

From: [DGS Website@DGS](mailto:DGS_Website@DGS)
To: CBSC@DGS; kleecodes01@gmail.com
Subject: PUBLIC COMMENT on PROPOSED BUILDING STANDARDS - Kerwin Lee
Date: Tuesday, March 21, 2023 2:39:59 PM

Commenter Contact Information

Name: Kerwin Lee

Date:

Representing: Self

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Proposed Building Standard

Title 24 Part #: Part 2

Section #: Chapter 11B, Section 233.2.3

Proposing State Agency: DSA/AC

This comment is intended for review during: 45-Day Comment Period

Your recommendation based on the criteria of Health and Safety Code Section 18930(a):
Disapprove

In support of your recommendation above, provide the rationale based on the criteria of Health and Safety Code Section 18930(a). If you recommend anything other than approve, cite the criteria in your comment. If you oppose a proposed building standard, offer a solution or alternative for the state agency to consider.

When DSA/AC first proposed moving much of Chapter 11A into 11B to address "Public Housing" 3-years ago, I said this was a bad idea in that it does not comply with the ADA. The proposed Item11 for Section 11B-233 Public Housing, Specifically Section 233-3.2.1 in regard to "Elevator Buildings" conflicts with the ADA Standards requirements regarding elevators within buildings, Section 206.2.3 of the ADAAG or Section 11B-206.2.3 of the CBC.

Item 11 – The material being taken from Chapter 11A has origins with the FFHA (Federal Fair Housing Act) which is administered by HUD. FFHA and the ADA are not the same and should not be used together. Each has a different agency and area of authority. The proposed introduction of the definition of "Elevator Buildings" from Chapter 11A and FHAA, like the "Site Impracticably Test" are an FFHA requirement and not found in the ADA Standards. It is doubtful if the Department of Justice (DOJ) would agree with the use of any of the FHAA guidelines would be considered to be in compliant with the ADA, even as a "Safe Harbor". The goal is to comply with the ADA, otherwise the State is misdirecting it's users. This should considered and be looked into by the legal team or by asking the DOJ.

The entire Section in Chapter 11B related to Public Housing is flawed and should not have been brought into the State code. Anything taken from FHAA should not be applied to Public Housing. These are FFHA requirements, not ADA. Public Housing, as a Title II element, needs to comply with the ADA, not FFHA.

We should be making an effort to be in alignment with the Federal Standards, not deviate from them.

Kerwin Lee, AIA

9 Point Criteria Info:
18930(a) 7(A)