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August 14, 2026

California Building Standards Commission

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Attention: California Building Standards Commission

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Kevin Day, Deputy Executive Director

RE: DRC Public Comments for the BSC Meeting on DSA ACCESS Items – August 26, 2026 at 10:00 a.m.

Dear Commission Members:

Thank you for the opportunity to submit public comments on the proposed Access Code amendment development items for the 2025 Intervening Cycle. Disability Rights California (DRC) is a nonprofit organization that advocates for and represents people with a wide range of disabilities throughout California. We appear here on behalf of individuals with disabilities.

Disability Rights California is designated by the federal government and the State of California as California's officially recognized protection and advocacy organization with special authority to work on behalf of people with disabilities.¹ Under both state and federal designations, DRC is established and entitled to, among other things: 1) Pursue administrative, legal and other remedies to ensure the protection of the legal rights of people with disabilities, including where there is reason to believe that legal rights are being violated, including those that could result in harm; 2) Provide training and information to programs and entities addressing the needs of people with disabilities, and 3) Have unaccompanied access to all facilities and programs used by individuals with disabilities.² We routinely appear on behalf of individuals with disabilities in administrative forums and cases. We have been actively working on accessible affordable housing for decades, since inaccessible housing can cause harm to people with disabilities. As California's official Protection and Advocacy Agency, we are a standing Ex Officio member of DSA's Access Code Collaborative.

These comments consolidate our previous comments on DSA's 45-day proposals and their revised 15-day proposals into a single document for ease of review, and replaces those earlier documents, which are

¹ DRC provides services to people with disabilities pursuant to a variety of statutes, including but not limited to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15001, PL 106-402; the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. § 10801, PL 106-310; the Rehabilitation Act, 29 U.S.C. § 794e, PL 106-402; the Assistive Technology Act, 29 U.S.C. § 3011, 3012, PL 105-394; the Ticket to Work and Work Incentives Improvement Act, 42 U.S.C. § 1320b-20, PL 106-170; the Children's Health Act of 2000, 42 U.S.C. § 300d-53, PL 106-310; and the Help America Vote Act of 2002, 42 U.S.C. § 15461-62, PL 107-252; as well as under California Welfare and Institutions Code §§ 4900 et seq. We are also designated under the federal Protection and Advocacy for Individual Rights Program, designated to provide legal advocacy to protect the human and legal rights of people with disabilities. Section 509 of the Rehabilitation Act, 29 U.S.C. Section 974e; 34 C.F.R. Part 381.

² California Welfare and Institutions Code §§ 4900, 4902, et seq.

incorporated by reference.³ Our comments respond to the Final Express Terms from DSA dated July 10, 2026.

In addition, we concur with the reasons provided by DSA in their Initial and Final Statement of Reasons in response to various comments.

Our comments are organized below as follows, to address the following legal and code concerns. Sections I-III consolidate general overarching comments on the 45-day and 15-day changes, using the text from the Final Express Terms. Section IV responds to concerns raised by other commentators in response to the 45-day and 15-day comment period. Section V specifically addresses each change proposed by DSA in its Final Express Terms.

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Legal Analysis

I. DSA's Proposed Changes fall within the Exemptions to the Section 18942 Moratorium

As you are aware, Health and Safety Code section 18942 establishes a moratorium on changes to the CBC during the intervening cycle, which includes specified exceptions. **All of DSA's proposed changes fall within one or more of the following exceptions:**

Subsection 18942(a)(2)(A): Exception for "technical updates to existing code requirements only to the extent necessary to effectuate support or facilitate the incorporation or implementation of those existing code requirements. The updates shall be limited to clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions."

All of DSA's proposals, at least in part, provide necessary clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of existing provisions. Some are clarifying changes only.

Subsection 18942(a)(2)(F): Exception for "building standards necessary to incorporate updates to accessibility requirements that align with minimum Federal accessibility laws, standards, and regulations."

Many of DSA's proposals are necessary to incorporate updates to accessibility requirements that align with minimum Federal accessibility standards under Title II of the ADA (ADA 2010 Standards), and/or Section 504 of the Rehabilitation Act, 29 U.S.C. § 794(a) (Uniform Federal Accessibility Standards (UFAS), consistent with HUD's interpretation in their Deeming Notice). This includes Items 1-1, 1-2, 2-1, 3-4, 4-1-1, 5-1, 10-2, 11-1, 11-2, 13-1, 13-1-1, 14-1, 15-1, 16-1.1 through 16-10.5, 17-1, 20-1, and 21-1 in DSA's 45-day proposal and Items 1-1, 3-4, 5-1, 10-2, 11-1, 11-2, 14-1, 16-1, 16-1.2, 16-1.3, 16-6, 16-6.1, 16-10.2, 16-10.3, 16-10.4, and 16-10.5 in DSA's 15-day proposal.

We will address the applicability of Subsection (a)(2)(F) in greater detail below, but both the ADA 2010 Standards and UFAS/HUD Deeming Notice are applicable minimum Federal accessibility standards under both state and Federal law, so DSA's changes fall within this exception to the moratorium.

II. DSA Proposals Meet the Nine-Point Criteria

Each of DSA's proposals meet the following criteria in Health and Safety Code Section 18930:

(1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

(2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.

(3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations. [In particular, the code proposals are necessary for the health and safety of individuals with disabilities, and they are consistent with accessibility statutes and regulations.]

(4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

(5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

(6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.

(7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate. [This includes the mandatory minimum Federal standards established by the Justice Department (ADA 2010 Standards) and HUD (compliance with Section 504 of the Rehabilitation Act, 29 U.S.C. § 794(b), and HUD implementing regulations at 24 C.F.R. Part 8 and the Alternative Standards (known as the Deeming Notice), [FR Doc. 2014-11844 Filed 5-22-14] Available at: <https://www.federalregister.gov/documents/2014/05/23/2014-11844/nondiscrimination-on-the-basis-of-disability-in-federally-assisted-programs-and-activities>.]

(8) The format of the proposed building standards is consistent with that adopted by the commission.

III. DSA's Proposed Changes are Necessary to Comply with Section 504 of the Federal Rehabilitation Act (as interpreted in HUD's Deeming Memo), the 2010 ADA Standards, Government Code Sections 12955.1 and 11135, and the Building Code Standards Adopted Pursuant to those Statutes.

A. DSA Must Comply with Applicable Provisions of Section 504 that Provide Greater Accessibility, as identified by HUD in Its Deeming Memo. This includes Items 1-1, 2-1, 3-4, 4.1-1, 5-1, 10-2, 11-1, 11-2, 14-1, 15-1, 16-1.1 through 16-10.5, 17-1, and 20-1, in DSA's 45-day proposal and Items 1-1, 3-4, 5-1, 10-2,

11-1, 11-2, 14-1, 16-1, 16-1.2, 16-1.3, 16.-6, 16-6.1, 16-10.2, 16-10.3, 16-10.4, and 16-10.5 in DSA's 15-day proposal.

Section 504 of the Rehabilitation Act of 1973 ("Section 504") established that people with disabilities cannot be subject to discrimination "under any program or activity receiving Federal financial assistance." 29 U.S.C. § 794(a). Section 504's requirements apply to every local government, agency, or department receiving Federal financial assistance. A number of Federal agencies have adopted UFAS as the minimum Federal standard, including the Department of Housing and Urban Development (HUD) and the Department of Agriculture. Because the State of California and local agencies receive Federal financial assistance, all of their housing activities are covered by Section 504.

The requirements of Section 504 are broadly applied:

"[P]rogram or activity" means ***all of the operations of—***

(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government. . . .

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government."

29 U.S.C. § 794(b) [*Emphasis added.*] The language of the statute and regulations are explicit that Section 504 obligations are not limited to specific projects receiving Federal funding. **If an agency that receives Federal financial assistance is involved with the production of or funding of a particular project, all of the activities of the Agency are covered by Section 504 and UFAS regardless of whether an individual project gets Federal funding.**

Congress, in the Civil Rights Restoration Act of 1987, reaffirmed this principle. Pub. L. No. 100-259, 102 Stat. 28 (1988.) In adopting the Act, it made explicit findings that "legislative action is necessary to restore the ... broad, institution-wide application" of the Civil Rights Laws, including Section 504. Pub. L. No. 100-259, Section 2(2), (20 U.S.C. Section 1687(note).) It did so by adding specific language to the law making it explicit that discrimination is prohibited throughout entire state and local government agencies and departments **if any part of the entity receives Federal financial assistance.** California, as a recipient of Federal financial assistance, is legally required to comply with this provision.

Courts, including the Ninth Circuit, have adhered to this principle in their rulings. See *Barden v. City of Sacramento*, 292 F.3d 1073, 1077 (9th Cir. 2002) (Holding that ADA Title II and Section 504 apply to all activities that are a

“normal function” of the local government including sidewalks); *J.S.X. Through D.S.X. v. Foxhoven*, 361 F. Supp. 3d 822, 838 (S.D. Iowa 2019) (“‘[P]rogram or activity’ is broadly defined in the RA [Rehabilitation Act] so that it applies to the entirety of the recipient's operations, rather than the specific function for which Federal funding is received”).

In addition, under Section 504 of the Rehabilitation Act, any entity receiving Federal financial assistance is required to ensure that all its programs and activities are accessible, regardless of how those funds are allocated or through whom they are administered. Federal financial assistance has been broadly defined by the courts to encompass grants, loans, contracts, services, and property interests. Federal financial assistance triggers compliance obligations not only for the entity itself but also for any services or programs provided through subgrantees or contractual relationships.

The nondiscrimination provisions also extend to all activities of any entity that distributes the Federal financial assistance and any department or agency that receives the Federal financial assistance.⁴ In other words, when a department or agency of a State receives Federal financial assistance and distributes it to another department or agency, or to local governments, or to a private entity such as a developer, all of the entities are covered by Section 504 obligations, including the obligation to adopt UFAS/Deeming Notice provisions.

Furthermore, contractors and subcontractors of the recipient are covered:

“A recipient, in providing any housing, aid, benefit, or service in a program or activity that receives Federal financial assistance from the Department may not, directly or through *contractual, licensing, or other arrangements*, solely on the basis of handicap [may not discriminate]. . .”

“Recipient means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended for any program or activity directly or through another recipient, including any successor, assignee, or transferee of a recipient. . . .”

24 C.F.R. § 8.4(b)(1) and 8.3 (*emphasis added*).

These legal requirements mean that all Public Housing (as defined in Ch. 11B) in California is subject to Section 504 (UFAS), because the State of California and almost every local government and housing agency and department receive

⁴ The statute further enumerates a list of entities that are covered, including colleges, universities, corporations, private organizations, partnerships, etc., particularly referencing corporations and private organizations “principally engaged in the business of providing...housing [or] social services...” 29 U.S.C. § 794(b).

Federal financial assistance.⁵ Public Housing, as defined, means that the housing is in receipt of government funding, that the housing is developed by, for or on behalf of a public entity, or that is part of a government entity. HUD also makes it explicit that Section 504 requirements extend to the public entities' agents and subcontractors for covered programs. 24 C.F.R. Section 8.3.

Therefore, since the state gets Federal financial assistance, and local jurisdictions and government entities get Federal financial assistance, all of their activities are covered by Section 504 and UFAS.⁶ In 2025, California received over \$107 million from HUD, broadly distributed to local jurisdictions and developers throughout the state. See [HUD Exchange: Awards and Allocations FY 2025 CPD Allocations](#). In addition, state and local jurisdictions and agencies received Federal financial assistance. This protection extends to all entities to whom these state and local agencies provide additional funding (Federal or not) or with whom they contract to carry out governmental activities. Since affordable housing almost always gets governmental funding or is part of a government project, affordable housing projects must comply with Section 504, and thus UFAS. "Congress intended the Rehabilitation Act to have broad reach, amending the statute to "make clear that discrimination is prohibited throughout entire agencies or institutions if any part receives Federal financial assistance." S. Rep. 100-64, at 4 (1988), reprinted in 1988 U.S.C.C.A.N. 3, 64 (emphasis added)."

⁵ While Section 504 coverage is triggered by receipt of *any* federal funding, regardless of purpose or source, we note that HUD funding is ubiquitous in California. See, i.e., HUD Exchange Awards and Allocation. For 2024, there are over 18 pages of localities and government entities (including the State of California) that received HUD funding from at least 8 programs.

<https://www.hudexchange.info/GRANTEES/ALLOCATIONS-AWARDS/?params=%7B%22limit%22%3A20%2C%22COC%22%3Afalse%2C%22sort%22%3A%22%22%2C%22min%22%3A%22%22%2C%22years%22%3A%5B%7B%22year%22%3A2023%2C%22%24%24hashKey%22%3A%22object%3A1218%22%7D%5D%2C%22dir%22%3A%22%22%2C%22multiStateAwards%22%3A0%2C%22grantees%22%3A%5B%5D%2C%22state%22%3A%22CA%22%2C%22orgid%22%3A%22%22%2C%22orgname%22%3A%22%22%2C%22programs%22%3A%5B2%2C5%2C3%2C6%2C7%2C17%2C8%2C10%5D%2C%22max%22%3A%22%22%2C%22searchTerm%22%3A%22%22%7D&na=20&start=2#/poc#granteeSearch>

We do not believe the list from footnote 1 is a complete list, and many grants from prior years are multi-year grants, but the list does include the State and almost every city and county in the state (some in consortiums with other local governments). We also note that the vast majority of affordable housing built today has some state funding through HCD, CDLAC, CTCAC, CalHFA and other programs, and that the State distributes much of its federal funding in CDBG, HOME, ESG, HOPWA, and HTF to rural areas that may not otherwise directly receive such funds. Therefore, all Public Housing in California must comply with UFAS, and UFAS should be part of Chapter 11B.

⁶ The coverage of Section 504/UFAS is broader than the HUD regulations. It covers "Federal and federally-funded facilities," not just HUD funded facilities. UFAS section 1, Purpose. See also the adoption of UFAS by the U.S. Dept. of Agriculture to cover federally funded housing in rural areas, 7 C.F.R. section 15b, 15b.16 and 15b.19(c).

This important principle was recently confirmed in Access Living of Metropolitan Chicago, Inc. v. City of Chicago. Plaintiffs sued the City of Chicago because its affordable housing did not comply with the UFAS standards imposed under Section 504. The Court held that “the City may not avoid liability by framing its role in the affordable housing scheme as merely providing funding and tax credits to developers in a way that blanketly absolves the City from its own duty of complying with the Federal accessibility laws.” Access Living of Metropolitan Chicago, Inc. v. City of Chicago (N.D. Ill. 2024) 752 F.Supp.3d 922, 930.

Furthermore, “[e]ven though certain developments do not receive Federal financial assistance, the entire program must comply with Section 504 because the statute defines ‘program or activity’ as ‘all of the operations’ of the funding recipient. 29 U.S.C. § 794(b)(1); 24 C.F.R. § 8.3; see *Schroeder v. Chicago*, 927 F.2d 957, 962 (7th Cir. 1991) (explaining that “program or activity” is intentionally broad). So the City need not determine which individual buildings must comply with Section 504—because all of the buildings that are part of the City’s ‘program’ are swept up under Section 504’s purview.” *Id.* at 931.

The Court in Access Living also emphasized that “...a public entity may not discriminate on the basis of disability, directly or indirectly, such as ‘through contractual, licensing, or other arrangements,...’” and that “Section 504 requires that individuals with disabilities be provided with meaningful access to the benefit that the grantee offers.” *Id.* at 929.

Therefore, for the state to be fully compliant with Section 504, California Building Codes must comply with Section 504, which means compliance with UFAS. This is best accomplished by adopting DSA’s proposals.

B. As Further Evidence of the Scope of Mandatory Section 504 Coverage in California, the State Treasurer and HCD (Both Recipients of Federal Financial Assistance) Require Compliance with Section 504.

The California Tax Credit Allocation Committee (CTCAC), part of the State Treasurer’s office, implements the distribution of Federal and state affordable housing tax credits for affordable housing programs. Most public housing projects utilize federal and/or state tax credits as one of their funding sources.⁷ Once the project qualifies, the owners enter into a regulatory agreement with the state, requiring them to comply with the regulations. CTCAC Regulations at 4 C.C.R. Section 10300 *et seq.*, found at <https://www.treasurer.ca.gov/ctcac/programreg/2025/regulations.pdf>.

⁷ State and federal tax credits are usually provided in tandem in California.

Those regulations include a requirement that the property comply with CBC Chapter 11B, the ADA, **and** Section 504. See Definitions, 4 C.C.R. Section 10302, subsections (a) (Accessible Housing Units), (e) (Alternative Accessibility Standards or “HUD Deeming Notice”), (ll) (Housing and Accessibility Requirements), (nn) (Housing Units with Mobility Features,) and (oo) Housing Units with Hearing/Vision Features). Subsection (ii) provides:

“Housing and Accessibility Requirements. Include California Building Code (CBC) Chapters 11 A and B; the Fair Housing Act (FHA) (42 U.S.C. § 3601 et seq.; 24 C.F.R. part 100) the ANSI A117.11986 design and construction standard incorporated by reference at 24 C.F.R. part 100.201a; the ADA (42 U.S.C. § 12101 et seq.; 28 C.F.R. part 35 (Title 11) and part 36 (Title III)) **the Uniform Federal Accessibility Standards (UFAS) at 24 C.F.R. 40, or, in the alternative, the Alternative Accessibility Standards (as defined in (e)) [“Deeming Memo”] when used with the 2010 ADAS and CBC 11 B**; the Department of Agriculture Regulations for Rural Housing Programs (7 CFR 15b); and all Federal and state regulations implementing these laws”.

Sections 10322(h)(1)(F) and (h)(12) and Section 10325(f) (7)(K) also require compliance by the project and the project architect with all Housing and Accessibility Requirements, at a minimum including UFAS or ADA/Deeming Notice.

Similarly, current Dpt. of Housing and Community Development (HCD) program requirements require compliance with Section 504 (UFAS or ADA plus Deeming Notice). HCD Multifamily Housing, Final Guidelines applicable to multiple programs, February 13, 2025, found at <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/supernofa/2025-mhp-guidelines.pdf>. Section 7314(b)(3)(D) and (E), Physical Design Accessibility Requirements, including Section 504 including either UFAS or ADA 2010 standards plus the Deeming Notice (Alternative Accessibility Standards- see definitions at Section 7301 and Appendix A (Definitions of Accessible Housing Units, Alternative Accessibility Standard (Deeming Notice).

The fact that both these state agencies include compliance with 504 in their regulations/guidelines is reflective of the fact that the State receives Federal financial assistance and therefore must comply with Section 504 (and the Deeming Notice). The Building Code should be modified similarly to also comply with Federal law.

In order for these regulations to be effectively implemented, it is necessary for DSA to incorporate the Deeming Notice exceptions into Chapter 11B, allowing local building officials to ensure compliance. All stakeholders will then have

once source as a starting point – Chapter 11B – to comply with all applicable laws.

C. Failure to Comply with Application of Minimum Federal Standards Also Violates the Nondiscrimination Provisions of Federal Law, Therefore These Proposals Should be Approved.

The ADA requires all public entities, including state and local governments and their departments, agencies, and instrumentalities to provide people with disabilities meaningful access to programs, services, and activities. *Crowder v. Kitagawa*, 81 F.3d 1480 (9th Cir. 1996).

Similarly, Section 504 states “[E]ach program or activity that receives Federal financial assistance from HUD shall be operated so that the program or activity, when *viewed in its entirety*, is readily accessible to and usable by qualified individuals with handicaps.” 53 Fed. Reg. 20216, 20222 (June 2, 1988) (codified at 24 C.F.R. Section 8.24). Section 504 and the ADA prohibit covered entities from excluding people with disabilities from their programs, services, and activities. *Alexander v. Choate*, 469 U.S. 287. Failure to adopt the minimum Section 504 standards for public housing into Chapter 11B means that people with disabilities do not have equal access to that public housing, resulting in California and the Building Standards Commission being in violation of Federal law. Adoption of DSA’s proposal can ensure full inclusion and full compliance with the law. Failure to do so places the state, local governments, and projects at risk of liability for violation of Section 504.

D. DSA Appropriately Relies on HUD Guidance in Reconciling Conflicts between the ADA 2010 Standards and UFAS.

Complying with both the ADA standards and UFAS requires reconciling at least eleven conflicting provisions. These eleven provisions in UFAS provide greater protections for people with disabilities than the ADA 2010 Standards. HUD has issued regulations providing useful guidance about complying with both these statutes simultaneously.

Pursuant to its authority under Section 504 of the Rehabilitation Act, effective in 1988, HUD adopted UFAS as the architectural accessibility standard for public housing under Section 504. 24 C.F.R. section 8.32. To reconcile those standards with the later adopted ADA 2010 Standards enacted to implement the ADA, in 2014 HUD Issued a Notice on “Instructions for Use of Alternative Accessibility Standard, commonly referred to as the “Deeming Notice.” [[FR Doc. 2014-11844](#) Filed 5-22-14] Available at: <https://www.federalregister.gov/documents/2014/05/23/2014->

[11844/nondiscrimination-on-the-basis-of-disability-in-federally-assisted-programs-and-activities.](#)

HUD issued the Deeming Notice to permit entities to use an alternative accessibility standard for purposes of complying with both ADA 2010 Standards and UFAS under Section 504 of the Rehabilitation Act of 1973 (Section 504) and HUD's implementing regulations at [24 CFR part 8](#) (Section 504 regulation). The Deeming Notice (or "the alternative standard") identifies eleven specific exceptions where covered entities must use UFAS instead of ADA 2010 Standards or regulations, to ensure fuller accessibility and to comply with both statutes. Those exceptions are described in the notice and in the Appendix to the notice which specifically lists the exceptions and the related regulatory sections. DSA appropriately relied on this notice in drafting these necessary changes.

DSA's proposals relating to minimum UFAS accessibility standards utilize HUD's Deeming Notice exceptions as a guide to bring Chapter 11B, into compliance with minimum Federal accessibility standards. Government Code sections 12955.1(c), Health & Safety Code sections 18942(a)(2)(F)(7). This is the most efficient, consistent and effective way to harmonize these statutes. To comply with state law and Federal law, DSA's proposals must be adopted.

E. DSA's Proposals, including Items 1-2, 2-1, 3-1, 4.1-1, 13-1, 13.1-1, 15-1, 17-1 and 21-1 in DSA's Comments for the 45-day Comment Period, are Required to Bring Chapter 11B into full conformity with the 2010 ADA Standards.

These proposed changes are necessary for clarification and consistency, including consistency with specific provisions of the 2010 Standards. To fully comply with Federal law, it is necessary to adopt these provisions. See Government Code section 12955.1(c) (greater Federal standards shall apply) and Government Code section 11135(b) (state agencies and programs and activities conducted, operated, or administered by a state agency shall comply with Title II (Section 202) of the ADA unless state laws are stronger.) This falls clearly within the exceptions in Health & Safety Code sections 18942(a)(2)(A) and (F). It also meets the nine-point criteria in Health and Safety Code Section 189301(1) – (8).

F. DSA's Proposals are Required Under California Government Code section 11135 and its implementing regulations at 2 C.C.R. section 14000 et seq. This includes Items 1-2, 3-1, 3-2,

3-3, 3-4, 15-1, and 16-1.1 through 16-10.5 in DSA's Comments for the 45-day Comment Period.

Government Code section 11135 is the state anti-discrimination statute governing state agencies and programs, including DSA and its implementation of the CBC. Government Code section 11135 prohibits discrimination, including discrimination against people with disabilities, in “any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.” Government Code section 11135(a). State agencies include any “administrative subdivision or instrumentality of state government, including agencies, ... departments, offices, officers, commissions, councils, ... boards, . . . and divisions,” and educational entities. Section 14020 subsection (m) (definition of state agency.)

We note that the references by DSA to the regulations implementing Government Code Section 11135 do not in themselves constitute a substantive change but provide some additional clarification for code users. Government Code 11135, prohibiting discrimination in programs or activities funded by the state, has applied to all California public entities and direct and indirect recipients of state funding since 1977. Since 1992 it has provided that programs and activities subject to the statute shall meet the protections and prohibitions contained in Title II of the ADA, and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs and activities subject to subdivision (a) shall be subject to the stronger protections and prohibitions. Regulations effective July 1, 2024 provided additional clarification as to the scope of the statute and applicable code requirements, but did not add new obligations. Under California law, state agencies such as the BSC, DSA, and HCD, as well as all local government entities and all of their programs and activities, and all direct and indirect recipients and subrecipients of state funding, including housing developers, are required to comply with these nondiscrimination provisions. Referring to this existing statute and the accompanying regulations provides clarity as to the scope of the obligations, but does not impose new or different obligations.

DSA is proposing to explicitly reference the regulations implementing Government Code section 11135 in the Public Housing definition at Item 3-4 to provide further clarification and guidance to code users. This is a clarifying change only that does not materially alter the substance or intent of Item 3-4. The current Public Housing definition is fully consistent with Government Code section 11135 and the implementing regulations in its coverage of activities by, for and on behalf of state and local governments of programs (housing)

“conducted, operated, and administered” by the state and other public entities – part of a government program.

Government Code section 11135 regulations at 2 C.C.R. section 14000 *et seq.* simply provide further guidance. They, like the Section 504 regulations, have a broad definition of covered entities (state and local agencies, including subcontractors and subrecipients of state support, such as housing developments. They also have a broad definition of programs and activities. See Definitions, Section 14020 subsections (m) (Covered Entity); (z) (State Support); (hh) (“covered practice or practices” includes written regulations and policies); (ii) (“Program and Activities” includes “all the operations of a covered entity” even if only one part of the entity receives state support); and (qq) (“Recipient” covers, among others, subgrantees, contractors, agents, successors and transferees).

The regulations also require that facilities constructed after the effective date of the *original* regulations⁸ by, on behalf of, or for the use of a covered entity (see public housing definition) must be accessible to people with disabilities, and similarly alterations in such properties must be accessible. 2 C.C.R. sections 14340 and 14341. Section 14342 provides that compliance with the ADA 2010 Standards, UFAS, and Chapters 11A and 11B constitutes compliance with the accessibility requirements in section 14340 and 14341. Since they are identified in the Section 11135 regulations, both the ADA 2010 Standards and UFAS are minimum Federal standards under Health & Safety Code sections 18942(a)(2)(F).

The Items listed above and other items providing compliance with Government Code section 11135 fit clearly within the exceptions in Health & Safety Code sections 18942(a)(2)(A) and (F). They also meet the criteria in Health and Safety Code Section 189301(1) – (8).

G. These proposals are necessary because Chapter 11B does not currently meet minimum Federal standards in the ADA (2010 Accessible Design Standards) or the Federal Uniform Federal Accessibility Standards (UFAS), as required by Government Code Section 12955.1.

California Government Code 12955.1(c) requires DSA to adopt building standards for public housing. It specifically requires **that “[i]f particular Federal regulations provide greater protections than state regulations, then those Federal standards shall apply.”** Both the 2010 Standards and UFAS/Deeming

⁸ The original regulations for Government Code 11135 were primarily adopted as early as 1980. They were re-numbered in 2017 and re-numbered again and updated in 2024.

Notice currently contain certain provisions that provide greater accessibility than current Chapter 11B, and DSA is required to adopt those standards. DSA has specific authority under Government Code 12955.1 to enact these regulations⁹.

Similarly, as further evidence of the importance of UFAS (although not directly relevant to residential facilities), Section 4459 provides that the accessibility requirements in the California Building Standards Code “shall not be less than the application and scope of “the **federal Americans with Disabilities Act of 1990** adopted by the U.S. Department of Justices, ***the Uniform Federal Accessibility Standards***, and the federal Architectural Barriers Act.” Gov. Code 4459(a), (c) (emphasis added). These provisions were added to the statute by SB 1242 in 2001. According to the sponsor, SB 1242 was needed to bring California into full compliance with existing state and Federal law. See August 11, 2000 Senate Floor Analysis of SB 1242. <https://leginfo.legislature.ca.gov>.

DSA’s proposed revisions to incorporate the Deeming Notice and certain missing ADA 2010 standards fall squarely within the exemption in Health & Safety Code Section 18942(a)(2) (F): “Building standards necessary to incorporate updates to accessibility requirements that *align with minimum federal accessibility laws, standards, and regulations.*”

H. These Proposals have a Positive Practical Impact on Code Users, and Meet State Criteria for Building Standards

Incorporating the specific UFAS requirements identified in the HUD Deeming notice into CBC 11B also provides simplicity, consistency, and clarity for code users, who will now be able to turn to Chapter 11B to provide greater compliance with both state law and all applicable Federal laws. It avoids conflicting building standards. The proposals meet the nine-point criteria for building standards. Health & Safety Code sections 18930(a)(1)-(6) and (8).

These proposals provide a strong benefit to architects, developers, building officials, and all code users. Currently complying with both the ADA and UFAS requires stakeholders to consult multiple sources and individually reconcile the conflicts. As a practical matter, since DSA is using the 2010 Standards as the basis for CBC 11B, most architects who seek to comply with additional UFAS requirements will have to conduct painstaking research and apply the individual exceptions in UFAS (and run the risk of being out of compliance with the ADA or Chapter 11B).

Failure to comply with the relevant UFAS provisions can have enormous consequences for state and local governments and other stakeholders. As we

⁹ See, e.g., Comment by Dan Miller, May 4, 2026 (Miller comment), D. Miller - DSA-AC 01/25 - Part 2 - 11B. Mr. Miller fails to acknowledge DSA authority under Government Code 12955.1.

know from our work implementing the ILCSC v. Los Angeles¹⁰ case requiring the City of Los Angeles to produce 4,000 units of fully accessible affordable housing, the conflicting standards can create a great deal of confusion. (The City also had to pay \$3,500,000 to the plaintiffs and pay for plaintiffs' attorneys' fees.) The City had to educate and oversee the application of both ADA and Section 504 standards in each development, because even many CASp trained architects were not using the correct requirements. Using the Deeming Notice standards, the City and its consulting architect have provided a road map that alleviated confusion in Los Angeles. Adopting the current DSA proposals regarding the UFAS provisions will provide the same real-world benefit throughout California. Stakeholders will only need to review CBC 11B to be in compliance with both sets of Federal standards (ADA and UFAS.)

We note that a settlement similar to the ILCSC case is pending judicial approval under the Access Living of Metropolitan Chicago, Inc. v. City of Chicago case cited above,¹¹ which resulted from Chicago's failure to apply appropriate code standards in its housing programs. After more than eight years of litigation, the settlement requires Chicago to identify, build or rehabilitate 2,800 accessible units, develop policies to prevent future accessibility violations, pay \$2,250,000 in damages to the fair housing organization that brought the case, and to pay attorneys' fees to plaintiff's counsel. Chicago will also have to pay for a neutral outside expert to ensure accessibility compliance and a Court-appointed monitor to oversee implementation.¹²

It is irrefutable that incorporating the necessary provisions into Chapter 11B can prevent confusion for code users and save local governments, developers, and other stakeholders from significant liability risks. Certainly, for entities covered by HUD regulations, it will provide one-stop shopping.

¹⁰ See *Independent Living Center of Southern California, et al. vs. the City of Los Angeles, et al.*, U.S. District Court, Central District of California, Case No. 2:12-cv-000551-FMO-PJW, Settlement Effective September 5, 2016; *HUD Voluntary Compliance Agreement with the City of Los Angeles*, August 2, 2019; and *United States et al v. City of Los Angeles et al.*, Case No. 2:11-cv-00974-JFW-JC (C.D. Cal.). More information about all of these actions is available on the DRC website at <https://www.disabilityrightsca.org/cases/independent-living-center-of-southern-california-et-al-v-the-city-of-los-angeles-et-al>.

¹¹ *Access Living of Metropolitan Chicago v. City of Chicago*, No. 1:18-cv-03399 (U.S. Dist. Court, N.D. Ill.)

¹² More information about the *Access Living* case is available at <https://www.relmanlaw.com/news-access-living-settlement>.

IV. Responses to Concerns Raised by Other Commenters During the 45-day and 15-day Comment Periods

A. DSA's Proposed Revisions Fall within the Exceptions to The AB 130 Moratorium.

Several comments claimed that the proposed changes are in violation of AB 130, but failed to provide any specific analysis as to why they are in violation. As noted above, all of the proposed changes fall clearly within AB 130 exceptions.¹³

B. DSA Complied with All Requirements of CBSC Administrative Regulations.

1. DSC Fully Complied with the Precycle public participation requirements in 1-403.

There can be no dispute that DSA conducted appropriate pre-cycle public participation activities in accord with these regulations, contrary to the allegations of some commenters.¹⁴ DSA identified and maintained a list of all interested groups or persons affected. (Regulation 1-403(a)(1).) Prior to formally proposing the rules for adoption, on at least two occasions they notified interested groups and persons of their intent to develop standards related to the Deeming Memo and held workshops open to the public on these topics. (Regulations 1-403(a)(2)-(5).) This included a July 9, 2025 Access Code Collaborative meeting (open to the public) which included a discussion of proposed amendments to conform to minimum federal standards in accord with the Deeming Notice (See attached Agenda at page 3.)¹⁵ The Access Code Collaborative has 15 stakeholders representing a wide range of the public, including but not limited to an ADA Coordinator for the City of Berkeley, a representative of the building/construction industry, a representative of building/facility owners for preK-12 schools, another representative of building/facility owners, representatives of building officials (including the current chair of the Access Committee for CALBO and other members of CALBO), a representative from HCD, a representative of design professionals, an ADA

¹³ See, e.g., Comments from President Mike Brinkman, CASp, C.B.O. on behalf of CALBO, May 29, 2026 (CALBO comment), CALBO-DSA-AC 01/25-Part 2-Addendum; See, e.g., Comments by Dan Miller, May 4, 2026 (Miller comment).

¹⁴ See, e.g., Comments from Bob Raymer, Technical Director at California Building Industry Association, on behalf of California Building Industry Association; California Apartment Association, California Business Properties Association, Building Owners & Managers Association, May 29, 2026 (Raymer comment), B. Raymer (Industry Coalition) - DSA-AC 01/25 - Part 2 - Overall Comment; See, e.g., Comments from President Mike Brinkman, CASp, C.B.O. on behalf of CALBO, April 29, 2026 and May 29, 2026 (CALBO comments)

¹⁵ See Division of the State Architect, *Agenda for Access Code Collaborative Meeting*, July 9, 2025.

compliance officer within the UC system, and other advocates for people with disabilities. DSA also sent notice to all interested parties and held a Pre-Cycle Access Workshop Meeting on September 24, 2025. The purpose of this public meeting was to “to hear comments on the proposed code amendments to the 2025 California Building Code for the Intervening Code Cycle. Proposed changes will be included in the 2025 CBC Supplement that will be in effect July 1, 2027.” The agenda included a discussion of the preliminary proposals regarding compliance with the Deeming Notice.¹⁶ See also DSA Final Statement of Reasons on this issue.

2. DSC Fully Complied with all public participation requirements in the Administrative Rules.

DSA also fully complied with other provisions of Health and Safety Code sections 18929.1 and 18934, as well as all applicable administrative regulations, including all pertinent requirements of sections 1-403, 1-405, 1-406(b), 1-407, 1-409(b) and (h), 1-411, 1-413, and 1-415(a)(13). All notices and public hearings relevant to the proposals, submission to the Code Advisory Committee, the 45-day comment period, and the subsequent 15-day comment period followed applicable rules. See also DSA Final Statement of Reasons on this issue.

3. There is no requirement in the Administrative Rules that modifications made following the CAC meeting must be re-noticed or re-introduced.

Section 1-409(h) of the Administrative Regulations, regarding review by the Code Advisory Committee (CAC), is quite specific in the discretion it provides to the agency. The regulations refer to “*recommendations*” of the CAC. These are not binding on the agency. The regulations explicitly provide: “State proposing agencies shall address each Code Advisory Committee recommendation in the revised Initial Statement of Reasons by **explaining what, if any, action was taken or not taken to address the recommendation.**” This explicitly leaves to the agency’s discretion the option to follow, decline to follow, or modify the proposals in response to the CAC recommendations. DSA explicitly responded to each CAC recommendation as required in the Initial Statement of Reasons. Despite some objections by commenters¹⁷, DSA is under no legal or other obligation to do more and is explicitly entitled to make modifications.

In a number of instances, DSA chose to provide greater clarity by moving text to different sections or re-numbering sections. There is no requirement in the

¹⁶ See Division of the State Architect, *Agenda for Public Comments on DSA’s Proposals for the 2025 California Building Code, Intervening Cycle Meeting*, September 24, 2025.

¹⁷ See, e.g., Comments from CALBO, April 29, 2026 and May 29, 2026; See Comments from Raymer, May 29, 2026.

Administrative Code that modifications to proposals, no matter how detailed, must start all over at the beginning of the process, nor do any commenters cite to such a requirement.¹⁸ We note, in fact, that under Section 1-421(c) of the CBSC Administrative Regulations, changes without regulatory effect include: “1. Renumbering, reordering, or relocating a regulatory provision;” Under this provision, proposals by DSA to move or renumber sections are not substantive, let alone grounds for resubmission of the package.¹⁹

C. DSA Responded Appropriately to Several Comments by Modifying the Proposals in its 15-day Comments to Address the Difference in Scoping in the Deeming Notice and Chapter 11B.

DSA has addressed the unclear scoping issue, raised by some commenters,²⁰ between Chapter 11B and the Deeming Notice. Public housing facilities with five or more dwelling units are covered by Section 504, but public housing facilities with less than 5 dwelling units are not, and are only subject to ADA 2010 standards and current relevant Chapter 11B requirements. In DSA’s modified proposals, it now explicitly distinguishes between facilities subject to the Deeming Notice and those that are not, by separating the obligations into two sections. Section 11B-233.2 now addresses obligations for entities subject to Section 504, and section 11B-233.3 addresses obligations for those required to comply only with ADA 2010 Standards and existing Chapter 11B provisions. Modifying the proposal to distinguish between the two scoping standards resolves the scoping issue raised by commenters during the public process.

D. DSA Responded Appropriately to Several Comments by Modifying the Proposal in its 15-day Comments to Address the Appropriate Replacement Cost Provision for Substantial Alterations in Facilities Subject to Deeming.

Several comments correctly pointed out that the standard triggering substantial alterations should be 75% not 50%.²¹ DSA has addressed and incorporated this recommendation. DSA’s modification in Section 11B-233.2.6.1, Substantial

¹⁸ See, e.g., Comments of Calbo, April 29, 2026 and May 29, 2026, citing only to 1-409(f) which imposes no obligations on DSA. No other specific sections of the statute or the regulations are alleged to be violated.

¹⁹ See, e.g., Comments from Raymer, May 29, 2026; See, e.g. Comments from CALBO, April 29, 2026 and May 29, 2026; See, e.g., Comments from Janis Kent, May 25, 2026

²⁰ See, e.g., Comments from CALBO, April 29, 2026 and May 29, 2026. See, e.g., Comments from Janis Kent, May 25, 2026

²¹ See, e.g., Comments from CALBO, April 29, 2026 and May 29, 2026.

Facility Alterations, from 75% to 50%, as well as the use of the term “replacement cost of the completed facility,” addresses concerns and accurately reflects the standard identified in the Deeming Memo. See our comments below on Items 16-6 and 16-6.1 and DSA’s Final Statement of Reasons on this issue.

E. DSA Responded Appropriately by Making Necessary Modifications for Clarity and Accuracy in Response to Comments.

DSA responded to CAC recommendations by modifying and reorganizing existing proposals for clarity, consistency, and accuracy. Contrary to some comments²², none of these revisions introduced entirely new concepts or language. The vast majority of the revisions were to make language or applicability clearer or to relocate them to more appropriate sections for clarity. As noted above, renumbering sections or moving language from one section of Chapter 11B to another does not constitute introduction of entirely new content. All such changes were appropriately noticed and explained in the ISORs (with explicit references to the new section numbers and locations), and the public was provided an opportunity to comment on the changes during the 45-day and 15-day comment periods, as well as at the upcoming BSC meeting.

Historically, many code cycles involve reordering and renumbering as the proposed code is refined and better organized.

Commenters cite to no legal or other authority to support their argument that these modifications are the equivalent of newly introduced code changes.

Many items were accepted as approved by the CAC. Some items included language changes for clarity in response to comments by the CAC or stakeholders. A few were withdrawn, again in response to comments by the CAC or stakeholders. Some were moved to a clearer structure, explicitly distinguishing facilities subject to the Deeming Notice and facilities that aren’t, in response to comments by the CAC and others on this exact point. None of this constitutes addition of new, unrelated items after the CAC meeting.

F. DRC’s Citations to Binding Court Decisions Interpreting Applicable Law Are Appropriate.

First, comments on these decisions demonstrate a lack of understanding of case law.²³ These cases are not the basis for meeting the AB130 exception. The cases cited do not add new building codes, regulations, proposals, or other

²² See, e.g., Comments from Raymer, May 29, 2026.

²³ See, e.g., Comments from Raymer, May 29, 2026.

standards. Nor do they draw conclusions that would require new codes or standards. Rather, the cited cases provide clearer interpretations of the meaning of the existing applicable laws and standards that are discussed above. As a matter of law, these interpretations are binding. The case law is provided to demonstrate the accuracy of DSA's legal analysis.

G. DSA's Cost Analysis is Accurate.

DSA's analysis in the ISOR is correct: "DSA-AC estimates that there will be no additional cost of compliance with these proposed regulations . . . because the proposed amendments are already required. . . The proposed amendments . . . will not have additional associated costs beyond those already required by the existing federal regulations." Because these requirements are already required under existing law, incorporating them into Chapter 11B does not increase costs for code users and other stakeholders. It simply makes it clearer which laws apply and can now be enforced by local code agencies, and provides a clearer and more consistent scoping for code users. In fact, harmonizing the regulations is likely to save time and money. Comments that a more detailed cost analysis was required are not warranted under those circumstances.²⁴ Also see DSA Final Statement of Reasons on that issue.

H. The AB 130 Exception Is Not Dependent on Changes to the Federal Standards.

Exception (F) to Health and Safety Code Section 18942(a)(2) applies to "Building standards necessary to incorporate updates to accessibility requirements **that align with minimum federal accessibility laws, standards, and regulations.**" Contrary to certain comments,²⁵ nothing in this language requires that those federal standards be recently modified. The plain language is controlling. The term "updates" refers to updates to the building standards, it does not modify "minimum federal accessibility laws." Furthermore, this is not a "sweeping change," but a useful and legally appropriate incorporation of a handful of standards that have always been required for California's public housing subject to Section 504. California is not exempt from higher standards in federal law. DSA is entitled to make these changes now to comply with Section 18942(a)(2), because nothing in that exemption is limited to recent changes at the federal level.

²⁴ See, e.g., Comments from Raymer, May 29, 2026

²⁵ See, e.g., Comments from Raymer, May 29, 2026. Note, Mr. Raymer's case citation is to an unreported trial court case that is not binding authority.

I. DSA Is Not Required, in this Rulemaking Cycle, to Adopt Every Accessibility Provision in the Federal Standards that Provides Greater Accessibility.

It is correct, as noted by some commenters, that there are some instances where UFAS arguably has stricter standards than the 2010 ADA Standards.²⁶ However, DSA has discretion to adopt specific standards at its own timing. It is entirely appropriate for DSA to begin, in this cycle, with those changes that have already been identified in the Deeming Memo,²⁷ and to use that Memo as a guide for its analysis. Use of the Deeming Notice is sufficient to meet HUD standards, and DSA's choice is thus appropriate for this intervening cycle. It can consider future amendments as appropriate, either to increase accessibility for complete 504 compliance or to respond to any future final federal rulemaking which may or may not occur.²⁸

J. In its Final Express Terms, DSA has Appropriately Distinguished Between the Obligations of Educational Entities and Social Service Center Establishments that are Entirely Private and Those that Fall within the Definition of Public Housing.

As part of the 15-Day Comments, DSA has more clearly delineated the scoping for educational entities and social service center establishments subject to Section 504 and those that are entirely private, by distinguishing obligations under 11B-233.2 and 11B-233.3. See, e.g., proposed changes to 11B-233.4 and 11B.233-5. This additional clarification resolves the concerns of a number of commenters.²⁹

²⁶ See, e.g., Comments from E. McSwain, RA, CASp, on behalf of Access Compliance Consultants, Inc., June 1, 2026, (McSwain comment), E. McSwain - DSA-AC 01/25 - Part 2 - 11B.

²⁷ <https://www.federalregister.gov/documents/2023/04/25/2023-08464/nondiscrimination-on-the-basis-of-disability-updates-to-huds-section-504-regulations>

²⁸ We note that HUD has not taken any action since July, 2023, more than 3 years ago, to move forward on new regulations on this topic, under the prior federal administration or the current one. No proposed rule on this topic is on the HUD agenda for 2025-2026. [Agency Rule List - Spring 2025](#). DSA does not have to live in limbo pending some hypothetical future action but can rely on HUD's current regulatory guidance.

²⁹ See, e.g., Comments from Janis Kent, FAIA, CASp, Architect, on behalf of Stepping Thru Accessibility, May 25, 2026 (Kent comment), J. Kent (Stepping Thru Accessibility) - DSA-AC 01/25 - Part 2 - Chapter 11B Section 23. See, e.g., Comments from Janis Kent, May 25, 2026; See, e.g., Comments by Dan Miller, May 4, 2026 (Miller comment).

K. The Addition of the Reference to the Regulations for California Government Code 11135 Does Not Change the Scope or Nature of the Public Housing Definition.

DSA added references to the California Code of Regulations to provide additional clarity to the “Public Housing” definition. Contrary to the allegations of Mr. Raymer and Mr. Wheeler, clarifying regulations do not materially change the definition of public housing or its scope.

First, these statutes and regulations have been the law for many years, and continue to be the law applicable to entities covered by the law, whether or not they are directly cited here. Directing code users to them is important to prevent confusion about coverage.

Second, these citations describe with more specificity the entities subject to the law – “public entities,” as well as “facilities constructed by, for or on behalf of a public entity, or constructed or altered as part of a public entities program to provide housing.” Both the existing reference to 28 C.F.R. section 35.102(a) and the additional reference to 2 C.C.R. Sections 14000 and 14020, provide clarification as to the meanings of those terms. The federal and state regulations are almost identical in their meanings. They do not change the definition or the coverage under the law.

Third, this provision remains applicable only to projects currently covered by Chapter 11B – multifamily housing projects. Nothing extends coverage to privately funding housing, private single family housing, or other unsubsidized housing.

Fourth, Mr. Rayer supports no legal authority for his overly expansive definition of “state support.” “State support,” as used in the regulations for Government Code 11135 requires a contribution of money, property, or similar financial assistance.³⁰ It interprets the language in Government Code 11135 that requires funding, financial assistance, or programs or activities conducted, operated or administered by the state or local entities. It does not include, in the code context, permits, land use approvals, zoning approvals or any of the other lengthy lists of public actions cited by Mr. Raymer. In this context, Mr. Raymer is confusing land use entitlements with financial entitlements. The term “entitlements” has to be used in the code context and in conjunction with the Public Housing definition. I was a member of the California Civil Rights Council

³⁰ For example, the definition of “state support” explicitly refers to, e.g. funds, financial assistance, grants, loans, notes, donations, contracts, allocations of state funds or property, transfers of property, transfers or leases of property, etc.

(previously Fair Employment and Housing Council) when these regulations were adopted, and I have done an extensive review of cases interpreting the statute and the regulations. I am unaware of any case or other legal basis for his interpretations as applied in this context.

As was noted in both the *ILCSC v. LA* case and the *Access Living v. Chicago* case (both cited above), a “program or activity” of the public entity refers to program or activity to construct affordable housing. In neither case, both of which interpret these same federal and state laws, did it extend to land use, zoning, or similar permitting activities.

Mr. Raymer’s attempt to take things out of context are not supported by any case law.

And, contrary to Mr. Wheeler’s assertion, we do not allege that insertion of this clarifying regulation to meet minimum federal requirements. Rather, it provides necessary clarification.

Rejecting the proposed language will not change the law or obligations, it will just continue to create the confusion that led to the Los Angeles and Chicago cases.

L. HUD Section 504 Regulations do Include Scoping for a Place of Education.

Contrary to Mr. Wheeler’s allegations in section (c) of his letter, the HUD regulations at 24 C.F.R. Part 8 do include scoping for housing at a place of education. This Part covers all housing that receives federal financial assistance. Section 8.3 is defined as all “Multi-Family Housing Projects” of 5 or more dwelling units. There is no exclusion for housing that is at a place of education. In the Final Express Terms, DSA appropriately distinguished the scoping for Housing at a place of education that receives federal financial assistance from such housing that does not receive this assistance.

V. DRC Positions on FINAL DSA Proposals Dated July 10, 2026.

Below are DRC’s specific comments on DSA’s FINAL proposed language as set out in the Final Express Terms dated July 10, 2026

ITEM 1-1 (As amended during 15-day comment period)

Chapter 2, Definitions, Section 202, Educational Entity in Receipt of Public Assistance

EDUCATIONAL ENTITY IN RECEIPT OF FINANCIAL ASSISTANCE. *Any college, university, or other postsecondary institution, or a public system of higher education, or a K-12 educational entity; system of career and technical education, or other school system; or any corporation, partnership, or other*

private organization including a sole proprietorship which is principally engaged in the business of providing education, any part of which is a covered entity that is a recipient of state support or federal financial assistance including, but not limited to, federal Pell Grants or work-study programs See California Code of Regulations Title 2, Division 4.1, Chapter 5, Subchapter 9, Article 2, Section 14020.

DRC Comment on ITEM 1-1:

Support. DRC supports, for clarifying purposes, the addition of a definition of an “Educational Entity in in Receipt of Financial Assistance.” This will provide a useful term when addressing the scoping changes for projects of 5 or more, subject to proposed Section 11B-233.2 and 11B-233.4 compared to projects of less than 5, which are not subject to 11B-233.2 because they do not fall within the scoping for Section 504 of the Rehab Act. The proposed change also brings Chapter 11B into compliance with Government Code section 12995.1(c), which provides that if federal regulations provide greater protections for people with disabilities than state regulations (as when entities get direct or indirect Federal financial assistance and are subject to Section 504), the greater federal standards shall comply.

The proposed 15-day edits provide greater clarity of the scope of coverage by providing more specific and accurate cross-references to the regulations for Government Code Section 11135, and by deleting the word “direct”.

We also note, as described in more detail above, that the references to the California Code of Regulations do not constitute a substantive change but provide some additional clarification for code users. Government Code 11135, prohibiting discrimination in programs or activities funded by the state, has applied to all California public entities and direct and indirect recipients of state funding since 1977. Since 1992 it has provided that programs and activities subject the statute shall meet the protections and prohibitions contained in Title II, and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs and activities subject to subdivision (a) shall be subject to the stronger protections and prohibitions. Regulations effective July 1, 2024 provided additional clarification as to the scope of the statute, but did not add new obligations. Under California law, state agencies such as the BSC, DSA, and HCD, as well as all local government entities and all of their programs and activities, and all direct and indirect recipients and subrecipients of state funding, including housing developers, are required to comply with these nondiscrimination provisions. Referring to this existing statute and the accompanying regulations provides clarity as to the scope of the obligations.

DRC incorporates by reference our general comments in Sections 1-III above regarding the legal obligations to comply with federal minimum standards such as the ADA 2010 Standards and the Section 504 obligations set out in the Deeming Memo, as required by Cal. Gov. Code section 19255.1(c) and Health & Safety Code section 18942(a)(2)(F).

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 1-2 (as proposed during 45-day comment period)

Chapter 2, Definitions, Section 202 – Housing at a Place of Education

HOUSING AT A PLACE OF EDUCATION. *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. See also PUBLIC HOUSING and Place of public accommodation.*

DRC Comment on ITEM 1-2:

Support. DRC aligns with CAC's action to approve. The addition of language to the definition provides clarity, and is necessary to clarify, confirm and coordinate with other changes. Adding the reference does not materially alter the substance or intent of existing provisions. Health & Safety Code sections 18930(a)(1)-(6) and (8), and Health & Safety Code sections 18942(a)(2)(A).

ITEM 2-1 (As proposed during 45-day comment period)

Chapter 2 Definitions, Section 202 Place of Public Accommodation

PLACE OF PUBLIC ACCOMMODATION. *A facility operated by a private entity whose operations affect commerce and fall within at least one of the following categories:*

- (1) Place of lodging, ...*
- (2) A restaurant, bar or ...*
- (3) A motion picture house ...*
- (4) An auditorium, convention center ...*
- (5) A bakery, grocery store, ...*
- (6) A laundromat, dry-cleaner, bank, barber shop, ...*
- (7) A terminal, depot or ...*
- (8) A museum, library, gallery or ...*
- (9) A park, zoo, amusement park or ...*
- (10) A nursery, elementary, secondary, undergraduate or post graduate private school, or other place of education; including housing facilities provided for students or employees;*

- (11) *A day-care center, senior citizen center, ...*
- (12) *A gymnasium, health spa ...*
- (13) *A religious facility;*
- (14) *An office building; and*
- (15) *A public curb or sidewalk.*

DRC Comment on ITEM 2-1:

Support. DRC supports for the reasons stated by DSA. The CAC also recommended approval. This proposal provides necessary clarity to the definition and scoping regarding housing facilities that are provided by private educational entities. This clarity is also necessary to meet minimum federal accessibility requirements. This proposal is necessary to conform with the ADA 2010 Standards and 28 CFR part 36, subpart D, Section 36.406(e), and does not materially alter the substance or intent of the existing regulations.

DRC incorporates by reference our general comments in Sections 1-III above regarding the legal obligations to comply with federal minimum standards such as the ADA 2010 Standards and the Section 504 obligations set out in the Deeming Memo, as required by Cal. Gov. Code section 19255.1(c) and Health & Safety Code section 18942(a)(2)(F).

This building code proposal is exempt from Health & Safety Code section 18942 which exempts “[b]uilding standards necessary to align with minimum federal accessibility laws, standards, and regulations” from the 6-year moratorium. Section 18942(a)(2)(F). It also proposes a “clarifying, conforming, or coordinating change” that does not materially alter the substance or intent of the existing code provisions. Health and Safety Code section 8942(a)(2)(A).

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 3-1 (As proposed during 45-day comment period)

Chapter 2 Definitions, Section 202 Public Housing

PUBLIC HOUSING. [DSA-AC] 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), and California Code of Regulations Title 2, Division 4.1, Chapter 5, Subchapter 9, Article 1, Section 14000 and Article 2, Section 14020(ii), (m) and (ww), including but not limited to the following:

- 1. ...
- 2. ...

3. *Homeless shelters, group homes, halfway houses and similar social service center establishments;*
4. ...

DRC Comment on ITEM 3-1:

Support. DRC supports, as this a clarifying change to align with the definition of service center establishment in the ADA and the proposed revisions to Chapter 11B. Also, the addition to the Public Housing definition of the reference to the applicable definitions under Government Code 11135 regulations provides additional clarity without substantive change.

This proposal is exempt under Health and Safety Code sections 18942(a)(2)(A) because the edit is necessary for “clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions.”

ITEM 3-2 (As proposed during 45-day comment period) Chapter 2 DEFINITIONS, Section 202 Public Housing

- 1.
- 2.
3. (See ITEM 3-1)
4. ~~*Transient lodging, such as hotels, motels, hostels and other facilities providing accommodations of a short-term nature of not more than 30 days duration;*~~
5. ... (See ITEM 3-4)

DRC Comment on ITEM 3-2:

Support. DRC supports this definition, which appropriately moves transient lodging out of the public housing definition.

This proposal is exempt under Health and Safety Code section 18942(a)(2)(A) because the edit is necessary for “clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions.”

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 3-3 (As proposed during 45-day comment period) Chapter 2 Definitions, Section 202 Public Housing

1. ...

2. ...
3. (See ITEM 3-1)
4. Employer-provided housing for an employee or an employee and their family members, either temporary or permanent, such as fire station dormitories.
5. ... (See ITEM 3-4)

DRC Comment on ITEM 3-3:

Support. DRC supports this clarification.

This proposal is exempt under Health and Safety Code sections 18942(a)(2)(A) because the edit is necessary for “clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions.”

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 3-4 (As amended during 15-day comment period) Chapter 2 Definitions, Section 202 Public Housing

1. ...
2. ...
3. (See ITEM 3-1)
4. (See ITEMS 3-2 and 3-3)
5. Housing at a place of education, such as housing on or serving a public school, public college, or public university, or private educational entity in receipt of financial assistance. See EDUCATIONAL ENTITY IN RECEIPT OF FINANCIAL ASSISTANCE.

Note: A public entity’s program to provide housing may include but is not limited to: the allocation of local, state or federal financial assistance, Community Development Block Grants, Low Income Housing Tax Credits, the California Multifamily Housing Program, loan agreements and housing bonds. Examples that are not considered a public entity’s program to provide housing may include but are not limited to: density bonuses, the receipt of public funds for the installation of energy efficiency features, seismic strengthening, water conservation and fire safety features. For additional information see “Guide to Public Housing Regulated in Chapter 11B of the California Building Code” and the “California Access Compliance Advisory Reference Manual” available on the Division of the State Architect’s website.

DRC Comment on ITEM 3-4:

DRC supports the original 45-day proposal, as amended by the 15-day proposal. DRC supports the addition of the language: *“or private educational entity in receipt of financial assistance. See EDUCATIONAL ENTITY IN RECEIPT OF FINANCIAL ASSISTANCE.”* This addition to the definition is necessary for clarity and compliance with minimal federal standards. Unlike solely private educational entities, private entities that also receive governmental financial assistance meet the definition of public housing in the initial part of the definition (*“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”*). This additional language provides necessary clarity and also ensures full compliance with both the ADA 2010 standards and Section 504.

DRC supports the proposed 15 day-notice change withdrawing all proposed revisions to the Note. This fully addresses concerns raised about the changes to the note by commenters on the 45-day version.³¹

DRC incorporates by reference our general comments in Sections 1-III above regarding the legal obligations to comply with federal minimum standards such as the ADA 2010 Standards and the Section 504 obligations set out in the Deeming Memo, as required by Cal. Gov. Code section 19255.1(c) and Health & Safety Code section 18942(a)(2)(F).

The building code proposal is exempt under Health & Safety Code section 18942(a)(2)(F) which exempts “[b]uilding standards necessary to align with minimum federal accessibility laws, standards, and regulations” from the 6-year moratorium. It is also exempt because it includes “clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions.” Health and Safety Code sections 18942(a)(2)(A).

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

³¹ See, e.g., Comments from Raymer, May 29, 2026.

ITEM 4-1 (formerly ITEM 4)

Withdrawn. See Item 15-1.

See our comments under Item 15-1.

ITEM 4.1-1 (As amended during 15-day comment period)

**Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING,
Section 11B-106.5 Defined Terms**

11B-106.5 Defined Terms. ...

ACCESS AISLE

...

DRIVEWAY

EDUCATIONAL ENTITY IN RECEIPT OF FINANCIAL ASSISTANCE

...

DRC Comment on ITEM 4-1.1:

Support. We support the addition of the definition “*EDUCATIONAL ENTITY IN RECEIPT OF FINANCIAL ASSISTANCE*” since it is appropriate for clarification, as further addressed in our comments on Item 1-1. The addition of this definition constitutes “clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions.” Health and Safety Code sections 18942(a)(2)(A).

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

[We have no objection to the withdrawal of the definition of “*SOCIAL SERVICE CENTER ESTABLISHMENT*.”

ITEM 5-1 (as amended during 15-day comment period)

**Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING,
Section 11B-202.4 Path of Travel requirements in alterations, additions
and structural repairs.**

***11B-202.4 Path of travel requirements in alterations, additions and
structural repairs. ...***

Exceptions:

1. Residential dwelling units shall ~~comply with Section 11B-233.3.4.2~~ not be required to comply with Section 11B-202.4. Additions or alterations to residential facilities shall comply with Section 11B-233.
2. ...

DRC Comment on ITEM 5-1:

Support. DRC supports the original 45-day proposal, as amended by the 15-day proposal, and as further explained by DSA in its Final Statement of Reasons. In its FSOR, DSA explains its intent to correct the typographical error in the prior draft, and that correction is apparent in the Final Express Terms.³²

This proposal is necessary to comply with minimum Federal accessibility standards in Section 504, as interpreted in the deeming memo. Prior scoping issues that commenters flagged were corrected in the 15-day text.

DRC incorporates by reference our general comments in Sections 1-III above regarding the legal obligations to comply with federal minimum standards such as the ADA 2010 Standards and the Section 504 obligations set out in the Deeming Memo, as required by Cal. Gov. Code section 19255.1(c) and Health & Safety Code section 18942(a)(2)(F).

This building code proposal is exempt from Health & Safety Code section 18942 which exempts “[b]uilding standards necessary to align with minimum federal accessibility laws, standards, and regulations” from the 6-year moratorium. Section 18942(a)(2)(F). It also proposes a “clarifying, conforming, or coordinating change” that does not materially alter the substance or intent of the existing code provisions. Health and Safety Code section 8942(a)(2)(A).

This proposal would comply with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 6-1 (formerly ITEM 6)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-203.8 Residential facilities.

³² We noted in our comments on the 15-day language that there was a typographic editing error in the first sentence. It previously read: “Not be required to comply with Section 11B-202.4.” In the FSOR and Final Express terms, DSA corrects this to read as stated above, consistent with DSA’s express rationale to “revert to the original model code language of the 2010 Americans with Disabilities Act Standards (ADAS) in the first sentence of Exception 1 to clarify that residential dwelling units are not subject to the requirements for Chapter 11B path of travel improvements as specified in 11B-202.4.”

Withdrawn.

ITEM 7-1 (As proposed during 45-day comment period)
Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING,
Section 11B-205.1, General

11B-205.1 General. Operable parts on accessible elements, accessible routes, and in accessible rooms and spaces shall comply with *Section 11B-309*.

Exceptions:

1. ...

9. ~~*In residential dwelling units with mobility features where receptacles are provided in a kitchen at a corner work surface, one receptacle shall be located 36 inches (915 mm) from either wall at the inside corner.*~~

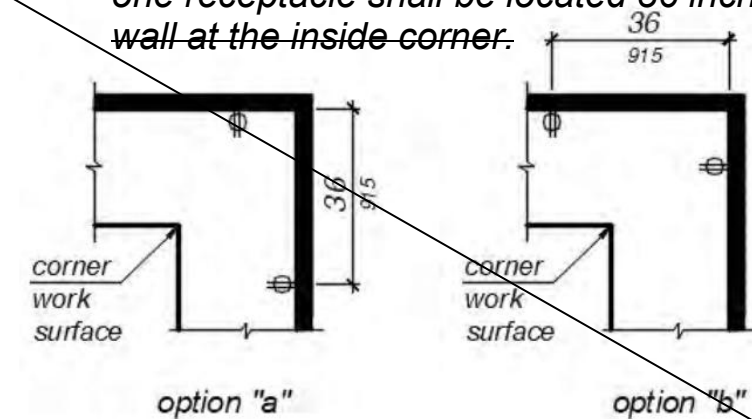


FIGURE 11B-205.1 Ex. 9
ELECTRICAL RECEPTACLES AT CORNER WORKSURFACES

Notation:

Authority: Government Code Section 4450 and 12955.1(c)

Reference(s): Government Code Section 4450 through 4452, 4456, 4459 and 12955.1. Health and Safety Code Sections 19955, 19956.5, 19957, 19958, and 19959.

DRC Comment on ITEM 7-1:

Support. DRC supports.

This proposal is exempt under Health and Safety Code sections 18942(a)(2)(A) because the edit is necessary for “clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions.”

This building standard proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEMS 8-1 and 8-2

Withdrawn. Similar items now proposed for Section 11B-233.2.1. See our comments on Item 16.

ITEM 9-1

Withdrawn. Related item now proposed for Section 11B-233.2.2. See our comments on Item 16.

ITEMS 10.1, 10-2

DRC Comment on Item 10-1 and 10-2:

Withdrawn. The proposal is relocations to Section 11B-233.2.1. We support the relocation of Items 10-1 and 10-2 to Section 11B-233.2.1. See our comments on Item 16.

DRC Comment on ITEM 10-1:

ITEM 11 (As amended during 15-day comment period)
Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING,
Section 11B-214 Washing machines and clothes dryers

11B-214 - WASHING MACHINES AND CLOTHES DRYERS

11B-214.1 General. ...

SUB-ITEM 11-1

11B-214.2 Washing machines.

11B-214.2 Washing machines. Where three or fewer washing machines are provided at least one shall comply with *Section 11B-611*. Where more than three washing machines are provided, at least two shall comply with *Section 11B-611*.

Exception: *Public housing facilities required to comply with Section 11B-233.2 shall comply with Section 11B-233.2.4*

SUB-ITEM 11-2

11B-214.3 Clothes dryers

11B-214.3 Clothes dryers. Where three or fewer clothes dryers are provided, at least one shall comply with *Section 11B-611*. Where more than three clothes dryers are provided, at least two shall comply with *Section 11B-611*.

Exception: *Public housing facilities required to comply with Section 11B-233.2 shall comply with Section 11B-233.2.4.*

DRC Comment on ITEM 11

Support. DRC supports the original 45-day proposal for Item 11, including Sub-Items 11-1 and 11-2, as amended by the 15-day proposal.

The Deeming Memo identified this as an area where Section 504 provides greater accessibility and these provisions are not permitted in public housing facilities with 5 or more dwelling units. The Deeming Notice Exception 10 found that entities subject to Section 504 can use the ADA Title II regulations as long as they do not use ADA 2010 Standards 214.2 and 214.3 (Scoping of Washing Machines and Clothes Dryers). DSA Final Express Terms brings these sections into compliance with these minimum federal accessibility provisions.

In its 15-day Comments and Final Express Terms, DSA has addressed the prior unclear scoping issue between facilities covered by Section 504 and those that are not. Comments, DSA has broken down the regulations to specify the appropriate scoping for each in either 11B-233.3 or 11B-233.2, with appropriate cross-references. Modifying the proposal to distinguish between the two scoping proposals resolves this issue, and addresses concerns of commenters.

DSA has also appropriately corrected an inaccurate cross-reference in 11B-214.2 (changing the reference from 11B-233.2.3 to 11B-233.2.4.)

DRC incorporates by reference our general comments in Sections 1-III above regarding the legal obligations to comply with federal minimum standards such as the ADA 2010 Standards and the Section 504 obligations set out in the Deeming Memo, as required by Cal. Gov. Code section 19255.1(c) and Health & Safety Code section 18942(a)(2)(F).

This building code proposal is exempt from Health & Safety Code section 18942 which exempts “[b]uilding standards necessary to align with minimum federal accessibility laws, standards, and regulations” from the 6-year moratorium. Section 18942(a)(2)(F). It also proposes a “clarifying, conforming, or coordinating change” that does not materially alter the substance or intent of the existing code provisions. Health and Safety Code section 8942(a)(2)(A).

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 12-1

Withdrawn. Similar item now proposed for Section 11B-233.2.3. See our comments on Item 16.

ITEM 13-1 (as proposed during 45-day comment period)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-223.2.3 On-call rooms

11B-223.2.3 On-call rooms. *Where physician or staff on-call sleeping rooms are provided, at least 10 percent, but no fewer than one, of the on-call rooms shall provide mobility features complying with Sections ~~11B-806.2.3, 11B-806.2.4 and 11B-806.2.6.~~ 11B-805.2.*

DRC Comment on ITEM 13-1:

SUPPORT. DRC supports. This proposal is a simple reference citation error. Thus, it is exempt under Health and Safety Code sections 18942(a)(2)(A) because the edit is necessary for “clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions.”

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 13.1-1 (As proposed during 45-day comment period)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-224

~~SECTION 11B-224 – TRANSIENT LODGING GUEST ROOMS, HOUSING AT A PLACE OF EDUCATION AND SOCIAL CENTER ESTABLISHMENT~~

...

Notation:

Authority: Government Code Section 4450

Reference(s): Government Code Section 4450 through 4452, 4456, 4457, 4459 and 12955.1. Health and Safety Code Sections 19955, 19956.5, 19957, 19958, and 19959.

DRC Comment on ITEM 13.1-1:

Support. DRC supports. This proposal is exempt under Health and Safety

Code sections 18942(a)(2)(A) because the edit is necessary for “clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions.”

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 14-1 (As amended during 15-day comment period)
Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-224.7 and 11B-233.4

~~**11B-233.4224.7 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 this section. For the purposes of the application of this section, the term “sleeping room” is interchangeable with “guest room” as used in the transient lodging standards.~~

11B-233.4.1. Housing at a place of education as public housing.

Housing at a place of education as public housing shall comply with Sections 11B-233.2 and 11B-233.3.

~~**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 11B-806.~~

11B-233.4.2 Housing provided by an educational entity that is not an educational entity in receipt of financial assistance. Housing provided by an educational entity that is not in receipt of financial assistance shall comply with Section 11B-233.3.

11B-233.4.3 Sleeping rooms with mobility and communications features. In lieu of residential dwelling units complying with 11B-233.3.1.1, 11B-233.3.1.3 and 11B-233.3.5, facilities shall provide sleeping rooms complying with Sections 11B-224.1 through 11B-224.6, and Section 11B-806. For the purposes of the application of this section, the term “sleeping room” is 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-233-11B-806~~ 11B-233.4.3.

11B-233.4.3.4224.7.1 Multibedroom housing units with mobility features. *Multibedroom housing units containing accessible sleeping rooms with mobility features shall have an accessible route throughout the unit in compliance with Section 11B-809.2. Kitchens, when provided, within housing units containing accessible sleeping rooms with mobility features shall comply with Section 11B-804.*

~~***11B-224.7.2 Accessible dwelling units with adaptable features.*** *Accessible dwelling units with adaptable features shall be provided as required by Section 11B-233.3.1.2. The number of required accessible dwelling units with adaptable features shall be reduced by the number of units with mobility features required by Section 11B-224.2.*~~

DRC Comment on ITEM 14-1:

Support. DRC supports the original 45-day proposal, as amended by the 15-day proposal.

In its 15-day changes to IIB-233.4.1 and 11B-233.4.2, DSA has appropriately addressed the previously unclear scoping issue between facilities covered by Section 504 and those that are not. Housing provided by educational entities with financial assistance that are covered by Section 504 are addressed in 11B-233.4.1, but facilities that are not subject to Section 504, and are only subject to ADA 2010 standards and current relevant Chapter 11B requirements, are addressed in 11B-233.4.2. This proposal is necessary to comply with minimum Federal accessibility standards in Section 504, as interpreted in the deeming memo. See Sections IV. A—D, and G above in the introduction. This addresses scoping concerns raised by some comments.³³

In addition, in 11B-233.4.3 and 11B-233.4, DSA has added necessary clarification re sleeping rooms, and has deleted duplicative exceptions.

DRC incorporates by reference our general comments in Sections 1-III above regarding the legal obligations to comply with federal minimum standards such as the ADA 2010 Standards and the Section 504 obligations set out in the Deeming Memo, as required by Cal. Gov. Code section 19255.1(c) and Health & Safety Code section 18942(a)(2)(F).

³³ See, e.g., Comments from CALBO, April 29, 2026 and May 29, 2026.

This building code proposal is exempt from Health & Safety Code section 18942 which exempts “[b]uilding standards necessary to align with minimum federal accessibility laws, standards, and regulations” from the 6-year moratorium. Section 18942(a)(2)(F). It also proposes a “clarifying, conforming, or coordinating change” that does not materially alter the substance or intent of the existing code provisions. Health and Safety Code section 8942(a)(2)(A).

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 15-1 (As amended during 15-day comment period)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-224.8 and 11B-233.5

11B-~~233.5~~224.8 Social service center establishments. Group homes, halfway houses, shelters or similar social service center establishments that provide either temporary sleeping accommodations or residential dwelling units ~~subject to this section shall comply with Section 11B-233.3.~~ as public housing shall comply with Sections 11B-233.2 and 11B-233.3. All other social service center establishments that provide either temporary sleeping accommodations or residential dwelling units shall comply with Section 11B-233.3.

11B-~~223.5.1~~ 224.8.1 More than 25-bed sleeping rooms. In sleeping rooms with more than 25 beds, a minimum of 5 percent of the beds shall have clear floor space complying with Section 11B-806.23.

11B-~~223.5.2~~ 224.8.2 More than 50-bed facilities. Facilities with more than 50 beds that provide common use bathing facilities shall provide at least one roll-in shower with a seat that complies with Section 11B-608. When separate shower facilities are provided for men and women, at least one roll-in shower shall be provided for each group.

DRC Comment on ITEM 15-1:

DRC supports the original 45-day proposal, as amended by the 15-day proposal. We have no objection to the typographical corrections, including adding the word “Center” to this Section, for consistency with the ADA 2010 Standards. We also support the modifications to distinguish between social service center establishments that are subject to Section 504, and thus must comply with 11B-233.2 and 11B-233.3, and those establishments that are purely private and are subject only to 11B-233.3.

DRC incorporates by reference our general comments in Sections 1-III above regarding the legal obligations to comply with federal minimum standards such as the ADA 2010 Standards and the Section 504 obligations set out in the Deeming Memo, as required by Cal. Gov. Code section 19255.1(c) and Health & Safety Code section 18942(a)(2)(F).

This building code proposal is exempt from Health & Safety Code section 18942 which exempts “[b]uilding standards necessary to align with minimum federal accessibility laws, standards, and regulations” from the 6-year moratorium.

Section 18942(a)(2)(F). It also proposes a “clarifying, conforming, or coordinating change” that does not materially alter the substance or intent of the existing code provisions. Health and Safety Code section 8942(a)(2)(A).

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEMS 16-1.1 through 16-10.5

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-233 Residential Facilities (As amended during 15-day comment period)

SECTION 11B-233—PUBLIC HOUSING RESIDENTIAL FACILITIES

11B-233.1 General. *Public housing Residential facilities subject to this chapter with residential dwelling units shall comply with Section 11B-233. See Chapter 2, Section 202 of this code for the definition of Public Housing and Place of Public Accommodation.*

11B-233.2 Reserved. Public housing facilities. *Public housing facilities shall comply with Sections 11B-233.2 and 11B-233.3.*

Exceptions:

1. Public housing facilities with 4 or fewer residential dwelling units shall not be required to comply with Section 11B-233.2.
2. Housing at a place of education as public housing containing either 4 or fewer sleeping rooms or 4 or fewer multi-bedroom housing units shall not be required to comply with 11B-233.2.

11B-233.2.1 Accessible routes. *Public housing facilities shall provide accessible routes as required by Section 11B-206. Section 11B-206.2.1 exception 2, the exception at Section 11B-206.2.2 and Section 11B-206.2.8 exceptions 2 and 3 shall not be permitted.*

11B-233.2.2 Common Use Areas. Public housing facilities permitted to use Section 11B-206.2.3, Exception 4 shall provide common use areas on the ground floor with amenities equal to those on upper floors.

11B-233.2.3 Fire alarm systems. Public housing facilities are not permitted to use the exception at Section 11B-215.1.

11B-233.2.4 Washing Machines and Clothes Dryers. Washing machines and clothes dryers provided in common use areas shall be front loading and shall comply with Section 11B-611.

11B-233.2.5 Additions. Additions shall comply with Sections 11B-202.2, 11B-233.3.3 and this section.

11B-233.2.5.1 Entrances. Where an addition to an existing building does not provide an entrance, at least one entrance in the existing building shall comply with Section 11B-206.4.

11B-233.2.5.2 Accessible route. Where an addition to an existing building uses an existing entrance, at least one accessible route complying with Section 11B-206 shall be provided from site arrival points to the entrance, from the entrance to the addition, and shall connect all rooms, spaces and elements of the addition required to be accessible by this chapter.

11B-233.2.5.3 Toilet and bathing facilities. Where a public or common use toilet facility is provided in the existing building but not in the addition, at least one toilet facility in the existing building shall comply with Section 11B-213 and shall provide an accessible route complying with Section 11B-206 from the toilet facility to the addition. Where a public or common use bathing facility is provided in the existing building but not in the addition, at least one bathing facility in the existing building shall comply with Section 11B-213 and shall provide an accessible route complying with Section 11B-206 from the bathing facility to the addition.

11B-233.2.5.4 Elements, spaces, and common use areas. Where elements, spaces, or common use areas are provided in the existing building and equivalent elements, spaces or common use areas are not provided in the addition, at least one of each type of element, space, or common use area in the existing building shall be accessible in compliance with this chapter.

11B-233.2.6 Alterations. Alterations shall comply with Sections 11B-202.3, 11B-233.3.4 and this section.

11B-233.2.6.1 Substantial alterations. A facility is substantially altered when the adjusted construction cost, as defined, of alterations to a facility containing 15 or more dwelling units, or 15 or more sleeping rooms in housing at a place of education, exceeds 75% of the replacement cost of the completed facility.

11B-233.2.6.1.1 Residential dwelling units. Residential dwelling units complying with Sections 11B-233.3.1.1 and 11B-233.3.1.2 shall be provided in residential facilities, and sleeping rooms complying with Sections 11B-224.2 and 11B-224.4 shall be provided in housing at a place of education. See also Section 11B-233.4.

11B-233.2.6.1.2 Accessible Route. At least one accessible route to each altered floor and altered area shall be provided and shall comply with Section 11B-206.

11B-233.2.6.1.3 Entrances. At least one entrance in a building shall comply with Section 11B-404.

11B-233.2.6.1.4 Toilet facilities. Where common use toilet facilities are provided in substantially altered buildings, a minimum of one toilet facility shall comply with Section 11B-213. Where multiple floors with common use toilet facilities are substantially altered, each floor shall provide a toilet facility complying with Section 11B-213.

11B-233.2.6.1.5 Bathing facilities. Where common use bathing facilities are provided in substantially altered buildings, a minimum of one common use bathing facility shall comply with Section 11B-213. Where multiple floors with common use bathing facilities are substantially altered, each floor shall provide a common use bathing facility complying with Section 11B-213.

11B-233.3 Public housing facilities. Facilities with residential dwelling units. ~~Public housing facilities~~ Facilities with residential dwelling units shall comply with Sections 11B-233.3 and 11B-809.

Note: Senior citizen housing may also be subject to Civil Code, Division 1. Part 2. Sections 51.2, 51.3 and 51.4.

11B-233.3.1 Minimum number: new construction. Newly constructed facilities with residential dwelling units shall comply with Section 11B-233.3.1.

Exception: Where facilities contain 15 or fewer residential dwelling units, the requirements of Sections 11B-233.3.1.1 and 11B-233.3.1.3 shall apply to the total number of residential dwelling units that are constructed under a single contract, or are developed as a whole, whether or not located on a common site.

11B-233.3.1.1 Residential dwelling units with mobility features. In facilities with residential dwelling units, at least 5 percent, but no fewer than one unit, of the total number of residential dwelling units shall provide mobility features complying with Sections 11B-809.1 through 11B-809.4 and shall be on an accessible route as required by Section 11B-206.

Exception: Housing at a place of education shall provide sleeping rooms complying with Section 11B-224.2 which shall be on an accessible route as required by Section 11B-206. See also Section 11B-233.4.

11B-233.3.1.2 Residential dwelling units with adaptable features. ...
[See Item 17-1 for proposed changes in Section 11B-233.3.1.2.6 Public housing facility site impracticality.]

11B-233.3.1.3 Residential dwelling units with communication features. In ~~public housing facilities~~ with residential dwelling units, at least 2 percent, but no fewer than one unit, of the total number of residential dwelling units shall provide communication features complying with Section 11B-809.5.

Exception: Housing at a place of education shall provide sleeping rooms complying with Section 11B-224.4. See also Section 11B-233.4.

11B-233.3.2 Residential dwelling units for sale. ...

11B-233.3.3 Additions. ...

11B-233.3.4 Alterations. ...

11B-233.3.5 Dispersion. Residential dwelling units required to provide mobility features complying with Sections 11B-809.2 through 11B-809.4 and residential dwelling units required to provide communication features complying

with *Section 11B-809.5* shall be dispersed among the various types of residential dwelling units in the facility and shall provide choices of residential dwelling units comparable to, and integrated with, those available to other residents.

Exceptions:

1. *Where multistory residential dwelling units are one of the types of residential dwelling units provided, one-story residential dwelling units shall be permitted as a substitute for multistory residential dwelling units where equivalent spaces and amenities are provided in the one-story residential dwelling unit.*
2. *Housing at a place of education shall comply with Section 11B-224.5. See also Section 11B-233.4.*

11B-233.3.6 Graduate student and faculty housing at a place of education.

...

DRC Comment on ITEM 16-1 - 16-10.5.

Support. DRC supports the original 45-day proposal, as amended by the 15-day proposal. These changes appropriately clarify the standards for housing at a place of education and social service center establishments, distinguishing between places of public accommodation and residential facilities. It also appropriately distinguishes between those facilities subject to the Deeming Notice and those that aren't subject to it. Many of these sections are not altered but are renumbered for ease of reference and to appropriately apply necessary scoping. As noted in DSA's Final Statement of Reasons on this item, it has restored the scoping sections for housing subject to Section 504 in CBC Section 11B-233.2, and housing not subject to Section 504 but only subject to ADAS in CBC Section 11B-233.3. DRC supports this organization as a rational and clear way to provide appropriate scoping, in response to a number of commenters, particularly those who raised the scoping issue of minimum number of units for HUD coverage.

In particular, we support the revisions to **11B-233.2.6.1**. The current provision required by the Deeming Notice states that substantial alterations consist of the following:

"[A]lterations . . . undertaken to a project... that has 15 or more units and the costs of the alterations is 75 percent or more of the replacement cost of the completed facility...."

The proposed DSA revision provides that a substantial alteration consists of the following:

“when the adjusted construction cost, as defined, exceeds 75% of the replacement costs of the completed facility.”

As DSA notes, these are essentially the same standard and are necessary to comply with minimum federal standards. The differences in the term “alterations” and “adjusted construction cost” do not materially alter the outcome, given the 75% requirement. The revised language in 11B-233.2.6.1 appropriately includes the 75% threshold and appropriate clarifying language regarding replacement cost. This addresses concerns raised by commenters as to the appropriate threshold for substantial alterations.³⁴

Similarly, the changes to 11B-233.2.6.1.1 are necessary to provide clarity as to the applicable sections for sleeping rooms as well as units when substantial alterations are undertaken.

In general, the revised language in these sections is more appropriately relocated and edited to provide greater clarity.

DRC incorporates by reference our general comments in Sections 1-III above regarding the legal obligations to comply with federal minimum standards such as the ADA 2010 Standards and the Section 504 obligations set out in the Deeming Memo, as required by Cal. Gov. Code section 19255.1(c) and Health & Safety Code section 18942(a)(2)(F).

This building code proposal is exempt from Health & Safety Code section 18942 which exempts “[b]uilding standards necessary to align with minimum federal accessibility laws, standards, and regulations” from the 6-year moratorium. Section 18942(a)(2)(F). It also proposes a “clarifying, conforming, or coordinating change” that does not materially alter the substance or intent of the existing code provisions. Health and Safety Code section 18942(a)(2)(A).

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 17-1 (As proposed during 45-day comment period)
Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC

³⁴ See, e.g., Comments from Raymer, May 29, 2026; See, e.g., Comments from CALBO, April 29, 2026 and May 29, 2026.

HOUSING, Section 11B-233.3.1.2.6 Public housing facility site impracticality

~~**11B-233.3.1.2.6 Public housing facility site impracticality.** The site impracticality tests in this section may be used to determine the number of required residential dwelling units with adaptable features in buildings without an elevator, located on sites with difficult terrain conditions or unusual characteristics.~~

~~Except as provided for in Section 11B-233.3.1.2.5, the provisions of this section do not apply to multistory dwelling units in non-elevator buildings.~~

~~**11B-233.3.1.2.6.1 Single building with one common (lobby) entrance.** The following may only be used for determining required access to multifamily dwelling units, in a single building with one common (lobby) entrance, located on a site with difficult terrain conditions or unusual characteristics:~~

~~All ground floor units in non-elevator buildings shall be adaptable and on an accessible route unless an accessible route to the common (lobby) entrance is not required as determined by Test No. 1, Individual Building Test, or Test No. 3, Unusual Characteristics Test, as described in this section.~~

~~Sites where either Test No. 1 or Test No. 3 is used and it is determined that an accessible route to the common (lobby) entrance is not required, a minimum of 20 percent of the ground floor dwelling units shall comply with Section 11B-809.6, and all remaining ground floor dwelling units shall comply with the features listed in Section 11B-233.3.1.2.6.5 unless exempted by Test No. 3, Unusual Characteristics Test.~~

~~Test No. 1—Individual Building Test may only be used if the site has terrain over 15 percent slope.~~

~~Test No. 3—Unusual Characteristics Test may be used if applicable.~~

~~**Provisions to Test Nos. 1 and 2.** Where a building elevator is provided only as means of creating an accessible route to dwelling units on a ground floor, the building is not considered to be an elevator building for purposes of this code; hence, only the ground floor dwelling units would be covered.~~

~~**11B-233.3.1.2.6.2 Test number one, individual building test.**~~

~~It is not required by this code to provide an accessible route when the terrain of the site is such that both of the following apply:~~

- ~~1. The slopes of the undisturbed site measured in a straight line~~

~~between the planned entrance and all vehicular or pedestrian arrival points within 50 feet (15 240 mm) of the planned entrance exceed 15 percent; and~~

- ~~2. The slopes of the planned finished grade measured between the entrance and all vehicular or pedestrian arrival points within 50 feet (15 240 mm) of the planned entrance also exceed 15 percent.~~

~~If there are no vehicular or pedestrian arrival points within 50 feet (15 240 mm) of the planned entrance, the slope for the purposes of Test No. 1 will be measured to the closest vehicular or pedestrian arrival point.~~

~~For purposes of these requirements, vehicular or pedestrian site arrival points include public or resident parking areas, public transportation stops, passenger loading zones and public streets or sidewalks. To determine site impracticality, the slope would be measured at ground level from the point of the planned entrance on a straight line to:~~

- ~~1. Each vehicular or pedestrian arrival point that is within 50 feet (15 240 mm) of the planned entrance, or~~
- ~~2. If there are no vehicular or pedestrian arrival points within the specified area, the vehicular or pedestrian arrival point closest to the planned entrance.~~

~~In the case of sidewalks, the closest point to the entrance will be where a public sidewalk entering the site intersects with the walk to the entrance. In the case of resident parking areas, the closest point to the planned entrance will be measured from the entry point to the parking area that is located closest to the planned entrance.~~

~~11B-233.3.1.2.6.3 Test number two, site analysis test.~~

~~For a site having multiple buildings, or a site with a single building with multiple entrances, it is not required to provide a building entrance on an accessible route to all ground floor units under the following conditions:~~

- ~~1. Calculate the percentage of the total buildable area of the undisturbed site with a natural grade less than 10 percent slope. The analysis of the existing slope (before grading) shall be done on a topographic survey with 2 foot (610 mm) contour intervals with slope determination made between each successive interval. The accuracy of the slope analysis shall be certified by a licensed engineer, landscape architect, architect or surveyor.~~
- ~~2. Determine the requirement of providing an accessible route to~~

~~planned multifamily dwellings based on the topography of the existing natural terrain. The minimum percentage of ground floor units required on an accessible route shall equal the percentage of the total buildable area (not restricted-use areas, flood plains or wetlands) of the undisturbed site with an existing natural grade of less than 10 percent slope.~~

- ~~3. In addition to the percentage established in paragraph (2), all ground floor units in a building, or ground floor units served by a particular entrance on an accessible route defined by a calculation of the straight line slope not exceeding 8.33 percent, between their planned entrances and an arrival point, shall be on an accessible route and comply with the provisions of Section 11B-809.6.~~
- ~~4. All additional ground floor units in a building, or ground floor units served by a particular entrance, not on an accessible route shall comply with the features listed in Section 11B-233.3.1.2.6.5.~~
- ~~5. In no case shall less than 20 percent of the ground floor dwelling units be on an accessible route and comply with the provisions of Sections 11B-809.6 through 11B-809.12.~~

~~11B-233.3.1.2.6.4 Test number three, unusual characteristics test.~~

~~Unusual characteristics include sites located in a state or federally designated floodplain or coastal high-hazard areas and sites subject to other similar requirements of law or code that require the lowest floor or the lowest structural member of the lowest floor be designed to a specified level at or above the base flood elevation. An accessible route to a building entrance is impractical due to unusual characteristics of the site when:~~

- ~~1. The original site characteristics result in a difference in finished grade elevation exceeding 30 inches (762 mm) and 10 percent measured between an entrance and all vehicular or pedestrian arrival points within 50 feet (15 240 mm) of the planned entrance; or~~
- ~~2. If there are no vehicular or pedestrian arrival points within 50 feet (15 240 mm) of the planned entrance, the unusual characteristics result in a difference in finished grade elevation exceeding 30 inches (762 mm) and 10 percent measured between an entrance and the closest vehicular or pedestrian arrival point.~~

~~11B-233.3.1.2.6.5 Additional requirements.~~ ~~In buildings without elevators and where site impracticality test numbers one, two or three~~

~~reduce the required number of residential dwelling units with adaptable features, the remaining units shall provide the following:~~

- ~~1. Grab bar reinforcement complying with Section 11B-809.10.5.2, 11B-809.10.6.4 or 11B-809.10.7.3.~~
- ~~2. Interior door opening width complying with Section 11B-404.2.3.~~
- ~~3. Door and gate hardware complying with Section 11B-404.2.7.~~
- ~~4. Door signal devices complying with Section 11B-809.8.4.~~
- ~~5. Door maneuvering clearance complying with Section 11B-809.8.~~
- ~~6. Water closet seat height complying with Section 11B-809.10.7.4.~~
- ~~7. Electrical receptacles, switches and controls complying with Section 11B-809.12.~~
- ~~8. Faucets complying with Section 11B-809.10.8.6.~~
- ~~9. Water closet, bathtub and lavatory maneuvering clearances complying with Section 11B-809.10.~~
- ~~10. Removable base cabinets complying with Section 11B-809.9.3.~~

DRC Comment on Item 17-1.

Support. DRC supports this change, as it is necessary to comply with Section 504, which does not allow use of this standard under Exception 1. The Deeming Memo identified this as an area where Section 504 provides greater accessibility and these provisions are not permitted. See Exception 1 of the Deeming Notice, “Site Impracticability.”

We support DSA’s Final Statement of Reasons underlying the deletion of this provision.

DRC incorporates by reference our general comments in Sections 1-III above regarding the legal obligations to comply with federal minimum standards such as the ADA 2010 Standards and the Section 504 obligations set out in the Deeming Memo, as required by Cal. Gov. Code section 19255.1(c) and Health & Safety Code section 18942(a)(2)(F).

This building code proposal is exempt from Health & Safety Code section 18942 which exempts “[b]uilding standards necessary to align with minimum federal accessibility laws, standards, and regulations” from the 6-year moratorium. Section 18942(a)(2)(F).

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 18-1

Withdrawn prior to CAC.

ITEM 19-1 (As proposed during 45-day comment period)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-308.1.2 Corner Receptacle

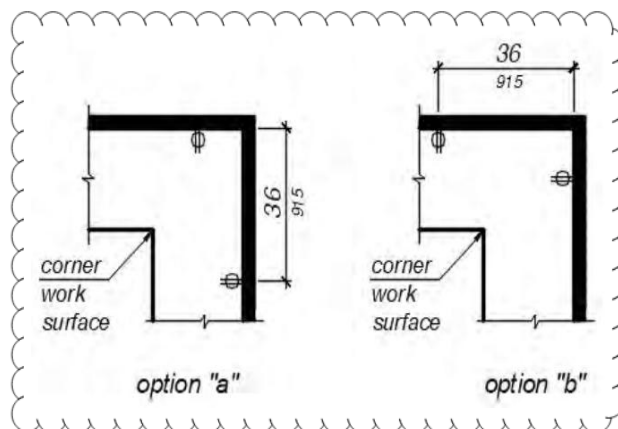
11B-308.1 General. Reach ranges shall comply with Section 11B-308.

11B-308.1.1 Electrical switches. Controls and switches ...

11B-308.1.2 Electrical receptacle outlets. ...

11B-308.1.2.1. Electrical receptacles at corner work surfaces. In residential dwelling units with mobility features and residential dwelling units with adaptable features where receptacles are provided in a kitchen at a corner work surface, one receptacle shall be located 36 inches (915 mm) from either wall at the inside corner.

FIGURE 11B-308.1.2.1 - ELECTRICAL RECEPTACLES AT CORNER WORK SURFACES



DRC Comment on Item 19-1.

Support. DRC supports. This proposal is a simple relocation of a section to a more appropriate part of the CBC. It is not a substantive change. Thus, it is exempt under Health and Safety Code sections 18942(a)(2)(A) because the edit is necessary for “clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions.”

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 20-1 (As proposed during 45-day comment period)
Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-403.5 Clearances

11B-403.5 Clearances. ...

Exception: Within employee work areas in facilities that are not public housing, clearances on common use circulation paths shall be permitted to be decreased by work area equipment provided that the decrease is essential to the function of the work being performed.

DRC Comment on Item 20-1

Support. DRC supports this proposal. We support DSA's Final Statement of Reasons on this Item, based on the improved scoping in the Final Express Terms..

This proposal is necessary to comply with minimum Federal accessibility standards in Section 504, as interpreted in the deeming memo. See Sections A—D, and G above in the introduction.

The Deeming Memo identified this as an area where Section 504 provides greater accessibility and these provisions are not permitted in public housing facilities with 5 or more dwelling units. HUD found that entities subject to Section 504 can use the ADA Title II regulations as long as they do not use ADA 2010 Standards Employee Work Areas: Sections 203.9 (General exception for employee work areas), 206.2.8 (Circulation paths in employee work areas), Exceptions to 403.5 (Clearances within employee work areas) and 405.8 (Handrails within employee work areas).

DRC incorporates by reference our general comments in Sections 1-III above regarding the legal obligations to comply with federal minimum standards such as the ADA 2010 Standards and the Section 504 obligations set out in the Deeming Memo, as required by Cal. Gov. Code section 19255.1(c) and Health & Safety Code section 18942(a)(2)(F).

This building code proposal is exempt from Health & Safety Code section 18942 which exempts "[b]uilding standards necessary to align with minimum federal accessibility laws, standards, and regulations" from the 6-year moratorium. Section 18942(a)(2)(F). It also proposes a "clarifying, conforming, or coordinating change" that does not materially alter the

substance or intent of the existing code provisions. Health and Safety Code section 8942(a)(2)(A).

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 21-1 (As proposed during 45-day comment period)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-805.2

11B-805.2 Patient bedrooms, and resident sleeping rooms and on-call rooms. *Patient bedrooms, and resident sleeping rooms, and physician or staff on-call rooms required to provide mobility features shall comply with Section 11B-805.2.*

11B-805.2.1 Hand washing fixtures. ...

11B-805.2.2 Beds. ...

11B-805.2.3 Turning space. ...

11B-805.2.4 Toilet and bathing rooms. ...

DRC Comment on Item 21-1

DRC supports. This proposal is a clarity edit requested by the California Department of Health Care Access and Information (HCAI). Thus, it is exempt under Health and Safety Code sections 18942(a)(2)(A) because the edit is necessary for “clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions.”

This standard proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 22-1 – 22.6 (As proposed during 45-day comment period)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-809.12

11B-809.12 Electrical receptacles, controls and switches. *Electrical receptacles on branch circuits of 30 amperes or less, communication system receptacles, controls and switches shall be located as follows: comply with Sections 11B-308 and 11B-309.*

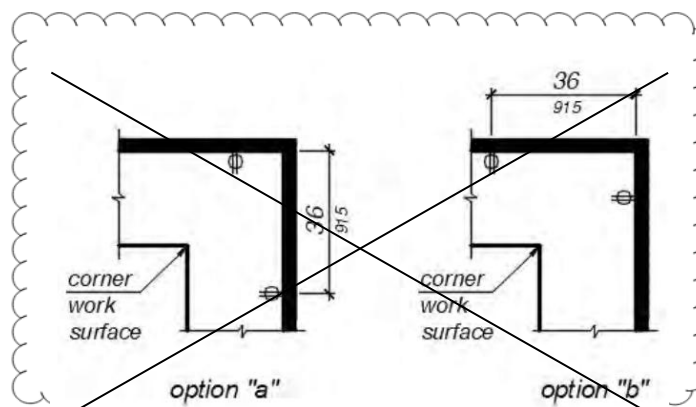
- ~~*1. Where there is no obstruction, 48 inches (1219 mm) maximum measured from the top of the receptacle box and 15 inches (381 mm) minimum measured from the bottom of the receptacle box to the finish floor.*~~

- ~~2. Where the reach is over an obstruction, electrical receptacles, controls and switches shall comply with Sections 11B-308.3 and 11B-309.2.~~
- ~~3. When the reach is over a kitchen~~ Where receptacles, controls and switches are located over a work surface and base cabinet, the work surface shall be permitted to be 36 inches (914 mm) maximum above the finish floor and 25½ inches (650 mm) maximum in depth. The base cabinet shall be 24 inches (610 mm) maximum in depth. (Relocate #3 to become Exception 5 below)
- ~~4. Where receptacles are provided in a kitchen at a corner work surface, one receptacle shall be located 36 inches (915 mm) from either wall at the inside corner.~~

Exceptions:

- a. 1. Electrical receptacles installed as part of in permanently installed baseboard heaters.
- b. ~~Electrical receptacles in floors adjacent to sliding panels or walls.~~
- c. 2. Baseboard electrical receptacles in relocatable partitions, and window walls or other electrical convenience floor outlets.
- d. 3. Appliances (e.g., stoves, dishwashers, range hoods, microwave ovens and similar appliances) which have controls located on the appliance.
- e. ~~Electrical receptacles dedicated to specific appliances.~~
- f. 4. Circuit breakers.
5. (Relocate #3 from above to become Exception 5)

~~FIGURE 11B-809.12 – ELECTRICAL RECEPTACLES AT CORNER WORK SURFACES~~



DRC Comment on Item 22-1- 22-6

DRC supports. This proposal is a clarifying an error within Chapter 11B's current text. Thus, it is exempt under Health and Safety Code sections 18942(a)(2)(A) because the edit is necessary for "clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions."

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 23-1 (As proposed during 45-day comment period)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-812.4

11B-812.4 Vertical clearance. *Vehicle spaces, access aisles serving them, and vehicular routes serving them shall provide a vertical clearance of 98 inches (2489 mm) minimum. Where provided, overhead cable management systems shall not obstruct required vertical clearance.*

Exception: *In existing multistory parking facilities, ambulatory accessible EVCS and standard accessible EVCS shall provide a vertical clearance of 80 inches (2032 mm) minimum. Existing vertical clearance in excess of 80 inches (2032 mm) and less than 98 inches (2489 mm) shall be maintained. This exception shall not apply to van accessible EVCS or vehicular routes serving them.*

DRC Comment on Item 23-1

DRC supports. This proposal clarifies that accessible EVCS may use an accessibility exception of only 80 inches, which complies with other accessibility regulations already promulgated. Thus, it is exempt under Health and Safety Code sections 18942(a)(2)(A) because the edit is necessary for “clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions.”

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 24-1 - 24-4 (As proposed during 45-day comment period)

Chapter 35 REFERENCED STANDARDS, Section ASME

ASME American Society of Mechanical Engineers ...

A17.1—2019/CSA B44—19: Safety Code for Elevators and Escalators

~~11B-407.1, 11B-407.1.1, 11B-407.4.9, 11B-408.1, 11B-409.1, 11B-411.1, 11B-810.9, 1607.11.1, 3001.4~~

A17.1-13 CSA B44-2013: Safety Code for Elevators and Escalators

11B-407.1, 11B-407.1.1, 11B-407.4.9, 11B-408.1, 11B-409.1, 11B-411.1, 11B-810.9

...

A18.1—2020: Safety Standard for Platform Lifts and Stairway Chairlifts

~~1110.9, Table 3001.3~~

A18.1-2008: Safety Standard for Platform Lifts and Stairway Chairlifts
11B-410.1

DRC Public Comment for ITEM 24-1, 24-2, 24-3, 24-4

DRC supports. DRC aligns with CAC's action to approve. These code proposals are model code from various codes collected by the International Code Council. They have not yet been directly analyzed against current the United States' ADA 2010 Standards, which California's Chapter 11B incorporated. This was an unintentional adoption. Thus, it is exempt under Health and Safety Code sections 18942(a)(2)(A) because the edit is necessary for "clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions."

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 25-1 - , 25-4 (As proposed during 45-day comment period)
Chapter 35 REFERENCED STANDARDS, Section BHMA

BHMA Builders Hardware Manufacturers' Association ...

A 156.10—2017: Power Operated Pedestrian Doors

~~1010.3.2, 11B-404.2.9, 11B-404.3~~

A 156.10—2011: Power Operated Pedestrian Doors

11B-404.2.9, 11B-404.3

A 156.19—2019: Standard for Power Assist and Low Energy Power Operated Doors

~~1010.3.2, 11B-404.2.9, 11B-404.3, 11B-408.3.2.1, 11B-409.3.1~~

A 156.19—2013: Standard for Power Assist and Low Energy Power Operated Doors

11B-404.2.9, 11B-404.3, 11B-408.3.2.1, 11B-409.3.1

DRC Public Comment for ITEM 25-1, 25-2, 25-3, 25-4

DRC supports. DRC aligns with CAC's action to approve. These code proposals are model code from various codes collected by the International Code Council. They have not yet been directly analyzed against current

Section 504 or ADA 2010 Standards, which are incorporated into California's Chapter 11B. This was an unintentional adoption. Thus, it is exempt under Health and Safety Code sections 18942(a)(2)(A) because the edit is necessary for "clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions."

This proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

VI. Conclusion

Thank you for the opportunity to comment. We respectfully ask that you determine that DSA's proposals fall within the exceptions to the moratorium in Health & Safety Code Section 18942(a)(2)(A) and (F). We also ask that you determine that DSA's proposals meet the criteria in Health and Safety Code Section 18930 (1) – (8). We ask that you approve all of DSA's proposals as set out in the Final Express Terms.

Respectfully,



Dara Schur, Esq.
Senior Counsel
Disability Rights California
Dara.Schur@disabilityrightsca.org

Attachments:

- Attachment 1: List of individuals and organizations that joined DRC in one or more sets of comments
- Attachment 2: Division of the State Architect, Agenda for Access Code Collaborative Meeting, July 9, 2025
- Attachment 3: Division of the State Architect, Agenda for Public Comments on DSA's Proposals for the 2025 California Building Code, Intervening Cycle Meeting, September 24, 2025

Attachment 1

**List of Individuals and organizations that joined
DRC in one or more sets of comments**

Individuals and organizations that joined DRC in one or more sets of comments:

- Hunter Herrera-McFarland, Policy Manager at The Kelsey. The Kelsey is a nonprofit development and advocacy organization advancing disability-forward housing solutions that open doors to homes and opportunities for everyone.
- Michelle Uzeta, Executive Director at Disability Rights Education and Defense Fund (DREDF). DREDF was founded in 1979 and led by disabled people, DREDF is a national nonprofit cross-disability law and policy center that advances and defends the civil and human rights of disabled people through legal advocacy, training, education, and public policy.
- Susan L. (Tink) Miller, Executive Director at Placer Independent Resource Services. Placer Independent Resource Services-We Provide advocacy and services for people with disabilities in Placer, El Dorado and Alpine Counties.
- Sheri Burns, OTR, Executive Director of Silicon Valley Independent Living Center (SVILC). Silicon Valley Independent Living Center (SVILC) is a non-profit, disability peer-based resource, service, and advocacy agency serving residents with disabilities of all ages and backgrounds, providing peer support, life skills training, housing education assistance, assistive technology, case management and personal assistance referral service for individuals with disabilities gain the skills and confidence necessary to live in the community as independently as they desire.
- Connie Arnold, Disability Rights Advocate
- Ted Jackson, Chief Executive Officer at Marin Center for Independent Living
- Patricia Hughes, Chief Executive Officer, Greater Los Angeles Agency on Deafness, Inc. (GLAD)
- Richard Skaff, Executive Director of Designing Accessible Communities
- Aaron Carruthers, Executive Director of The State Council on Developmental Disabilities (SCDD). SCDD is an independent state agency established by federal and state law and led by people with I/DD and their families, working to make California the best place for people with I/DD and other disabilities.
- Eugene Lozano Jr., Chair, Committee on Access and Transportation, California Counsel of the Blind

- Gia Pham, Communications Coordinator at Housing Choices.
Housing Choices is a 501(c)(3) nonprofit and Regional Center vendor that partners with affordable housing developers to secure dedicated multifamily apartments for individuals with intellectual and developmental disabilities. It provides onsite resident support services to these set aside units and housing coordination. Its Mission is to open doors for people with developmental disabilities by creating and supporting quality, affordable housing opportunities, ensuring they live rewarding lives in homes of their choosing.
- Kevin Aslanian, Director of Government Relations for Coalition of California Welfare Rights Organizations
- Teddy Basham-Witherington, Deputy Director, Impact Fund
- Dr. Victor Santiago Pineda, Executive Director, Center for Independent Living
- Robyn Palumbo, Disability Rights Advocate

Attachment 2

**Division of the State Architect, Agenda for Access
Code Collaborative Meeting, July 9, 2025**

Access Code Collaborative Meeting

Wednesday, July 9, 2025

Starting at 10:00 a.m.

DSA's Access Code Collaborative is a consultative group of diverse, representative stakeholders who work cooperatively with DSA to offer input and feedback regarding proposed amendments to the accessibility provisions of the California Building Code (CBC).

For this meeting, the DSA Access Code Collaborative will discuss proposals for the 2025 Intervening Code Cycle, and receive updates on Government Code Section 4459 and the Task Force on Detectable Warnings.

The public may select the link below to join the webinar (listen-only mode):

<https://us06web.zoom.us/j/82705127900?pwd=jDEUFixje8bInFTiDjYlYb0PjmlWscM.1>

Passcode:803088

Join via audio:

USA 215 446 3656 US Toll

USA 888 363 4734 US Toll-free

Conference code: 684348

Members of the public are welcome to join the meeting and will be in listen-only mode.

Closed captioning is available via Zoom's automated live transcriptions.

Should technical assistance or accommodations be needed to participate in the Access Code Collaborative meeting, please contact Gregory Hartley at (279) 799-4349 or

Gregory.hartley@dgs.ca.gov.

AGENDA

Start 10:00 a.m.

- Opening Statement
- New Facilitator Introduction
- New DSA Staff introductions
 - Benjamin Matray, Senior Architect
 - Nicholas Nganga, Associate Architect
- ACC Member Introductions
- Legislative Update
 - Government Code 4459
- 2025 Intervening Code Cycle
 - 2025 Intervening Code Cycle Schedule
 - Actions to Date
 - 2025 CBC Access Code Proposals
 - Next Steps
- Task Force on Detectable Warnings Update

[See following page for listing of 2025 Intervening Code Proposals]

Deeming Notice Items

1. Chapter 11B, Section 11B-203.8, General exceptions, residential facilities
2. Chapter 11B, Section 11B-206, Accessible routes in residential facilities
3. Chapter 11B, Section 11B-206.2.3, Accessible routes in residential facilities
4. Chapter 11B, Section 11B-214, Washing machines and clothes dryers
5. Chapter 11B, Section 11B-215.1, Fire alarm systems
6. Chapter 11B, Section 11B-233.3.1.2.6, Public housing facility site impracticality
7. Chapter 11B, Section 11B-248.1, Common use areas

Corner Receptacles

8. Chapter 11B, Section 11B-205.1, Corner receptacles
9. Chapter 11B, Section 11B-308.1, Corner receptacles
10. Chapter 11B, Section 11B-809.12, Electrical receptacles, controls and switches

Housing at a Place of Education

11. Chapter 2, Section 202, Educational entities in receipt of public funds
12. Chapter 11B, Section 11B-224.7, Housing at a place of education

Social Services Centers and Employer-Provided Housing

13. Chapter 2, Section 202, Social service center establishments
14. Chapter 11B, Section 11B-224.8 Social service center establishments and employer-provided housing

Reference Standards

15. Chapter 35, ASME Referenced Standards
16. Chapter 35, BHMA Referenced Standards

Other

17. Chapter 11B, Section 11B-304.3, Circular and T-Shaped turning space(s)
18. Chapter 11B, Section 11B-305, Clear floor or ground space
19. Chapter 11B, Section 11B-806.2, Transient lodging bed height
20. Chapter 11B, Section 11B-812.4, Vertical clearance at electric vehicle charging stations
21. CRC Part 2.5 Chapter 3, Section R327.1, Aging-in-place design fall protection, backing for grab bars
22. HCAI Coordination, On Call Room Scoping, TBD

Attachment 3

**Division of the State Architect, Agenda for Public
Comments on DSA's Proposals for the 2025 California
Building Code, Intervening Cycle Meeting,
September 24, 2025**

AGENDA

The purpose of this meeting is to receive public comments on DSA's proposals for the 2025 California Building Code, Intervening Cycle, which will become effective July 1, 2027. Each item will have a short presentation followed by an opportunity for the public to make comments. Comments will be limited to three minutes maximum per person, per item.

Start 10:00 am

1. Call to Order/Introductions
2. Administration of today's meeting
3. Presentation and discussion of code change proposals. See Grouped Items on the following page.
4. Adjournment

Written comments may be sent to DSA, at DSAaccess@dgs.ca.gov



2025 Intervening Cycle California Building Code Proposed Amendments

Proposals Grouped by Related Items

HUD Section 504 Deeming Notice Alignment / Public Housing

- Item 3: Chapter 2, Section 202 Definitions, Public Housing
- Item 15: Section 11B-233.3.7 Employer-provided Public Housing
- Item 5: Section 11B-203.8 General Exceptions, Residential Facilities
- Item 8: Section 11B-206.2.3 Exc. 4 Accessible Routes in Residential Facilities
- Item 16: Section 11B-248.1 Common Use Areas
- Item 7: Sections 11B-206.2.1 and 206.2.2 Accessible Routes in Residential Facilities
- Item S1: Section 11B-202.4 Exc. 1 Path of Travel Requirements in Housing
- Item S3: Section 11B-233.3 Public Housing Facilities, Additions and Alterations
- Item 9: Sections 11B-214.2 Washing Machines and 11B-214.3 Clothes Dryers
- Item 10: Section 11B-215.1 Fire Alarm System Exception
- Item S2: Section 11B-206.2.8 Employee Work Areas
- Item S4: Section 11B-403.5 Walking Surface Clearance, Employee Work Areas

Housing at a Place of Education

- Item 1: Chapter 2, Section 202 Definitions, Educational Entities in Receipt of Public Funds
- Item 2: Chapter 2, Section 202 Definitions, Place of Public Accommodation
- Item 12: Section 11B-224.7 Housing at a Place of Education
- Item 14: Section 11B-233.3.1.2.6 Public Housing Facility Site Impracticability

Social Service Center Establishments

- Item 4: Chapter 2, Section 202 Definition of Social Service Center Establishment
- Item 13: Section 11B-224.8 Social Service Center Establishments

On-call Rooms

- Item 11: Section 11B-223.2.3 On-call Rooms in Medical Facilities
- Item 18: Section 11B-805.2 Sleeping Rooms in Medical Facilities

Corner Receptacles

- Item 6: Section 11B-205.1 Corner Receptacles
- Item 17: Section 11B-308.1.2.1 Corner Receptacles
- Item 19: Section 11B-809.12 Electrical Receptacles, Controls and Switches in Residential Dwelling Units with Adaptable Features

Referenced Standards

- Item 21: Chapter 35, Referenced standards, ASME
- Item 22: Chapter 35, Referenced standards, BHMA

Other Items

- Item 20: Section 11B-812.4, Vertical Clearance at EVCS
- Item 23: Part 2.5 CA Residential Code, Section R328.1, Aging-in-Place Design Fall Protection, Backing for Grab Bars