

## Division of the State Architect

# ACCESS CODE COLLABORATIVE CHARTER

Approved March 2018

### Purpose

The Division of the State Architect (DSA) has statutory responsibility and authority for proposing to the California Building Standards Commission (BSC) amendments to Chapter 11B of the California Building Code (CBC) addressing accessibility of the built environment. DSA has established the Access Code Collaborative (ACC) to provide input and work with DSA to improve the rulemaking process.

### DSA Role and Authority

It is important for ACC members to understand what authority DSA has and does not have related to the CBC accessibility regulations based on California statutes. This creates appropriate expectations about what DSA and the ACC can accomplish through this initiative:

- DSA has the authority to write accessibility regulations for the built environment for public accommodations, commercial facilities, public buildings, and public housing in the State of California.
- DSA is a regulatory agency and is not an advocacy group. As such, DSA is required to follow statutorily mandated procedures and propose regulations
- DSA develops accessibility regulations based on executive action, legislative mandate, or a demonstrated need identified by DSA or proposed by others.
- DSA is required by building standards law to evaluate the impact of the accessibility regulations on all stakeholders.
- DSA is an enforcement entity only for public schools, community colleges, state buildings, California State University and University of California. All other buildings and facilities are enforced by other entities (usually the local building department) and are outside DSA's statutory enforcement authority.
- DSA assists many stakeholders and local authorities with technical assistance and training.

## ACC Role

The ACC has been established to work cooperatively with DSA to support DSA's rulemaking processes. The ACC is a consultative or advisory body, without formal decision-making authority. Based on commitments made during the ACC member selection process, all approved ACC members have agreed to work collaboratively with DSA and other ACC members to help meet the goals of the ACC, whose purpose is to:

- 1) Offer input and feedback regarding proposed amendments to the CBC.
- 2) Help create transparency related to the discussion of proposed amendments and recommendations made by the ACC for the rulemaking record.
- 3) Offer code change proposals for consideration by DSA that address the diverse needs of code beneficiaries (people who need an accessible environment) and the clarity sought by code users (people who design, build, own, operate or regulate the built environments).
- 4) Identify opportunities to strengthen public awareness, engagement and training to support regulatory development and CBC compliance.

It is the intent of DSA that ACC members, to the best of their ability, represent the interests of their broader stakeholder group, not solely their own interests or those of any specific organization. The ACC is encouraged to work with their representative group to identify necessary code changes.

## Organizational Structure

The ACC is comprised of 13 individuals who represent a cross section of stakeholder groups and two ex officio members whose purpose it is to ensure DSA is considering a wide range of views and perspectives in developing CBC regulations addressing accessibility, as is required by building standards law. The following indicates the stakeholder groups represented on the ACC, and the number of representatives:

- Individuals with Disabilities (4)
- Disability Advocates (2)
- Design Professionals (1)
- Building/Facility Owner Representatives (2)
- Code Enforcement Representatives (2)
- Certified Access Specialists (1)
- Building/Construction Industry Representatives (1)

Two ex-officio members will also participate:

- DSA Headquarters Principal Architect or Senior Architect (non-voting member)
- Housing and Community Development Accessibility Specialist (non-voting member)

The ACC is facilitated by an independent facilitator. The facilitator works directly with the ACC and DSA to plan meeting agendas and next steps. A Planning Committee, comprised of three ACC members, will be established to work with the facilitator and DSA on scheduling, reporting, and group dynamics (as needed).

### **Membership Selection and Length of Service**

DSA will accept applications for membership on the ACC on a continuous basis. Future members of the ACC will be selected by DSA, and representatives of our partner agencies the California Commission on Disability Access (CCDA) and the Department of Rehabilitation (DOR), from the applicant pool with the objective of maintaining diversity, striving to select individuals who are members of more than one stakeholder group, and ensuring a balance of representation from different disability communities. Once an application has been submitted it remains valid indefinitely and the individual is eligible for consideration of membership. It is the responsibility of the applicant to submit updated contact information and relevant experience to DSA by submitting a new application.

The length of service for stakeholder representatives on the ACC is staggered initially to ensure overlap among members for continuity and institutional memory. After the initial terms identified below, each representative will serve three-year terms.

The following six initial ACC positions will serve a term ending December 31, 2018:

- Individuals with Disabilities (2)
- Disability Advocates (1)
- Design Professionals (1)
- Building/Facility Owner Representatives (1)
- Code Enforcement Representatives (1)

The following seven initial ACC positions will serve a term ending June 30, 2020:

- Individuals with Disabilities (2)
- Disability Advocates (1)
- Building/Facility Owner Representatives (1)
- Code Enforcement Representatives (1)
- Certified Access Specialists (1)
- Building/Construction Industry Representatives (1)

For stakeholder groups with more than one representative, those representatives will confer and decide who serves which term by September 1, 2018.

ACC members may serve two consecutive terms, after which they must wait one three-year cycle before being considered again for membership; unless the stakeholder group they represent has not advanced new prospective members which retain the balance and breadth of interests represented on the ACC.

If a member is unable to complete service they shall submit a letter of resignation to DSA. The resigning member may delegate an alternate to serve the remainder of the term provided the delegated alternate has an application for membership on file with DSA and is approved for membership by DSA. After completing service of the term DSA will select a replacement from the applicant pool. If the delegated alternate is selected from the applicant pool the delegated alternate is eligible for one term of service only, having served the immediately preceding term.

## Meetings

Meeting dates will be scheduled at the start of each code development cycle to optimize coordination with the ongoing regulatory process. There are two types of meetings:

- *Code development meetings* are pre-cycle activities where work on code development proposals DSA has identified as proceeding through the rulemaking process are presented to the ACC for input and feedback. Code development meetings are designed as face-to-face events; however, video or phone conferencing options may be provided as needed.
- *Pre-development workshops* are held after code change amendments have been submitted to the Building Standards Commission for formal rulemaking. Pre-development workshops allow for last minute review of minor edits to code language, if

necessary; for review of potential code change proposals by ACC members; planning for upcoming pre-cycle activities, orientation of new members, reflection on past code development meetings, and miscellaneous information.

- Issues that are not determined to be materially relevant to code development meetings will be addressed either at pre-development workshops or in a written format and uploaded to the online repository, the ACC DSAbbox.

Most meetings will be one day in length. Reimbursement for travel, parking, accommodations, and meals will be provided for ACC members attending in person, according to each ACC member's contract terms.

If an ACC member cannot participate in an ACC meeting, she/he may appoint an observer to attend. The observer may participate if adequately prepared to represent the ACC member, which includes having a depth of understanding of the issues. The observer has the responsibility to read the transcripts of prior meetings of the code development cycle prior to participating in the ACC meeting and agrees to abide by the Ground Rules of the ACC Charter. The ACC member has the responsibility of reading the transcript of the missed meeting prior to participation in the following meeting.

## Ground Rules

The purpose of ground rules is to ensure an opportunity for all ACC members to have an opportunity to engage effectively in the process. They are intended to reinforce the collaborative nature of the process. The following ground rules, once adopted by the ACC, will be the responsibility of the facilitator to administer:

- Listen intently and understand accurately the views of others.
- Be respectful of each other and the right of each individual to openly express their point of view, even if different from or in opposition to your own.
- Seek to understand the interests of others.
- Test assumptions rather than assume you have a full understanding of another's perspective.
- Allow room for each person to have an opportunity to contribute to discussions.
- Ask for a brief break rather than engage in "sidebar" conversations, if you need to speak to another member of the ACC during discussions.

- Silence or turn off your cell phones, and refrain from texting or other communications during meetings.
- Ask any and all questions, and be respectful of the different levels of code knowledge of members.
- Acknowledge the need for disability sensitivity.

## Decision Making

The ACC will operate using a collaborative approach to decision making and will strive to reach unanimous support on recommendations. However, if unanimous support is not achieved on a specific issue the meeting transcript will reflect the full range of perspectives held by the majority as well as the minority. An executive summary will be produced by the ACC Planning Committee, within 10 days after the ACC meeting, for inclusion in the rulemaking record so all viewpoints can be documented in the rulemaking process.

Any decision by DSA regarding proposed amendments to the CBC not aligned with the ACC's recommendation will be acknowledged by DSA and a written rationale for the decision will be provided to the ACC and reflected in the Statement of Reasons submitted to the Building Standards Commission.

During each BSC Code Adoption Cycle there are several opportunities for public comment on proposed code amendments. These opportunities include: the BSC Code Advisory Committee (CAC) meeting; during the 45-Day Public Comment Period; and the BSC Meeting scheduled for review and approval of proposed code amendments.

An ACC member may comment in support or opposition to any proposed code amendment during the several opportunities for public comment. The comment(s) may be submitted to the BSC in any format permitted by the BSC. If a comment is made, the ACC member agrees to indicate as part of the comment whether the comment is personal or made in conjunction with the constituency group. So that DSA may address all public comments with the appropriate level of diligence and research, DSA encourages all comments be submitted no later than the 45-Day Public Comment Period.

## Communications

A listserv containing the contact information of all ACC members will be established at the start of every code change cycle to ensure all members receive information in a timely fashion. The listserv is to be used, however, only for ACC sanctioned communications. It will not be shared with anyone outside the ACC and DSA.

DSA will share meeting information by a link to its online repository, DSAbbox, or via email. ACC members must not share the link to the DSAbbox, but may download documents and share them with others. Every effort will be made to provide the agenda and meeting information a minimum of seven days before scheduled meetings.

If an ACC member wishes to share information with the remainder of the ACC, she/he should send that information to the DSA HQ Principal Architect for email distribution to members, or upload to DSAbbox upon acknowledging that it pertains to ACC issues and discussions.

ACC members are discouraged from initiating contact with the media regarding issues discussed at ACC meetings. If contacted by any media organization related to the work of the ACC, ACC members must clearly state that they are representing their points of view only and will refer questions about any general recommendations developed by the ACC to DSA. ACC members shall refrain from characterizing the views of other ACC members. ACC members must report to DSA all contact with any media organization.

### **Code Change Proposals submitted by Members of the ACC:**

DSA welcomes members of the ACC to submit code change proposals and encourages such proposals to be vetted by the constituency group prior to submission. The following delineates the procedure for an ACC member to submit a code change proposal to DSA:

1. Code change proposals may be submitted at any time. Code change proposals must be submitted prior to the onset of code development meetings for a particular code change cycle if they are to be considered for code development for that cycle.
2. Code change proposals shall be submitted using DSA Form 665. The proposer is not required to fill out the entire form but providing as much information as possible is beneficial to DSA, who must consider all items on the form in the rulemaking process to substantiate a proposed amendment.



3. DSA will evaluate the code change proposal to determine if the proposal is within DSA's statutory authority, appropriate for the California Building Code, and does not violate federal laws and regulations or other state laws.
4. DSA will request a meeting, either in person or by teleconference, to discuss the proposed code change with the proposer and DSA's intended action:
  - a) Proposed code change will proceed for the code cycle in which it was submitted.
  - b) Proposed code change will be considered for the next 18-month code cycle and the information or documentation needed to proceed is explained.
  - c) Proposed code change will be considered for a future code cycle because a task force is necessary to be convened.
  - d) Proposed code change is not able to proceed and why.
5. The proposer is welcome to present the proposed code change to the ACC for discussion for any proposed code change that DSA has determined will not proceed. This discussion will occur only at pre-development workshops.
6. As the authority, DSA reserves the right to not proceed with any code change proposal. For every final determination, DSA will provide a response in writing to the proposer.
7. DSA shall make every effort to provide an acknowledgement of code change proposals and initial response to the proposer within 30 days of receipt.

## Removal from the ACC

The removal of an ACC member will be considered for a violation of any one of the following, in accordance with the initial terms of membership on the ACC:

- 1) The member on a consistent basis does not act in good faith and does not demonstrate a willingness to work in collaborative manner.
- 2) The member misses more than one code development meeting and more than one pre-development workshop meeting in each 18-month cycle, according to the following terms:
  - a) Attendance via teleconference will be considered as a meeting in which the member was in attendance if the ACC member is engaged in the discussion.
  - b) Attendance via videoconference will be considered as a meeting in which the member was in attendance.
  - c) Attendance by an observer selected by the ACC member at one meeting or workshop will not be considered an absence; however, subsequent meetings attended by an observer selected by the ACC member will be considered a missed meeting or workshop, unless the ACC member attends over half of the scheduled meeting.



- 3) The member consistently arrives late, is unprepared to participate, does not abide by the ground rules and does not/is not able to follow through on assigned or volunteered tasks.

DSA shall make an effort to meet with an ACC member being considered for removal to discuss potential violations, and any potential mitigating circumstances, before action is taken. DSA, with approval from the Department of General Services, makes the final determination on membership termination.