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 2320 J Street
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May 29, 2026

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833

RE: 45-DAY EXPRESS TERMS FOR PROPOSED BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT (DSA-AC) REGARDING THE 2025 CALIFORNIA BUILDING CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2 (DSA-AC 01/25)

On behalf of the California Building Officials (CALBO) Board of Directors, our designated Access policy committee is providing an addendum to the letter submitted on April 29, 2026. The CALBO Access Committee met on May 21, 2026 to further discuss the May 8, 2026 California Building Standards Commission meeting and other implications of the proposed rulemaking package.

The Committee requests that the Division of the State Architect (DSA) convene a task force, as required by the Administrative Procedures Act, and defer these proposed code amendments to the 2027 triennial code rulemaking cycle.

The following are issues of our concern:

1. AB 130 requires building standards necessary to incorporate updates to accessibility requirements that align with minimum federal accessibility laws, standards, and regulations. The code changes don't align with federal accessibility laws; they exceed them.

The proposed code changes don't include the scoping provisions in the HUD 504 regulations regarding the number of units that must comply.

Multifamily housing project means a project containing five or more dwelling units.

HUD's intent is to require compliance beginning with five or more dwelling units to limit the financial impact on small infill projects.

The Sections in 11B-233.2, which include the exceptions in the Deeming Notice, would apply to a project with four or fewer residential dwelling units, and the HUD 504 regulations do not

require those exceptions.

- a. **Item 16B.** In the proposed Section 11B-233.2.6, the higher 50% cost of the replacement cost for substantial alterations is based on the Uniform Federal Accessibility Standards, not the HUD 504 regulations. HUD's intent in using a higher percentage, 75%, is to limit the financial impact on the rehabilitation of apartment buildings constructed before June 10, 1982.
 - b. **Item 16B.** In the proposed Section 11B-233.2.6, the definition of adjusted construction cost is used to determine the factors for the application of the 50% cost.
HUD 504 regulation uses the following definition: *Replacement cost of the completed facility* means the current cost of construction and equipment for a newly constructed housing facility of the size and type being altered. Construction and equipment costs do not include the cost of land, demolition, site improvements, non-dwelling facilities, and administrative costs for project development activities.
2. Title 24, Part 1: California Administrative Code in Article 4 requires conducting workshops to solicit input where the proposals are complex or large in number and cannot easily be reviewed during the comment period. That process was not used in the development of this rulemaking package.
 3. Health and Safety Code Sections 18929.1 and 18934 of California Administrative Code, Part 1, Section 1-409(f) Code Advisory Committee (CAC) Recommendations state 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**.

The following sections, in addition to those noted in the initial public comment, were revised and not reviewed by the Access Code Advisory Committee (ACAC): **14-1, 14-1.1, 14-1.2, 14-1-3, 14-1-4, 14-1-5, 14-1.6, 15-1.1, 15-1.2**

4. **Item 17:** The CAC approved the repeal of this section after three motions and votes. However, the site impracticality test in the Fair Housing Accessibility Guidelines (FHAG) applies to ground-floor dwelling units, not to dwelling units with mobility and communication features required by the 2010 ADA Standards for Accessible Design, HUD Standards, and the Uniform Federal Accessibility Standards. For projects where facilities contain 15 or fewer residential dwelling units, the requirements apply to the total number of residential dwelling units constructed under a single contract or developed as a whole, whether or not located on a common site. In this scenario, it's possible that the site impracticality test could be used for ground-floor dwelling units regulated by the FHAG that apply to publicly funded projects. In this instance, repealing this section would have a financial impact.

On behalf of CALBO, we appreciate your consideration of our comments and welcome your further inquiry at any time.

Best regards,

A handwritten signature in black ink, appearing to be a stylized name, possibly "L. B. O.", written in a cursive style.

Mike Brinkman, CASp, C.B.O.
President