

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT
REGARDING THE 2025 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, CHAPTER 11A
(HCD 1-AC 01/24)**

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 California 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 July 26, 2024 until September 9, 2024. There was no subsequent public comment period.

A total of two commenters provided comments during the 45-day public comment period. One commenter included comments that were not specific to HCD's proposed amendments and has been addressed within a separate general section.

ITEM 1

Chapter 11A Housing Accessibility, Section 1101A.1 Scope, and Section 1102A.1 Where required.

HCD proposes to remove the reference to Chapter 11A from Section 1101A.1 and Section 1102A.1, since the accessibility standards for public housing are located entirely in Chapter 11B.

Commenter(s) and Recommendation:

Kendra J. Muller with Disability Rights California expresses opposition to the proposed code change. The stakeholder expresses that the proposed changes will cause unnecessary confusion, and potentially conflict with other applicable codes.

Agency Response:

HCD acknowledges and appreciates the comments provided. HCD has evaluated the comments and determined not to amend the final express terms. Government Code, Section 12955.1, provides direction that HCD propose for adoption building standards necessary to prohibit discrimination in the design and construction of all housing other than publicly funded housing and grants the Division of the State Architect the authority to promulgate regulations for public housing. HCD's proposal seeks to clarify that newly constructed covered multifamily dwellings which meet the definition of public housing are subject only to chapter 11B of the California Building Code (CBC).

ITEM 2

Chapter 11A Housing Accessibility, Section 1101A.1 Scope. [amendment withdrawn]

HCD has decided to withdraw the proposed amendment on Item 2, Section 1101A.1 regarding additions to covered multifamily dwellings.

Commenter(s) and Recommendation:

Kendra J. Muller with Disability Rights California expresses opposition to the withdrawal of the initial proposal and asks HCD to consider this amendment again in the intervening cycle.

Agency Response:

HCD acknowledges and appreciates the comments provided. HCD has evaluated the comments and determined not to amend the final express terms.

ITEM 3

Chapter 11A Housing Accessibility, Section 1115A.6 Exterior stairway handrails.

During the 2015 Triennial Code Adoption Cycle, section 1012 was renumbered to align with the changes made to section numbers in the International Building Code (IBC). However, the reference in Chapter 11A, Section 1115A.6 to Section 1012.9 was missed and is now being proposed to be renumbered to Section 1014.9.

Commenter(s) and Recommendation:

Kendra J. Muller with Disability Rights California is in support of this proposal. The stakeholder is also suggesting including reference to section 1014.1.

Agency Response:

HCD acknowledges and appreciates the comments provided. HCD has evaluated the comments and determined not to amend the final express terms.

ITEM 4

Chapter 11A Housing Accessibility, Section 1116A.1 Warning curbs.

HCD proposes to correct the reference in Chapter 11A, Section 1116A.1 from section 1010.10.1 to section 1012.10.1 in attempt to align with the changes made to section numbers in the IBC during the 2015 Triennial Code Adoption Cycle.

Commenter(s) and Recommendation:

Kendra J. Muller with Disability Rights California is in support of this proposal.

Agency Response:

HCD acknowledges and appreciates the support from the commenter.

ITEM 5

Chapter 11A Housing Accessibility, Section 1122A.6 Edge protection.

HCD proposes to correct the references in Chapter 11A, Section 1122A.6 to Section 1010.10, Section 1010.10.1, and Section 1010.10.2 in attempt to align with the changes made to section numbers in the IBC during the 2015 Triennial Code Adoption Cycle.

Commenter(s) and Recommendation:

Kendra J. Muller with Disability Rights California is in support of this proposal.

Agency Response:

HCD acknowledges and appreciates the support from the commenter.

ITEM 6

Chapter 11A Housing Accessibility, Section 1123A.6 Interior stairway handrails.

During the 2015 Triennial Code Adoption Cycle, section 1012 was renumbered to align with the changes made to section numbers in the IBC. However, the reference in Chapter 11A, Section 1123A.6.1 was missed and is now being proposed to be renumbered to Section 1014.9.

Commenter(s) and Recommendation:

Kendra J. Muller with Disability Rights California is in support of this proposal. The stakeholder is also suggesting including reference to the renumbered section 1014.1.

Agency Response:

HCD acknowledges and appreciates the comments provided. HCD has evaluated the comments and determined not to amend the final express terms.

ITEM 7

Chapter 11A Housing Accessibility, Section 1125A.1 Warning curbs.

HCD proposes to correct the reference in Chapter 11A, Section 1125A.1 from section 1010.10.1 to section 1012.10.1 in attempt to align with the changes made to section numbers in the IBC during the 2015 Triennial Code Adoption Cycle

Commenter(s) and Recommendation:

Kendra J. Muller with Disability Rights California is in support of this proposal.

Agency Response:

HCD acknowledges and appreciates the support from the commenter.

ITEM 8

Chapter 11A Housing Accessibility, Section 1126A.5 Type of latch and lock.

HCD proposes to delete the reference to a specific section due to continuous changes to sections throughout the code, and simply reference Chapter 10.

Commenter(s) and Recommendation:

Kendra J. Muller with Disability Rights California is in support of this proposal.

Agency Response:

HCD acknowledges and appreciates the support from the commenter.

ITEM 9

Chapter 11A Housing Accessibility, Section 1143A.5 Visual characters.

HCD proposes to delete the reference to a specific section due to continuous changes to sections throughout the code, and simply reference Chapter 10.

Commenter(s) and Recommendation:

Kendra J. Muller with Disability Rights California is in support of this proposal.

Agency Response:

HCD acknowledges and appreciates the support from the commenter.

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

Comment 1 General.

Commenter(s) and Recommendation:

Sabrina Sampson, Developer

The commenter proposes that no additional building standards be permitted as current laws are sufficient. Commenter notes that additional building requirements result in higher costs to the home buyer or renter and contributes to the affordable housing crisis.

Agency Response:

HCD acknowledges and appreciates the comments provided. HCD has evaluated the comments and determined not to amend the final express terms as the commenter's suggestions are beyond the scope of HCD's proposals.

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 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 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).

Not applicable.