

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT
REGARDING THE 2025 CALIFORNIA EXISTING BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10
(HCD 06/24)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

The Department of Housing and Community Development (HCD) has not added any data (including technical, theoretical, or empirical studies, reports, or similar documents relied upon) that would necessitate an update of the information contained in the Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

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

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3) requires a summary of each objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The text with proposed changes was made available to the public for a 45-day comment period from September 6, 2024, until October 21, 2024.

Two (2) comments were received. One (1) comment was received during the 45-day public comment period and the other comment was received after the 45-day public comment period. Both comments were not specific to HCD's proposed amendments, but are included within a separate general section. There was no subsequent public comment period.

COMMENTS RECEIVED THAT WERE BEYOND SCOPE OF THE 45-DAY EXPRESS TERMS

Comment 1 General.

Commenter(s) and Recommendation:

Shahen Akelyan, MS, SE, Assistant Chief, Permit and Engineering Bureau, Chief of Counter Operations, Department of Building and Safety, City of Los Angeles.

The commenter suggests amendments to International Existing Building Code (IEBC) Chapter 5, section 506.5.3 Seismic loads (seismic force-resisting system). Specifically, the commenter suggested removal of model code language in exception 1 regarding occupancy groups S and U, and adding a new exception 5 regarding occupancy groups and risk category.

Agency Response:

HCD acknowledges the commenter's remarks regarding the proposal to adopt section 506.5.3 from the 2024 International Existing Building Code (IEBC) into the 2025 California Existing Building Code (CEBC). California Health and Safety Code (HSC), section 17922, requires that building standards proposed for adoption by HCD impose substantially the same requirements as are contained in the most recent editions of the international or uniform industry codes. Additionally, HCD has not discussed this suggested modification of model code language adequately with stakeholders. HCD recommends that the commenter direct comments related to possible changes to this model code section to the International Code Council (ICC) to propose changes to model code to address concerns. HCD is not making any changes to the proposed building standards based on the comment.

LATE COMMENTS RECEIVED THAT WERE BEYOND SCOPE OF THE 45-DAY EXPRESS TERMS

Comment 2 General.

Commenter(s) and Recommendation:

Bryce Nesbitt, Member of the Casita Coalition & Permit and Regulatory Consultant.

The commenter provided recommendations for future improvements to the IEBC, that include, but are not limited to: (1) ensuring changes of occupancy do not trigger

sprinkler requirements, (2) mandates on authorities having jurisdiction, and (3) reform fire separation and utility rules.

Agency Response:

This comment was received outside of the 45-day comment period and is beyond the scope of the proposed express terms. HCD acknowledges the commenter's general remarks and that they are not specifically focused on a specific section of model code proposed for adoption. HCD recommends that the commenter direct comments to the International Code Council (ICC) to propose changes to model code to address concerns. HCD is not making any changes to proposed building standards based on the comment.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

HCD has determined that there are no reasonable alternatives to be considered or have 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 and equally effective in implementing the statutory policy or other provisions of law.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

No alternatives were identified to lessen the adverse economic impact on small business.