



Date: May 29, 2026

To: Stoyan Bumbalov, Executive Director  
California Building Standards Commission  
[stoyan.bumbalov@dgs.ca.gov](mailto:stoyan.bumbalov@dgs.ca.gov)

From: California Building Industry Association  
California Apartment Association  
California Business Properties Association  
Building Owners & Managers Association

**RE: Industry Coalition Comments  
Division of the State Architect's Proposed 45-Day Language  
California Building Code, Part 2, Chapter 11B (DSA-AC 01/25)**

### **Description of the Industry Coalition**

**The Industry Coalition:**

The Industry Coalition is a group of interested parties comprising the California Building Industry Association (CBIA), the California Apartment Association (CAA), the California Business Properties Association (CBPA), and the Building Owners & Managers Association of California (BOMA).

The California Building Industry Association is a statewide trade association representing over 3,000 member companies involved in residential and light commercial construction. CBIA member companies are responsible for over 85% of the new homes built in California each year.

The California Apartment Association is the largest statewide rental housing trade association in the country, representing over 60,000 single-family and multifamily apartment owners and property managers responsible for over 2 million affordable and market rental units throughout California.

The California Business Properties Association is the recognized voice of California's office, retail, and industrial real estate industry — representing the largest commercial real estate consortium, with over 10,000 industry members.

Building Owners and Managers Association of California (BOMA California) is the state's leading organization for commercial real estate. As a federation of all eight local BOMA associations, BOMA California serves as the collective membership's legislative and regulatory advocate.

**Industry Coalition Comments**  
**Division of the State Architect’s Proposed 45-Day Language**  
**California Building Code, Part 2, Chapter 11B (DSA-AC 01/25)**

**Specific Request for the Building Standards Commission**

The Industry Coalition respectfully requests that the Building Standards Commission take action to:

- DISAPPROVE or return for FURTHER STUDY the DSA Accessibility Code Change Items (listed below), and
- Strongly suggest DSA form a Public Housing Task Force, similar to that used for the code changes submitted during the 2019 Intervening Code Cycle, to assist with the development of code change submittals for the 2027 Triennial Code Cycle, and subsequent code adoption cycles.

**Suggested list of Items for DISAPPROVAL or FURTHER STUDY:**

Items 1-1, Items 3-1, 3-2, 3-3, and 3-4; Items 4-1 and **4-1.1**; Item 5-1; Item 7-1; Item 10-2; Items 11-1 and 11-2; Item 12-1; Item **13-1.1**; Items 14-1, **14-1.1, 14-1.2, 14-1.3, 14-1.4, 14-1.5, and 14-1.6**; Items 15-1, **15-1.1, and 15-1.2**; Items **16-1.1, 16-1.2, 16-1.3, 16-1.4, 16-1.5, 16-1.6, 16-1.7**, 16-1, 16-2, 16-3, 16-4, **16-5.1**, 16-6, **16-6.1, 16-6.2**, 16-7, 16-8, 16-9, 16-10, **16-10.1, 16-10.2, 16-10.3, 16-10.4, 16-10.5**, Item 17-1; Item 19-1; Item 20-1; Items 22-1, 22-2, 22-3, 22-4, 22-5, 22-6.

***NOTE: Items highlighted in bold “red” were never reviewed by the CAC or the public.***

**Index of Comment Topics**

Description of Industry Coalition .....	Page 1
Specific Requests for BSC Consideration .....	Page 2
Index of Industry Coalition Comment Topics .....	Page 2
General Comments/Observations .....	Page 3
Failure to Comply with BSC’s Public Participation Rules .....	Page 4
Failure to Comply with BSC’s Code Advisory Committee Rules .....	Page 4
Failure to Comply with AB 130 Restrictions.....	Page 5
Failure to Comply with ISOR “Estimated Cost of Compliance” Statute.....	Page 6

**Appendix**

Appendix A: BSC’s Public Participation Rules.....	Page 7
Appendix B: BSC’s Code Advisory Committee Rules.....	Page 7
Appendix C: AB 130 Restrictions on Intervening Code Cycle.....	Page 8
Appendix D: AB 130 Restrictions on State Changes to Residential Codes.....	Page 8
Appendix E: DSA Federal Law, Standard, Regulation, Judicial Citations.....	Page 9
Appendix F: ISOR: Estimated Cost of Compliance Statute.....	Page 9
Appendix G: Summary & Tally: CAC Recommendations & DSA Responses.....	Pages 10-12
Appendix H: Industry Coalition Comments on Specific DSA Proposals.....	Pages 13-28

## General Comments/Observations

The Industry Coalition monitored the discussions and the recommendations issued by the BSC Accessibility Code Advisory Committee (CAC) on March 4-5, 2026. In response to those CAC recommendations, DSA issued its 45-Day Language and an updated ISOR on April 25, 2026.

Similar to comments submitted by CALBO, after reading DSA's 45-Day Language submittal, we find it troubling and somewhat difficult to understand what has happened here.

We understand that DSA, like any other agency, may choose to respond in a manner that is contrary to a CAC's recommendation on a specific item. While that is rare, it does happen. However, in the thirty years that CACs have been reviewing agency code proposals, there has never been such an overwhelming disregard for the recommendations issued by a CAC. Of the 66 Public Housing items, DSA and the CAC agreed on only 6 proposals (9%).

DSA took a position contrary to the CAC recommendation on 35 proposals (53%).

Most alarming is that 25 of DSA's proposals (38%) in the 45-Day Language were added **after** the CAC hearing and were **never heard by the CAC or given public comment!** This is absolutely unprecedented.

Following the CAC meeting in March, and without CAC or public input, DSA has substantially revised and reorganized the accessibility standards for Public Housing. Given the substantial **reorganization** and the **addition of a large volume of new language**, this constitutes a major regulatory undertaking that has not received the public review and comment that something of this magnitude not only deserves but is required.

The Industry Coalition understands that aligning California's accessibility standards with the federal government's is not a simple task. At the federal level, there isn't a single set of accessibility standards for housing. There are variations depending on the source of funding, the intended use, and other variables. Making this even worse, federal laws and regulations often refer to general intent without providing a specific set of building standards and specifications to determine what constitutes acceptable minimum compliance.

This means DSA must interpret the myriad federal laws and regulations as it updates California's accessibility standards. Nevertheless, as noted later in this submittal, much of this DSA proposal is based on its latest interpretation of federal accessibility standards and regulations that were issued 10-20 years ago. For example, DSA refers to the HUD Deeming Notice as the basis for many of these proposed changes. The HUD Deeming Notice was issued twelve years ago.

Nothing has changed since DSA engaged its ACC Public Housing Working Group to address these same issues years ago, during the 2019 Intervening Code Cycle.

Lastly, it is widely known that the Scoping and Application accessibility provisions for Public Housing have been a subject of significant public debate for the past 40 years. It is difficult to understand why DSA has chosen to approach such a controversial issue in this manner.

### **Failure to Comply with BSC’s Public Participation Administrative Rules**

The California Administrative Code (Part 1, Section 1-403) contains specific administrative rules (adopted by the Building Standards Commission) that ensure adequate public participation in the development of an agency’s building standards. (Appendix A)

Regarding DSA’s 66 proposed changes to the Public Housing provisions in CBC Chapter 11B, roughly 40% were made public **after** the CAC meetings on March 4-5, 2026. In addition, many more of the items heard by the CAC have since been modified and reformatted to such a significant degree that it can be argued they constitute newly introduced code changes that have never been reviewed by the CAC or the public.

For example, stakeholders who attended the CAC meeting in March and saw DSA respond to CAC concerns by withdrawing numerous proposals are likely unaware that these items have been resurrected and, in some cases, significantly modified. The same can be said of proposals where DSA agreed to Further Study numerous items.

While DSA’s intentions may be good, the public process has, for all intents and purposes, been inadvertently circumvented here.

Given the substantial reorganization and the addition of such a large volume of new and reformatted language by DSA, the Industry Coalition asserts DSA has failed to comply with subparagraphs (2), (3), (4), and (5) of the Public Participation rules of Part 1, Section 1-403(a).

### **Failure to Comply with BSC’s Code Advisory Committee Administrative Rules**

The Building Standards Commission has also adopted rules (Part 1, Section 1-409) governing the conduct of the CACs, the requirements for agency code change submittals, and the agencies’ subsequent responses to CAC recommendations. (Appendix B)

Given the substantial reorganization and the addition of such a large volume of new and reformatted language by DSA, the Industry Coalition asserts the agency has failed to comply with the specific rules governing agency submittals to the Code Advisory Committees, as set forth in **Part 1, Section 1-409(f). Code Advisory Committee Recommendations:**

*“A Code Advisory Committee shall make a recommendation on each proposed provision within the initial rulemaking file.”*

While it can be argued that DSA’s 45-Day Language package is not “*the initial rulemaking file*”, it can also be argued that a newly proposed section of code with language that has never been reviewed by the public or by a CAC **is an initial rulemaking proposal**. At the very least, required by the intent of this Administrative Code provision and certainly with the intent of the Legislature when it passed AB 47 (Chapter 865, Statutes of 1991), legislation sponsored by CALBO and industry that requires the BSC to establish the CACs and have them review and provide recommendations on all proposed code changes by state agencies.

## **Failure to Comply with AB 130 Restrictions**

Passed in 2025, AB 130 placed significant restrictions on the types of code changes the BSC can consider for adoption during an Intervening Code Cycle (H&S §18942(a)(2)). (Appendix C) AB 130 also placed a six-year moratorium on residential code changes proposed by state agencies (H&S §18930(g)). (Appendix D) However, AB 130 also included exceptions to these restrictions for accessibility standards.

### **Intervening Cycle Exception:**

*H&S §18942(a)(2)(F) Building standards necessary to incorporate updates to accessibility requirements that align with minimum federal accessibility laws, standards, and regulations.*

### **Six-Year Pause Exception**

*18930(g)(7) Building standards necessary to incorporate updates to accessibility requirements that align with minimum federal accessibility laws, standards, and regulations.*

In its Initial Statement of Reasons, DSA cites the need for California to update its accessibility standards to “*align with minimum federal accessibility laws, standards, and regulations.*” The federal laws, standards, regulations, and court proceedings that DSA cites as the basis for updating California’s Public Housing accessibility standards are listed in Appendix E.

The Industry Coalition agrees with CALBO’s observation that some of DSA’s proposed changes don’t align with federal accessibility laws and regulations; they exceed them. For example, in Item 17-1, DSA proposes to eliminate, in its entirety, the “Structural Impracticality” provisions in Section 11B-233.3.1.2.6. While this would be appropriate for public housing that receives “federal financial assistance” from HUD, this DSA proposal would apply to all public housing.

It is also worth noting that the federal documents cited by DSA were issued between 1968 and 2014. The most recent of these federal documents, HUD’s Deeming Notice, was issued 12 years ago, well before DSA’s ACC/Public Housing Task Force conducted the work that led to numerous updates to DSA’s Public Housing accessibility standards as part of BSC’s 2019 Intervening Code Cycle.

This raises the question: What has happened at the federal level during the past decade that has prompted DSA to make such sweeping changes in its Public Housing accessibility standards during this code cycle?

DSA also cites decisions from three court proceedings as the basis for some of its proposed changes to “*align with minimum federal accessibility laws, standards, and regulations.*” **AB 130 does not provide an exception for decisions rendered in court proceedings.**

Decisions rendered through judicial proceedings can, and often do, inform federal agencies such as the DOJ and HUD about the (potential) need to issue updated standards and regulations. However, until Congress updates the law or DOJ or HUD updates their standards or regulations, it would be a violation of AB 130 for DSA to update its standards in anticipation of changes that may be made in federal law, standards, or regulations.

## Failure to Comply with ISOR Estimated Cost of Compliance

The California Government Code contains the statutory provisions establishing the minimum requirements for what must be included in an agency's Initial Statement of Reasons. One of those requirements is that an agency proposing a building standard provide an "estimated cost of compliance," along with the assumptions the agency used to determine those estimates.

(Appendix F)

**Government Code Section 11346.2(b)(5)(B)(i) states:**

*If a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.*

The following is a reprint of DSA's response to this administrative requirement:

***DSA-AC estimates that there will be no additional cost of compliance with these proposed regulations.*** *The proposed amendments for public housing and educational entities in receipt of public funds are existing through the Department of Housing and Urban Development (HUD) adopted regulations, UFAS, and the FHAct Design Manual, and are already required. Including these same requirements in the California Building Code will provide clarity and consistency with federal and state law. The proposed amendments remove conflicts or provide greater clarity in the requirements and **will not have any additional associated costs beyond those already required by the existing federal regulations.** Clear and consistent scoping and technical requirements benefit code users, building officials, and building and facility owners.*

DSA is proposing 66 changes to the public housing provisions in CBC Chapter 11B to align them with the requirements set forth in HUD's Uniform Federal Accessibility Standards and the related HUD Design Manual. DSA indicates that, since these provisions are already required at the federal level, "***there will be no additional cost of compliance with these proposed regulations.***"

This is a perplexing assertion by the proposing agency. First, the Government Code section cited above **does not provide an exception** for changing state building standards, so they align with (perceived) federal requirements. There most certainly will be a cost associated with these changes. As such, DSA has not complied with this statutory mandate.

Secondly, as noted in CALBO's comments, DSA is proposing changes that, in some cases, seek to apply accessibility provisions more restrictively than federal (and current state) standards do. Once again, this will clearly increase the "cost of compliance" with these proposed regulations. Since DSA did not include the "*estimated cost of compliance*" with these regulations, along with "*the related assumptions used to determine those costs,*" the Industry Coalition once again asserts that DSA has failed to comply with this Government Code mandate.

*NOTE: In 2019, the Southern California Laborers successfully challenged the AB 2282 recycled water building standards adopted by HCD and the BSC. Even though HCD and BSC had indeed performed cost-impact analyses of their proposals, one of the court's key findings was that the agencies **had not done enough** in preparing cost-impact analyses of the adopted regulations. In the case of this DSA Accessibility package, the agency has conducted no cost impact analysis.*

## APPENDIX

### **Appendix A:**

#### **BSC's Public Participation Rules (Part 1, Section 1-403)**

##### **Title 24, Part 1: California Administrative Code**

##### **Article 4 – Rulemaking for the Adoption of Building Standards**

**Section 1-401. Purpose.** This article establishes basic minimum procedural requirements for a code adoption cycle for proposing agencies to ensure adequate public participation in the development of building standards, to ensure adequate technical review and adequate time for technical review by Code Advisory Committees, and to ensure adequate notice to the public of compiled code change submittals prior to adoption by the Commission.

##### **Section 1-403. Public Participation.**

- (a) **Precycle Public Participation.** Every state agency with authority to propose or adopt building standards shall develop proposed building standards in a manner to ensure public participation. Methods for ensuring public participation may include, but are not limited to, the following:
- 1) Identify and maintain a listing of all interested groups or persons affected by building standards of the type within the jurisdiction of the agency.
  - 2) Prior to commencing the development of proposed building standards, notify all interested groups and persons that building standards are to be developed, and solicit suggestions and a means for participation.
  - 3) Conduct workshops to solicit input where the proposals are complex or large in number and cannot easily be reviewed during the comment period.
  - 4) Make available draft proposals to interested groups or persons expressing interest.
  - 5) Establish a procedure to provide interested groups or persons the opportunity to advise the agency of the impact of the proposed standards.
- 
- 

### **Appendix B:**

#### **BSC's Code Advisory Committee Rules (Part 1, Section 1-409)**

##### **Title 24, Part 1: California Administrative Code**

##### **Section 1-409. Code Advisory Committee Review.**

- (a) Prior to conducting any hearing or public comment period as part of the rulemaking proceeding required by the Administrative Procedure Act, the Commission shall assign an initial rulemaking file, received on or before the deadline established under Section 1-406 of this article, to one or more Code Advisory Committees specifically knowledgeable in the building standard being proposed and schedule the submittal for a noticed public hearing to ensure adequate opportunity for the public participation and technical review.
- (b) A state proposing agency responsible for developing an initial rulemaking file shall attend the Code Advisory Committee meeting to present its proposal and be prepared to respond to committee comments and questions.
- (c) **Code Advisory Committee reviews.** A Code Advisory Committee shall conduct a public hearing to perform a technical review of all initial rulemaking files assigned to it by the Commission. A Code Advisory Committee meeting shall be scheduled by the Commission and shall be open to the public.
- (d) .....
- (e) .....
- (f) .....
- (g) **Code Advisory Committee Reports.** The Code Advisory Committee report of recommendations to the Commission shall be made available to the public for review and comment and be included in the Commission's rulemaking file.
- (h) **State Proposing Agency Action.** 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.

## Appendix C:

### **AB 130 Restrictions on Intervening Code Cycle [H&S §18942(a)(2)]**

#### **Health & Safety Code §18942.**

(a) 1) The commission shall publish, or cause to be published, editions of the code in its entirety once every three years. In the intervening period, the commission shall publish, or cause to be published, supplements as necessary. For emergency building standards defined in subdivision (a) of Section 18913, an emergency building standards supplement shall be published whenever the commission determines it is necessary.

- 2) Changes adopted during the intervening period described in paragraph (1) shall be limited to only the following:
  - A. 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.
  - B. Emergency building standards.
  - C. Amendments by the State Fire Marshal to building standards within the California Wildland-Urban Interface Code (Part 7 of Title 24 of the California Code of Regulations).
  - D. The building standards are necessary to incorporate errata or emergency updates to the national model codes specified in Section 18916, along with any necessary and related state amendments supporting or facilitating the incorporation of errata or emergency updates to the model codes.
  - E. Changes or modifications made pursuant to paragraph (6) of subdivision (b) of Section 17958, paragraph (6) of subdivision (c) of Section 17958.5, or paragraph (6) of subdivision (c) of §17958.7.
  - F. Building standards necessary to incorporate updates to accessibility requirements that align with minimum federal accessibility laws, standards, and regulations.

---

## Appendix D:

### **AB 130 Restrictions on State Changes to Residential Codes [H&S §18930(g)]**

#### **Health & Safety Code §18930.**

(a) Except as provided in subdivision (g), any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification.  
:

(g) Commencing October 1, 2025, to June 1, 2031, inclusive, proposed building standards affecting residential units shall not be considered, approved, or adopted by the commission or any other adopting agency, unless any of the following conditions are met:

- 1) The commission deems those changes necessary as emergency standards to protect health and safety.
- 2) The building standards are amendments by the State Fire Marshal to building standards within the California Wildland-Urban Interface Code (Part 7 of Title 24 of the California Code of Regulations).
- 3) The building standards are proposed for adoption in relation to standards researched pursuant to Section 13108.5.2.
- 4) The building standards are proposed for adoption pursuant to Section 17921.9, 17921.11, or 18940.7 of this code, or Section 13558 of the Water Code.
- 5) The building standards are necessary to ensure the latest editions of the model codes specified in Section 18916 are incorporated into the triennial edition of the California Building Standards Code, along with any necessary and related state amendments supporting or facilitating the incorporation of the model codes.
- 6) The building standards are necessary to incorporate errata or emergency updates to the national model codes specified in Section 18916, along with any necessary and related state amendments supporting or facilitating the incorporation of errata or emergency updates to the model codes.
- 7) The building standards are necessary to incorporate updates to accessibility requirements that align with minimum federal accessibility laws, standards, and regulations.
- 8) The building standards under consideration would take effect on or after January 1, 2032.

## **Appendix E:**

### **DSA Citations of Federal Laws, Standards, Regulations, and Judicial Proceedings**

#### **Federal Laws and Federal Agency Rules & Guides**

- 1968: Civil Rights Act of 1968, P.L. 90-284, Section 808 (a) and (d).  
1984: Uniform Federal Accessibility Standards (UFAS) Federal Register (49 FR 31528) 8/7/84  
1988: Federal Fair Housing Amendments Act of 1988 (FHAA)  
1990: Americans with Disabilities Act of 1990 (Public Law 100-336)  
1993: HUD's Fair Housing Act Accessibility Guidelines [58 FR 60250, Nov 15, 1993]  
2008: HUD's Fair Housing Act Design Manual, February 25, 2008  
2010: DOJ 2010 ADA Standards for Accessible Design (ADAS)  
2010: DOJ Guidance on the 2010 ADA Standards for Accessible Design (Sept 15, 2010)  
2014: HUD Deeming Notice: 24 CFR Part 8; Docket No. FR-5784-N-01, **May 23, 2014**  
Federal Register; Vol. 79, No. 100, Friday, **May 23, 2014**; 29671-29676.

#### **Judicial Court Case Decisions**

- 1984: Grove City College v. Bell; 465 U.S. 555, 104 S. Ct. 1211 (1984)  
2005: Bennett-Nelson v. Louisiana Board of Regents, 431 F.3d. 448 (5<sup>th</sup> Cir. 2005)  
2024: Access Living of Metropolitan Chicago, Inc. v. City of Chicago, 752 F.Supp.3d 922  
United States District Court, N. D. Illinois, Eastern Division (2024)

---

## **Appendix F:**

### **ISOR: Estimated Cost of Compliance Statute GC §11346.2(b)(5)(B)(i)**

#### **Government Code §11346.2.**

Every agency subject to this chapter shall prepare, submit to the office with the notice of the proposed action as described in Section 11346.5, and make available to the public upon request, all of the following:

- (b) An initial statement of reasons for proposing the adoption, amendment, or repeal of a regulation. This statement of reasons shall include, but not be limited to, all of the following:
- (5) (A) Facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.
- (B) (i) If a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.
- (ii) The model codes adopted pursuant to Section 18928 of the Health and Safety Code shall be exempt from the requirements of this subparagraph. However, if an interested party has made a request in writing to the agency, at least 30 days before the submittal of the initial statement of reasons, to examine a specific section for purposes of estimating the cost of compliance and the potential benefits for that section, and including the related assumptions used to determine the estimates, then the agency shall comply with the requirements of this subparagraph with regard to that requested section.

**Appendix G:**  
**Summary & Tally of CAC Recommendations and DSA Responses**

<u>ITEM</u>	<u>CAC</u>	<u>DSA</u>	<u>DSA 45-Day</u>	<u>BSC Request</u>
1-1	DIS	disagree	modified**	DIS or F/S
1-2	A/S	Accept	Same	Approve
2-1	A/S	Accept	Same	Approve
3-1	A/S	disagree	modified**	DISAPPROVAL**
3-2	A/S	disagree	modified**	DISAPPROVAL**
3-3	A/S	disagree	modified**	DISAPPROVAL**
3-4	F/S	Accept	modified**	DISAPPROVAL**
4-1	F/S	F/S	modified	DISAPPROVAL
4-1.1	N/A	N/A	NEW	DISAPPROVAL
5-1	A/S	disagree	modified**	DISAPPROVAL**
6-1	F/S	W/D	W/D (modified/relocated)	none
7-1	F/S	disagree	Same	FURTHER STUDY
8-1	DIS	W/D	W/D (modified/relocated)	none
8-2	A/S	W/D	W/D (modified/relocated)	none
9-1	A/S	W/D	W/D (modified/relocated)	none
10-1	DIS	W/D	W/D	none
10-2	DIS	disagree	Same	DISAPPROVAL**
11-1	DIS	disagree	modified/relocated	DISAPPROVAL
11-2	DIS	disagree	modified/relocated	DISAPPROVAL
12-1	A/S	W/D	W/D (modified/relocated)	none
13-1	A/S	Accept	Same	Approve
13-1.1	N/A	N/A	NEW	DISAPPROVAL
14-1	A/S	disagree	relocated	DIS or F/S
14-1.1	N/A	N/A	NEW	DISAPPROVAL
14-1.2	N/A	N/A	NEW	DISAPPROVAL
14-1.3	N/A	N/A	NEW	DISAPPROVAL
14-1.4	N/A	N/A	NEW	DISAPPROVAL
14-1.5	N/A	N/A	NEW	DISAPPROVAL
14-1.6	N/A	N/A	NEW	DISAPPROVAL
15-1	F/S	Accept	modified/relocated	DISAPPROVAL
15-1.1	N/A	N/A	NEW/relocated	DISAPPROVAL
15-1.2	N/A	N/A	NEW/relocated	DISAPPROVAL

<b><u>ITEM</u></b>	<b><u>CAC</u></b>	<b><u>DSA</u></b>	<b><u>DSA 45-Day</u></b>	<b><u>BSC Request</u></b>
16-1.1	N/A	N/A	NEW	DISAPPROVAL
16-1.2	N/A	N/A	NEW	DISAPPROVAL
16-1.3	N/A	N/A	NEW (Item 8-1, 8-2)	DISAPPROVAL
16-1.4	N/A	N/A	NEW (Item 9-1)	DISAPPROVAL
16-1.5	N/A	N/A	NEW (Item 12-1)	DISAPPROVAL
16-1.6	N/A	N/A	NEW (Item 11-1, 11-2)	DISAPPROVAL
16-1.7	N/A	N/A	NEW (Items 16-1 to 16-4)	DISAPPROVAL
16-1	DIS	disagree	relocated	DISAPPROVAL
16-2	DIS	disagree	relocated	DISAPPROVAL
16-3	DIS	disagree	relocated	DISAPPROVAL
16-4	DIS	disagree	relocated	DISAPPROVAL
16-5	DIS	W/D	W/D	none
16-5.1	N/A	N/A	NEW	DISAPPROVAL
16-6	DIS	disagree	modified/relocated	DISAPPROVAL
16-6.1	N/A	N/A	NEW	DISAPPROVAL
16-6.2	N/A	N/A	NEW	DISAPPROVAL
16-7	DIS	disagree	relocated	DISAPPROVAL
16-8	DIS	disagree	relocated	DISAPPROVAL
16-9	DIS	disagree	relocated	DISAPPROVAL
16-10	DIS	disagree	relocated	DISAPPROVAL
16-10.1	N/A	N/A	NEW	DISAPPROVAL
16-10.2	N/A	N/A	NEW	DISAPPROVAL
16-10.3	N/A	N/A	NEW	DISAPPROVAL
16-10.4	N/A	N/A	NEW	DISAPPROVAL
16-10.5	N/A	N/A	NEW	DISAPPROVAL
17-1	A/S	Accept	Same	DIS or F/S
19-1	F/S	disagree	Same	DIS or F/S
20-1	DIS	disagree	Same	(CALBO?)
22-1	F/S	disagree	Same	(CALBO?)
22-2	F/S	disagree	Same	(CALBO?)
22-3	F/S	Accept	Same (No F/S)	(CALBO?)
22-4	F/S	disagree	Same	(CALBO?)
22-5	F/S	disagree	Same	(CALBO?)
22-6	F/S	disagree	Same	(CALBO?)

**TALLY: Total of 66 Housing Code Changes**

**Code Changes Where DSA disagreed w/ CAC or added new items not reviewed by CAC**

			<b><u>Total</u></b>		<b><u>Percentage</u></b>
N/A (added after CAC, not reviewed by CAC)			= <b>25</b>		<b>38%</b>
<b><u>CAC</u></b>		<b><u>DSA</u></b>	<b><u>45-Day</u></b>	<b><u>Total</u></b>	
DISAPPROVE	>	W/D	> modified	= <b>1</b>	
DISAPPROVE	>	disagree	> same	= <b>2</b>	
DISAPPROVE	>	disagree	> modified/relocated	= <b>12</b>	
Further Study	>	disagree	> same	= <b>8</b>	<b>53%</b>
Further Study	>	Accept	> modified/relocated	= <b>3</b>	
Further Study	>	W/D	> modified/relocated	= <b>1</b>	
APPROVE	>	disagree	> modified/relocated	= <b>5</b>	
APPROVE	>	W/D	> modified/relocated	= <b>3</b>	

**Code Change Items Where DSA Agreed with CAC**

<b><u>CAC</u></b>		<b><u>DSA</u></b>	<b><u>45-Day</u></b>	<b><u>Total</u></b>	
Approve		Accept	Same	= <b>4</b>	<b>9%</b>
Disapprove		Withdraw	Withdraw	= <b>2</b>	

**(Appendix H Begins on Next Page)**

## **Appendix H:** **Industry Coalition Comments on Specific DSA Code Change Proposals**

### **Item 1-1: Definition “Educational Entity in Receipt of Public Funds”**

CAC: Recommended Disapproval of the definition for “*Educational Entity in Receipt of Financial Assistance*” for numerous reasons, including “what funds are included, identifying specific grant programs, suggesting revised language that mirrors ADA language”. Lastly, the CAC was concerned that this violates AB 130.

DSA: Disagreed. Made further modifications to the definition. New language adds “**state support**,” which is vague and ambiguous. Would this require a union-sponsored technical education institution to be accessible if it received non-financial state support?

Note: New language added post-CAC in Items 3-1, 3-2, 3-3, and 3-4 reference:

CCR Title 2, Division 4.1, Chapter 5, Subchapter 9, Article 1, Section 14000 and

CCR Title 2, Division 4.1, Chapter 5, Subchapter 9, Article 2, Section 14020 (DEFINITIONS).

Definition for “state support” is:

(ww) “**State support**” includes any funds, financial assistance, grant, entitlement, loan, note, donation, cooperative agreement, subsidy, contract, transfer, or allocation of state funds or property, benefit, or any other arrangement by which the state or any state agency provides or otherwise makes available aid, services, or benefits for the use of or to recipients, including aid, services, or benefits in the form of:

- (1) any payment, transfer, or allocation of funds;
- (2) provision or use of services of state personnel;
- (3) provision or use of state materials or equipment;
- (4) provision or use of real or personal property or any interest in or use of such property, including:
  - (A) transfers or leases of property for less than fair market value or for reduced consideration; or
  - (B) proceeds from a subsequent transfer or lease of property if the state share of its fair market value is not returned to the state; or
- (5) aids, services, or benefits that the state or any state agency administers or allocates, including any competitive or discretionary tax credits, and any payments, subsidies, or other assistance extended to any person, agency, or entity providing insurance, including health-related insurance coverage for payments to or on behalf of a person obtaining health-related insurance coverage from that entity, or extended directly to such individual for payment to any entity providing health-related insurance coverage.

**Problem:** With the post-CAC addition of this reference to “state support,” the application of the access standards could be greatly expanded. This definitely needs a thorough CAC and public review and comment re impact of this change.

**Recommend: Disapproval or Further Study**

### **Item 1-2: Definition “Housing At A Place of Education”**

CAC: A/S

DSA: Accept

**Recommend: Approve as Submitted**

### **Item 2-1: Definition “Place of Public Accommodation”**

CAC: A/S

DSA: Accept

**Recommendation: Approve as Submitted**

### **Item 3-1: Definition “Public Housing”**

Initially, DSA was adding the word “center” >> “social service *center*”

CAC: The CAC “approved” the initial proposal.

DSA: DSA disagreed and made further modifications that added ref to CCR, Title 2, Division 4.1, Chapter 5, Subchapter 9, Article 1, Section 14000 and Article 2, Section 14020

**Problem:** See Item 1-1 comments regarding post-CAC addition of the ref to CCR Title 2.

**Recommend: Disapproval**

### **Item 3-2: Definition “Public Housing”**

Initially, DSA was deleting the fourth example re “transient housing:

CAC: The CAC approved the initial proposal

DSA: DSA disagreed and made further modifications that added ref to CCR, Title 2, Division 4.1, Chapter 5, Subchapter 9, Article 1, Section 14000, and Article 2, Section 14020

**Problem:** See Item 1-1 comments regarding post-CAC addition of the ref to CCR Title 2.

**Recommend: Disapproval**

### **Item 3-3: Definition “Public Housing”**

Initially, DSA is adding new language that expands the scope of application to “*Employer-provided housing for an employee or an employee and their family members, either temporary or permanent,.....*”

CAC: The CAC approved the initial proposal

DSA: DSA disagreed and made further modifications to the initial proposal, and added the ref to CCR Title 2.

**Problem:** See Item 1-1 comments regarding post-CAC addition of the ref to CCR Title 2.

**Comment #2:** Expansion of the application of DSA’s accessibility regulations will most certainly increase the “cost of compliance” with this regulatory proposal, which **directly conflicts** with DSA’s assertion in the ISOR that there is no increase in compliance cost associated with these regulations.

**Comment #3:** Is this DSA’s interpretation of what federal rules require, or is there precise federal language that DSA is basing these changes on? Rather than just referencing the title of a federal document, DSA should provide the public and the CAC with a reprint of the **actual federal code text** on which DSA is basing this change, so interested parties may compare it with the DSA proposal to ensure it is the same or similar.

**Comment #4:** If a local public entity (city or county) requires a private agricultural business to provide temporary housing for its farm worker employees (and their families), is that considered “public housing” and required to comply with DSA’s accessibility requirements? If so, does this include single-family dwellings, duplexes, and ADUs?

**Recommend: Disapproval**

### **Item 3-4: Definition “Public Housing”**

The initial DSA proposal added language to Example #5 that included ref to “Educational Entity In Receipt of Public Funds”.

CAC: The CAC recommended “Further Study,” raising concerns about clarity and AB 130.

DSA: DSA agreed; however, DSA made numerous post-CAC changes not requested by the CAC. One change was to add the reference to Title 2. The other change was to make significant additions to the “NOTE” accompanying the definition of “Public Housing” (reprinted below).

*Note: A public entity’s program to provide housing may include but is not limited to: housing provided by public housing authorities, the allocation of local, state or federal financial assistance, provided to educational entities, and to private entities through Community Development Block Grants and similar programs. Public housing programs require compliance with the Americans with Disabilities Act Standards and the HUD Deeming Notice, which covers HUD Section 504 regulations. Other housing programs such as Low Income Housing Tax Credits and the California Multifamily Housing Program, loan agreements and housing bonds are not public housing because they are financed by private investment; however, they must comply with the requirements of the Americans with Disabilities Act Standards because they are administered by public entities. Where multiple funding sources exist, compliance to the most stringent federal standard is required. 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.*

**Background:** In 2017-2018, during the initial meetings of DSA’s Access Code Collaborative, members of the ACC and DSA staff formed the Public Housing Subcommittee to focus on what had become a very contentious subject. One of the work products of this subcommittee was the original “NOTE” that followed DSA’s definition of “Public Housing”, which was adopted as part of DSA’s update to its accessibility standards during the BSC’s 2019 Intervening Code Cycle adoption proceedings.

**Comment #1:** DSA’s post-CAC changes to the NOTE were not requested as part of the CAC’s recommendation for Further Study. Neither the public nor the CAC has ever had the opportunity to properly review, analyze the impact, or discuss these significant changes in a public forum.

**Comment #2:** AB 130 restricts DSA’s changes to only “*those necessary to incorporate updates to accessibility requirements that align with minimum federal accessibility laws, standards, and regulations.*” What new “*federal accessibility laws, standards, and regulations*” have been issued in the past seven years that would prompt the need for such a significant change to the “NOTE”?

**Comment #3:** Is this DSA’s interpretation of what federal rules require, or is there precise federal language that DSA is basing these changes on? Rather than just referencing the title of a federal document, DSA should provide the public and the CAC with a reprint of the **actual federal code text** on which DSA is basing this change, so interested parties may compare it with the DSA proposal to ensure it is the same or similar.

**Comment #4:** See Item 1-1 comments regarding post-CAC addition of the ref to CCR Title 2.

**Recommend: Disapproval**

**Item 4-1: Definition “Social Service Center Establishment ”**

CAC: The CAC recommended “Further Study” and suggested that DSA relocate this definition to CBC Chapter 2 rather than 11B.

DSA: While DSA initially accepted the CAC recommendation, the agency then made numerous post-CAC changes to this definition.

**Comment #1:** DSA’s post-CAC changes to the NOTE were not requested as part of the CAC’s recommendation for Further Study.

**Comment #2:** Is this DSA’s interpretation of what federal rules require, or is there precise federal language that DSA is basing these changes on? Rather than just referencing the title of a federal document, DSA should provide the public and the CAC with a reprint of the **actual federal code text** on which DSA is basing this change, so interested parties may compare it with the DSA proposal to ensure it is the same or similar.

**Recommend: Disapproval**

**Item 4.1-1: 11B-106.5 Defined Terms**

(This item was added after the CAC meeting and not heard by the CAC)

DSA is relocating the newly proposed definitions for “*Educational Entity in Receipt of Financial Assistance*” and “*Social Service Center Establishment*” into Chapter 2 (Definitions).

**Comment #1:** While DSA indicates the CAC reviewed much of what is being proposed here, it should be noted that the CAC recommended Disapproval of the definition for “*Educational Entity in Receipt of Financial Assistance*” for numerous reasons, including “what funds are included, identifying specific grant programs, suggesting revised language that mirrors ADA language”. Lastly, the CAC was concerned that this violates AB 130.

**Recommend: Disapproval**

**Item 5-1: 11B-202.4 Path of Travel Requirements in Alterations, Additions, and Structural Repairs**

CAC: The CAC recommended “approval” of this item;

DSA: DSA disagreed and added new language in Exception #1 referencing additions or alterations to dwelling units that are not public housing.

**Comment #1:** In an action not requested by the CAC, DSA has added a second sentence indicating “*Additions of alterations to facilities with residential dwelling units that are **not** public housing shall comply with 11B-233.3*”.

**Question:** *Aren’t residential dwelling units that are **NOT** public housing under the authority of the Department of Housing & Community Development?*

**Recommend: Disapproval**

**Item 4-1: Definition “Social Service Center Establishment ”**

CAC: The CAC recommended “Further Study” and suggested that DSA relocate this definition to CBC Chapter 2 rather than 11B.

DSA: While DSA initially accepted the CAC recommendation, the agency then made numerous post-CAC changes to this definition.

**Comment #1:** DSA’s post-CAC changes to the NOTE were not requested as part of the CAC’s recommendation for Further Study.

**Comment #2:** Is this DSA’s interpretation of what federal rules require, or is there precise federal language that DSA is basing these changes on? Rather than just referencing the title of a federal document, DSA should provide the public and the CAC with a reprint of the **actual federal code text** on which DSA is basing this change, so interested parties may compare it with the DSA proposal to ensure it is the same or similar.

**Recommend: Disapproval**

**Item 4.1-1: 11B-106.5 Defined Terms**

(This item was added after the CAC meeting and not heard by the CAC)

DSA is relocating the newly proposed definitions for “*Educational Entity in Receipt of Financial Assistance*” and “*Social Service Center Establishment*” into Chapter 2 (Definitions).

**Comment #1:** While DSA indicates the CAC reviewed much of what is being proposed here, it should be noted that the CAC recommended Disapproval of the definition for “*Educational Entity in Receipt of Financial Assistance*” for numerous reasons, including “what funds are included, identifying specific grant programs, suggesting revised language that mirrors ADA language”. Lastly, the CAC was concerned that this violates AB 130.

**Recommend: Disapproval**

**Item 5-1: 11B-202.4 Path of Travel Requirements in Alterations, Additions, and Structural Repairs**

CAC: The CAC recommended “approval” of this item;

DSA: DSA disagreed and added new language in Exception #1 referencing additions or alterations to dwelling units that are not public housing.

**Comment #1:** In an action not requested by the CAC, DSA has added a second sentence indicating “*Additions of alterations to facilities with residential dwelling units that are **not** public housing shall comply with 11B-233.3*”.

**Question:** *Aren’t residential dwelling units that are **NOT** public housing under the authority of the Department of Housing & Community Development?*

**Recommend: Disapproval**

### **Item 9-1: 11B-206.2.3 Multistory Buildings and Facilities**

CAC: The CAC recommended “Approval” of this item

DSA: DSA disagreed and withdrew the initial proposal.

**Comment #1:** Instead of staying with the proposal the CAC approved, DSA withdrew that proposal and reintroduced it in a different section of the code (11B-233.2.2) **with substantial modifications that were never reviewed by the CAC or the public. (see Item 16-1.4)**

**Recommendation:** None (item withdrawn)

### **Item 10-1: 11B-206.2.8 Employee Work Areas**

CAC: The CAC recommended “Disapproval” of this item, questioning whether this was the right location for the proposed change.

DSA: DSA has WITHDRAWN this proposal

**Recommendation:** None (item withdrawn)

### **Item 10-2: 11B-206.2.8 Exceptions #2 and #3**

CAC: The CAC recommended “Disapproval” of this item on the grounds that it was unreasonable, went beyond the 2010 ADA Standards, was not necessary, and violated AB 130.

DSA: DSA disagreed and is moving forward with the same proposals.

**Comment #1:** Is this DSA’s interpretation of what federal rules require, or is there precise federal language that DSA is basing these changes on? Rather than just referencing the title of a federal document, DSA should provide the public and the CAC with a reprint of the **actual federal code text** on which DSA is basing this change, so interested parties may compare it with the DSA proposal to ensure it is the same or similar.

**Recommend: Disapproval**

### **Item 11-1: 11B-214.2 Washing Machines**

CAC: The CAC recommended “Disapproval” on the grounds that it goes beyond federal requirements and is unreasonable, as accessible washing machines are difficult to locate and purchase. This will increase the amount of clear space required in common-use facilities, thereby raising compliance costs. Lastly, the CAC was concerned that this violates AB 130.

DSA: DSA disagreed and is moving forward with the code change. In addition, DSA is adding new language (11B-233.2.4) to the code, which specifically requires compliance for all washing machines in common-use facilities at public housing. (See Item 16-1.6)

**Comment #1:** Neither the CAC nor the public has had the opportunity to review and comment on the newly proposed language in 11B-233.2.4. In addition, this will most certainly increase construction costs and directly conflict with DSA’s assertion in the ISOR that its package imposes no additional compliance costs.

**Comment #2:** Is this DSA’s interpretation of what federal rules require, or is there precise federal language that DSA is basing these changes on? Rather than just referencing the title of a federal document, DSA should provide the public and the CAC with a reprint of the **actual federal code text** on which DSA is basing this change, so interested parties may compare it with the DSA proposal to ensure it is the same or similar.

**Recommend: Disapproval**

**Item 11-2: 11B-214.3 Clothes Dryers**

CAC: The CAC recommended “Disapproval” on the grounds that it goes beyond federal requirements and is unreasonable, as accessible washing machines are difficult to locate and purchase. This will also increase the amount of clear space required in common-use facilities, thereby raising compliance costs. Lastly, the CAC was concerned that this violates AB 130.

DSA: DSA disagreed and is moving forward with the code change. In addition, DSA is adding new language (11B-233.2.4) to the code, which specifically requires compliance for all washing machines in common-use facilities at public housing.

**Comment:** See Comment #1 and Comment #2 in Item 11-1.

**Recommend: Disapproval**

**Item 12-1: 11B-215.1 General**

CAC: The CAC recommended “Approval” of this item.

DSA: DSA subsequently withdrew this proposal and added a new subsection located in 11B-233.2.3, which effectively accomplishes the same thing. (See Item 16-1.5)

**Comment #1:** Even though the relocated language effectively accomplishes the same thing as the initial proposal, once again, the CAC and the public were not afforded the opportunity to review and comment on this new language in the context that it now resides in an entirely new public housing section.

**Recommendation: None (item withdrawn)**

**Item 13-1: 11B-233.2.3 On-Call Rooms**

CAC: CAC recommended Approve as Submitted

DSA: DSA accepted.

**Comment:** NONE

**Recommendation: Approve as Submitted**

**Item 13.1-1 11B-224 Transient Lodging Guest Rooms Housing at a Place of Educational and Social Center Establishment**

(This item was added after the CAC meeting and not heard by the CAC)

This item is directly associated with Item 3-2

Problem: See Item 1-1 comments regarding post-CAC addition of the ref to CCR Title 2.

**Recommend: Disapproval**

**Item 14-1: 11B-224.7 11B-233.4 Housing at a Place of Education**

**Comment:** While the CAC recommended “Approval” of DSA's proposed definition of “Housing at a Place of Education” (Item 1-2), neither the CAC nor the public has had the opportunity to review and comment on the reorganized provisions DSA added via 11B-233.4. (See Item

**Recommend: Disapproval or Further Study**

**Item 14-1.1: 11B-233.4.1 Housing at a Place of Education as Public Housing**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** Neither the CAC nor the public has had the opportunity to review and comment on the newly reorganized provisions DSA added via 11B-233.4.1. (See Item # 14-1.1)

**Recommend: Disapproval**

**Item 14-1.2: 11B-233.4.1 Exception**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** Neither the CAC nor the public has had the opportunity to review and comment on the deletion of part of the Exception in relation to the newly reorganized provisions DSA added via 11B-233.4.1. (See Item # 14-1.2)

**Recommend: Disapproval**

**Item 14-1.3: 11B-233.4.2 Housing Provided by an Educational Entity that is not an Educational entity in Receipt of Financial Assistance**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** The CAC had serious concerns with DSA’s proposed definition for “*Housing Provided by an Educational Entity that is not an Educational entity in Receipt of Financial Assistance*”, so it's safe to assume there would be similar concerns with DSA’s recent addition of application provisions relating to that definition. (See Item # 14-1.3)

**Recommend: Disapproval**

**Item 14-1.4: 11B-233.4.2 Exception**

(This item was added after the CAC meeting and not heard by the CAC)

Neither the CAC nor the public has had the opportunity to review and comment on the deletion of part of the Exception re the recently added provision in 11B-233.4.2. (See Item # 14-1.4)

**Recommend: Disapproval**

**Item 14-1.5: 11B-224.7.1 11B-233.4.3 Multibedroom Housing Units with Mobility Features**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** Neither the CAC nor the public has had the opportunity to review and comment on the recently relocated provision made by DSA via 11B-233.4.3. (See Item # 14-1.5)

**Recommend: Disapproval**

**Item 14-1.6: 11B-224.7.2 Accessible Dwelling Units with Adaptable Features**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** Neither the CAC nor the public has had the opportunity to review and comment on DSA’s proposed deletion of this subsection as the CAC and the public were not able to review those new sections as well. (See Item # 14-1.6)

**Recommend: Disapproval**

**Item 15-1: ~~11B-224.8~~ 11B-233.5 Social Service Center Establishments**

CAC: The CAC recommended “Further Study” due to concerns about legal authority and clarity.  
DSA: DSA initially accepted the CAC recommendation; DSA subsequently added entirely new application language that the CAC and the public were unable to review and comment on prior to the issuance of the 45-Day Language.

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**Item 15-1.1: ~~11B-224.8.1~~ 11B-233.5.1 More Than 25-Bed Facilities**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**Item 15-1.2: ~~11B-224.8.2~~ 11B-233.5.2 More Than 50-Bed Facilities**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-1.1: Section 11B-233 ~~Public Housing Residential Facilities~~ 11B-233.1 General:**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-1.2: 11B-233.2 ~~Reserved Public Housing Facilities:~~**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-1.3: 11B-233.2.1 Reserved Accessible Routes:**

(This item was added after the CAC meeting and not heard by the CAC)

CAC: Similar to Items 8-1 and 8-1, which the CAC disapproved on the grounds that they were “vague and ambiguous” and violated AB 130. It was also recommended that DSA review the actual code language found in the 2010 Federal ADA Standards for direction on what constitutes an “accessible route”.

**Comment #1:** While at the CAC meeting, DSA chose to WITHDRAW these items but reconsidered, revisiting the issue by adding a new code proposal that has never been reviewed by the CAC nor the public prior to the release of the 45-Day language.

**Comment #2:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-1.4: 11B-233.2.2 Common Use Areas:**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-1.5: 11B-233.2.2 Fire Alarm Systems:**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-1.6: 11B-233.2.4 Washing Machines and Dryers:**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment #1:** See comments on Item 11-1 and 11-2

**Comment #2:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-1.7: 11B-233.2.5 Additions:**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-1: 11B-233.2.5.1 Entrances:**

*(formerly proposed as Section 11B-233.3.3.1)*

CAC: The CAC disapproved this item: Not aligned with federal provisions, will be confusing in the field, and violates AB 130.

DSA: DSA disagreed, citing the need to update its standards to align with federal requirements, citing general direction provided in the May 23, 2014, Federal Register, and relocated the provision to the section cited above.

**Comment #1:** Is this DSA’s interpretation of what federal rules require, or is there precise federal language that DSA is basing these changes on? Rather than just referencing the title of a federal document, DSA should provide the public and the CAC with a reprint of the **actual federal code text** on which DSA is basing this change, so interested parties may compare it with the DSA proposal to ensure it is the same or similar.

**Comment #2:** DSA’s interpretation of the direction provided by federal entities **12 years ago** is subject to debate. There have been eight code adoption cycles since May of 2014. Since this provided DSA with eight opportunities to make this change, this may violate the intent of AB 130’s restrictions on intervening Code Cycle changes.

**Comment #3:** Lastly, in contrast to what DSA indicates in the ISOR, this proposal WILL increase the cost of construction. The fact that DSA contends it aligns with federal accessibility direction **does not exempt** DSA from the requirement to “provide the estimated cost of compliance as well as the assumptions used in determining those costs.

**Recommend: DISAPPROVAL**

**16-2: 11B-233.2.5.2 Accessible Route:**

*(formerly proposed as Section 11B-233.3.3.2)*

CAC: The CAC disapproved this item: Not aligned with federal provisions, will be confusing in the field, and violates AB 130.

DSA: DSA disagreed, citing the need to update its standards to align with federal requirements, citing general direction provided in the May 23, 2014, Federal Register, and relocated the provision to the section cited above.

**Comments:** See Comments #1, #2, and #3 given in Item 16-1.

**Recommend: DISAPPROVAL**

**16-3: 11B-233.2.5.3 Toilet and Bathing Facilities:**

*(formerly proposed as Section 11B-233.3.3.3)*

CAC: The CAC disapproved this item: Not aligned with federal provisions, will be confusing in the field, and violates AB 130.

DSA: DSA disagreed, citing the need to update its standards to align with federal requirements, citing general direction provided in the May 23, 2014, Federal Register, and relocated the provision to the section cited above.

**Comments:** See Comments #1, #2, and #3 given in Item 16-1.

**Recommend: DISAPPROVAL**

**16-4: 11B-233.2.5.4 Elements, Spaces, and Common Use Areas:**

*(formerly proposed as Section 11B-233.3.3.4)*

CAC: The CAC disapproved this item: Not aligned with federal provisions, will be confusing in the field, and violates AB 130.

DSA: DSA disagreed, citing the need to update its standards to align with federal requirements, citing general direction provided in the May 23, 2014, Federal Register, and relocated the provision to the section cited above.

**Comments:** See Comments #1, #2, and #3 given in Item 16-1.

**Recommend: DISAPPROVAL**

**16-5: 11B-233.3.4.1 Alterations to Vacated Buildings:**

CAC: The CAC disapproved this item over scoping concerns and alignment with federal regs.

DSA: DSA agreed to withdraw this item.

**Recommend: None (item withdrawn)**

**16-5.1: 11B-233.2.6 Alterations:**

*(This item was added after the CAC meeting and not heard by the CAC)*

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-6: 11B-233.2.6.1 Substantial Facility Alterations:**

*(formerly proposed as Section 233.3.4.4)*

CAC: The CAC disapproved this item: Not aligned with federal provisions, will be confusing in the field, and violates AB 130.

DSA: DSA disagreed, citing the need to update its standards to align with federal requirements, citing general direction provided in the May 23, 2014, Federal Register, and relocated the provision to the section cited above.

**Comments:** See Comments #1, #2, and #3 given in Item 16-1.

**Recommend: DISAPPROVAL**

**16-6.1: 11B-233.2.6.1.1 Residential Dwelling Units:**

*(This item was added after the CAC meeting and not heard by the CAC)*

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-6.2: 11B-233.2.6.1.1 Exception:**

(This item was added after the CAC meeting and not heard by the CAC)

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-7: 11B-233.2.6.1.2 Accessible Route:**

*(formerly proposed as Section 11B-233.3.4.4.1)*

CAC: The CAC disapproved this item: Not aligned with federal provisions, will be confusing in the field, and violates AB 130.

DSA: DSA disagreed, citing the need to update its standards to align with federal requirements, citing general direction provided in the May 23, 2014, Federal Register, and relocated the provision to the section cited above.

**Comments:** See Comments #1, #2, and #3 given in Item 16-1.

**Recommend: DISAPPROVAL**

**16-8: 11B-233.2.6.1.3 Entrances:**

*(formerly proposed as Section 11B-233.3.4.4.2)*

CAC: The CAC disapproved this item: Not aligned with federal provisions, will be confusing in the field, and violates AB 130.

DSA: DSA disagreed, citing the need to update its standards to align with federal requirements, citing general direction provided in the May 23, 2014, Federal Register, and relocated the provision to the section cited above.

**Comments:** See Comments #1, #2, and #3 given in Item 16-1.

**Recommend: DISAPPROVAL**

**16-9: 11B-233.2.6.1.4 Toilet Facilities:**

*(formerly proposed as Section 11B-233.3.4.4.4)*

CAC: The CAC disapproved this item: Not aligned with federal provisions, will be confusing in the field, and violates AB 130.

DSA: DSA disagreed, citing the need to update its standards to align with federal requirements, citing general direction provided in the May 23, 2014, Federal Register, and relocated the provision to the section cited above.

**Comments:** See Comments #1, #2, and #3 given in Item 16-1.

**Recommend: DISAPPROVAL**

**16-10: 11B-233.2.6.1.5 Bathing Facilities:**

*(formerly proposed as Section 11B-233.3.4.4.5)*

CAC: The CAC disapproved this item: Not aligned with federal provisions, will be confusing in the field, and violates AB 130.

DSA: DSA disagreed, citing the need to update its standards to align with federal requirements, citing general direction provided in the May 23, 2014, Federal Register, and relocated the provision to the section cited above.

**Comments:** See Comments #1, #2, and #3 given in Item 16-1.

**Recommend: DISAPPROVAL**

**16-10.1: 11B-233.3 Public Housing Facilities: Facilities with Residential Dwelling Units**

*(This item was added after the CAC meeting and not heard by the CAC)*

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-10.2: 11B-233.3 Residential Dwelling Units with Mobility Features. Exception**

*(This item was added after the CAC meeting and not heard by the CAC)*

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-10.3: 11B-233.3.1.3 Residential Dwelling Units with Communication Features:**

*(This item was added after the CAC meeting and not heard by the CAC)*

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-10.4: 11B-233.3.1 Exception**

*(This item was added after the CAC meeting and not heard by the CAC)*

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**16-10.5: 11B-233.3.5 Dispersion:**

*(This item was added after the CAC meeting and not heard by the CAC)*

**Comment:** Neither the CAC nor the public had the opportunity to review and comment on the reformatting and language revisions made by DSA.

**Recommend: Disapproval**

**Item 17-1: 11B-233.3.1.2.6 Public Housing Facility Site Impracticality**

This proposal deletes, in its entirety, all Site Impracticality Tests found in HUD’s Fair Housing Amendments Act (FHA) Guidelines.

CAC: The CAC recommended approval as submitted

DSA: DSA accepted the CAC recommendation

NOTE: DSA asserts that HUD’s Deeming Notice (issued in May 2014) does not permit Public Housing to use HUD’s FHA site impracticality tests because the ADA Standards have more restrictive site accessibility requirements.

**Comment #1:** DSA's proposal to eliminate this section (Structural Impracticality) in its entirety is based on the incorrect assumption that all “public housing” is the recipient of “federal financial assistance” from HUD. That is not the case. (See HUD Deeming Notice Section IV Below)

**Comment #2:** As opposed to eliminating this section in its entirety, DSA should instead add an “Exception” to this section, which prohibits the use of the Structural Impracticability provisions from public housing receiving “federal financial assistance” from HUD.

**Comment #3:** The deletion of the Site Impracticability Tests and the expansion of the application of DSA’s accessibility regulations will most certainly increase the “cost of compliance” with this regulatory proposal, which **directly conflicts** with DSA’s assertion in the ISOR that there is no increase in compliance cost associated with these regulations.

**HUD Deeming Notice**

In Section IV (Deeming 2010 Standards as an Alternative Accessibility Standard for Section 504 Compliance), under the subsection entitled “Structural Impracticability – 28 CFR 35.151”

*“HUD’s Section 504 regulations do not contain a comparable exception from compliance with the applicable accessibility requirements when HUD recipients undertake new construction of facilities. HUD’s regulation also precludes a HUD recipient from selecting a site or location of a facility which would have the purpose or effect of excluding individuals with disabilities from, denying benefits of, or otherwise subjecting them to discrimination under, any program or activity that receives **Federal financial assistance.**”*

HUD’s definition of “Federal Financial Assistance” is:

*“Federal financial assistance (FFA) is assistance that grantees receive or administer in the form of grants, cooperative agreements, non-cash contributions, or donations of property, direct assistance, loans, loan guarantees, and other types of financial assistance.”*

**Recommend: Disapproval or Further Study**

**Item 18: Withdrawn before CAC**

**Recommend: None (item withdrawn)**

**Item 19-1: 11B-308.1.2.1 Electrical Receptacle Outlets at Corners, Figure 11B-308.1.2.1**

CAC: The CAC recommended Further Study

DSA: DSA disagreed and is moving forward with the code change

**Recommend: Disapproval or Further Study**