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June 1, 2026

**California Building Standards Commission
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Attention: California Building Standards Commission
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Cc: Stoyan Bumbalov, Executive Director
Kevin Day, Deputy Executive Director

**RE: DRC Public Comments for the BSC 45-Day Public Comment
Period for ACCESS Items: April 17, 2026 - June 1, 2026**

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. We are 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. 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.¹ As California's Protection and Advocacy Agency, we are a standing Ex Officio member of DSA's Access Code Collaborative.

DRC supports DSA's proposed changes, subject to specific recommended changes on some items. We start with some initial comments that apply broadly to all of the items.

Our introductory comments are organized below to address the following legal and code concerns:

- I. [Exemptions to the Section 18942 Moratorium](#)
- II. [Nine-Point Criteria](#)
- III. [DSA's Proposed Changes are Required Under the 2010 Standards, Government Code Sections 12955 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.](#)
 - B. [State Treasurer's and Dpt. of Housing and Community Development's Compliance with Section 504 Provide Guidance as to the Necessity of Compliance.](#)
 - C. [Failure to Comply with Application of Minimum Federal Standards Also Violates the Nondiscrimination Provisions of Federal Law.](#)
 - D. [DSA Appropriately Relies on HUD Guidance in Reconciling Conflicts between the ADA 2010 Standards and UFAS.](#)
 - E. [DSA's Proposals are Required to Bring Chapter 11B into full](#)

¹ DRC is also designated under 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.

- conformity with the 2010 ADA Standards.
- 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.
 - G. DSA's Proposals are Necessary because Chapter 11B Does Not Currently Meet Minimum Federal Standards under the ADA (2010 Accessible Design Standards) or the Federal Uniform Federal Accessibility Standards (UFAS), as Required by Government Code Section 12955.1.
 - H. These Proposals have a Positive Practical Impact on Code Users, and Meet State Criteria for Building Standards
- IV. Positions and Recommendations on Specific DSA Proposals.

DRC COMMENTS:

I. 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.

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 subsection.

II. 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 Required Under Section 504 of the Federal Rehabilitation Act, the 2010 Standards, Government Code Sections 12955 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. 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.

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.² 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

² 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).

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 Federal financial assistance.³ 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

³ 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%22grantee%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%5B%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.

their activities are covered by Section 504 and UFAS.⁴ 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).”

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

⁴ 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).

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.⁵ 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>.

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”,) (II) (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)) 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”.

⁵ State and federal tax credits are often provided in tandem.

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 only need to look at one source – 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.

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 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 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 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.

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.)

DSA is proposing to explicitly reference 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 definition is fully consistent with Government Code section 11135 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.* 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 include “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* regulations by, on behalf of, or for the use of a covered entity (see public housing definition) 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 Notice currently contain certain provisions that provide greater accessibility than current Chapter 11B, and DSA is required to adopt those standards.

Similarly, 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 rely on Chapter 11B to provide uniform 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 know from our work implementing the *ILCSC v. Los Angeles*⁶ case requiring the City of Los Angeles to produce 4,000 units of

⁶ 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. 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>.

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 on page 8 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.⁷

It is irrefutable that incorporating the necessary provisions into Chapter 11B can prevent significant confusion for code users and save local governments, developers, and other stakeholders from significant liability risks.

IV. Comments on Specific ITEMS Proposed by DSA

ITEM 1-1 (formerly ITEM 1A) Chapter 2, Section 202 - Definitions

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

⁷ More information about the *Access Living* case is available at <https://www.relmanlaw.com/news-access-living-settlement>.

part of which is extended or receives state support or *direct* federal financial assistance or is part of a program or activity of a state-supported program or other recipient of federal financial assistance.. including, but not limited to federal Pell Grants or work-study programs. For definition of state support, state-supported program, and “program or activity” see California Code of Regulations Title 2, Division 4.1, Chapter 5, Subchapter 9, Article 2, Section 14020(m),(ww) and (ii).

DRC Comment on ITEM 1-1:

Support with recommendations. DRC supports, for clarifying purposes, the addition of a definition of an “Educational Entity 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 233.2, and projects of 3 or 4, which are not subject to Section 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 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.

We make three specific recommendations for clarifying changes.

First, for clarity, we support the ACCESS Code Advisory Committee’s recommendation that the Federal financial assistance examples (Pell Grants or work study programs) are not necessary, and can be removed. Any examples and further information can be explained in a note or DSA guidance, where a fuller explanation can be helpful. Providing only limited examples in the text can be misleading, even when, as here, these examples are factually correct. Courts have held that educational entities in receipt of federal funds are recipients of federal financial assistance and must comply with Section 504 statutes and regulations and thus are Public Housing. See *Bennett-Nelson v. Louisiana Board of Regents*, 431 F.3d. 448 (5th Cir. 2005). Federal financial assistance comes in many forms to private universities and is not limited solely to federal student aid, but also includes scientific research, technology grants, and project grants.

Second, we recommend deleting the word “direct” in front of the term “Federal financial assistance” as it is misleading and legally incorrect. Both the ADA, Section 504, as well as California Government Code 11135, apply to direct **and** indirect financial assistance, such as assistance to subrecipients and subgrantees and coverage of all the

activities of a covered entity. See our third recommended change and discussion at Section III above.

Third, for clarity, we have added language more accurately reflecting the standard for entities that receive Federal financial assistance. This obligation is triggered not just by federal financial assistance to the educational entity, but also by participating in a program of another government entity when that entity receives federal financial assistance. The obligation extends to “all of the operations” of any entity receiving financial assistance in whole or in part. It also extends to subrecipients and grantees.

We have also added references to additional definitions of “covered entities,” “state support” and “programs and activities” in Government Code 11135 regulations, which, when read together, provide clearer guidance as to the scope of the compliance obligations. Since the state is a recipient of federal financial assistance, entities receiving state support are also required to comply. While we think the regulatory references to these terms are helpful in the definition, we have no objection to providing these regulatory references in a note or DSA guidance.

DRC incorporates by reference our general comments in Section 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 (formerly ITEM 1B)
Chapter 2, Section 202 - Definitions

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 (formerly ITEM 2)

Chapter 2 DEFINITIONS, Section 202 - Definitions

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:

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 Section III regarding the legal obligations to comply with federal minimum standards such as the ADA 2010 Standards 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 (formerly ITEM 3A)

Chapter 2 DEFINITIONS, Section 202 - Definitions

PUBLIC HOUSING. [DSA-AC & HCD 1-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. (See ITEMS 3-2 and 3-3)
5. ... (See ITEM 3-4)

DRC Comment on ITEM 3-1:

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. For clarity, we have added citations to related definitions from the Government Code 11135 regulations.

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 (formerly ITEM 3B)

Chapter 2 DEFINITIONS, Section 202 - Definitions

PUBLIC HOUSING. [DSA-AC & HCD 1-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(m), (ii) and (ww), including but not limited to the following:

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:

DRC supports this definition, which appropriately moves transient lodging out of the public housing. For clarity, we have added the citations to related definitions from the Government Code 11135 regulations. 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 (formerly ITEM 3C)

Chapter 2 DEFINITIONS, Section 202 - Definitions

PUBLIC HOUSING. [DSA-AC & HCD 1-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(m), (ii), and (ww), including but not limited to the following:

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:

DRC supports this clarification. To respond to access Code Advisory Committee Comments on a similar situation as in ITEM 1-1, we

recommend that the “fire station dormitory” example is not necessary, and can be removed. . Any examples and further information can be explained in a note or DSA guidance, where a fuller explanation can be helpful. Providing only limited examples in the text can be misleading, even when, as here, the example is factually correct. 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 (formerly ITEM 3D)

Chapter 2 DEFINITIONS, Section 202 - Definitions

PUBLIC HOUSING. [DSA-AC & HCD 1-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, including but not limited to the following:*

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: housing provided by public housing authorities; the allocation of local government, 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, 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 with the standard providing the most accessibility for people with disabilities the most stringent federal standard is required. Examples that are not considered not always a public entity's program to provide housing may include but are not limited to: density bonuses (unless government assistance in excess of the statutory or regulatory requirements is being provided), 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:

Proposed text changes to definition:

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 receives 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 ensure full compliance with both the ADA 2010 standards and Section 504 (subject to later scoping regarding 3 units compared to 5 units).

DRC incorporates by reference our general comments in Section III 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 sections 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).

Proposed text changes to “Note” to Item 3-4

DRC does not support some of the modifications to the Note, which we believe either create confusion or are inaccurate. However, many are unnecessary. To the extent changes are being made, we have some specific recommendations. We are also fine if there are no amendments to the Note. We will address each proposed modification to the note separately:

1. DRC recommends adding the word “government” to “local” in the third line, to make it specific that we are referral to public funds, not private funds.

We have no objection to adding “housing provided by public housing authorities,” although we believe it is unnecessary because by definition in California, Public Housing Authorities are public government entities. If it remains, the term should be capitalized since it is a statutory term.

We have no objection to adding “provided to educational entities, and to private entities....,” but believe it is unnecessary, since by definition the provisions of public funding to any entity meets the definition of public housing.

2. We believe adding “and similar programs” after Community Development Block Grants is confusing, and recommend deleting it. This is a unique program.
3. We recommend deleting the proposed language “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 . . .” is confusing and unnecessary. The definition itself refers to “all housing constructed or altered by, for, or on behalf of a public entity or as part of a public entity’s program to provide housing.” The proposed additional language is confusing and unnecessary, especially since compliance with Chapter 11B is based on the 2010 ADA standards.

We recommend deleting the language that certain enumerated programs “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.” This is factually incorrect. These programs are all public housing exactly because they are part of a public entity’s program to provide housing. A large majority of affordable housing in California, including housing built with state housing funds, is built with a combination of public funds and private

investment. The listed programs are all state housing programs and are indisputably public housing.

4. We have no objection to a statement similar to: “Where multiple funding sources exist, compliance to the most stringent federal standard is required.” However, as written, it is not entirely accurate. California Government Code section 12955.1(c) requires DSA to adopt minimum federal standards where they provide *more* accessibility protection than state standards (for example, Section 504 as interpreted in the Deeming Memo.) If not, state standards apply. See also California Government Code section 11135(b), which provides that for any state or local entity or any entity receiving state support (essentially all public housing), the protections of the American with Disabilities Act shall apply, but “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.” It is also true that if multiple federal standards apply, the most protective standards apply.

Therefore, this sentence, if added, should be modified to read: “If multiple code standards apply, compliance with those standards providing the greatest accessibility protection for people with disabilities should apply.” This is a more accurate summary of the requirements of Section 12955.1(c) and Section 11135(b).

5. We would not object to the removal of the examples in the last part of the Note, but also do not object to them remaining. However, if they remain, we recommend the following modification.

Examples that ~~are not considered~~ may in some circumstances not fall within a public entity’s program to provide housing may include but are not limited to: density bonuses (unless the local government provides financial assistance above the bonuses required by statute or local ordinances), the receipt of public funds for the installation of energy efficiency features, seismic strengthening, water conservation and fire safety features.

ITEM 4-1 (formerly ITEM 4)

Chapter 2 DEFINITIONS, Section 202 - Definitions

SOCIAL SERVICE CENTER ESTABLISHMENT. *A facility that provides one or more social services such as counseling, ~~welfare~~, referrals, refugee, or disaster assistance, temporary relief, non-medical care, meals, or transportation and may provide short or long-term sleeping accommodations or housing. Social service center establishments include, but are not limited to, group homes, halfway houses, shelters or similar*

facilities.

DRC Comment on ITEM 4-1:

DRC supports with minor recommendations. DRC supports, for clarifying purposes, the addition of a definition of a “Social Service Center Establishment.” We propose minor redline recommendations for clarity.

1. We are not sure what the provision of “welfare” means, so suggest deleting it.
2. Facilities do not provide “refugee” or disaster.” They provide refugee or disaster assistance. We recommend adding the word “assistance” for clarity.

We note that the proposed language is pulled primarily from ADA 2010 standards (“group homes, halfway houses, shelters, or similar facilities that provide temporary sleeping accommodations or residential dwelling units.) 28 CFR 35.151(e). That definition uses the term Social Service Center Establishment,” so this definitional change not only provides clarification but is consistent with minimum Federal accessibility standards (ADA 2010 Standards.)

DRC incorporates by reference our general comments in Section 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 sections 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 4.1-1 [Added Post CAC]

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

11B-106.5 Defined Terms...

ACCESS AISLE

...

DRIVEWAY

EDUCATIONAL ENTITY IN RECEIPT OF FINANCIAL ASSISTANCE

...

SLEEPING ACCOMMODATIONS

SOCIAL SERVICE CENTER ESTABLISHMENT

...

DRC Comment on ITEM 4-1.1:

DRC supports. As noted above, the addition of the these definitions constitute “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).

ITEM 5-1 (formerly ITEM 5)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-202.4

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. Additions or alterations to public housing facilities with five or more dwelling units shall comply with Sections 11B-233.2, 11B-233.3.1 11B-233.3.1.2, 11B-233.3.2, and 11B-233.5. Additions or alterations to facilities with residential dwelling units, or public housing facilities, that have three or four dwelling units shall comply with 11B-233.3.~~
2. ...

DRC Comment on ITEM 5-1:

DRC supports with clarifying modifications.

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. However, as noted in the public comments during the Building Standards Commission on May 6, there is a scoping issue that must be addressed. Public housing facilities with five or more dwelling units are covered by Section 504, but

public housing facilities with less than 5 are not, and are only subject to ADA 2010 standards and current relevant Chapter 11B requirements. Modifying the proposal to distinguish between the two scoping proposals is essential. This can be addressed by setting up a new section Ch. 11B-233.2 (generally akin to 2010 standards 233.2), applying only to facilities with 5 or more units, that proscribes those code requirements that provide greater access under Section 504 than the ADA 2010 standards. We have proposed language to provide appropriate scoping that excludes subsections of 11B-233.3 that are not applicable due to the deeming notice for facilities or projects with 5 or more dwelling units but retains the remaining subsections of 11B-233.3 that is applicable to all.

DRC incorporates by reference our general comments in Section 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 sections 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).

Second, this proposal would comply with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8). entities subject to Section 504.

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.

Withdrawn.

ITEM 7-1 (formerly ITEM 7)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-205.1, Exception 9

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.~~

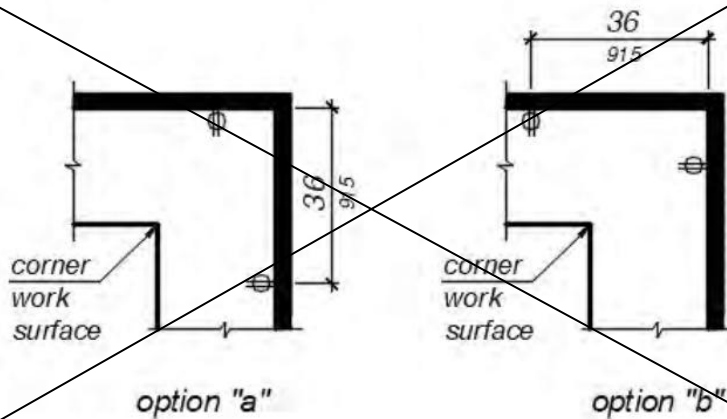


FIGURE 11B-205.1 Ex. 9

~~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:

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).

ITEM 8-1 and 8-2 (formerly ITEM 8)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-206.2.1 Site arrival points and 11B-206.2.2 Within a site.

Withdrawn. Similar item now proposed for Section 11B-233.2.1. See Item

16.

ITEM 9-1 (formerly ITEM 9)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-206.2.3 Multistory buildings and facilities.

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

ITEM 10-1 (formerly ITEM 10A)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-206.2.8 Employee work areas.

Withdrawn.

ITEM 10-2 (formerly ITEM 10B)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-206.2.8, Exceptions 2 and 3.

11B-206.2.8 Employee work areas. ...

Exceptions:

1. **Reserved.**
2. *In all facilities except that are not public housing with five or more dwelling units, common ~~Common~~-use circulation paths located within employee work areas that are an integral component of work area equipment shall not be required to comply with Section 11B-402.*
3. *In all facilities except that are not public housing with five or more dwelling units, common ~~Common~~-use circulation paths located within exterior employee work areas that are fully exposed to the weather shall not be required to comply with Section 11B-402.*

DRC Comment on ITEM 10-1:

DRC supports with clarifying modifications.

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. However, as noted in the public comments during the Building Standards Commission on May 6, there is a scoping issue that must be addressed. Public housing

facilities with five or more dwelling units are covered by Section 504, but public housing facilities with less than 5 are not covered by Section 504, and are only subject to ADA 2010 standards and current relevant Chapter 11B requirements. Modifying the proposal to distinguish between the two scoping proposals is essential. We have proposed language changes to Item 10-1 to provide appropriate scoping. We also have suggested some language changes for clarity that avoid a confusing double negative.

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 6 found that entities subject to Section 504 can use the ADA Title II regulations as long as they do not use ADA 2010 Standards *Section 206.2.8 (Circulation paths in employee work areas), 403.5 (Clearances within employee work areas), and 405.8 (Handrails within employee work areas)*. Our proposed modification prohibits entities subject to 504 from using this exception.

DRC incorporates by reference our general comments in Sections 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 sections 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 11-1 and 11-2 (formerly ITEM 11)
Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-214

11B-214 Washing machines and clothes dryers

11B-214.1 General. ...

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 with five or more dwelling units shall comply with Section ~~11B-233.2.3~~ 11B-233.2.4.

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 with five or more dwelling units shall comply with Section ~~11B-233.2.3~~ 11B-233.2.4.

DRC Comment on ITEM 11-1, 11-2:

DRC supports this proposal with modifications.

First, we believe the correct reference citation is Section 11B-233.2.4, not 11B-233.2.3 with the corresponding modification above.

Second, 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. However, as noted in the public comments during the Building Standards Commission on May 6, there is a scoping issue that must be addressed. Public housing facilities with five or more dwelling units are covered by Section 504, but public housing facilities with less than 5 are not, and are only subject to ADA 2010 standards and current relevant Chapter 11B requirements. Modifying the proposal to distinguish between the two scoping proposals is essential. We have proposed language to provide appropriate scoping.

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). Our proposed modification prohibits entities subject to 504 from using this exception.

DRC incorporates by reference our general comments in Sections 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 sections 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 (formerly ITEM 12)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-215.1 General.

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

ITEM 13-1 (formerly ITEM 13)

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

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:

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 [Added Post CAC]

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:

DRC supports. This proposal 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 (formerly ITEM 14)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-224.7 and 11B-233.4

11B-~~233.4~~224.7 Housing at a place of education. Housing at a place of education ~~subject to this section shall comply with this section.~~ Sections 11B-224.1 through 11B-224.6 and 11B-806 for transient lodging guest rooms. 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 with five or more sleeping rooms as public housing. Housing at a place of education with five or more sleeping rooms is public housing and shall comply with Sections 11B-233.2, 11B-233.3.1, 11B-233.3.1.2, 11B-233.3.2, and 11B-233.5. Sleeping rooms with mobility features shall comply with Sections 11B-224.1 through 11B-224.6, and Section 11B-806 for transient lodging guest rooms.

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. Sleeping rooms with mobility features shall comply with Sections 11B-224.1 through 11B-224.6, and Section 11B-806 for transient lodging guest rooms.

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~~**224.7.1 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:

DRC supports the proposal with modifications.

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. However, as noted in the public comments during the Building Standards Commission on May 6, there is a scoping issue that must be addressed. Public housing facilities with five or more dwelling units are covered by Section 504, but public housing facilities with less than 5 are not covered by Section 504, and are only subject to ADA 2010 standards and current relevant Chapter 11B requirements. Modifying the proposal to distinguish between the two scoping proposals is essential. We have proposed language changes to Item 10-1 to provide appropriate scoping.

The Deeming Memo identified this as an area where Section 504 provides greater accessibility and these provisions are not permitted in

housing at a place of education with five or more sleeping rooms as public housing. The Deeming Notice Exceptions 1 and 4 through 11 found that entities subject to Section 504 can use the ADA Title II regulations as long as they do not use ADA 2010 Section 35.151(a)(2) (*exception for structural impracticability*), Exception to Section 202.4 (*alterations affecting primary function areas*), Section 203.8 (*general exceptions-residential facilities*), Section 206.2.8 (*circulation paths in employee work areas*), Section 403.5 (*clearances within employee work areas*), Section 405.8 (*handrails within employee work areas*), Exception 2 to Section 206.2.1 (*site arrival points*), Exception to Section 206.2.2 (*within a site*), Exception 1 to Section 206.2.3 (*multi-story buildings and facilities*), Section 214 (*scoping of washing machines and clothes dryers*), and Exception to Section 215.1 (*visible alarms*). Our proposed modification prohibits entities subject to 504 from using this exception.

The Deeming Memo identified this as an area where Section 504 provides greater accessibility and these provisions are not permitted in Housing at a place of education with five or more sleeping rooms as public housing. Our proposed modification prohibits social service center establishments subject to 504 from using the ADA 2010 standards that provide less accessibility.

We have proposed language to provide appropriate scoping that excludes subsections of 11B-233.3 that are not applicable due to the deeming notice for facilities or projects with 5 or more dwelling units but retains the remaining subsections of 11B-233.3 that is applicable to all.

DRC incorporates by reference our general comments in Sections 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 sections 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 15-1 (formerly ITEM 15)

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

~~**11B-233.5224.8 Social service center establishments as public housing with five or more dwelling units.** 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. **Social service center establishments as public housing with five or more temporary sleeping accommodations or dwelling units shall comply with Section 11B-233.2, and, 11B-233.3.1, 11B-233.3.1.2, 11B-233.3.2, and 11B-233.5.**~~

~~**All other social service center establishments that provide either temporary sleeping accommodations or residential dwelling units and that have three or four temporary sleeping accommodations or dwelling units shall comply with 11B-233.3.**~~

~~**11B-233.5.1224.8.1 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-806.2.3.~~

~~**11B-233.5.2224.8.2 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 this proposal with modifications.

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. However, as noted in the public comments during the Building Standards Commission on May 6, there is a scoping issue that must be addressed. Public housing facilities with five or more dwelling units are covered by Section 504, but public housing facilities with less than 5 are not covered by Section 504, and are only subject to ADA 2010 standards and current relevant Chapter 11B requirements. Modifying the proposal to distinguish between the two scoping proposals is essential. We have proposed language changes to Item 10-1 to provide appropriate scoping.

The Deeming Memo identified this as an area where Section 504

provides greater accessibility and these provisions are not permitted in Social service center establishments as public housing with five or more dwelling units. The Deeming Notice Exceptions 1 and 4 through 11 found that entities subject to Section 504 can use the ADA Title II regulations as long as they do not use ADA 2010 Section 35.151(a)(2) (*exception for structural impracticability*), Exception to Section 202.4 (*alterations affecting primary function areas*), Section 203.8 (*general exceptions-residential facilities*), Section 206.2.8 (*circulation paths in employee work areas*), Section 403.5 (*clearances within employee work areas*), Section 405.8 (*handrails within employee work areas*), Exception 2 to Section 206.2.1 (*site arrival points*), Exception to Section 206.2.2 (*within a site*), Exception 1 to Section 206.2.3 (*multi-story buildings and facilities*), Section 214 (*scoping of washing machines and clothes dryers*), and Exception to Section 215.1 (*visible alarms*). Our proposed modification prohibits entities subject to 504 from using this exception.

We have proposed language to provide appropriate scoping that excludes subsections of 11B-233.3 that are not applicable due to the deeming notice for facilities or projects with 5 or more dwelling units but retains the remaining subsections of 11B-233.3 that is applicable to all.

DRC incorporates by reference our general comments in Sections 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 sections 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 (formerly ITEMS 16A and 16B)
Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC
HOUSING, Section 11B-233**

SECTION 11B-233—PUBLIC HOUSING RESIDENTIAL FACILITIES

11B-233.1 General. *Public housing facilities* [with five or more dwelling](#)

units with residential dwelling units shall comply with Section 11B-233.2, 11B-233.3.1, 11B-233.3.1.2, 11B-233.3.2, and 11B-233.5. Residential Public housing facilities and residential facilities with 3 or 4 dwelling units that are not public housing, shall comply with Sections 11B-233.3 through 11B-233.5. See Chapter 2, Section 202 of this code for the definition of Public Housing.

11B-233.2 Reserved. Public housing facilities with five or more dwelling units. Public housing facilities with five or more dwelling units shall comply with this section and Section 11B-233.3 and 11B-233.4 through 11B-233.5.

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 and the exception at Section 11B-206.2.2 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 Facility Alterations. A facility is substantially altered when the adjusted construction cost, as defined, of alterations to facilities containing 15 or more dwelling units exceeds ~~50%~~ [75%](#) of either the facility replacement value, fair market value or assessed value, whichever value is least.

11B-233.2.6.1.1 Residential dwelling units. Residential dwelling units complying with Sections 11B-233.3.1 shall be provided.

[Exception: Housing at a place of education shall comply with 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 Public housing with three or four residential dwelling units . *Public housing facilities*
Facilities Public housing with three or four 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 comply with Section 11B-233.4 and shall be on an accessible route as required by Section 11B-206.

11B-233.3.1.2 ...

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 comply with Section 11B-233.4.

...

11B-233.3.5 Dispersion. *Residential* dwelling units required to provide mobility features complying with *Section 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-233.4.*

DRC Comment on ITEMS 16-1.1 through 16-10.5

DRC supports with modifications.

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. However, as noted in the public comments during the Building Standards Commission on May 6, there is a scoping issue that must be addressed. Public housing facilities with five or more dwelling units are covered by Section 504, but public housing facilities with less than 5 are not covered by Section 504, and are only subject to ADA 2010 standards and current relevant Chapter 11B requirements. Modifying the proposal to distinguish between the two scoping proposals is essential. The current distinction between public housing and nonpublic housing does not provide sufficient guidance, since some facilities with 3 or 4 units are public housing or are reasonable accommodations treated as public housing even if they are not subject to section 504. (See proposed 11B-233.1.) See also 11B-233.3. We have proposed more precise language changes to Item 10-1 to provide appropriate scoping.

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 4 found that entities subject to Section 504 can use the ADA Title II regulations as long as they do not use ADA 2010 Standards Section 202.4's exception. Our proposed modification prohibits entities subject to 504 from using this exception.

We have proposed language to provide appropriate scoping that excludes subsections of 11B-233.3 that are not applicable due to the deeming notice for facilities or projects with 5 or more dwelling units but retains the remaining subsections of 11B-233.3 that is applicable to all.

Another modification we recommend is changing the applicable standard in Section 11B-233.2.6.1, Substantial Facility Alterations, from 75% to 50% to more accurately reflect the higher accessibility standard identified in the Deeming Memo.

DRC incorporates by reference our general comments in Section 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 sections 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 17-1 (formerly ITEM 17)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-233.3.1.2.6

~~**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.

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 Impracticality.”⁸

We recommend modifications to apply this change only to Public Housing with 5 or more dwelling units. We did not propose a specific change to address this. The original sections would still apply to Public Housing with 3 or 4 units.

DRC incorporates by reference our general comments in Sections 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 (formerly ITEM 18) Chapter N/A, Section N/A

Withdrawn prior to CAC.

⁸ “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.>)

ITEM 19-1 (formerly ITEM 19)

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

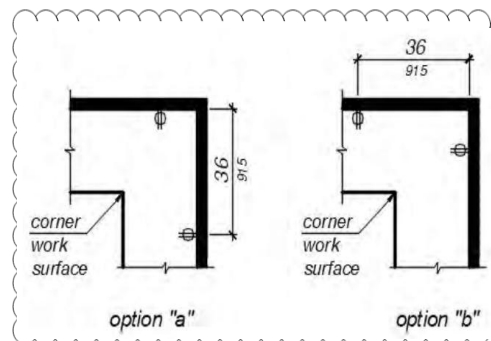
11B-308.1 General. Reach ranges shall comply with Section 11B-308.

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.

DRC supports. This proposal is a simple relocation that was identified as a prior omission 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 standard proposal complies with all applicable 9 Point Criteria. Health & Safety Code sections 18930(a)(1)-(6) and (8).

ITEM 20-1 (formerly ITEM 20)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section 11B-403.5

11B-403.5 Clearances. ...

Exception: Within employee work areas in facilities that are not public housing with five or more dwelling units, 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

DRC supports with modifications..

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. However, as noted in the public comments during the Building Standards Commission on May 6, there is a scoping issue that must be addressed. Public housing facilities with five or more dwelling units are covered by Section 504, but public housing facilities with less than 5 are not covered by Section 504, and are only subject to ADA 2010 standards and current relevant Chapter 11B requirements. Modifying the proposal to distinguish between the two scoping proposals is essential. We have proposed language changes to Item 10-1 to provide appropriate scoping.

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). Our proposed modification prohibits entities subject to 504 from using this exception.

DRC incorporates by reference our general comments in Sections 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 (formerly ITEM 21)

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, 22-2, 22-3, 22-4, 22-5, 22-6 (formerly ITEM 22)

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.

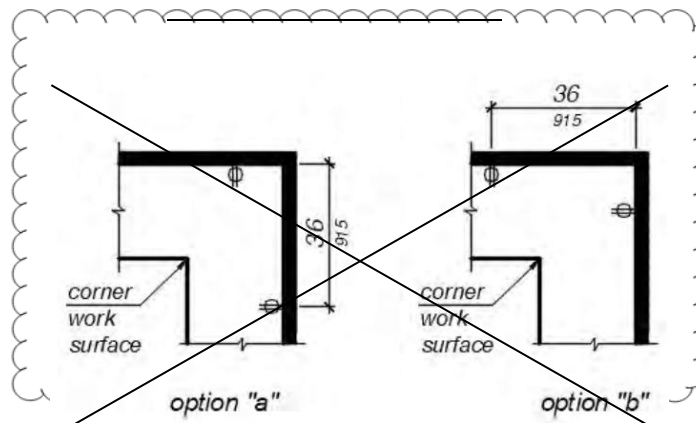
- ~~1. Where there is no obstruction, 48 inches (1219 mm) maximum measured from the top of the receptacle box and 15 inches (381 mm) minimum measured from the bottom of the receptacle box to the finish floor.~~

- ~~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~~



DRC Comment on Item 22-1, 22-2, 22-3, 22-4, 22-5, 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 (formerly ITEM 23)

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, 24-2, 24-3, 24-4 (formerly ITEM 24)

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, 25-2, 25-3, 25-4 (formerly ITEM 25)
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).

V. 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). Based on those determinations, we also request that you approve DSA's proposed with our recommended revisions.

Respectfully,



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