
BATHROOMS IN NEWLY CONSTRUCTED HOUSING FACILITIES FOR UNDERGRADUATE STUDENTS AT A PUBLIC SCHOOL, COLLEGE OR UNIVERSITY

Disciplines: Access

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PURPOSE

This Interpretation of Regulations (IR) provides guidance for projects that are both housing at a place of education for undergraduate students and public housing.

SCOPE

This interpretation provides guidance for projects submitted for accessibility review that are housing at places of education for undergraduate students serving a public school, public college, or public university.

1. CHAPTER 2 DEFINED TERMS

1.1 HOUSING AT A PLACE OF EDUCATION is defined in CBC Chapter 2 as “*Housing operated by or on behalf of an elementary, secondary, undergraduate or postgraduate school, or other place of education, including dormitories, suites, apartments or other places of residence.*”

Housing at a place of education can provide varied designs and not all designs may be specifically defined in the definition; therefore, “other places of residence” is included in the definition so as to not limit the housing prototypes and also to convey that housing may be on a campus or at an off-site location.

1.2 PUBLIC HOUSING is defined in CBC Chapter 2 as “*Housing facilities constructed or altered by, for, or on behalf of a public entity, or constructed or altered as part of a public entity’s program to provide housing pursuant to United States Code of Federal Regulations, 28 CFR Part 35, Section 35.102(a), including but not limited to the following:*

1. ...
2. ...
3. ...
4. ...
5. “*Housing at a place of education, such as housing on or serving a public school, public college or public university.*”

1.3 BATHROOM is defined in CBC Chapter 2 as: “*For the purposes of Chapters 11A and 11B, a room which includes a water closet (toilet), a lavatory and a bathtub and/or a shower. It does not include single-fixture facilities or those with only a water closet and lavatory. It does include a compartmented bathroom. A compartmented bathroom is one in which the fixtures are distributed among interconnected rooms. A compartmented bathroom is considered a single unit and is subject to the requirements of Chapters 11A and 11B.*”

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1.4 POWDER ROOM is defined in CBC Chapter 2 as : “A room containing a water closet (toilet) and a lavatory, and which is not defined as a bathroom.”

2. HOUSING AT A PLACE OF EDUCATION

Per CBC Section 11B-224.7, housing at a place of education for undergraduate students must comply with the building standards for transient lodging by reference to the requirements 11B-224.1 through 11B-224.6, and 11B-806. Additionally, CBC Section 11B-224.7.2 addresses requirements for accessible dwelling units with adaptable features by reference to CBC Section 11B-233.3.1.2. These requirements are necessary for alignment of newly-constructed housing facilities with the federal Fair Housing Act (FHA), and apply to the varied designs of housing at a place of education including but not limited to facilities providing individual sleeping rooms with an adjoining bathroom, multi-bedroom housing units, and to dormitory floors that have sleeping rooms and bathrooms accessed via a common hallway.

2.1 While the scoping requirements for housing at a place of education for undergraduate students apply the requirements for transient lodging facilities, such facilities are housing and not transient lodging. The United States Department of Justice (USDOJ) in its regulatory requirements in Section 35.151 of 28 CFR Part 25 requires housing at a place of education for undergraduate students to meet the Americans with Disabilities Act (ADA) transient lodging standards for mobility units because housing at a place of education may, at times, also be used similarly to transient lodging, providing stays in the summer and during break periods.

2.2 Both the 2010 ADA Standards and the federal FHA have requirements specific to bathroom design that are integrated into CBC Chapter 11B. Residential dwelling units with adaptable features under the federal FHA also have specific requirements for powder rooms that are included in CBC Chapter 11B. Both the definition of BATHROOM and the definition of POWDER ROOM are in Chapter 2 of the CBC, and are listed above.

2.3 Additionally, CBC Section 11B-224.7 states that the term “sleeping room” shall be interchangeable with “guest room” as used in the transient lodging standards:

“11B-224.7 Housing at a place of education.” Housing at a place of education subject to this section shall comply with Sections 11B-224.1 through 11B-224.6 and 11B-806 for transient lodging guest rooms. For the purposes of the application of this section, the term “sleeping room” interchangeable with “guest room” as used in the transient lodging standards.

Exception: *“Housing facilities that are provided by or on behalf of a place of education, with residential dwelling units leased on a year-round basis exclusively to graduate students or faculty, and that do not contain any public use or common use areas available for educational programming, are not subject to Section 11B-224 and shall comply with Section 11B-233.”*

The interchangeability of terminology is provided in the USDOJ regulations of the 2010 ADA Standards, and the United States Access Board, in its publicly available training, has clarified that this requirement should be interpreted that the term “sleeping room” is interchangeable with “guest room or suite.” Therefore, the application of the bathroom requirements in the CBC will be interpreted for a “sleeping room or suite.”

3. SLEEPING ROOMS OR SUITES WITH MOBILITY FEATURES

Per CBC Section 11B-224.7, sleeping rooms or suites with mobility features are required to comply with Sections 11B-224.1 through 11B-224.6, which includes the meeting the minimum number of accessible bathing fixtures from Table 11B-224.2, and the accessibility requirements in Section 11B-806.

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- Where two or more sleeping rooms are provided, Table 11B-224.2 requires a minimum of one sleeping room or suite to provide a bathtub or a transfer shower and a minimum of one sleeping room or suite to provide a roll-in shower.
- Bathrooms within sleeping rooms or suites with mobility features are required to comply with Section 11B-806.2.4.

3.1 Each sleeping room with mobility features requires access to a bathroom complying with the requirements. The bathroom with the required mobility features which serves a sleeping room with mobility features may be entered directly from the sleeping room, or it may be entered via a common hallway in a suite or via a common hallway on a dormitory floor.

Per Section 11B-806.2.4 and the definition of bathroom, a minimum of one water closet, lavatory, and bathing fixture are required to meet the applicable provisions of Sections 11B-603 through 11B-610. The fixtures may be provided within the same room, or in compartmented interconnected rooms; however, compartmentalization requires that users not travel into hallways or other parts of the sleeping room or suite to use another fixture.

3.2 A powder room, as defined in CBC Chapter 2, and a separate bathing room accessed via a hallway is not permitted to substitute for a bathroom meeting the requirements of Sections 11B-603 through 11B-610, nor is a separation of a toilet and bathing fixture in one room with lavatories open to a common hallway used to access other parts of the suite or used to access other parts of the dormitory floor.

4. ACCESSIBLE DWELLING UNITS WITH ADAPTABLE FEATURES

4.1 Per CBC Section 11B-224.7.2, accessible dwelling units with adaptable features are required if the facility is new construction, by reference to Section 11B-233.3.1.2. Adaptable residential dwelling units are required to comply with Sections 11B-809.6 through 11B-809.12.

4.2 CBC Section 11B-809.10 uses the terms “bathing room” and “toilet and bathing room,” neither of which are defined in CBC Chapter 2, and “bathroom,” which is defined. In application of Section 11B-809.10, and for purposes of compliance with the federal FHA, the terms “bathing room” and “toilet and bathing room” shall be interchangeable with “bathroom.” In a facility that requires compliance with CBC Section 11B-224.7.2, each sleeping room requires access to a bathroom complying with the requirements of 11B-809.10. The bathroom with the required adaptable features may be entered directly from the sleeping room, or it may be entered via a common hallway in a suite, or it may be entered via a common hallway on a dormitory floor; however, all fixtures must be in the same room or in compartmented rooms that are interconnected, and not exposed to a common hallway used to access other parts of the suite or other parts of the dormitory floor.

4.3 A powder room, as defined in CBC Chapter 2, is not permitted to substitute for the minimum requirement of one accessible bathroom complying with Section 11B-809.10.2. This applies to a bathroom serving the sleeping rooms in an accessible dwelling unit with adaptable features, and to the bathroom serving the sleeping rooms on a dormitory floor.

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4.4 Per CBC Section 11B-224.7.2, accessible dwelling units with adaptable features shall be reduced by the number of units with mobility features. Where sleeping rooms are provided in a multi-bedroom housing unit with mobility features, the bathroom with mobility features satisfies the requirement for one bathroom to comply. Additionally, per Section 11B-809.10.2, one fixture of each type within the unit to meet the requirements of 11B-809.10. Per Section 11B-809.10.2 Exception 6, when a bathtub is provided in the bathroom with mobility features, and a shower is provided in a subsequent bathroom within the suite, at least one shower compartment shall comply with Section 11B-809.10.6. Similarly, when a shower is provided in the bathroom with mobility features, and a bathtub is provided in a subsequent bathroom within the suite, at least one bathtub shall comply with Section 11B-809.10.5. The same requirements apply when individual bathrooms with different bathing fixtures are provided on a dormitory floor where all sleeping rooms and bathrooms are accessed via a common hallway.

4.5 Powder rooms, as defined in CBC Chapter 2, provided in accessible dwelling units with adaptable features, within guest suites with mobility features, or on dormitory floors must comply with Section 11B-809.10.3.

5. REQUIREMENTS APPLICABLE ONLY TO TRANSIENT LODGING FACILITIES

5.1 The italicized text in CBC Section 11B-224.1.2 applies only to transient lodging facilities and does not apply to housing at a place of education. Additionally, Section 11B-224.1.4 applies only to transient lodging facilities and does not apply to housing at a place of education. Italicized text is California-specific language, and specific only to transient lodging facilities such as hotels and motels. The requirements for bathrooms with mobility features in Section 11B-806 and the requirements for bathrooms with adaptable features in Section 11B-809.10 supersede the minimum accessibility requirements stipulated in these sections because they provide greater accessibility to achieve compliance with federal standards.

REFERENCES:

2022 California Code of Regulations (CCR) Title 24
Part 2: California Building Code (CBC), Chapter 2 Definitions, Sections 11B-224, 11B-806, and 11B-809

This IR is intended for use by DSA staff and by design professionals to promote statewide consistency for review and approval of plans and specifications as well as construction oversight of projects within the jurisdiction of DSA, which includes State of California public schools (K–12), community colleges and state-owned or state-leased essential services buildings. This IR indicates an acceptable method for achieving compliance with applicable codes and regulations, although other methods proposed by design professionals may be considered by DSA.

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