanent buildings and structures within mobilehome parks.

Health and Safety Code, section 18552 establishes HCD's authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 to adopt regulations for manufactured home or mobilehome accessory buildings or structures.

Health and Safety Code, section 18554 establishes requirements for discharge of wastewater, sewage, or waste material from plumbing fixtures in a manufactured home, mobilehome, recreational vehicle, accessory structure, or permanent building in the park.

Health and Safety Code, section 18620 establishes HCD's authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 to adopt regulations regarding the construction of buildings in parks that it determines are reasonably necessary for the protection of life and property.

Health and Safety Code, section 18630 establishes HCD's authority to propose building standards regarding plumbing in parks that are reasonably necessary for the protection of life and property.

Health and Safety Code, section 18640 authorizes HCD to propose adoption of building standards for toilet, shower, and laundry facilities in parks.

Health and Safety Code, section 18860 through 18874 requires HCD to develop and adopt building standards for special occupancy parks.

Health and Safety Code, section 18670 authorizes HCD to propose adoption of building standards regarding electrical wiring, fixtures, and equipment installed in parks that it determines are reasonably necessary for the protection of life and property.

Health and Safety Code, section 18690 establishes HCD's authority to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 to adopt regulations regarding fuel gas equipment and installations in parks.

Health and Safety Code, section 18691 establishes HCD's authority to adopt rules and regulations in title 25 of the California Code of Regulations, which reference building standards, that it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in parks.

Health and Safety Code, section 18865 requires HCD to adopt building standards for permanent buildings and structures within special occupancy parks.

Health and Safety Code, section 18873.1 through 18873.5 establishes HCD's authority to propose the adoption of building standards to the CBSC regarding accessory buildings or structures located in a park.

Health and Safety Code, section 18938.3 establishes with respect to the model codes that are designated in Sections 17922 and 18938, to serve as the basis for the California Building Standards Code but are no longer published, the building standards adopted and approved by the commission shall be those contained in the most recent editions of the model codes adopted or approved by the commission to serve as the basis for the 2007 triennial edition of the California Building Standards Code.

Health and Safety Code, section 18938.6 establishes that every permit shall remain valid if the work on the site authorized by that permit is commenced within

12 months after its issuance, unless the permittee has abandoned the work authorized by the permit.

Health and Safety Code, section 18941 requires HCD to propose adoption of building standards that are written on a performance basis consistent with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

Health and Safety Code, section 18944.11 requires HCD to adopt building standards for plumbing that would govern the use of nonwater-supplied urinals.

Health and Safety Code, section 19892 requires residential automatic garage door openers be equipped with a battery backup function that is designed to operate when activated during an electrical outage.

Health and Safety Code, section 19960 through 19997 requires HCD to propose adoption of building standards for factory-built housing.

Health and Safety Code, section 19990 authorizes HCD to propose the adoption of building standards to the CBSC pursuant to Chapter 4 (commencing with section 18935) of Part 2.5 of the HSC regarding requirements related to factory building housing to include the most recent editions of the international or uniform industry codes.

Government Code, section 12955.1 authorizes HCD to propose the adoption, amendment, or repeal of building standards related to covered multifamily dwellings by the CBSC.

Government Code, section 12955.1.1 provides a clear definition for the covered multifamily dwelling and for the multistory dwelling unit.

Government Code, section 65852.2 establishes requirements for the Accessory dwelling units.

Business and Professions Code, division 5 establishes statutory requirements for procedures and devices related to weights and measures. This section was referenced for standards related to water submeters required in the California Plumbing Code.

Civil Code, section 832 establishes each coterminous owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement.

Civil Code, section 1101.4 establishes for multifamily residential property, all noncompliant plumbing fixtures must be replaced with water-conserving fixtures.

Civil Code, section 1101.5 establishes requirement for building alterations to single-family residential; all noncompliant plumbing fixtures must be replaced.

Civil Code, section 1954.201 encourages the conservation of water in multifamily residential rental buildings and establishes submetering of dwelling units for water service.

Civil Code, section 1954.202 defines “Submeter”, “Water service” and “Water purveyor”.

Summary of Existing Regulations

The 2022 CPC, CCR, title 24, part 5, became effective on January 1, 2023.

Summary of Effect

HCD proposes to adopt by reference the 2024 Uniform Plumbing Code (UPC), with California amendments, into the 2025 CPC impacting the following programs:

- State Housing Law Program: relative to residential occupancies, buildings or structures accessory thereto and as provided in HSC, section 17921.
- Employee Housing Program: relative to any building or structure or outdoors on premises or property in accordance with HSC, section 17040.
- Mobilehome Parks and Special Occupancy Parks Programs: relative to the design or construction of permanent buildings and accessory buildings and structures within the park in accordance with HSC, sections 18620 and 18873, respectively.
- Factory-built Housing Program: relative to residential buildings, dwellings, or portions thereof, or building component, or manufactured assemblies in accordance with HSC, section 19990.

The building standards provide consistency with model code format, state and federal laws and regulations, and conditions unique to California. In addition, the amendments provide clarity and specificity, and provide direction for the code user. A discussion of the effect of the regulations may be found in the associated Initial Statement of Reasons.

Comparable Federal Statute or Regulations

These regulations do not conflict with federal law or regulations.

Policy Statement Overview

The proposed regulations, as part of the update to the current 2022 California Building Standards Code (CCR, Title 24), will adopt, amend, or repeal existing building standards and establish new building standards, which will affect residential occupancies and buildings or structures accessory thereto, as provided for by federal and state accessibility requirements; the use of general design, structural, and fire and life safety requirements in housing construction, buildings and structures accessory thereto; and permanent buildings in mobilehome parks and special occupancy parks. These updates will result in the 2025 California Building Standards Code.

The benefits anticipated from this proposed regulatory action include updating building standards, which will result in the protection of public health and safety, worker safety, the environment and general welfare of California residents. In addition, providing for use of the most recent building technology, methods and materials and applying those building standards on a statewide basis, as required by statute, results in uniformity in residential construction and promotes affordable costs.

Evaluation of Consistency

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

Reference: Government Code Section 11346.5(a)(4).

None.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **None.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None.**
- E. Cost or savings in federal funding to the state: **None.**

Estimate: \$0; HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

HCD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Declaration of Evidence

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary. Pursuant to Government Code Section 11346.2(b)(5)(B)(ii) adoption of the model codes is exempt from identification of the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates in the Initial Statement of Reasons.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Reference: Government Code Section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

HCD has assessed the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Reference: Government Code Section 11346.5(a)(10).

The Department of Housing and Community Development has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of businesses within the State of California.

C. The expansion of businesses currently doing business within the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The adoption of the 2024 UPC by reference with California amendments will provide stakeholders with assurance of safe and sanitary plumbing systems while allowing for innovation, new technologies, and accommodation of specialized requirements for the State of California. These regulations will also update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

- No increased cost of compliance for those regulations that make only technical and nonsubstantive changes.
- Government Code Section 11346.2(b)(5)(B)(ii) provides that the model codes adopted pursuant to HSC Section 18928 shall be exempt from the requirements of Section 11346.2(b)(5)(B) unless upon request as specified. The purpose of this rulemaking is to adopt the 2024 UPC which is a model code setting forth requirements for plumbing systems in structures.
- The potential benefits provide recognition and appropriate use of new technologies and materials, clarity for the code users and local enforcement agencies, and may increase business due to the adoption of new building standards.
- Protection of public health and safety, worker safety and the environment.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

HCD has determined that no reasonable alternative considered by HCD or that has otherwise been identified and brought to the attention of HCD would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. In addition, no reasonable alternative considered by HCD or that has otherwise been identified and brought to the attention of HCD would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the [CBSC website](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

Reference: Government Code Section 11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the [CBSC website](https://dgs.ca.gov/BSC): dgs.ca.gov/BSC.

Reference: Government Code Section 11346.5(a)(21).

HCD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law. The statement shall note that providing the accessible description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Reference: Government Code Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

Kevin Day, Acting Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone: (916) 263-0916

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive or technical aspects of the proposed changes to the building standards should be addressed to:

Primary Contact:

Randall Enrico, District Representative II
Department of Housing and Community Development
State Housing Law Program
(916) 490-7584
Randall.Enrico@hcd.ca.gov

Back up Contact:

Jenna Kline, Housing Regulations Section Chief
Department of Housing and Community Development
State Housing Law Program
(916) 841-5286
Jenna.Kline@hcd.ca.gov