

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT (DSA)
REGARDING THE 2025 BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(DSA-AC 01/25)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

ITEM 1-1 (formerly ITEM 1A)

Chapter 2 DEFINITIONS, Section(s) EDUCATIONAL ENTITY IN RECEIPT OF FINANCIAL ASSISTANCE

DSA proposes to add this definition to clarify scoping requirements in the CBC Chapter 11B for educational entities that must comply with the requirements for public housing, which includes some private educational entities.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity in receipt of federal financial assistance. Federal financial assistance is defined broadly and includes grants, loans, contracts, or any other arrangements in the form of funds, services, or property interest. The obligation for compliance to applicable federal accessibility standards extends to all programs and activities of the recipient and subrecipients.

Additionally, the State regulates the programs and activities of recipients of state support, also known as “covered entities”, in California Code of Regulations (CCR) Title 2, Division 4.1, Chapter 5, Subchapter 9, Article 12, Section 14340, which requires that facilities that are constructed by, on behalf of, or for the use of a covered entity must be readily accessible to people with disabilities. Covered entities, under the definition found at Section 14020, are defined broadly and include but are not limited to the state and any state agency; any local agency or entity receiving state support; and any educational entity including private entities if they receive state support. California Code of Regulations (CCR) Title 2, Division 3, Part 2.8, Chapter 4, Section 12926.1 states: “The Legislature finds and declares as follows: (a) The law of this state in the area of disabilities provides protections independent from those in the federal Americans with Disabilities Act of 1990 (Public Law 100-336). Although the federal act provides a floor of protection, this state’s law has always, even prior to passage of the federal act, afforded additional protections.”

As California is a recipient of federal financial assistance, both public and private

educational entities that receive state support are covered entities under both federal and state regulations. If these covered entities provide housing, their housing facilities are considered public housing for purposes of application of CBC Chapter 11B.

The Department of Housing and Urban Development (HUD) adopts the Uniform Federal Accessibility Standards (UFAS) as the standard for housing programs receiving federal financial assistance. HUD's authority to adopt regulations for housing extends to all housing receiving federal financial assistance, not just housing funded through HUD itself. (Civil Rights Act of 1968, P.L. 90-284, Section 808 (a) and (d)). HUD has allowed the use of the Americans with Disabilities Act Standards (ADAS) as long as certain provisions in UFAS that provide greater accessibility are maintained. These specific provisions were noticed in the Federal Register; Vol. 79, No. 100; Friday, May 23, 2014; Rules and Regulations; 29671; Department of Housing and Urban Development; 24 CFR Part 8; Docket No. FR-5784-N-01, also known as the HUD Deeming Notice.

The United States Department of Justice has confirmed that where federal financial assistance from multiple sources is provided to a recipient, in this case the State, all subrecipients as covered entities must comply with the federal accessibility standard applicable to the facility. Therefore, if a covered entity provides housing, the default federal accessibility standards are those established by HUD, which are the 2010 Americans with Disabilities Act Standards in conjunction with the HUD Deeming Notice. Direct funding from HUD to the State's subrecipient need not be established for compliance to apply.

Furthermore, court rulings have upheld that private educational entities in receipt of direct federal financial assistance must comply with Section 504 regulations. See *Bennett-Nelson v. Louisiana Board of Regents*, 431 F.3d. 448 (5th Cir. 2005) and *Grove City College v. Bell*, 465 U.S. 555, 104 S. Ct. 1211 (1984); a private college receiving federal Basic Educational Opportunity Grants was considered a recipient of federal financial assistance, and thus, compliance with Section 504 is required. When such educational entities provide housing, compliance with HUD's accessibility standards is required.

This proposal is necessary to provide clarity of existing regulations and does not materially alter the substance or intent of the existing regulations and to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Disapprove under 9 Point Criteria number 6

Agency Response:

Disagree

DSA disagrees that the proposed definition is unnecessarily ambiguous or vague. The definition is necessary to define which entities are required to comply with other proposed items. Without this definition, code users will be unable to determine if the facility is required to meet other accessibility requirements proposed. DSA has conducted further study and revised the definition and revised the statement of reasons to provide greater clarity for the proposal and the supporting reasoning. References to the amended sections of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, have been

added to the statement of reasons. Lastly, DSA has made changes to the related items listed below.

This item is related to Items 3-2, 14-1 and 4.1-1.

ITEM 1-2 (formerly ITEM 1B)

Chapter 2 DEFINITIONS, Section(s) 202, HOUSING AT A PLACE OF EDUCATION

DSA is proposing this amendment to clarify Housing at a Place of Education, which may be both Public Housing and a Place of Public Accommodation, or if the educational entity is not an educational entity in receipt of financial assistance, is solely a place of public accommodation under the ADA. This aligns with the Americans with Disabilities Act (ADA) at 28 CFR Part 35, Section 35.151 (f) and Part 36, Section 36.406 (e) and also with California Code of Regulations (CCR) Title 2, Division 4.1, Chapter 5, Subchapter 9, Article 12, Section 14020.

This proposal is necessary to provide clarity of existing regulations and does not materially alter the substance or intent of the existing regulations and to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Approve

Agency Response:

Accept

DSA has revised the statement of reasons to provide additional clarity on this item. This item is related to Items 2-1, 3-4 and 14-1.

ITEM 2-1 (formerly ITEM 2)

Chapter 2 DEFINITIONS, Section(s) 202, PLACE OF PUBLIC ACCOMMODATION

DSA is proposing to amend the definition of PLACE OF PUBLIC ACCOMMODATION to include housing facilities that are provided by private educational entities. Housing offered by private educational entities is a public accommodation under the Americans with Disabilities Act (ADA) at 28 CFR Part 36, subpart D, Section 36.406 (e) and is subject to the requirements for residential facilities found in the ADA Standards (ADAS). Amending the language in the CBC to specifically include housing facilities provided by educational entities is needed to clarify the scoping requirements for such facilities in CBC Chapter 11B. Where such facilities are provided by an educational entity in receipt of financial assistance, such facilities are also public housing. See definition of PUBLIC HOUSING.

The United States Department of Justice (DOJ) analysis of 28 CFR Part 36, Section 36.406 (e) in the Guidance on the Standards for housing at a place of education (beginning at page 58) indicates the Departments of Justice and Education share responsibility for regulation and enforcement of the ADA in educational settings. The analysis additionally notes that residential housing, including housing in an educational setting, is also covered by the Fair Housing Act (FHA), which requires newly constructed covered multifamily housing to include certain features of accessible and adaptable

design.

Because the DOJ states that all facilities provided by the educational institution are public accommodations which requires compliance with the most restrictive requirements of the ADAS and FHA. DSA authority for public accommodations in GOV 4450, and by reference in HSC 19955, is more specific to housing at a place of education than HCD authority for residential occupancies, which is less restrictive and applies only to covered multifamily dwellings provided by private entities consistent with the FHA. Existing CBC Chapter 11B regulations already address compliance with the ADA and FHA. Furthermore, housing at a place of education may also be public housing if the education entity is in receipt of financial assistance which requires compliance with HUD's Deeming Notice. See Item 1-1 (formerly Item 1A).

This proposal is necessary to provide clarity of existing regulations and does not materially alter the substance or intent of the existing regulations and to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Approve

Agency Response:

Accept

DSA has revised the statement of reasons to provide additional clarity on this item. References to the amended sections of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, have been added to the statement of reasons. This item is related to Items 1-2 and 14-1.

ITEM 3-1 (formerly ITEM 3A)

Chapter 2 DEFINITIONS, Section(s) 202, PUBLIC HOUSING

DSA is proposing to amend item number 3A in the listed examples to use the same terminology as proposed for the definition of SOCIAL SERVICE CENTER ESTABLISHMENT for consistency. This is consistent with federal regulations at 28 CFR Part 35, Section 35.151(e) and Part 36, Section 36.406(d) and California Code of Regulations Title 2, Division 4.1, Chapter 5, Subchapter 9, Article 1, Section 14000 and Article 2, Section 14020.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations as permitted by Health and Safety Code 18942(2)(A).

CAC Recommendation:

Approve

Agency Response:

Disagree

DSA conducted further study and determined additional clarity in the definition to align with California regulations was necessary. The Express Terms were revised and further clarification and substantiation are provided in the related items. DSA has added the specific California regulation that defines a “covered entity” for the purposes of meeting the requirements in other proposals included in this package. DSA has also revised the statement of reasons to provide additional clarity on this item and support the revision to the Express Terms.

This item is related to Items 4-1, 15-1 and 4.1-1.

ITEM 3-2 (formerly ITEM 3B)

Chapter 2 DEFINITIONS, Section(s) 202, PUBLIC HOUSING

DSA proposes to remove the language regarding transient lodging facilities from the definition of public housing. While public entities may operate facilities that are transient lodging, those facilities must meet the building standards for transient lodging and not for public housing. As definitions in the CBC are provided to facilitate code compliance with applicable regulations, and due to the clarifications adopted in the 2025 Triennial Code Cycle clarifying the requirements for transient lodging and public housing, removing transient lodging from the definition of public housing will lead to less confusion and greater compliance.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations as permitted by Health and Safety Code 18942(2)(A).

CAC Recommendation:

Approve

Agency Response:

Disagree

DSA conducted further study and determined additional clarity in the definition to align with California regulations was necessary. The Express Terms were revised and further clarification and substantiation are provided in the related items. DSA has added the specific California regulation that defines a “covered entity” for the purposes of meeting the requirements in other proposals in this package. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Items 3-1 and 3-3.

ITEM 3-3 (formerly ITEM 3C)

Chapter 2 DEFINITIONS, Section(s) 202, PUBLIC HOUSING

DSA is proposing to amend this definition to clarify that housing facilities that are provided by public entities for the use of employees, or for the use of the employee and their family, is public housing. DSA is often asked by stakeholders about facilities such as fire station dormitories, which are not expressly scoped but meet the definition of public housing, and providing this addition will lead to greater code compliance.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations as permitted by Health and Safety Code 18942(2)(A).

CAC Recommendation:

Approve

Agency Response:

Disagree

DSA conducted further study and determined additional clarity in the definition to align with California regulations was necessary. The Express Terms were revised and further clarification and substantiation are provided in the related items. DSA has added the specific California regulation that defines a “covered entity” for the purposes of meeting the requirements in other proposals in this package. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Items 3-1 and 3-2.

ITEM 3-4 (formerly ITEM 3D)

Chapter 2 DEFINITIONS, Section(s) 202, PUBLIC HOUSING

DSA is proposing to amend this definition to clarify that housing facilities that are provided by private educational entities in receipt of state support or direct federal financial assistance are public housing for the purposes of correct scoping and application of CBC Chapter 11B requirements. See Statement of Reasons for Item 1-1 (formerly Item 1A).

Additionally, amendments to the note clarifies for purposes of code application for CBC Chapter 11B:

- Public housing facilities requiring compliance with the ADA Standards, FHA, and the HUD Deeming Notice;
- Housing facilities provided by a private entity receiving assistance by a public entity administering a program financed by private investment requiring compliance with the Americans with Disabilities Act and FHA; or
- Public funding provided to private entities which target specific improvements for existing housing facilities or other objectives but are not a program that provides housing, and therefore compliance with CBC Chapter 11B is not applicable.

This proposal is necessary to align with minimum existing federal and state accessibility laws, standards, and regulations as permitted by Health and Safety Code 18942(2)(F).

CAC Recommendation:

Further Study Required under 9 Point Criteria number 6

Agency Response:

Accept

DSA conducted further study and determined additional clarity in the definition to align with California regulations was necessary. The Express Terms were revised and further

clarification and substantiation are provided. DSA has added the specific California regulation that defines a “covered entity” for the purposes of meeting the requirements in other proposals in this package. Alignment with existing regulations removes ambiguity and further clarifies the requirement. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Items 1-1, 3-2, and 14-1.

ITEM 4-1 (formerly ITEM 4)

Chapter 2 DEFINITIONS, Section(s) 202, SOCIAL SERVICE CENTER ESTABLISHMENT

DSA has received requests from multiple code users and stakeholders asking for clarity between transient lodging, public housing, certain long-term licensed care facilities, and social service center establishments. While a brief definition of social service center establishments is presently provided in CBC Section 11B-224.8, removing text from that section, moving it to a new definition in Chapter 2, and providing more descriptive text in the definition supported in federal ADA regulations, will further clarify application of the requirements of Chapter 11B to these types of facilities. DSA also proposes to relocate the scoping section for social service center establishments from the section covering transient lodging at Section 11B-224 to the more appropriate location covering residential facilities at Section 11B-233.

The proposed definition clarifies that social service center establishments provide additional resources beyond housing, which may include either short-term or long-term stays or a combination of both. Social service center establishments may be provided by municipal entities, by charitable organizations, or by commercial entities.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations as permitted by Health and Safety Code 18942(2)(A).

CAC Recommendation:

Further Study Required under 9 Point Criteria number 6

Agency Response:

Accept

DSA conducted further study and determined additional clarity in the definition to align with California regulations was necessary. The Express Terms were revised and further clarification and substantiation are provided. DSA modified the Express Terms to indicate that these facilities may or may not provide housing. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Items 3-1, 15-1 and 4.1-1.

ITEM 4.1-1 [Added Post CAC]

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

This proposal adds two defined terms to Section 11B-106.5 that are proposed to be added to Chapter 2, Section 202 Definitions in Items 1A and 4.

This proposal is necessary to provide clarity of existing regulations and does not materially alter the substance or intent of the existing regulations and is necessary to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Not Applicable; this item was added after CAC meeting.

Agency Response:

This item was added after ACCESS CAC meeting and was not heard by CAC. In further review of this package, DSA determined that the proposed definitions in Items 1-1 and 4-1 should also be added to the list of defined terms found in Chapter 11B at Section 11B-106.5. This item is substantially related to proposals that were heard by the CAC.

This proposal is substantially related to Items 1-1 and 4-1.

ITEM 5-1 (formerly ITEM 5)

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

Presently, CBC 11B-202.4 is materially different than the requirements in the 2010 ADAS Section 202.4 because California has more restrictive requirements for path of travel improvements. Under the 2010 ADAS, alterations and additions to residential facilities have specific requirements in Section 233.3 and 233.4. In the exception, the CBC Chapter 11B regulations reference only to Section 11B-233.3.4.2 which are specific requirements for alterations to residential dwelling units with adaptable features. With this rulemaking, DSA is providing reference for additions or alterations to public housing facilities and for additions or alterations to residential facilities that are not public housing. See Items 16-1.1 through 16-10.5 (formerly 16A and 16B).

This proposal is necessary to align with minimum existing federal and state accessibility laws, standards, and regulations as permitted by Health and Safety Code 18942(2)(F).

CAC Recommendation:

Approve

Agency Response:

Disagree

DSA conducted further study and determined additional clarity in this section to align with California regulations was necessary. The Express Terms were revised and further clarification and substantiation are provided. DSA is proposing to use Section 11B-233.2 for public housing facilities and Section 11B-233.3 for common requirements and

other residential facilities required to comply with Chapter 11B. As the related items were revised, it was necessary to propose revisions to this item for alignment and clarity with the applicable scoping requirements. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Items 16-1.1 through 16-10.5.

ITEM 6-1 (formerly ITEM 6)

Section 11B-203.8 Residential facilities

Withdrawn

CAC Recommendation:

Further Study Required under 9 Point Criteria number 1

Agency Response:

Withdrawn

DSA conducted further study and is withdrawing this item. DSA is proposing to use Section 11B-233.2 for public housing facilities and Section 11B-233.3 for common requirements and other residential facilities required to comply with Chapter 11B. DSA is proposing to relocate the requirements for common use areas in public housing facilities to Section 11B-233.2.2 (CAM 16-1.4). This will avoid conflicting, duplicative, or overlapping code language.

See the modified proposals at Item 16-1.1 through 16-10.5.

ITEM 7-1 (formerly ITEM 7)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-205.1

DSA is proposing to relocate the technical requirements for electrical receptacles at corner work surfaces in residential dwelling units with mobility features from scoping Section 11B-205.1, Exception 9 to the more appropriate technical Section 11B-308, adjacent to the reach range requirements for electrical switches and electrical receptacle outlets.

Locating the requirements in the appropriate code section will avoid duplicative building standards and prevent potential confusion and misinterpretation by design professionals and code users.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations as permitted by Health and Safety Code 18942(2)(A).

CAC Recommendation:

Further Study Required under 9 Point Criteria number 6 and 7

Agency Response:

Disagree

Comments received at the Code Advisory Committee meeting from both the CAC and public, indicated a need for additional clarity in the requirements. DSA conducted further study and determined no scoping is lost with this amendment as code users and design professionals can navigate from Section 11B-233 Residential Facilities, to Section 11B-809 Residential Dwelling Units, and to 11B-308 Reach Ranges, to locate the appropriate technical requirements. Statements regarding the 36-inch requirement is found at Item 19-1. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Item 19-1 and 22-1 through 22-6.

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

Section 11B-206.2.1 Site arrival points

Section 11B-206.2.2 Within a site.

Withdrawn

CAC Recommendation:

Disapprove Item 8-1, Section 11B-206.2.1 under 9 Point Criteria number 6 and AB 130
Approve Item 8-2, Section 11B-206.2.2

Agency Response:

Withdraw

DSA conducted further study and is withdrawing this item. DSA instead proposes placing the requirements for public housing at Section 11B-233.2, with the requirement to provide accessible routes to and within public housing sites at Section 11B-233.2.1 (CAM Item 16-1.3). DSA disagrees that the requirement to provide an accessible pedestrian route to and within the site is a violation of AB 130. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons for related items 16-1.1 through 16-10.5.

ITEM 9-1 (formerly ITEM 9)

Section 11B-206.2.3 Multistory buildings and facilities Exc. 4

Withdrawn

CAC Recommendation:

Approve

Agency Response:

Withdraw

DSA conducted further study and is withdrawing this item. Related item now proposed for Section 11B-233.2.2. See Item 16.

ITEM 10-1 (formerly ITEM 10A)

Section 11B-206.2.8 Employee Work Areas

Withdrawn

CAC Recommendation:

Disapprove under 9 Point Criteria number 6

Agency Response:

Withdraw

DSA conducted further study and is withdrawing this item. No similar item is proposed elsewhere in this package.

ITEM 10-2 (formerly ITEM 10B)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-206.2.8

DSA proposes to clarify that exceptions 2 and 3 are allowed only in buildings or facilities that are not public housing. See also the statement of reasons for Items 16-1.1 through 16-10.5. (formerly 16A and B).

HUD has allowed the use of the Americans with Disabilities Act Standards (ADAS) as long as certain provisions in UFAS that provide greater accessibility are maintained. These specific provisions were noticed in the Federal Register; Vol. 79, No. 100; Friday, May 23, 2014; Rules and Regulations; 29671; Department of Housing and Urban Development; 24 CFR Part 8; Docket No. FR-5784-N-01: The 2010 Americans with Disabilities Act Standards (ADAS) Sections 203.9, 206.2.8, 403.5 exc., and 405.8 exc. are not deemed as equivalent to the Uniform Federal Accessibility Standards (Deeming Notice):

“The 2010 Standards require a more limited level of access within employee work areas in ADA-covered facilities than UFAS, which requires employee work areas to be fully accessible. As stated above, the Department has no authority to allow the use of an alternative standard that may reduce accessibility for individuals with disabilities without notice and comment rulemaking. For this reason, HUD is not permitting use of the aforementioned sections of the 2010 Standards for employee work areas.”

This proposal is necessary to align with minimum existing federal and state accessibility laws, standards, and regulations as permitted by Health and Safety Code 18942(2)(F).

CAC Recommendation:

Disapprove under 9 Point Criteria number 4 and AB 130

Agency Response:

Disagree

DSA disagrees that this proposal is unreasonable, arbitrary, or capricious. DSA agrees that the 2010 ADAS provides a lesser standard than UFAS for applicable public housing projects. This proposal meets the applicable minimum federal standards. The requirement that employee areas be on an accessible route in public housing facilities

is already in federal regulations. The ISOR has been modified to further clarify the federal and state laws and regulations that mandate compliance for these specific facilities. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons. Further clarification and substantiation is also provided in the related items.

This item is related to items 16-1.1 through 16-10.5. (formerly 16A and B) and 20-1.

ITEM 11-1, 11-2 (formerly ITEM 11)

Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-214

DSA proposes to add an exception to the requirements for washing machines and clothes dryers that points code users to the requirements for this equipment when provided in public housing facilities. See also the statement of reasons for items 16-1.1 through 16-10.5. (formerly 16A and B).

This proposal is necessary to align with minimum existing federal and state accessibility laws, standards, and regulations as permitted by Health and Safety Code 18942(2)(F).

CAC Recommendation:

Disapprove under 9 Point Criteria number 6

Agency Response:

Disagree

DSA conducted further study and determined additional clarity to align with California regulations was necessary. The Express Terms were revised, and further clarification and substantiation is provided in the related items of ISOR. DSA instead proposes to place the requirements for public housing at Section 11B-233.2, with the requirement to provide accessible laundry equipment at Section 11B-233.2.4 (CAM ITEM 16-1.6). The proposal for Item 11 is revised to provide a pointer to the applicable public housing section. Public housing facilities that receive federal or state assistance are already required to provide accessible laundry facilities. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons. The SOR for related Items 16-1.1 through 16-10.5 has been amended to include reasoning for these federal and State requirements.

This item is related to Item 16-1.1 through 16-10.5.

ITEM 12-1 (formerly ITEM 12)

Section 11B-215.1 Fire Alarm Systems

Withdrawn

CAC Recommendation:

Approve

Agency Response:

Withdraw

DSA conducted further study and is withdrawing this item. DSA instead proposes to place the requirements for public housing at Section 11B-233.2, with the requirement to provide accessible fire alarm systems and devices at Section 11B-233.2.3 (CAM ITEM 16-1.5). The ISOR has been modified to further clarify the federal and state laws and regulations that mandate compliance for public housing facilities. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons. See Item 16 (CAM ITEM 16-1.5) Section 233.2.3 for substantially similar proposed item.

ITEM 13-1 (formerly ITEM 13)

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

DSA proposes this change to provide conformity with the federal requirements for medical care facilities at the request of the California Department of Health Care Access and Information (HCAI).

Medical care facilities, which include sleeping rooms used only by on-call staff, are specifically excluded from the definitions of transient lodging provided at Chapter 1, Section 106 of the 2010 Americans with Disabilities Act Standards (ADAS) and Chapter 2, Section 202 of the CBC. This proposal removes the reference to Sections 11B-806.2.3, 11B-806.2.4, and 11B-806.2.6 which are transient lodging requirements, and adds a reference to Section 11B-805.2, the technical requirements applicable to medical care facilities. The current reference to Sections 11B-806 was an error in previous rulemaking and implied that hospitals were to meet transient lodging requirements even though they are not transient lodging facilities by the definition in Chapter 2. This proposal also removes the requirements for transient lodging facilities for a personal lift device clear floor space found at Section 11B-806.2.3.1 and for vanity counter space at Section 11B-806.2.4.1, which are intended to be applicable only to transient lodging facilities and not to medical care facilities.

This proposal is necessary to provide clarity of existing regulations and does not materially alter the substance or intent of the existing regulations and to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Approve

Agency Response:

Accept

This item is related to Item 21-1.

ITEM 13.1-1 [Added Post CAC]

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

This proposal is necessary to change the (non-regulatory) title of Section 11B-224 because DSA is proposing the relocation of code provisions for Housing at a Place of Education and Social Center Establishments from Section 11B-224 to 11B-233 in Items 14 and 15, respectively.

This proposal is necessary to provide clarity of existing regulations and does not materially alter the substance or intent of the existing regulations and to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Not Applicable; this item was added after CAC meeting.

Agency Response:

This item was added after ACCESS CAC meeting and was not heard by CAC. In further review of this package, DSA determined that the title of Section 11B-224 needs to be revised since the code provisions for Housing at a Place of Education and Social Center Establishments are proposed for relocation in Items 14 and 15, respectively.

This proposal is substantially related to Items 14-1 and 15-1.

ITEM 14-1 (formerly ITEM 14)

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

DSA proposes to move the requirements for housing at a place of education out of the section covering transient lodging at Section 11B-224 and into the section for residential facilities at Section 11B-233. DSA also proposes to amend this section to clarify the appropriate CBC citations and remove unneeded references to transient lodging facilities.

By moving housing at a place of education to Section 11B-233.4, Section 11B-224.7.2 is no longer needed, as is proposed to be removed for clarity.

This proposal is necessary to provide clarity of existing regulations and does not materially alter the substance or intent of the existing regulations and is to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Approve (applicable to original proposal in Section 11B-233.4 (CAM ITEM 14-1) only)

Agency Response:

Disagree

DSA conducted further study and determined additional clarity to align with California regulations was necessary. The Express Terms were revised and further clarification and substantiation is provided in the statement of reasons. In addition to relocating the

scoping for housing at a place of education as noted above, DSA proposes further subsections to differentiate between the requirements for these facilities provided as public housing and those provided as public accommodations. Because the changes proposed are substantial and in a different section of the code, new items may not be considered as reviewed by the CAC, however the intent to provide clear scoping between housing at a place of education that receives financial assistance and those facilities that do not, remains the same.

At Section 11B-233.4 (CAM 14-1) DSA proposes to delete the Section 11B-224.7 but relocate existing language from Section 11B-224.7 to the new Section 11B-233.4, and make minor edits for language clarity related to the relocation.

ITEMS added after CAC meeting, so they have not been reviewed by CAC:

At Section 11B-233.4.1 (CAM 14-1.1) DSA proposes to add pointers to scoping sections for housing at a place of education that is also public housing. The exception is existing language already codified at Section 11B-224.7, which is proposed to be relocated (CAM 14-1.2).

At Section 11B-233.4.2 (CAM 14-1.3) DSA proposes to add scoping pointers to the sections for housing at a place of education that is not an educational entity receiving financial assistance. These facilities must instead comply only with the requirements for housing as public accommodations. The exception is existing language already codified at Section 11B-224.7, which is proposed to be relocated (CAM 14-1.4).

At Section 11B-233.4.3 (CAM 14-1.5) DSA proposes to relocate existing code language to align with the other proposals in this item.

Section 11B-224.7.2 Accessible dwelling units with adaptable features is proposed to be removed from the code because the proposed language at Sections 11B-233.4.1 and 11B-233.4.2 cover the required scope for these dwelling units. (CAM 14-1.6)

A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons

This item is related to Items 1-1, 2-1, 3-4, and Items 16-1.1 through 16-10.5.

ITEM 15-1 (formerly ITEM 15)

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

DSA proposes to relocate the scoping section for social service center establishments from the section covering transient lodging at Section 11B-224 to the more appropriate location covering residential facilities at Section 11B-233. DSA is also proposing to remove the social service center establishments descriptive language from the scoping section to a formal definition at Chapter 2. See Item 4.

Social service center establishments may be provided by public entities, by charitable organizations, or by commercial entities. Social service center establishments are required to comply with the ADA Standards, FHA, and HUD Deeming Notice if they meet the definition of public housing, or the ADA Standards and FHA if they are a privately

owned place of public accommodation.

This proposal aligns with the requirements of the Americans with Disabilities Act (ADA), 28 CFR Part 35.151(e) (Title II) and 28 CFR Part 36 Subpart D, Section 36.406(d) (Title III), the requirements found in HUD's federal regulations at Title 24, Section 982.4, and California Code of Regulations Title 2, Division 4.1, Chapter 5, Subchapter 9, Article 1, Section 14000 and Article 2, Section 14020,

This proposal is necessary to provide clarity of existing regulations and does not materially alter the substance or intent of the existing regulations and to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Further Study Required under 9 Point Criteria numbers 1 and 6

Agency Response:

Accept

DSA conducted further study and determined additional clarity to align with California regulations was necessary. The Express Terms were revised and further clarification and substantiation in the statement of reasons is provided.

After further study, DSA proposes to relocate the requirements for social service center establishments from Section 11B-224.8 into Section 11B-233.5. The scoping requirements for social service centers that provide public housing are further clarified and separated from the requirements for those facilities that provide housing as public accommodations. The defining language that is currently in Section 11B-224.8 is still proposed to be relocated to a formal definition in Chapter 2, leaving only pointers to the applicable scoping sections, and the existing subsections with language for sleeping rooms with more than 25 beds and sleeping rooms with more than 50 beds, which is now proposed to be located at subsections 11B-233.5.1 and 11B-233.5.2.

This item is related to Items 3-1, 4-1 and 4.1-1.

Section 11B-233.5 (CAM 15-1) After further study, DSA proposes to delete Section 11B-224.8 and relocate the requirements for social service centers that provide housing to a new Section 11B-233.5, to allow for further clarity in the scoping between facilities that receive public assistance and those that do not. This relocation is to avoid duplicative, conflicting, and ambiguous code language.

Section 11B-233.5.1 (CAM 15-1.2) This item is a relocation of existing code language and is substantially related to Item 15-1 above.

Section 11B-233.5.2 (CAM 15-1.3) This item is a relocation of existing code language and is substantially related to Item 15-1 above.

ITEM 16-1.1 through 16-10.5 (formerly ITEMS 16A and B)
Chapter 11B ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING, Section(s) 11B-233.1 and 11B-233.2

DSA proposes to locate specific requirements for public housing that must meet the more

stringent requirements of the Uniform Federal Accessibility Standards (UFAS) at Section 11B-233.2. The 2010 ADAS language in this section, which was previously adopted by DSA, was removed during the rulemaking for the 2013 CBC supplement, because it required state or local authorities to directly interpret and enforce federal regulations, which they are not authorized to do. In this rulemaking, DSA is proposing to incorporate specific requirements from the HUD Deeming Notice as locally enforceable provisions into Section 11B-233.2.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity in receipt of federal financial assistance. Federal financial assistance is defined broadly and includes grants, loans, contracts, or any other arrangements in the form of funds, services, or property interest. The obligation for compliance to applicable federal accessibility standards extends to all programs and activities of the recipient and subrecipients (Civil Rights Restoration Act of 1987, P.L. 100-259, Section 2).

The California Code of Regulations (CCR) Title 2, Division 3, Part 2.8, Chapter 4, Section 12926.1 states that the ADAS are a floor of protection, and state law offers additional protections for persons with disabilities. CCR Title 2, Division 4.1, Chapter 5, Subchapter 9, Article 12, Section 14340 requires that facilities that are constructed by, on behalf of, or for the use of a covered entity must be readily accessible to people with disabilities. Covered entities, under the definition found at Section 14020, are defined broadly and include the state and any state agency; any local agency or entity receiving state support; or any educational entity, including private entities, if they receive state support. Section 14342 requires conformity with the Americans with Disabilities Act and any other federal standard applicable to the facility, such as UFAS and the regulations promulgated by the Division of the State Architect.

California is a recipient of federal assistance; therefore, any entity that receives assistance from the State is a covered entity under both federal and state regulations. Where funding from multiple sources exist, or where funding is untraceable to the source, the default standard for housing is HUD's Section 504 regulations. HUD's authority to adopt regulations for housing extends to all housing funded with federal funds, not just housing funded through HUD itself. (Civil Rights Act of 1968, P.L. 90-284, Section 808 (a) and (d)). HUD has allowed the use of the Americans with Disabilities Act Standards (ADAS) as long as certain provisions in UFAS that provide greater accessibility are maintained. These specific provisions were noticed in the Federal Register; Vol. 79, No. 100; Friday, May 23, 2014; Rules and Regulations; 29671; Department of Housing and Urban Development; 24 CFR Part 8; Docket No. FR-5784-N-01 (Deeming Notice).

HUD determined that ADAS sections 206.2.1 and 206.2.2 accessible routes; section 202.2, additions; alterations at 28 CFR 35.151(b) and section 202; the exceptions for washing machines and clothes dryers at section 611; and the exception to section 215.1, fire alarms; are not equivalent to UFAS, as stated in the Deeming Notice. Therefore, DSA proposes to include these more restrictive requirements at Section 11B-233.2, which is applicable to those facilities that meet the definition of PUBLIC HOUSING in Chapter 2.

DSA is proposing to amend the general requirements at Section 11B-233.1 to point code users to either Section 11B-233.2 or 11B-233.3 which are divided into residential facilities that are public housing, and residential facilities that are not public housing. This allows

code users to differentiate between facilities that must comply with the HUD Deeming Notice and ADAS and facilities that are required to comply only with ADAS.

This proposal is necessary to conform with minimum existing federal and state accessibility laws, standards, and regulations as permitted by Health and Safety Code 18942(2)(F).

CAC Recommendation:

Disapprove under 9 Point Criteria number 1 and AB 130 (applicable to proposals reviewed by CAC, see below for items added after CAC meeting)

Agency Response:

Disagree

DSA conducted further study and determined additional clarity to align with California regulations was necessary. The Express Terms were revised and further clarification and substantiation is provided. DSA proposes to locate all the scoping requirements for facilities that meet the definition of public housing under federal and state regulations into Section 11B-233.2, which is currently "Reserved". This separation of scoping for public housing facilities from the requirements that cover all residential facilities required to comply with Chapter 11B will avoid duplicative, conflicting, and overlapping requirements while also improving clarity for code users. See also the revised Item 16 (and sub-items) ISOR above for additional information. DSA is proposing to retain some items and also is proposing new items as outlined below. New items are identified by adding a ".1, .2, .3" etc. following the related item number. All retained and new items are necessary to provide clarity of existing regulations and do not materially alter the substance or intent of the existing regulations or are to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively, as described above.

This item is related to Items 5-1, 10-2, 11-1, 11-2, 12-1, and 20-1.

The retained and new items are as follows:

CAM 16-1.1, *Section 11B-233.1* General. Not reviewed by CAC. Separates scoping sections for public housing facilities from those that are not public housing.

CAM 16-1.2. *Section 11B-233.2* Public housing facilities. Not reviewed by CAC. DSA proposes to use this section to cover the requirements for public housing facilities required to comply with additional state and federal regulations, as stated above.

CAM 16-1.3 *Section 11B-233.2.1* Accessible routes. Not reviewed by CAC, but substantially similar to former Items 8-1 and 8-2. DSA disagrees with the CAC determination that accessible routes to a public housing site are not required by federal regulations for housing facilities that receive federal assistance. The SOR above has been clarified. DSA notes that altered facilities may be eligible to utilize exception 2 at *Section 11B-202.3* for technical infeasibility where appropriate. Newly constructed facilities may utilize *Section 11B-103* equivalent facilitation where appropriate.

CAM 16-1.4 *Section 11B-233.2.2* Common use areas. Not reviewed by CAC but related to former Item 9-1 which was approved by the CAC.

CAM 16-1.5 *Section 11B-233.2.3* Fire alarm systems. Not reviewed by CAC but

substantially similar to former Item 12-1 which was approved by the CAC.

CAM 16-1.6 Section 11B-233.2.4 Washing machines and clothes dryers. Not reviewed by CAC but substantially similar to former Items 11-1 and 11-2, which were Disapproved by the CAC. DSA disagrees with this recommendation. Laundry facilities in public housing are already required to meet this requirement, as stated in the SOR above, therefore laundry room sizes for these facilities will not increase. Equipment is available that can be installed in an accessible configuration.

CAM 16-1.7 Section 11B-233.2.5 Additions. Not reviewed by CAC. This section is necessary to point code users to the appropriate locations for public housing facilities undergoing an alteration and is substantially related to the formerly proposed items 16-1 through 16-4.

CAM 16-1 Section 11B-233.2.5.1 Entrances. CAC recommended Disapprove. DSA Disagrees. Public housing facilities that do not provide an accessible entrance, but where an alteration is undertaken, are required to make at least one entrance accessible under existing federal and state regulations. Moving this proposal from Section 11B-233.3 to 11B-233.2 which is applicable solely to public housing is intended to clarify any confusion or misapplication.

CAM 16-2 Section 11B-233.2.5.2 Accessible Route. Formerly proposed as Section 11B-233.3.3.2, CAC recommended Disapprove. DSA Disagrees. Where an alteration is undertaken to a public housing facility, at least one accessible route is already required by federal and state regulations, as noted in the revised SOR above. Moving this proposal to a section applicable solely to public housing is intended to clarify any confusion or misapplication.

CAM 16-3 Section 11B-233.2.5.3 Toilet and bathing rooms. Formerly proposed as Section 11B-233.3.3. CAC recommended Disapprove. DSA Disagrees. Where an alteration is undertaken to a public housing facility and public or common use toilet and bathing facilities are provided, at least one is already required to be accessible by federal and state regulations, as noted in the revised SOR above. Moving this proposal to a section applicable solely to public housing is intended to clarify any confusion or misapplication.

CAM 16-4 Section 11B-233.2.5.4 Elements, spaces, and common use areas. Formerly proposed as Section 11B-233.3.3.4. CAC recommended Disapprove. DSA Disagrees. Where an alteration is undertaken to a public housing facility and common use elements are provided, at least one is already required to be accessible by federal and state regulations, as noted in the revised SOR above. Moving this proposal to a section applicable solely to public housing is intended to clarify any confusion or misapplication.

CAM 16-5 Section 11B-233.3.4.1 Alterations to vacated buildings. CAC recommended Disapprove. DSA Agrees and has withdrawn this item.

CAM 16-5.1 Section 11B-233.2.6 Alterations. Not reviewed by CAC. This item is proposed to allow for a scoping section when a public housing facility undertakes alterations, which is not currently covered by Section 11B-202.4. This item is substantially related to the following Item 16-6, which was reviewed by the CAC.

CAM 16-6 Section 11B-233.2.6.1 Substantial facility alterations. Formerly proposed as

Section 11B-233.3.4.4. CAC recommended Disapprove. DSA Disagrees. The requirements for facilities undertaking substantial alterations is already required by federal and state regulations as noted in the revised SOR above. Moving this proposal to a section applicable solely to public housing is intended to clarify any confusion or misapplication.

CAM 16-6.1 Section 11B-233.2.6.1.1 Residential dwelling units. Not reviewed by the CAC but is substantially related to Item 16-6 above. This item is proposed to provide scoping for residential dwelling units with mobility, adaptable, and communication features which is presently existing in the referenced section, when a public housing facility undergoes substantial alterations.

CAM 16-6.2 Section 11B-233.2.6.1.1 Exception. Not reviewed by the CAC but is substantially related to Item 16-6 above and to Item 14-1. This exception is necessary to correctly scope housing at a place of education, which differs from other residential facilities.

CAM 16-7 Section 11B-233.2.6.1.2 Accessible route. Formerly proposed as Section 11B-233.3.4.4.1. CAC recommended Disapprove. DSA Disagrees. When a public housing facility undertakes a substantial alteration, an accessible route is required to each altered floor and area under existing federal and state regulations, as noted in the SOR above. Moving this proposal to a section applicable solely to public housing is intended to clarify any confusion or misapplication.

CAM 16-8 Section 11B-233.2.6.1.3 Entrances. Formerly proposed as Section 11B-233.3.4.4.2. CAC recommended Disapprove. DSA Disagrees. When a public housing facility undertakes a substantial alteration, an accessible entrance is required under existing federal and state regulations, as noted in the SOR above. Moving this proposal to a section applicable solely to public housing is intended to clarify any confusion or misapplication.

CAM 16-9 Section 11B-233.2.6.1.4 Toilet facilities. Formerly proposed as Section 11B-233.3.4.4.3. CAC recommended Disapprove. DSA Disagrees. When a public housing facility undertakes a substantial alteration, common use toilet facilities are required under existing federal and state regulations, as noted in the SOR above. Moving this proposal to a section applicable solely to public housing is intended to clarify any confusion or misapplication.

CAM 16-10 Section 11B-233.2.6.1.5 Bathing facilities. Formerly proposed as Section 11B-233.3.4.4.4. CAC recommended Disapprove. DSA Disagrees. When a public housing facility undertakes a substantial alteration, common use bathing facilities are required under existing federal and state regulations, as noted in the SOR above. Moving this proposal to a section applicable solely to public housing is intended to clarify any confusion or misapplication.

CAM 16-10.1 Section 11B-233.3 Facilities with residential dwelling units. Not reviewed by CAC but is substantially related to Items 16-1.1 through 16-10. Based on comments received at the CAC, DSA proposes to retitle this section to encompass all facilities that provide residential dwelling units and locate common requirements in related subsections.

CAM 16-10.2 Section 11B-233.3.1.1 Exception. Not reviewed by CAC but is

substantially related to Item 14-1. This section is necessary to clarify that housing at a place of education must comply with the scoping requirements proposed for Item 14-1 and be on an accessible route.

CAM Item 16-10.3 Section 11B-233.3.1.3 Residential dwelling units with communication features. Not reviewed by CAC but is substantially related to Item 14-1. This proposal is necessary to encompass all facilities that provide residential dwelling units, and not only public housing.

CAM Item 16-10.4 Section 11B-233.3.1.3 Exception. Not reviewed by CAC but is substantially related to Item 14-1. This section is necessary to clarify that housing at a place of education must comply with the scoping requirements proposed for Item 14-1.

CAM Item 16-10.5 Section 11B-233.3.5 Dispersion. Exception 2. Not reviewed by CAC but is substantially related to Item 14-1. This section is necessary to clarify that housing at a place of education must comply with Item 14-1.

ITEM 17-1 (formerly ITEM 17)

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

DSA is proposing to repeal Section 11B-233.3.1.2.6 in its entirety. Public housing facilities are not permitted to use the FHA site impracticality tests because the HUD Deeming Notice does not permit it. Housing facilities that are not public housing are not permitted to use the FHA site impracticality tests because the ADA Standards have more restrictive site accessibility requirements.

Social service center establishments and housing at a place of education are covered under the ADA and are both public housing (ADA Title II) and/or places of public accommodation (ADA Title III). See 28 CFR part 35.151 (e) and (f) and 28 CFR Part 36 Subpart D Sections 36.406(d) and 36.406(e) respectively. Pursuant to the ADA Standards, both places of public accommodation and public housing are subject to the requirements of ADAS Section 206.2, which covers accessible routes, and which are more restrictive than, the site impracticality provisions which come from the FHA.

This proposal is necessary to conform with minimum existing federal and state accessibility laws, standards, and regulations as permitted by Health and Safety Code 18942(2)(F).

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 18-1 (formerly ITEM 18)

Withdrawn prior to CAC

CAC Recommendation:

N/A

Agency Response:

N/A

ITEM 19-1 (formerly ITEM 19)

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

DSA is proposing to relocate the existing technical requirements for corner receptacles at kitchen work surfaces in residential dwelling units with mobility features, and the existing technical requirements for corner receptacles at kitchen work surfaces in residential dwelling units with adaptable features from the scoping Section 11B-205.1, Exception 9, and Section 11B-809.12, respectively, to the more appropriate Section 11B-308 for consistency with existing accessibility regulations thereby collocating both requirements.

The relocation of these requirements to Section 11B-308 provides an adjacency to the reach range requirements for electrical switches and electrical receptacle outlets thereby providing clarity to design professionals and code users.

DSA proposes this change for consistency and clarity for design professionals and code users.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations as permitted by Health and Safety Code 18942(2)(A).

CAC Recommendation:

Further Study Required under 9 Point Criteria number 6 and 7

Agency Response:

Disagree

Comments received at the Code Advisory Committee meeting from both the CAC and public, indicated a need for additional clarity in the requirements. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Item 7-1 and 22-1 through 22-6.

CAM Item 19-1 Section 11B-308.1.2.1. DSA declines to revise the existing code term “counter work surfaces” to “counter tops” as this is existing Chapter 11B code language. DSA did consider this suggestion in preparation of this amendment but determined a change in terms would represent a substantive change. The proposed amendment is a relocation of existing language.

CAM Item 19-1 Section 11B-308.1.2.1. DSA declines to revise the fixed “36” dimension to a dimensional range as this is an existing Chapter 11B dimension. DSA did consider the suggestion to provide a dimensional range in preparation of this amendment but determined a change in terms would represent a substantive change. The proposed amendment is a relocation of existing language.

CAM Item 19-1 Section 11B-308.1.2.1. DSA declines to revise the existing Chapter 11B code language to align with standards in ICC A117.1 as these requirements are based on a maximum square footage of counter top area and not a horizontal dimension as is presented in the CBC. DSA did consider this suggestion in preparation of this amendment but determined a change in terms would represent a substantive change. The proposed amendment is a relocation of existing language.

This item is related to Items 7-1 and 22-1.

ITEM 20-1 (formerly ITEM 20)

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

DSA proposes to clarify that the exception to Section 11B-403.5 is allowed only in buildings or facilities that are not public housing, as defined in Chapter 2. See also Item (formerly 16A).

HUD has allowed the use of the Americans with Disabilities Act Standards (ADAS) as long as certain provisions in UFAS that provide greater accessibility are maintained. These specific provisions were noticed in the Federal Register; Vol. 79, No. 100; Friday, May 23, 2014; Rules and Regulations; 29671; Department of Housing and Urban Development; 24 CFR Part 8; Docket No. FR-5784-N-01: The 2010 Americans with Disabilities Act Standards (ADAS) Sections 203.9, 206.2.8, 403.5 exc., and 405.8 exc. are not deemed as equivalent to the Uniform Federal Accessibility Standards (Deeming Notice):

“The 2010 Standards require a more limited level of access within employee work areas in ADA-covered facilities than UFAS, which requires employee work areas to be fully accessible. As stated above, the Department has no authority to allow the use of an alternative standard that may reduce accessibility for individuals with disabilities without notice and comment rulemaking. For this reason, HUD is not permitting use of the aforementioned sections of the 2010 Standards for employee work areas.”

This proposal is necessary to conform with minimum existing federal and state accessibility laws, standards, and regulations as permitted by Health and Safety Code 18942(2)(F).

CAC Recommendation:

Disapprove under 9 Point Criteria number 4 and AB 130

Agency Response:

Disagree

DSA conducted further study and determined additional clarity in related code proposals were necessary but no changes to this proposal were needed. Further clarification and substantiation is provided in the related sections and the revised ISOR. Accessible routes within employee work areas are required in public housing facilities that receive federal or state assistance, therefore this proposal is necessary to comply with minimum federal requirements. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Item 10-2 and 16-1 through 16-4.

ITEM 21-1 (formerly ITEM 21)

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

DSA proposes this change to provide conformity with the federal requirements for medical care facilities at the request of the California Department of Health Care Access and Information (HCAI).

Medical care facilities, which include sleeping rooms used only by physicians or staff, are specifically excluded from the definitions of transient lodging provided at Chapter 1, Section 106 of the 2010 Americans with Disabilities Act Standards (ADAS) and Chapter 2, Section 202 of the CBC.

This proposal provides the appropriate reference for staff on-call rooms to Section 11B-805.2, which has the technical requirements applicable to medical care facilities. See also Item 13.

This proposal is necessary to provide clarity of existing regulations and does not materially alter the substance or intent of the existing regulations and to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Approve

Agency Response:

Disagree

DSA has removed the word “staff” from the title of the section, leaving only the term “on-call rooms”. DSA has added “physician or” before the phrase “staff on-call rooms” to the body of the proposed code language to match existing language in Chapter 11B Section 11B-233.2.3 per the request of the CAC for consistency in code language. While the CAC did approve the original proposal, DSA concluded that the suggestions added greater clarity and consistency and modified the proposal accordingly. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Item 13-1.

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(s) 11B-809.12

DSA is proposing to clarify the provisions of 11B-809.12 by making reference to existing provisions in Chapter 11B and removing duplicative text.

DSA is proposing to remove item 4 in the technical requirements of 11B-809.12 for electrical receptacles at corner work surfaces in residential dwelling units with adaptable features, and to remove the applicable figure, and provide reference to Section 11B-308

(See Item 7-1). Reference to the appropriate code section will prevent potential confusion and misinterpretation by design professionals and code users. Additionally, DSA proposes to remove exceptions b and e, which are duplicative of language in Section 11B-205.1.

These amendments are proposed to remove duplicative building standards and provide clarity for design professionals and code users.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations as permitted by Health and Safety Code 18942(2)(A).

CAC Recommendation:

Further Study Required under 9 Point Criteria number 6 and 7

Agency Response:

Disagree

DSA conducted further study and determined no scoping was lost, and that modifying the 36" dimension would represent a substantive change not in alignment with AB 130. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

See also the responses for Items 7-1 and 19-1.

This item is related to Items 7-1 and 19-1.

ITEM 23-1 (formerly ITEM 23)

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

DSA is proposing clarification that the vertical clearance exception allowed for parking spaces in existing parking facilities per Section 11B-502.5 also applies to electrical vehicle charging stations (EVCS) when installed in existing parking facilities.

While EVCS is not vehicle parking, the uses are normally located within the same facilities as vehicle parking. Vertical clearance requirements at EVCS in existing parking facilities are often determined to be technically infeasible, per Section 11B-202.3, Exception 2, by local jurisdictions. Since this proposed exception for EVCS vertical clearance is equivalent to, and mirrors, the existing exception for vertical clearance currently granted to existing parking spaces within existing parking facilities, the exception may also be applied to EVCS. This proposed code language provides clarity of existing regulations since the vertical clearance at existing parking spaces and existing EVCS were intended to be equivalent.

DSA proposes this exception for EVCS vertical clearance in existing parking facilities for consistency with accessibility regulations currently adopted for parking spaces in existing parking facilities.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations as permitted by Health and Safety Code 18942(2)(A).

CAC Recommendation:

Approve

Agency Response:

Accept

ITEM 24-1, 24-2 (formerly ITEM 24)

Chapter 35 REFERENCED STANDARDS, ASME A17.1

DSA proposes to correct the referenced standard editions of American Society of Mechanical Engineers (ASME) A17.1, and ASME A18.1, listed in CBC Part 2 Chapter 35 (ASME A17.1-2019, and ASME A18.1-2020, respectively) with the editions adopted during DSA's 2015 Triennial Rulemaking Cycle (2016 CBC) to provide clarity and to conform with federal standards adopted in the ADA.

In accordance with the authority granted under Government Code 4450, DSA adopted ASME A17.1-13/CSA B44-2013, and ASME A18.1-2008, during 2015 Triennial Rulemaking Cycles to conform with minimum federal accessibility standards per the 2010 Americans with Disabilities Act Standards (ADAS).

During the 2018 Triennial Rulemaking Code Cycle, and subsequent triennial cycles, DSA unintentionally adopted the model code updates to reference standards without proposed amendments, and publication included newer adopted versions of the referenced standards. To date, the newer reference standards have not been investigated for alignment with minimum federal model standards, nor have the newer reference standard been vetted by DSA or DSA constituency groups in the rulemaking process, therefore DSA proposes to amend this referenced standard to align with the standards previously adopted and which conform to the minimum federal standards.

Since adoption of most recent referenced standard would result in a substantive change not permitted under Health and Safety Code 18942(2), DSA proposes a return to the previously adopted edition to establish a benchmark for possible amendment during an upcoming triennial code cycle.

This proposal is necessary to provide clarity of existing regulations and does not materially alter the intent of the existing regulations and to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Further Study Required under 9 Point Criteria number 6

Agency Response:

Disagree

DSA conducted further study and determined additional clarity was necessary. Further clarification and substantiation is provided in the ISOR. Additional clarification includes reference to applicable Health and Safety Code 18942 in addition to a more substantiated timeline of prior adoption for this referenced standard.

Additionally, DSA has reviewed this item and elected to separate the ASME referenced standards into two items. Item(s) 24-1, 24-2 address ASME A17.1, and Item(s) 24-3, 24-4 address ASME A18.1. This was done to provide the Commission maximum flexibility for discussion and adoption of each proposed change.

The language of the proposal remains unchanged. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Items 24-3, 24-4, 25-1, 25-2, 25-3 and 25-4.

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

Chapter 35 REFERENCED STANDARDS, ASME A18.1

DSA proposes to correct the referenced standard editions of American Society of Mechanical Engineers (ASME) A17.1, and ASME A18.1, listed in CBC Part 2 Chapter 35 (ASME A17.1-2019, and ASME A18.1-2020, respectively) with the editions adopted during DSA's 2015 Triennial Rulemaking Cycle (2016 CBC) to provide clarity and to conform with federal standards adopted in the ADA.

In accordance with the authority granted under Government Code 4450, DSA adopted ASME A17.1-13/CSA B44-2013, and ASME A18.1-2008, during 2015 Triennial Rulemaking Cycles to conform with minimum federal accessibility standards per the 2010 Americans with Disabilities Act Standards (ADAS).

During the 2018 Triennial Rulemaking Code Cycle, and subsequent triennial cycles, DSA unintentionally adopted the model code updates to reference standards without proposed amendments, and publication included newer adopted versions of the referenced standards. To date, the newer reference standards have not been investigated for alignment with minimum federal model standards, nor have the newer reference standard been vetted by DSA or DSA constituency groups in the rulemaking process, therefore DSA proposes to amend this referenced standard to align with the standards previously adopted and which conform to the minimum federal standards.

Since adoption of most recent referenced standard would result in a substantive change not permitted under Health and Safety Code 18942(2), DSA proposes a return to the previously adopted edition to establish a benchmark for possible amendment during an upcoming triennial code cycle.

This proposal is necessary to provide clarity of existing regulations and does not materially alter the intent of the existing regulations and to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Further Study Required under 9 Point Criteria number 6

Agency Response:

Disagree

DSA conducted further study and determined additional clarity was necessary. Further clarification and substantiation is provided in the ISOR. Additional clarification includes reference to applicable Health and Safety Code 18942 in addition to a more substantiated timeline of prior adoption for this referenced standard.

Additionally, DSA has reviewed this item and elected to separate the ASME referenced standards into two items. Item(s) 24-1, 24-2 address ASME A17.1, and Item(s) 24-3, 24-4 address ASME A18.1. This was done to provide the Commission maximum flexibility for discussion and adoption of each proposed change.

The language of the proposal remains unchanged. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Item 24-1, 24-2, 25-1, 25-2, 25-3 and 25-4.

ITEM 25-1, 25-3 (formerly ITEM 25)

Chapter 35 REFERENCED STANDARDS, BHMA A 156.10

DSA proposes to correct the referenced standard editions of Builders Hardware Manufacturers Association (BHMA) A 156.10, and BHMA A 156.19, listed in CBC Part 2 Chapter 35 (BHMA A 156.10-2017, and BHMA A 156.19-2019, respectively) with the editions adopted during DSA's 2015 Triennial Rulemaking Cycle (2016 CBC) to provide clarity and to conform with federal standards adopted in the ADA.

In accordance with the authority granted under Government Code 4450, DSA adopted BHMA A 156.10-2011, and BHMA A 156.19, during 2015 Triennial Rulemaking Cycles to conform with minimum federal accessibility standards per the 2010 Americans with Disabilities Act Standards (ADAS).

During the 2018 Triennial Rulemaking Code Cycle, and subsequent triennial cycles, DSA unintentionally adopted the model code updates to reference standards without proposed amendments, and publication included newer adopted versions of the referenced standards. To date, the newer reference standards have not been investigated for alignment with minimum federal model standards, nor have the newer reference standard been vetted by DSA or DSA constituency groups in the rulemaking process, therefore DSA proposes to amend this referenced standard to align with the standards previously adopted and which conform to the minimum federal standards.

Since adoption of most recent referenced standard would result in a substantive change not permitted under Health and Safety Code 18942(2), DSA proposes a return to the previously adopted edition to establish a benchmark for possible amendment during an upcoming triennial code cycle.

This proposal is necessary to provide clarity of existing regulations and does not materially alter the intent of the existing regulations and to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Further Study Required under 9 Point Criteria number 6

Agency Response:

Disagree

DSA conducted further study and determined additional clarity was necessary. Further clarification and substantiation is provided in the ISOR. Additional clarification includes reference to applicable Health and Safety Code 18942 in addition to a more substantiated timeline of prior adoption for this referenced standard.

Additionally, DSA has reviewed this item and elected to separate the BHMA referenced standards into two items. Item(s) 25-1, 25-3 address BHMA A 156.10, and Item(s) 25-2, 25-4 address BHMA A 156.19. This was done to provide the Commission maximum flexibility for discussion and adoption of each proposed change.

The language of the proposal remains unchanged. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Item 24-1, 24-2, 24-3, 24-4, 25-2 and 25-4.

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

Chapter 35 REFERENCED STANDARDS, BHMA A 159.19

DSA proposes to correct the referenced standard editions of Builders Hardware Manufacturers Association (BHMA) A 156.10, and BHMA A 156.19, listed in CBC Part 2 Chapter 35 (BHMA A 156.10-2017, and BHMA A 156.19-2019, respectively) with the editions adopted during DSA's 2015 Triennial Rulemaking Cycle (2016 CBC) to provide clarity and to conform with federal standards adopted in the ADA.

In accordance with the authority granted under Government Code 4450, DSA adopted BHMA A 156.10-2011, and BHMA A 156.19, during 2015 Triennial Rulemaking Cycles to conform with minimum federal accessibility standards per the 2010 Americans with Disabilities Act Standards (ADAS).

During the 2018 Triennial Rulemaking Code Cycle, and subsequent triennial cycles, DSA unintentionally adopted the model code updates to reference standards without proposed amendments, and publication included newer adopted versions of the referenced standards. To date, the newer reference standards have not been investigated for alignment with minimum federal model standards, nor have the newer reference standard been vetted by DSA or DSA constituency groups in the rulemaking process, therefore DSA proposes to amend this referenced standard to align with the standards previously adopted and which conform to the minimum federal standards.

Since adoption of most recent referenced standard would result in a substantive change not permitted under Health and Safety Code 18942(2), DSA proposes a return to the previously adopted edition to establish a benchmark for possible amendment during an upcoming triennial code cycle.

This proposal is necessary to provide clarity of existing regulations and does not materially alter the intent of the existing regulations and to align with minimum federal accessibility laws, standards and regulations as permitted by Health and Safety Code 18942(2)(A) and 18942(2)(F) respectively.

CAC Recommendation:

Further Study Required under 9 Point Criteria number 6

Agency Response:

Disagree

DSA conducted further study and determined additional clarity was necessary. Further clarification and substantiation is provided in the ISOR. Additional clarification includes reference to applicable Health and Safety Code 18942 in addition to a more substantiated timeline of prior adoption for this referenced standard.

Additionally, DSA has reviewed this item and elected to separate the BHMA referenced standards into two items. Item(s) 25-1, 25-3 address BHMA A 156.10, and Item(s) 25-2, 25-4 address BHMA A 156.19. This was done to provide the Commission maximum flexibility for discussion and adoption of each proposed change.

The language of the proposal remains unchanged. A reference to the amended section of the Health and Safety Code, amended pursuant to Assembly Bill 130 (2025-2026), which permits the adoption of these regulations, has been added to the statement of reasons.

This item is related to Item 24-1, 24-2, 24-3, 24-4, 25-1 and 25-3.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

The proposed building standards clarify accessibility provisions contained in the 2025 California Building Code. Accessibility is required by the federal Americans with Disabilities Act, Fair Housing Amendments Act of 1988, Uniform Federal Accessibility Standards, Section 504 of the Rehabilitation Act of 1973, and corresponding California statutes and regulations; lack of consistent scoping and technical requirements creates confusion for code users, building officials, and building and facility owners.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.2(b)(2) and 11346.3(b)(1)

The Division of the State Architect has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

The Division of the State Architect has determined that the proposed action has no effect.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The Division of the State Architect has determined that the proposed action has no effect.

C. The expansion of businesses currently doing business within the State of California.

The Division of the State Architect has determined that the proposed action has no effect.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The Division of the State Architect has determined that the proposal clarifies the minimum requirements to safeguard the public health, safety, and general welfare through access to persons with disabilities.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

DSA has relied on the following documents:

- Federal Register; Vol. 79, No. 100; Friday, May 23, 2014; Rules and Regulations; 29671; Department of Housing and Urban Development; 24 CFR Part 8; Docket No. FR-5784-N-01, also known as the HUD Deeming Notice.
- Uniform Federal Accessibility Standards (UFAS)
- Bennett-Nelson v. Louisiana Board of Regents, 431 F.3d. 448 (5th Cir. 2005)
- Grove City College v. Bell, 465 U.S. 555, 104 S.Ct. 1211 (1984)
- Access Living of Metropolitan Chicago, Inc. v. City of Chicago, 752 F.Supp.3d 922 United States District Court, N. D. Illinois, Eastern Division (2024)
- 2010 ADA Standards for Accessible Design; US Department of Justice, September 15, 2010
- Guidance on the 2010 ADA Standards for Accessible Design, US Department of Justice, September 15, 2010
- The Fair Housing Act Design Manual, US Department of Housing and Urban Development (1998)

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

DSA-AC has not identified any reasonable alternatives to the proposed action.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to

the attention of the agency that would lessen any adverse impact on small business.

DSA-AC has not identified any reasonable alternatives to the proposed action, and no adverse impact to small business due to these proposed changes is expected.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

DSA-AC relied on existing federal standards, state regulations and existing federal and state statutes as indicated in this Statement of Reasons. All proposed amendments are either clarifications of existing regulations or align with existing minimum federal and State regulations, standards, and statutes, therefore there is no change in regulatory effect and no significant adverse economic impact on businesses related to these proposed amendments. Aligning CBC Chapter 11B requirements with existing federal regulations is anticipated to make compliance easier for affected businesses.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

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

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

The regulations proposed for adoption align with federal regulations as required by

Government Code Sections 4459 and 12955.1(c). The regulations proposed for adoption do not conflict with federal regulations.