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Sent via e-Comment form: dgs.ca.gov/BSC/e-comments

Re: Public Comments for HCD Package-2022 Intervening Code Cycle

ITEM 1

Chapter 10 Means of Egress, Section 1009.2 Continuity and components. Each required accessible means of egress shall be continuous to a public way and shall consist of one or more of the following components: (No change to model code text.)

1. Accessible routes complying with *Chapter 11A, Sections 1110A.1 and 1120A 1119A* or *Chapter 11B, Sections 11B-206 and 11B-402, as applicable.*

We support this proposed change as it provides clarification as to cross references and helps to ensure accessibility.

ITEM 2

Chapter 10 Means of Egress, Section 1010.1.1 Size of doors. The required capacity of each door opening shall be sufficient for the occupant load thereof and shall provide a minimum clear opening width of 32 inches (813 mm). The clear opening width of doorways with swinging doors shall be measured between the face of the door and the stop, with the door open 90 degrees (1.57 rad). Where this section requires a minimum clear opening width of 32 inches (813 mm) and a door opening includes two door leaves without a mullion, one leaf shall provide a minimum clear opening width of 32 inches (813 mm). In Group I-2 or I-2.1, doors serving as means of egress doors where used for the movement of beds *and stretcher patients* shall provide a minimum clear opening width of 44

inches (1118 mm). Where this section requires a minimum clear opening width of 44 inches (1118 mm) and a door opening includes two door leaves without a mullion, one leaf shall provide a minimum clear opening width of 44 inches (1118 mm). The minimum clear opening height of doors shall be not less than 80 inches (2032 mm). (No change to existing California amendment.)

Exceptions:

...

~~10. The minimum clear opening width shall not apply to doors for nonadaptable or nonaccessible shower or sauna compartments, as specified in Chapter 11A.~~

10. Doors serving *nonadaptable or nonaccessible* single-user shower or sauna compartments, toilet stalls or dressing, fitting or changing rooms shall have a minimum clear opening width of 20 inches (508 mm). (No change to existing California amendment.)

We are neutral on this proposed change.

ITEM 3

Chapter 11A Housing Accessibility, Section 1118A.1 General.

Including but not limited to the requirements contained in this chapter for accessible routes, signage and emergency warning systems in buildings or portions of buildings required to be accessible shall be provided with accessible means of egress as required by Chapter 10. (See Section 1007.)

We are neutral on this proposed change.

ITEM 4

Chapter 11A Housing Accessibility, Section 1136A.1 Receptacle

heights. *Electrical receptacle outlets on branch circuits of 30 amperes or less and communication system receptacles shall be located no more than 48 inches (1219 mm) measured from the top of the receptacle outlet box nor less than 15 inches (381 mm) measured from the bottom of the receptacle outlet box to the level of the finished floor or working platform. If the reach is over a physical barrier or an obstruction (for example, a kitchen base cabinet), receptacles shall be located within the reach ranges*

specified in Section 1138A.3. Physical barriers and obstructions shall not extend more than 25 inches (635 mm) from the wall beneath the receptacle. ~~Countertops shall be allowed to extend 25 1/2 inches (647.7 mm) from the wall beneath the receptacle.~~

Cabinets shall be allowed to extend 24 inches from the wall beneath a control or switch with an additional countertop extension of 1-1/2 inches for a maximum dimension of 25-1/2 inches (647.7 mm) in depth.

Receptacle outlets that do not satisfy these specifications are acceptable provided that comparable receptacle outlets, that perform the same functions, are provided within the same area and are accessible. (No change to existing text in this paragraph.)

Disability Rights California opposes the proposed code changes, under criteria 3, as the proposed changes are not in the public interest because they will result in a decrease in accessibility. Specifically, we oppose these changes because they increase reach ranges in violation of California Government Code section 12955.1 at subsection (c) which provides, in part: “(c) [P]articular state regulations shall apply if they provide, to persons with disabilities, the same protections as, or greater protections than, the federal standards.” Thus, the proposed regulations, and the prior reductions in access, violate state law. Further, based on HCD’s stated reasons, it appears that HCD has already been authorizing or approving industry tolerances that increase these reach ranges. There is no authority in relevant state statutes or in CBC Chapter 11A for HCD to approve “tolerances” that reduce accessibility. We urge HCD to withdraw the proposed changes, and to enforce the reach ranges as written in existing code language.

Additionally, HCD states, “The proposed language harmonizes with the FHA. Since this is already being enforced and common within the construction industry, the change avoids excess costs associated with strict interpretation of the text.” However, this is not completely accurate without additional context. Current practice throughout the state of California is for building code officials to have no role in enforcing federal accessibility guidelines such as the Fair Housing Act Design Manual. As such, code officials are tasked with enforcing California Building Code standards, which underscores the importance of California maintaining its own accessibility standards when such standards increase accessibility

(Government Code section 12955.1), even when such standards may be considered strict by design and construction professionals.

Further, HCD's stated reasoning does not reflect that the agency engaged with members of the disability community during Further Study. There is no mention in HCD's Initial Statement of Reasons of how this reduction in accessibility might impact the disability community. However, in our ongoing discussions with members from the disability community, they desire strict standards to continue to be enforced because even 1.5 inches can make a significant difference in the usability of their homes. And, while people could make the decision to have modifications made to their homes in order to make items more usable, unfortunately both federal and state laws require people with disabilities to bear the often significant costs of home modifications in many, if not most, circumstances. As such, while we understand HCD's intention to promote alignment between the FHA guidelines and CBC 11A, we do not believe that such alignment is appropriate here, and we remain opposed to this proposal.

ITEM 5

Chapter 11A Housing Accessibility, Section 1136A.2 Switch and control heights.

1136A.2 Switch and control heights. *Controls or switches intended to be used by the occupant of the room or area to control lighting and receptacle outlets, appliances, alarms or cooling, heating and ventilating equipment shall be located no more than 48 inches (1219 mm) measured from the top of the outlet box nor less than 15 inches (381 mm) measured from the bottom of the outlet box to the level of the finished floor or working platform. If the reach is over a physical barrier or an obstruction (for example, a kitchen base cabinet) switches and controls shall be located within the reach ranges specified in Section 1138A.3. Physical barriers or obstructions shall not extend more than 25 inches (635 mm) from the wall beneath a control or switch. ~~Countertops shall be allowed to extend 25-1/2 inches (647.7 mm) from the wall beneath a control or switch.~~*

Cabinets shall be allowed to extend 24 inches from the wall beneath a control or switch with an additional countertop extension of 1-1/2 inches for a maximum dimension of 25-1/2 inches (647.7 mm) in depth.

Switches and controls that do not satisfy these specifications are acceptable provided that comparable controls or outlets, that perform the

same functions, are provided within the same area and are accessible. (No change to existing text in this paragraph.)

Disability Rights California opposes the proposed code changes, under criteria 3, as the proposed changes are not in the public interest because they will result in a decrease in accessibility. Specifically, we oppose these changes because they increase reach ranges in violation of California Government Code section 12955.1 at subsection (c) which provides, in part: “(c) [P]articular state regulations shall apply if they provide, to persons with disabilities, the same protections as, or greater protections than, the federal standards.” Thus, the proposed regulations, and the prior reductions in access, violate state law. Further, based on HCD’s stated reasons, it appears that HCD has already been authorizing or approving industry tolerances that increase these reach ranges. There is no authority in relevant state statutes or in CBC Chapter 11A for HCD to approve “tolerances” that reduce accessibility. We urge HCD to withdraw the proposed changes, and to enforce the reach ranges as written in existing code language.

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ITEM 6

Chapter 11A Housing Accessibility, Section 1138A.3.1 Forward reach.

[amendment withdrawn]

ITEM 7

Chapter 11A Housing Accessibility, Section 1138A.3.2 Side reach.

[amendment withdrawn]

Best Regards,

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