

Division of the State Architect

Access Code Collaborative Meeting

November 7, 2022

Brad Morrison: Okay, so what I'd like to do today is to just run down the agenda really quickly as we're looking at it, give you a sense of what we're doing. I don't expect that we'll take the full amount of time, but then again it depends on the discussion, so we'll just have to play it by ear and just kind of manage it as best we can.

I think that as far as the day looks, we'll try and look at this morning section from 10 till 12:30 with a break at 11:30 depending on how our agenda items are going. On the list for today, we have three more code proposals that we're, we were in the middle of, number item 15. That would mean that we have 15, 16, and 17 to complete today.

And then we move on to the next part of our agenda, which were items not related to the code proposals. And I have a few in queue right now for that, but I also have a list from Friday. And what I'll do is I'll move down the list and acknowledge each person as they brought up the items and we can kind of have a discussion as appropriate there.

So, we'll just take a look at the time around say between noon and 1230 to decide what the day's looking like and where we're gonna go from there. And really decide as a group how we want to complete the day in terms of using our time. Okay.

So, given that I'd like to welcome everybody. Thank you for your participation once again in this process. And I'd like to offer an opportunity for Eric or Ida to make some welcoming comments and then we'll get our meeting started. Okay.

Eric Driever: Well, hello everybody. Thank you, Brad, and I look forward to hearing the comments that the ACC has for today. Like you, I don't expect it to take the full length, but certainly open to having the meeting go on until all the items are addressed and any items that are not on the agenda are addressed.

But hopefully the time change didn't affect everybody. I see, I think we have a little bit of a light attendance today just to bring that up. I see outside of DSA, we've got Dominika, Arfaraz, Ernest, Jihee, Nubyaan, Richard, and of course Gene. So, I guess just making note of it, I know that you'd mentioned we had critical mass but look forward to hearing the comments. Thank you everybody.

Brad Morrison: Yeah, I mentioned that just because I thought it'd be better to start the meeting and have people who may be late show up during the meeting, but basically, at least we have a good size group to kind of manage the discussion as we move forward. So, if it's okay with you, I think we should probably just start it. Do you think that's okay, Eric?

Eric Driever: Yeah. Yeah.

Brad Morrison: Right.

Eric Driever: Thank you.

Brad Morrison: Okay, great. Why don't we go ahead and get started there. Derek, do you want to take over here? I know we were on item 15 regarding adult changing facilities, and we had some terms that we were working on last week when we adjourned the meeting. So why don't you go ahead and pick that up there and we'll continue our discussion. Okay?

Derek Shaw: Okay, great. Thank you, Brad. Thank you very much. Good morning, everyone. Glad we all can be in attendance today. We're gonna go ahead and just pick up right where we left off. We were in the middle of discussing our proposed changes for section 11B-249.1 Adult Changing Facilities.

And with this, we're adding a new subsection to address alterations to existing facilities, commercial places of public amusement. I think as we got to the end of our conversation on Friday, we were discussing potentially replacing the term, excuse me, estimated cost which is the term from the statute. We were looking at suggesting replacing that with adjusted cost of construction, which is a term that we already use within chapter 11B in a different context. But it covers a lot of the same kind of issues with a lot more specificity than does the legislative term estimated cost. And if you'd like, I can bring up the definition for adjusted cost of construction. I think, Brad, with that we can certainly get the conversation going.

Brad Morrison: Okay, sounds good. Yeah, let's do, let's take a look at that just to make sure.

Derek Shaw: You wanna take a look at that definition?

Brad Morrison: Yeah, I think so. Just to make sure everybody recognizes what it is and what it means in context here.

Derek Shaw: Okay, great. Give me just a moment. I should have had this queued up, but I didn't. And I will zoom in, so we have better text heights.

Brad Morrison: Great. Yeah. Good. Richard, I don't wanna put you on the spot, but how are we doing with the font size there? Is that okay with you?

Richard Skaff: Yes, it looks good. Thank you very much. Thanks Derek, appreciate it.

Eric Driever: Derek, if we're gonna bring that up on screen, we should read it as well.

Derek Shaw: Okay, good, good. I'll go ahead and read the current definition in the building code for adjusted construction costs. It's as follows: all costs directly related to the construction of a project, including labor, material, equipment services, utilities, contractor financing, contractor overhead and profit and construction management costs. The cost shall not be reduced by the value of components, assemblies, building equipment, or construction, not directly associated with accessibility or usability. The adjusted construction costs shall not include public management fees

and expenses, architectural and engineering fees, testing and inspection fees and utility connection or service district fees.

Brad Morrison: Okay. Rich, Richard, I see a question.

Richard Skaff: Do I see a conflict in the first part of that paragraph where it says construction management costs are included and then again later it says shall not include project manager fees and expenses? Am I missing something?

Derek Shaw: Well, if you're asking about a conflict between the term construction management costs and the other term project management fees, I would suggest no, they're not addressing the same kinds of costs of a project. Construction management costs are going to be necessary from the construction teams point of view, they're necessary to conduct the actual work of construction. Okay. Project management fees are often thought of as those management fees that an outside consultant who is acting on behalf of the owner may charge. Okay. So, they're really different, I think, sources of expenses on a project.

Richard Skaff: Good, good clarification Derek, but what I'd suggest then is that for those that are not clear on the subject, who might not be as adept at understanding that as you are, I would suggest we need clarification then.

Derek Shaw: Okay. We may find that a clarification within our reference manual might be a good place to clarify that now. I would just point out that because the public has not had a chance to review any potential amendments to this definition of adjusted construction costs that it would be onerous for DSA to make any changes within this cycle. It would obligate DSA to work at a very rapid pace and probably not allow adequate time to study any potential impacts that we might not anticipate.

Richard Skaff: I would have no problem if you would, you know, if DSA would agree to put it in the interpretive document that clarification and then not have to go back and go through the onerous adoption process. That's, that's fine. I, again, I'm suggesting the professionals in the industry might mostly understand the difference. For those that don't, however, there needs to be some place where there's a clarification. So, in the, we no longer call it the interpretive manual, but I can't lose that having so many years with that, I'm gonna call it the interpretive manual, would be adequate for my needs.

Derek Shaw: Okay, great. I tend to call it the interpretive manual frequently myself.

Brad Morrison: Okay. Great. Thanks Richard. Thanks Derek. Michelle looks like you have a question.

Michelle Davis: Nope. I just wanted to assure Richard that I have made note of that comment and, since I'm the one that's in charge of updating it, I'll make sure it gets put in.

Derek Shaw: Thanks, Michelle.

Richard Skaff: Thanks, Michelle.

Brad Morrison: Great, thanks. Okay, Derek.

Derek Shaw: Okay. Do we wanna shift our view back to the proposed draft language, or do we want to keep the definition of adjusted construction costs visible?

Brad Morrison: I'm not hearing any questions from the members, so I say let's go back to the proposal and if anybody does still have a question, we can come back.

Derek Shaw: Okay. I'll keep it handy. It'll be sitting here and if we need to reference it, just let me know. I'll pull it back up.

Brad Morrison: Sounds good.

Derek Shaw: Okay. Alright. So, any other questions or discussion on this item and perhaps including the suggestion that we replace the term estimated cost with adjusted construction cost?

Nubyaan Scott: Hi, this is Nubyaan. I just wanted to clarify that. So, am I correct that the phrase estimated cost doesn't have a specified definition? And that's why we thought the one that you just referenced about the adjusted cost may be more, maybe a better choice to include because it is defined and used throughout other places in the code. Is that correct?

Derek Shaw: Yes, that is correct.

Nubyaan Scott: Okay. Yeah, I think that makes the most sense because if we, just looking at a list of all of the different types of fees and costs that can be potentially wrapped up in a project. I don't know how there would be a consistent interpretation of the phrase estimated cost if it weren't defined. And given that people are already used to using the other definition at least it would be more consistency, it seems like, that everyone would be using the same parameters with which to identify estimated cost.

Derek Shaw: Mm-hmm. Okay. Great. Well, thank you Nubyaan.

Brad Morrison: Eric?

Eric Driever: Yeah. Really just sort of clarifying the term adjusted construction cost has not always been in the CBC. We, I wasn't with DSA at the time, but I can, I suspect there were a number of inquiries with some of the early language. It was a term that was added at some point, probably 2016 CBC, I think. Just going off of memory. But there were always questions with relation to the threshold, the Access Compliance threshold in 202.4. So, the term has been used, I think it's been pretty well vetted, but we certainly can look into clarifying it further in the compliance reference manual.

Brad Morrison: Thanks. Go ahead, Derek.

Derek Shaw: Oh, I'm just waiting for any additional comments or questions.

Brad Morrison: Okay.

Derek Shaw: Okay. If there are no more comments or questions about this item, I think we can move on to item number 16 on the list. Brad, does that work out okay?

Brad Morrison: That sounds good. Thanks.

Derek Shaw: Okay, good. Let me go ahead and highlight that item then.

All right. So, the next item is in chapter 11B, section 11B-608.2.1. That starts on page 41 of your code packet. And this one has to do with clarification to our language on the transfer type shower compartments. Let me go ahead and get that up on screen. So, this item is, it's duplicative of other language that's in the code right now.

And it was something that we didn't really recognize until somewhat recently. The language is currently also provided in 11B section 11B-213.3.6. Okay. So, the language that we have here, you know, we're not gonna lose the effect of that language. It's limiting language. It limits the locations where transfer type shower compartments are permitted. That language indicates that transfer type shower compartments shall be permitted in transient lodging guest rooms, multi bedroom housing units in undergraduate student housing and residential dwelling units and shall not be permitted at other locations to meet the requirements of section 11B-213.3.6.

Okay. So, there is not going to be an expansion of those locations where transfer type shower compartments may be utilized and there won't be a diminishment of those locations where the transfer type shower compartments may utilized. It would be equivalent to what we currently have in the code.

Okay. So, I think with that, Brad, we could entertain comments and questions. Discussion.

Brad Morrison: Sounds good. Thanks, Derek. Okay, Richard.

Richard Skaff: Thanks Brad. You know, I know this is probably not going to be appreciated by DSA staff, but when this was originally brought up, DSA was told by the disability community that this was a reduction in access code.

And I want to continue saying, when you reduce the size, this was brought forward not by people with disabilities in California. It was brought forward by folks, Bob Raymer and others representing the building industry, the building owners associations, those types of groups. And I've gotta say, to tell me and others in my community that that wasn't a reduction in access is a slap in the face.

And I really resent the fact that we were unable to stop this change. Anything about this is wrong. I didn't suggest at the time it was first proposed that there shouldn't be an option for a 36 by 36 shower, but when you take a 42 by 48 size shower and reduce it to 36 by 36, that is a reduction in access because you have less space as a wheelchair user to maneuver to the best location possible for you, which for each one of us might be different.

This only allows for a very singular approach instead of the multiple approaches that the larger shower stall provided. We were unable to get an attorney to file a lawsuit about this reduction. So, I understand there's nothing that I can do now, but when

DSA makes public comments about how it responds to the disability community and creates code to support our needs, that's ridiculous.

This is an indication of one example of how that has not happened, and I will always resent it. And I want you all to know that. Thank you.

Derek Shaw: Okay. Just to provide a little bit of additional background on the code changes that Richard is referencing. DSA did certainly seek to strike from chapter 11B, the provisions for the 42 inch by 48 inch shower that had been part of Chapter 11B and DSA access requirements for quite a number of years.

We did so not out of the purpose for reducing the size of those, but rather we did so because simply maintaining the 42 by 48 shower within our accessibility requirements was a violation of federal standards under the Americans with Disabilities Act Accessible Design Standards. And so it was, we weren't going to be able to maintain the 42 by 48 shower within the Building Code Chapter 11B.

We actually went for a few years without any 36 by 36 inch shower at all. And then DSA did as we were starting to make our relocation of language from Chapter 11A to Chapter 11B, DSA brought in the 36 by 36 inch shower as an option. But we did, of course want to limit it to just those types of housing facilities that were previously covered under Chapter 11A and for which the 36 by 36 inch shower was an option.

So, as you can see from the language we're proposing to strike here, just because it's duplicative, and this is our change proposal that we have on the table, that the language permits use of the 36 by 36 shower within transient lodging guest rooms, multi bedroom housing units, in undergraduate student housing, and residential dwelling units, and is not permitted in other locations.

So, we're really not proposing to expand or diminish the application of the 36 by 36 inch shower.

Richard Skaff: May I speak Brad?

Brad Morrison: Hold on a sec, Richard. I'm gonna, I've got a couple of folks in queue, and I'd like to take them in order. So let me, I'll come back to you. Thanks Derek. Thanks for that follow up explanation, Arfaraz?

Arfaraz Khambatta: Thanks Brad. So just for the group's benefit, the 36 by 36 transfer type shower, when allowed in transient lodging guest rooms, have to follow the table in 11B-224.2, which requires rolling showers in that same facility before you can start introducing transfer type showers.

And perhaps Derek, if you could just share with the members table 11B-224.2 which indicates when a transfer type or 36 by 36 inch transfer type shower can be provided in facilities covered by 11B-224. So that's what I'm referring to now. If I understand correctly, when it comes to facilities that are covered under 11B-233, there is no similar provision wherein you are required to have the same number of transfer type showers that Richard was referencing.

So, and that's where there's probably the most heartburn is where you're not, where you don't have a similar table in 11B-233 that provides for both types of showers

depending on the user's abilities. So, I would recommend for DSA consideration that there be a similar table created for 11B-233 and for facilities covered under 11B-233.

Brad Morrison: Thank you. Thanks, Arfaraz. Appreciate that. Derek, it looks like when you expanded the screen, which was helpful, it took in more of the picture, but it reduced the font size. Can you just see if you could expand that a little bit more?

Derek Shaw: Okay, sure.

Brad Morrison: I'm not sure it seems like it's opened up the window a bit, but it's also showing more of the picture, but it's smaller.

Derek Shaw: Okay. Yes. I'm having a little tough time centering the intended section but I'm getting there. I'm getting there. Okay. That's probably about as good as I can get it. Okay. With, with enlarging the font size so that we can see it better.

Brad Morrison: Okay. Richard, let me go to you. You're next up in queue. How is that diagram look to you right now? Can you see it okay?

Richard Skaff: I'm sorry. I didn't hear what you said.

Brad Morrison: Oh, I just asked before you start, I just asked how that diagram on the screen looks to you. Can you see it Okay? We try to increase that font a little bit.

Richard Skaff: You're, you're talking about the table right now?

Brad Morrison: Yeah, the table. Yes.

Richard Skaff: That's, it's perfect. Thank you. Okay, great.

Brad Morrison: Go ahead, Richard.

Richard Skaff: Let me clarify, I have never been provided, even though I asked for documentation showing how DSA or US DOJ or the Access Board suggested that having a 42 by 48 shower stall size isn't accessible.

We had that for what, 30 years? Derek, I, it was a long time. We never, during that time, heard any negative responses from anyone in the disability community about if they were built correctly and if the controls were in the proper location, which means they were built correctly, ever had a suggestion that these were less accessible than a 36 by 36 inch shower stall.

So that's number one. Again, if you have documentation showing how it was, this goes back to the same argument that was made to us about why DSA and our former dear Chet Whitham, former State Architect took away the 5% dining banquet and bar accessible table requirements because it was in violation of the Americans with Disabilities Act.

Derek and everybody from DSA, we have always understood, and I was on three of the US Access Board Advisory Committees. So, I have a pretty good idea of what is okay to have and what isn't okay to have. We are allowed to have more restrictive meaning, better access requirements than what the ADA standards demand.

In fact, the standards don't say you have to do the standards. The ADA says, "here are some ideas of how to produce accessibility." You have every right to produce it in a different way as long as what you produce, produces full accessibility. So, I have yet to receive any documentation from anybody in DSA, the US Access Board or US DOJ, defining why either accessible tables in a banquet, dining banquet, and bar facility is illegal, or why a 42 by 48 inch shower is illegal.

I know there was lots of discussion about it, Derek. But I never saw any documentation from any of the federal agencies as to how they were proving that having a 42 by 48 inch shower was less accessible than a 36 by 36 inch shower. And you know, I don't wanna beat this to death any further. All I wanna let all of you know is this was an outrageous {audio cut out}.

Brad Morrison: Ok, Richard. Okay, sounds good. I have a few more, we may get more clarification here, so I have a few more people in queue here and let's go to them and let them talk a little bit, and then we'll see what we come up with. Okay. So next up, Veronica, followed by Gene, followed by Nubyaan, followed by Eric. So, Veronica, go ahead.

Veronica Turdean: Good morning, this is Veronica Turdean with HCD. So, I don't really have a comment. I have more of a clarification. So, in 2019, HCD try to add the option of a 36 by 36 shower. However, due to the stakeholder feedback, we have to withdraw. So, 42 by 48 showers is permitted in 11A, but it's not permitted in 11B and 36 by 36, it's permitted in 11B, but not in 11A.

When we propose to add a 36 by 36, actually it would have aligned our proposal with Fair Housing Act Design Manual, if you look, I think on 7.56, page 56 of FHA. They do have an option for 36 by 36 shower, it's an option. 11A does allow 30 inch by 60 rolling shower, a 36 by 60, a 42 by 48.

Okay, That's all. I just wanna clarify it for 11A.

Brad Morrison: Okay. Very interesting. Thanks. Thanks, Veronica. I appreciate that point.

Derek Shaw: Thank you, Veronica. I think I probably had misstated the status of 11A requirements.

Veronica Turdean: Don't worry. We try. We know our stakeholders, they push back, but then we had to withdraw it. I think it was at the working group where we had to withdraw that.

Brad Morrison: Okay. Thank you. Gene?

Eugene Lozano: Yes. And thank you, Veronica. I was going to comment on it that when HCD withdrew that item, it was during, in an Access, the Building Standards Commission Access Code Advisory Body. And Richard was, and well, I've been serving on, and Richard was serving at the time on that committee.

And I guess I'd like to find out one thing that HCD did commit during, when they withdrew, it was going to convene a task, I guess you'd call it task force made of consumers and other subject topic experts on the specific design. And the purpose

was to kind of do some in-house research to determine the dimensions of the shower and to look if there needed to be something to do with related other matters controlled.

And I'm just, I realized this is off the item, but I was wondering if Veronica could tell us if that task force was convened, who was on it and what was the outcome of the work of it? Cause that was something that was committed to be done. During the access code advisory committee meeting

Derek Shaw: Gene, can I suggest that you consider contacting HCD directly and outside of this meeting so that we may focus on the code change items that we're here to discuss today, please.

Eugene Lozano: Well, I understand that Derek, but the thing is Richard has brought up several issues and related to this, and I just thought it would be helpful if we were all inclusive there on the item. Okay. I'll contact HCD, but I think it would be, for everyone on this committee, I think it would be helpful for them to have all the facts.

Brad Morrison: Yeah, Gene, it's okay. I think what we're gonna do here is probably move this discussion to our alternate you know, agenda items, not related to the proposal because we've gone a little bit beyond the boundary of what we're really trying to accomplish in our proposal here.

So, what I'd propose that we do is just kind of a table this discussion until we get to those items at the latter part of our meeting, and then we can have a more full discussion and kind of capture everybody's points of view on this one. This seems to be kind of related to some controversy and some other actions and some more information and we should consider. But we really have to you know, kind of keep a focus on these items cuz we gotta get them through and gotta get 'em into the building code cycle. So let me just ask you, for those of you that are looking to make that point, just recognize that we're gonna come to it in just a little bit. Okay? And I see we have, still have questions from Eric and Veronica.

So let me just quickly address and see if you have anything that's part of this discussion or part of the next discussion. Eric, go ahead.

Eric Driever: Thank you Brad. Actually, you brought up exactly what I was going to suggest. I certainly appreciate the comments from everybody. What I'd like us to do is try to focus on the proposal at hand and if there are separate, more larger, broader issues that need to be brought forward related to this issue of transferred type showers, we're certainly open to receiving those. But if we could perhaps focus on the issue at hand and Derek, sorry, if you could bring up the specific proposal, maybe that'll help us to recenter our thinking around what was being proposed.

Richard Skaff: Brad, if I could just finish, I just wanna say I did not intend this to be a full discussion while we're discussing specific code language here. I would like it to be at the end of this meeting because we don't have the Access Advisory Committee any longer. This is the only forum we have, Brad, to discuss these kinds of issues. So, I'm willing to put it off until the end of this discussion of the proposed code changes. But this needs further discussion. Each of the items, Hollynn D'Lil passed away recently without ever having resolution to this. She and I, and others have

worked on these issues for years, and we need a resolution because we have lost access and I'm not going to continue accepting that. So, I don't wanna cause the process here in the code adoption language to be stopped. I'm willing to put it off to the end. Yeah. But we need to have that discussion. It needs to be a formal discussion with a disability community and DSA.

Brad Morrison: Okay. That's, yeah, that's action items. So, we'll get to that as part of that discussion. Okay. Let me just address, let's see, Veronica, did you have a question here or a comment on question,

Veronica Turdean: Not really a question, you know, I was not on that Accessibility Committee Meeting when the 36 by 36 was withdrawn.

Is there anyway, Gene, you can send me an email. I would have to actually go back and listen, you know, to the whole meeting and see exactly why it was withdrawn. So, I won't be able to tell you something that might not be accurate. I did put in my notes that it was withdrawn due to stakeholder's feedback.

Also, as I had mentioned on the previous meeting HCD does not wanna discuss their proposals because I'm the only one here and you know, we do have a lot of other people working on those proposals. So, if you wanna send us an email or if you wanna participate in our focus groups I do understand for the sake of DSA, that you know, this is a meeting that we supposed to discuss 11B not 11A, but I'm here to support and to take notes and to take any questions that you might have.

Thank you. That's all I have.

Brad Morrison: Thanks Veronica. Appreciate that. Okay. Eric, I'm still seeing your hand. Is that another question or okay. You're down. Okay, great. All right, so let's get back. Derek, would you kind of help us through this and we'll see if we can't get through this discussion?

Derek Shaw: Sure. So just to reiterate, the proposal that DSA has on the table now is to strike duplicative language that also is located in another section of chapter 11B. There will be no enhancement or diminishment of the accessibility requirements based on striking this language because it does also exist in another section too.

Brad Morrison: Okay. Great. Okay, other questions.

Arfaraz Khambatta: Which, which section is that? I'm sorry, I missed that. Could you?

Derek Shaw: It's 213.3.6

Arfaraz Khambatta: Thank you.

Brad Morrison: All right. Other questions? Comments? Okay. Not seeing any response here, so let's move on. Derek, that's go to number 17.

Derek Shaw: Okay, great. Number 17 is addressing Chapter 11B, section 809.10.6. This item starts on page 43 of your code packet. That's the second from the end, the

second page from the end. And here we are wanting to clarify the existing language that we have in section 11B-809, excuse me, 11B-809.10.6.1.

This is regarding shower size. And so, the existing language in this section includes a requirement that the transfer type shower compartment 36 inches wide by 36 inches deep with an entrance opening 36 inches. Currently the language says complying with section 11B-608.1.

However, that reference is difficult to apply in the manner intended. So, it does become, in some cases, an enforcement issue. The statement of reasons for this item, current language in section 11B-809.10.6.1, which refers to compliance with section 11B-608.1 for transfer shower compartment size incorrectly requires a minimum clearance of 36 inches wide by 48 inches deep by reference to the section 11B-608.1 and subsequent references to sections 11B-608.2 and 11B-608.2.1. The Fair Housing Act requires clearance at showers in adaptable units to be a minimum of 30 inches wide by 48 inches deep. Existing language in section 11B-809.10.6.3 currently requires a minimum clearance of 30 inches wide by 48 inches deep, consistent with the Fair Housing Act. DSA is proposing to remove the reference to section 11B-608.1 to correct the error. Okay, So I think with that, Brad, we can take conversation on this item. Questions, comments?

Brad Morrison: Okay. I see Richard.

Richard Skaff: I'm really unwilling because this relates to size without having the discussion, we are all agreeing we will have, about size. I'm unwilling to support this change until after that discussion.

Brad Morrison: Okay, let me, let's go back to Derek just really quickly, Richard, just to help us all to understand. Derek, how does this affect, how does the size have an effect here? What are we really talking about in kind of a conversational way?

Derek Shaw: Okay. Well, there are no proposals to introduce revisions to the existing size requirements of showers. This is a very discreet proposal. And it's actually addressing the clearance, the clear floor space that's required at the entrance to the 36 by 36 inch shower. So, the proposal really is not addressing the size of showers here at all. We are focusing instead on the clear floor space that's required there. So, the language that we're proposing to strike is in error and it triggers a number of additional subsections by its reference. But the main point here is that we wanna make sure that we do have the clear floor space, the clearance required at the showers currently in section 11B-809.10.6.3, which we address in the statement of reasons. It currently requires the minimum clearance of 30 inches wide by 48 inches deep which really has been our intent with this item all along.

Brad Morrison: Okay, Thanks Derek. Appreciate that explanation. So, it sounds good. So, there's a little bit of cleanup here, it sounds like, and it sounds like we're talking about floor space issue as a kind of related issue, but there's also reference back to the size dimension too. And that's Richard's primary objection, I believe is in the size of the compartment. Correct, Richard? You can comment Richard.

Richard Skaff: That's correct, you know, to suggest that the difference between 30 and 36 inches doesn't change the size of the shower. I don't know how we get to that argument, but I see Ida has a comment that she wants to make, so I'll wait.

Brad Morrison: Yeah, let's get everybody's comments in and then we'll when we can kind of move on to that other discussion in a bit. So, Ida have you up and then Gene to follow up. Ida, go ahead.

Ida Clair: Thank you. Brad, I just wanted to comment that in reference to something Derek said, I do believe that also this clarifies whether or not grab bars are required to be installed in adaptable units when they use this size shower as opposed to just the backing for having them installed after the fact.

So, I think it's more than just a clear floor space. It does bring in a lot more additional requirements that for the adaptable units are provided as an option perhaps to add after the fact if needed.

Brad Morrison: Okay. Gotcha. Okay. Thanks Ida. Appreciate the clarification there. Okay, Gene.

Eugene Lozano: Can you hear me, Brad?

Brad Morrison: Yes. Can hear you loud and clear.

Eugene Lozano: Okay. Yeah, I'm trying to stay on the item, and I can't find my notes, so I'm hoping I'm not talking out of turn is in this item isn't it saying a minimum of 30, the entrance front entrance into this 36 by 36 inch shower stall but saying the entrance to be a minimum of 36 inches. And I'm asking. If I'm correct, if my recall is right without the notes, if minimum's there, why is it, for my education, why is it an absolute 36 rather than a minimum when it can't be possibly larger or is it just outside of the whole stall and you're just saying the clear space before you entrance? But it sounded like to the layperson, me, that you're actually talking about to the entrance into the shower.

Brad Morrison: Thanks, Derek. Or thanks, Gene. Let's go ahead, Derek.

Derek Shaw: Okay, great. Gene, I think you, yes, you are perceiving it and remembering it pretty clearly here. So, the current language under this item describes one, a transfer type shower compartment 36 inches wide by 36 inches deep with an entrance opening 36 inches, complying with section 11B-608.1, or dot, dot, dot.

What we are proposing to change it to is to strike that last phrase, which would leave us with the updated language for that item as follows: One, a transfer type shower compartment, 36 inches wide by 36 inches deep with an entrance opening 36 inches. We don't say an entrance opening of 36 inches minimum.

I think that was maybe misremembered somewhat Gene. But really, it's that last phrase complying with section 11B-608.1 that is problematic and it's triggering additional unintended requirements on the shower opening, including the clear floor space as I recall.

Eugene Lozano: Thank you for the correction and thank you very much.

Derek Shaw: You're welcome.

Brad Morrison: Great. Thanks, Gene. Thanks, Derek. Okay. Other comments on this item?

Okay. Not seeing anybody step forward here. Okay. Why don't we go ahead and kind of close out this section of our discussion here and recognize that we've covered all the 17 items and that we've had a pretty good discussion on each one of 'em, had the opportunity to really raise our comments.

And now we're gonna move on to another part of our agenda where we talk about items that may be broader than the specific code proposals that we've been discussing. But nonetheless we want to get your comments and concerns about all the information as comprehensively as possible.

Derek Shaw: Brad, I'm sorry to interrupt, but can I just make one closing statement before we move on?

Brad Morrison: Yes, go ahead, please.

Derek Shaw: Okay. Just simply that we really do appreciate all of the comments and discussion on all of these items. If you have additional comments that you'd like to submit on these proposals, please keep in mind that you may submit written comments to DSA regarding this code change proposals. Those may be submitted to our email address DSAaccess2022@dgs.ca.gov. Again, that's DSAaccess2022@dgs.ca.gov. Okay. Thank you so much. I really appreciate the comments. Brad, I'll close down this portion of the display. Do you want me to stop sharing my screen, Brad?

Brad Morrison: For now, yes but keep it, you know, keep the option open cause we might end up right back here. And also, just to reemphasize too that document that has the list of items for today, that address is at the bottom in a link, so you might be able to copy it and get the link into the box. Okay. So again, thank you.

Those code proposals are you know, meant to be part of this cycle. They are timely and I'm glad we were able to kind of complete a full discussion on those, recognizing that we do have some more related items to talk about. So, let's kind of move on to that part of the discussion and let me recognize Eric before we kind of go into the next part.

Eric Driever: Thank you, Brad. I thought it would be helpful just to go over what our next steps are. So certainly, we will be reviewing our notes, your notes as well as our own notes. Michelle's been taking a number as have I and Derek. But we'll also review this meeting recording and the meeting recording from last week.

We have a responsibility to submit our proposals to BSC (Building Standards Commission) on December 2nd. We are now at November 7th. And so, we end up being a little bit challenged in the public process to introduce large proposals. Certainly, we are still making small adjustments to these proposals prior to that.

As I mentioned in our last meeting, we have submitted to finance and legal for our initial express terms, along with our statement of reasons and the 399s. So those all were submitted timely, and we look to stay on schedule. But just wanted to make sure that everybody understood what the timeline is for our next to middle, and that will be to BSC on December Second. After that we are looking to get approvals from legal and finance on the 15th of December. And Executive Office approvals by January 1. So those are a few of the next early steps. Of course, after submittal to BSC, they'll be organizing their Code Advisory Committee meetings.

We'll receive public comment during those periods as well as the 45-day period after the Code Advisory Committee. So, I just sort of set the table on where we're going from here. Certainly, appreciate all the comments on the specific proposals and look to hear your advice for this agenda item. Thank you.

Brad Morrison: Great. Thank you. Thank you, Eric. Okay, so let's start out here. I've got a list here and sort of a working list, and what we're gonna do is kind of go you know, front burner to back burner meaning that we're gonna start with some of the items that we've heard about today kind of fresh and kind of maybe you know, reframe perspectives on some of the current things.

And so, I have four items that we'll start with, and then we'll go through the list of items that we developed on Friday. And I'll, what I'll try and do is I put a name next to each one, so I'll try and call you by name to kind of refresh the item for the group, and then we can kind of bring it into the pool group for a discussion.

So early this morning Richard was first to ask if he could bring up two process suggestions. So let me go to Richard first and ask him to start with those process suggestions and let that be the first part of our discussion. Okay. Go ahead, Richard.

Richard Skaff: Well, there are more than two. It's really, my concern relates to how DSA is developing Title 24 Access Codes that will respond to the needs of the disability community in CA, not necessarily the needs of the US Access Board or US DOJ, but the needs of people with disabilities. I am really concerned with the legislation that was approved years ago that I think is illegal, that says DSA cannot reduce or increase access.

In other words, ladies, and gentlemen, we have all the access in the built environment we will ever have. Does that sound rational? So based on that pretty outrageous position I wanna know how DSA interacts with the disability community to determine what the community needs as it relates to access.

And I hope the answer won't be, oh, it's through the collaborative membership. I may be able to reach a hundred, a couple of hundred if I'm lucky, individuals with disabilities in the State of California. That does not in any way suggest that that is adequate. As far as having the disability communities' input to the develop or modification development of access code or modification to existing access codes.

There is also the problem of having a process of code development that is so cumbersome and overwhelming to make it absolutely unusable by a majority of members of the disability community. And we may right now have two nonprofits, California's for Disability Rights, I believe is participating in this and Designing

Accessible Communities, my organization. That no way assures that there's a broad and deep participation and ability for the disability community to participate in a way that is simple to understand, easy to function within, and the ability to be successful, to not only bring items to the attention of DSA, but actually have DSA take those items through the process and assure they become, make sure that they are adopted. And the way that happens is by putting the idea in good code language, certainly maybe through this collaborative, having industries and other organizations representing businesses and public entities participate. But remember, DSA has a responsibility to the disability community. And that responsibility is to assure that we have a state building code that actually responds to the access needs of people with disabilities. We do not have that at this point.

So, I would like to also see, and I don't know whether I'm gonna make a public records act at some point, but I would also like to see who has made these proposals, who made the proposal for the smaller shower.

A 42 by 48 inch shower is larger than a 36 by 36 inch shower. I don't know how anybody can deny that. So, a 42 inch by 48 inch shower going to a 36 by 36 inch shower is a reduction in size. And by that reduction gives less flexibility in approach and the ability to have multiple options for transfer. I don't remember when I was on that Advisory Committee to the Building Standards Commission, there was any documentation, nor has there been from DSA or anybody else showing that the changes ergonomically are not going to negatively affect access.

And that's the other thing I wanna bring up. I started talking about this on Friday about the need for DSA to help others understand what the access codes intend to do, what the access board has done in a limited sense. And that is to create, I don't know where you get the funds to do it through a grant possibly, a process of development of videos that will show how each of the code items in Title 24 should be applied and what effect they have on access.

And the next item, in my multiple list of items, is the request again, and I'm gonna be wearing everybody thin with this. The process, having the columned documentation showing existing code. The next column is proposed code change. Third column is what the effect will be, and the fourth column, what the federal access requirements are relative to it. So those are my proposals and my concerns. You know, I'm not trying to be disruptive Brad and Ida and Derek and all. What I feel though is a great frustration in the way this process has moved forward over the last number of years since Chet Whittam was State Architect. Every time, every year before that, we've never had everything we've needed, but we as a community have felt in the past that we had the ability to talk to the state architect and have something more than a state architect like Mr. Whittam telling us, seven of us that met with him in a meeting that I created, after we explained our interests and what we thought were the needs of the disability community.

In our first meeting with Chet, he looked at us when he started his discussion and said, "You know, I can't wait until I don't have to deal with you people anymore", and for the next eight years, that's what we experienced. So, you know, I'm not trying to say Ida, that I don't think you care. I'm not saying that. I'm saying that we need to have a way that makes the process for modification of existing code, creation of new code in a way that the disability community feels it's able to participate in. Because

right now what they're doing is trying to stay alive. They don't have the time to become code development experts. To write to you Ida, or to Derek or to anybody and put in code language what they need. What they need is your approach to them saying, we understand, we're here to help you by creating code that is going to make the built environment accessible.

Help us by coming to us in whatever way we can help you do that and help us know what you need so that we can create those codes. That doesn't say that the business community, the building owner's community, the state architect, not state architect, the ACAL, AIA, the building owners, managers association, the restaurant association all of the groups should be involved. But the primary goal here must be, and everybody must understand it must be, that DSA's role is to make the built environment accessible through accessibility codes that will do that. And we haven't been doing that for a long time. What we've been doing is tweaking, what we've been telling the disability community is, oh, we can't lower code. Well, we have lowered code. We can't increase code. Well, I don't know how the State of California can legally tell me or anybody else with a disability that you have enough code access requirements, staff, and everyone, and we have a law that says we can't make any new codes that are going to increase access. I don't know how you do that. That's a violation of my rights, Ida. I'm not saying you said to do that. I'm just saying I don't know how the regulation can say that. I need your, we need your help Ida in resolving that.

Brad Morrison: Okay, Richard, Let's, let's get Ida in here. Ida's been in queue for a little bit, so let me get her in here and we'll come back to you. Okay. Ida go ahead.

Ida Clair: Sorry. Thank you, Brad. Thank you, Richard, for your comments. And I think I just wanna clarify a couple things. The, the ACC that we have here right now is not the only method that we do outreach, and so we will take your comments into consideration, perhaps meet with you offline. I think that you, Eric, and I probably should have a conversation to see if there is a parallel method to address some of the concerns that you are addressing.

The ACC, I just wanted to remind everyone, was really an in-depth study by interviewing many folks in the disability community and developing a report that developed a process here where we could create a forum where all the stakeholders prior to the rule making process going to BSC really gets to weigh in and listen to each other.

So, I don't want you to feel in some way that this process here either replaces perhaps some kind of parallel effort that we can engage. It does not replace the public engagement process, which we still do. And it also doesn't you know, it provides a specific role. And, historically, members on the ACC have indicated that they have an increased understanding of each other participating in here.

So, I just wanna clarify that I appreciate your comments. I hope that that your participation on the ACC, you can find that there is a specific value to this group, however, it does not replace perhaps any kind of parallel effort that we can engage in. And I'd like to have that discussion with you and Eric moving forward.

And for all those who are new to this role, that report is on our website. I encourage you to read it just so you can see how the development of the ACC came into play. And the only other thing that I do wanna clarify, Richard, is that it's very difficult, and we can discuss this further when it's our meeting, but every single one of you is also a constituency.

And the requirements that we relay in statute, that confine or define our role and what we can do, are given to us by the legislator. It's not a regulation that we're held. It is statute, it is state law, and every single one of us on here, if we wanna get that to change, we have representatives that can propose a change to that law.

There is another process to get that changed, but in building standards, we're faced with a lot of laws and Richard, I don't want to fight or to argue, this is not my role. I'm just trying to also remind everyone that coming to DSA to address this, we have to go through a legal process ourselves in our rule making, that our regulations are reviewed to determine that they're within statute and in our authority within statute. That's what we push forward. It is not our intent to limit access by any means to reduce access by any means. Everything that we have and has been proposed is either to ensure that we meet our requirements in statute, which is at least meeting the minimum where we felt we fell in short. And yes, we do have others who have participated specifically on the ACC and through their engagement with their constituency groups specifically the individuals who represented individuals with disabilities on the previous ACC that they brought that forward.

And so, you know, we listen to all our constituencies. So, I do wanna, we can discuss that further when we meet with you, absent this. I just wanted to clarify some of the requirements that we just don't have blanket authority to just, you know, do whatever we want, but we can work with you within those, within the understanding of the framework that we do have.

But I do hope that for all of you that are new, you come to realize the benefit of the ACC independently and as a part of the process, but also to understand that your activism and your responsibility, that if there is something that is difficult for us to advance, there are other methods to do that.

And the way you get state laws changed is through your own activism with your Representatives. We as a state agency do not really have that ability to challenge the legislature because of the separation of branches of government. So, I just wanna clarify that. And again, Richard, let's schedule some time with you and Eric and I to meet and discuss further some of these concerns. Perhaps look at how we can create some kind of additional outreach on a parallel process. Specifically, at least for the next code cycle. Cuz right now it's difficult to do it for this one since they're imminently due. Thank you.

Brad Morrison: Okay. Thank you.

Richard Skaff: May I respond Brad?

Brad Morrison: Richard? Hold on one sec. Let me get Eric in here and then I'll have you kinda respond collectively.

Richard Skaff: Sure.

Eric Driever: Thank you. Sorry, I had to make sure I was unmuted. Richard, thank you very much. And I can sense the urgency in your comments. Certainly, I have a desire to make this system better. I am now a year into this position. I'm gathering information, have been gathering information over the past year to try to make this a little bit better within the constraints that are laid out for me, and Ida accurately laid out some of its statutory constraints, but I think within this system, there's opportunity. We also have imminent deadlines, so we certainly wanna look at these proposals. But beyond that, what I'm hearing, one of your comments is related to number one, who makes the proposals I think and then wanting to advance proposals and utilize DSA's expertise in code writing process. But I think we can be more purposeful about receiving proposals from this group and try to lean on a tiered approach through your activism with your constituencies to receive sort of indirect or draft proposals in a targeted meeting that works within the timeline that Building Standards Commission has for us to submit proposals to them.

I absolutely am interested in advancing that for our next code cycle so that we can be more purposeful about that. And I know there are specific items that you would like to advance, and I think we can again, in a meeting with this group, receive those for the record and then target a timeline to get those into building standards commission within their timeframe.

So that's, I'll just say that. The videos, that's probably a very specific topic that we can try to work on over time. You mentioned budget, that's certainly one of my constraints. And staff, available staff is another. And then your comments regarding having additional, the documentation, what the effect is and what the federal requirements are, I think we can work that out.

I would just again, suggest that as Ida mentioned, we would never hope to have a requirement that diminished access. So, I'm not a hundred percent confident that there would be anything other than just improving access or clarification in that column. But if that's desired, I think we can probably work through those details.

So how we're presenting it to you and how we're receiving it to you, I think are two things. Receiving it from you are two things that we can certainly work on for our next code proposal.

Brad Morrison: Great. Thank you, Eric. Okay. Richard. Go ahead

Richard Skaff: First, thank you, Brad. First of all, thank you, Ida, for your clarification. And I wanna make it clear, I thought I made it clear in my statements, that I wasn't speaking negatively about you. I don't have any reason to speak negatively about you. These weren't set up by you. They were set up by your predecessor, and I'll be happy to speak about him anytime and anyplace, but I'll leave that for another day.

Eric, all I can say is thank you. Those words that you just spoke are the words I and others have been asking for and hoping for, for a long time. To have that kind of an approach that you just described. Boy would that be a different relationship with a disability community. You all have to understand, I'm almost 79. I'm not gonna be

around much longer. I pay for everything. I don't have any grants that pay my time. I'm doing this as a volunteer. Others that are on the ACC, by the way, nothing I have said today or previously suggests that I don't want to participate in ACC, or I think it's a bad idea. I didn't say that. I never will say that. I'm open to any way that the public, including people with disabilities and vulnerable seniors, can interact with DSA to create a better built environment. If this works, that's great. I'm not opposed to it. I am frustrated because the disability community for years has not been well listened to.

And you've gotta understand, we are unlike Building Industries Association, the largest home builders association, that can pay consultants to come and be on these advisory committees and spend hours and days documenting everything and sending it back. Most of us are just small-time volunteers that are overwhelmed in life as well as trying to do our job representing people with disabilities. And that's very difficult because the disability community is larger than I am. I don't have a membership organization. I just speak to the people that I have over the years, not only made contact with, but created a relationship with. But that doesn't make up the disability community. And I don't know anybody on this committee that can say that they represent the disability community. And that's why it was always important having that access advisory committee, Ida, and I understand that there may have been some frustration on staff's part because that was a very loud and boisterous and outspoken group of people. But that's important to allow those loud and boisterous and outspoken people to be there, to be able to say the things they are so concerned about that they think nobody's listening to.

And that's why I keep bringing it up. I'm not trying to be an obstructionist. I'm trying to get DSA to listen to the disability community, not me. I am one person. I will do everything I can to listen to people with disabilities. Everything I've done since 1978 when I fell out of a tree and started the Marin Center for Independent Living, one of the first independent living centers in California, was to listen to people with disabilities and try to do what I could from that point on to, it's a horrible thing to say, to represent them. It's very difficult. I can be sitting next to another T12 L1 spinal cord injured person, that's where my spinal injury is, and they will function differently than I do Ida and Derek. How do I represent all those differences? How do I represent? Is there anybody on here who is deaf? How do I represent people that are deaf? Gene does a great job representing people that are blind, but how is it that I'm finding now the State of California has allowed new Ped Signal Systems, those flashing LED signs that are terrific to stop traffic. Are you all aware that the Federal Government and NFPA, not NFPA, Federal Highway Administration has allowed those signs with push buttons to operate them, but no finder tone and no message required, so a blind person will never even know they're there.

How could the State of California have allowed that to happen in California? And you know what, they're being installed throughout the State of California. All I'm saying by using that as another example is we have huge access problems in the State of California. I can't deal with the world of access nationally.

I wish I could. I tried to do that being on three of the US Access Board Advisory Committees, and it didn't work because there was no way for one person to do that. There's no way for me to do it in California. But that's why I keep hoping, joining groups like this, trying to get you to listen, not to what I think is right, but to open the

listening process to a group of people who feel absolutely and totally isolated. Thank you.

Brad Morrison: Okay. Thank you, Richard. Appreciate it. We have Anne and Carol up in queue, so let's go to Anne.

Anne Riggs: I don't know if Carol might have been waiting longer than me if Carol would like to go.

Brad Morrison: You're first.

Anne Riggs: I would just like to, it's a difficult topic to try and speak about, but I'm a representative on this committee of the architecture and design community. And even though I'm a member of that community, you know, part of my focus as an architect is trying to center inclusive design and accessible design in the built environment. So, Richard, thank you so much for sharing your comments. I just wanted to share back, you know this, the struggle to, the struggle to advance inclusive and accessible design reminds me a little bit of the struggle to improve energy and sustainability concerns. And if you look at the history of that legislation, a lot of the work that has been done involves work in the design community to develop those aspirational goals of where we need to be that exceed what's required by code.

And that's part of what I hope to do as part of this is sort of connect the minimum code requirements with a larger effort by our industry to do a better job of making our environment accessible and to change the approach that designers are taking from just doing minimum compliance to actually being proactive about adopting inclusive design and accessibility practices. And hopefully, and there are organizations, I just to share some, you know, ray of hope, there are amazing organizations that do have funding and that are working with large groups of stakeholders within the disability community, trying to get those voices you're talking about, Richard, that you know, no one person can really represent and working to develop sort of beyond code minimum standards.

And hopefully those efforts will feed back into the code process and hopefully they'll provide some framework for advocates to go to the Building Standards Commission, go to the state and try and get these get these concerns advanced. And I know it's really difficult to address them here at the, we're kind of at the end stage of the code development process for this code cycle. But I just hear those frustrations and I just wanna let. I hope that what I'm saying helps share that there are some folks in the design, lots of folks in the design industry, who are trying to work on getting those better processes established.

Brad Morrison: Great. Thanks Ann. Appreciate that. Very thoughtful. Okay. We have Carol followed by Gene.

Hey, Carol. I can't see you, but you're still on mute, so you hit the mute there.

Carol Loeffler: There we go. Okay. And I tried to enable a picture and I guess I'm not working, but I'm here. I am really proud that all of this has been occurring. I also share some concerns and frustration that Richard has shared because I've had the

history on the Building Standards Commission as a Disability Access Specialist and learned a lot from Richard.

I also, I have multiple sclerosis and I am the height of an 11-year-old. And so, the challenge is that not only am I, I have my disabilities. I'm not using a wheelchair and currently I'm not using any assistive devices, but the access is still so challenging as someone who's younger. And I was talking with somebody yesterday and also last week, just about the people of short stature.

And that's the challenge that I want to make sure that we continue to address because it's not becoming factored in. A lot of the challenges are how we get access. There was the urinal discussion and women use a urinal as well and the toilet and the dirtiness of different bathrooms and things like that. I think all of that are all part and parcel. And so, Richard, and for the rest of the people, I just wanted to express that it's not just that we also need to include people that are of short stature as well as the physical disabilities aspect that go along with it. And I don't, I am grateful to be part of that, but I would like that to be in people's ears and vision as well. So, thanks for listening and letting me belabor my point. And your tolerance for that is appreciated as well. Thanks.

Brad Morrison: Oh, no problem, Carol. Your comments are always appreciated. Okay, let's go to Gene and Gene I think you're up for the next item as well. So why don't you go ahead and make your first response here and then we'll go onto your earlier comment that you asked for.

Eugene Lozano: Okay. First just to respond and just information Richard's referring to California Government Code Section 4459. And that is unfortunately a piece of legislation that they got that through some maneuvering of lobbyists kind of got us backed into the wall at the last minute at the Capitol and ended up getting this through to get some other good access requirements.

So, it's just what happens with legislation, but government code section 4459 is what Richard is referring to. And it's left up to a lot of interpretation. Shortcomings of it is the fact that you know, it's looking at the minimum of the ADA requirements. And in some arenas, we've been told that if it isn't in the ADA standards, it's not something that we can consider for Title 24 and the 2010 ADA standards, probably when they came out where at least 10 years behind and newer technologies have come in. It doesn't address directly kiosks like Quest or other labs are using.

And it may change with the lawsuit that right now it's being heard as we're talking down in Los Angeles about the inaccessibility of the kiosks there and newer things technologies. And so, Richard's frustration is something that I can relate to about the difficulty of the disability community on the national and state levels to get what we need.

Not expecting to get everything, and it's not individuals, I'm not pointing fingers at anyone in DSA at all. What I'm just simply saying is this is an issue and Richard's right, there's even within the disability community, just like other groups, there aren't that many advocates out there like ourselves, that are on this committee that you know, are speaking for themselves or a group of the disabled.

There's very few of us that are out there advocating for the things and there's unfortunately, don't see too many young leaders coming up advocates. That's a problem that we're facing in other groups too. But if it's okay, Brad, I'd like to go into what the areas I was wanting to touch upon.

Brad Morrison: Yeah, let me just, yeah, one sec, Gene. Okay. So, Gene asked for an earlier place to kind of make some comments about feedback he's gotten from other folks that he's been circulating with. So, let's just make a point here of getting Gene in there to give some feedback. Okay, Thanks Gene.

Eugene Lozano: Okay. And it has to do with our items the all-gender restrooms. And the thing, and I've talked to people and it's not an exhaustive informal survey of people, but people who are blind or have low vision and the desire is, well, the desire is that the entrance to the restrooms, the geometric shape for unisex restrooms be put on the door or if it's the wall if there's no door.

Because they're saying it is a unisex facility, whether it has a single stall or multiple stalls. And that is something that's been in code since 1982. Most, but not all of the population recognizes the meaning of the unisex. They're particularly wanting to know that they're going into a room like that.

And so, and they I know in different, over the last maybe five or six years as I've been in different meetings on the national state level, there's been talk about particularly from some segments of the community that want to come up with a symbol and what has sometimes been proposed is the outline of a toilet.

And the community has said visually to actually, that is not something easy to be decipher. It especially they, just feel that we got, we have, a symbol out there that works and is recognized and so it's not to start introducing another symbol that has to be a learning curve. And so that is something. The, as we're pleased about the inclusion of a, for the accessible compartments, urinals, and toilets, they have a tactile sign that indicates what it is. This comment, I realize it's outside of the realm of the authority of DSA, but in these all-gender restrooms the feeling is that all the compartments need to have, whether they're accessible or inaccessible, need to be, have the labels.

Being a potentially you could have an area that has multiple, all kinds of urinals and toilet compartments that are inaccessible and those that are accessible to two types. And there's still the confusion going down a corridor within a large restroom in identifying the right one that you want to go to.

There are many individuals, and I don't say this with any disrespect or discourtesy to one of my fellow ACC members, but yes, the younger generation that are going to college, university, many of them have no problem with this type of arrangement, compartments that do not have the privacy aspects to them.

But I can still say, even though it's, this December would be six years ago since I retired from a major university here in California, and they was already moving toward that in one of the residence halls. There were students with disabilities, particularly a student who was blind, had come in, can't identify them.

I don't have the permission to do so, but except that it was a woman and who had gone to a university in the Midwest, and I guess they had started this. And she unfortunately was assaulted in her stall and that was by a male. And she was traumatized from that. So, when she came to my university and she looked like as if in freshman she was gonna have to go into the residence hall that had, was going to be having all-gender. She was asking to be put into another residence hall to avoid being that situation. I don't, I'm assuming knowing the staff that were in the housing office, they probably did not hesitate in accommodating her. They were very sensitive, the needs of people with disabilities. But what I'm trying to say is even the younger generation is not comfortable about compartments that are not private in the restrooms.

Yes, it costs more money, but I think it's worth the many of not only access, but safety and that's, if it gives you that and also the privacy, we all have privacy concerns. I was personally having an issue, a totally blind person, somebody who campus police had to intervene who was, thought it was a thrill to come in.

And when I would use the stall, would and could pop the locking mechanism on the accessible stall. Cause I have a back issue, so I need to grab bar at times and thought it was just hilarious for the door to be open and or the individual was caught peeking in. We finally got the person caught and dealt with them.

But you know, that's something as a blind person, you also just feel more vulnerable when you don't know your surrounding; who's there, who could be good or bad. And you want to feel that when you go into a restroom stall that you don't have compartments that somebody can peer right over or underneath or between the partition. You wanna really feel, and I, I'm certain everyone else that's on this meeting really ultimately wants that too. And so, I can understand that it costs more money and I make these comments with no disrespect. It's just I think they have to deal with it. So now so that's identification.

Changing another thing, a totally different, DSA had, well there was legislation passed in 2000. And the California council blind that I represent on this collaborative had introduce, had got put into law that mandated DSA to have a disability, a detectable warning evaluation committee. Took a while to get it going.

It was a very, very productive entity. Underwriters Laboratory was the contractor and unfortunately, just before the end of the work, the contract ran out. There was no money, and I don't know how many years it's been, but it's been numerous years. And ultimately with General Services, not DSA that would decide about the funding for a contractor.

I know Ida has been very supportive of reestablishing the committee and seeing what could be done. But still, in the decision of the General Services.

Brad Morrison: Gene, it looks like we might have a comment on that on that second, that second one. We got two here that you've proposed. One is about privacy and the second was about detectable warnings.

And I think we have a follow up on the detectable warnings, and I know the privacy issues gonna come up in a later discussion. So let me just intercede there and see if that if you're complete in your thoughts.

Gene Lozano: Well, I'd like to finish about the detectable warning one.

Brad Morrison: Go ahead. Yeah, go ahead.

Gene Lozano: So, on the evaluation, I really would like my group, the California Council of Blind and others, and Richard was part of it, and I'm assuming Richard is still supportive. I really would like to see it reestablished to have some input on the RFP that's issued. So, it covers some of the requirements that were really a stretch, like determining decibel levels for audible sound when striking a detectable warning with a cane and the rebound of striking the cane on the surface.

So, we have it in the, our section 11B-705, and but that needs to be more flushed out that actually have some specifications on that. So those are the items and I, I'm finished and if there's a chance Brad, if there's responses that I can, you know, respond right back if there's a need be.

Brad Morrison: Yeah, let me queue up. Let me queue up Eric. He's in queue here and then you can go ahead and directly respond to Eric then. Go ahead, Eric.

Eric Driever: Yeah. Hi, Gene. Thank you very much. Your comment's actually really timely, so I'm happy to report that we have received funding to extend the RFP and are in the process of writing that RFP.

So again, very timely response. We have not done any extended outreach on the RFP language, but I can certainly see an opportunity for us to affect the language in that. So, with that, I'll give you a call and maybe we can strategize a little bit about how best to approach the language in that RFP.

Gene Lozano: Thank you.

Eric Driever: And then on privacy I know we have received in the context of this meeting comments on both sides of that. And I would say that there are some comments on both sides of it that we've received within the state, both in the context of the plumbing code. I think mostly in the context of the plumbing code, proposals BSC has received those, but I believe nationally there's support for privacy compartments going floor to ceiling with very limited openings.

And primarily only limited for mechanical purposes at the bottom side of a door or something like that. So nationally, I think it seems as though the accepted standard is full privacy partitions in all-gender restrooms.

Gene Lozano: I thank you for that. And I've also heard that I guess ANSI 117.1 committee is going to be looking at that and they have a, you probably might be aware that they have a task force to deal with communications, accessible communications.

And I believe that there will also be looking at the tactile sign for the restroom doors. And there's some people are gonna try to push for the geometric shape. And the

people that I talked to, no one was outright saying that all-gender restrooms should not be an option at all. They understand that that's an option, but they want to be certain that, and this is plumbing code, I realize this will be coming up, but that if there's a place that, where there's all-gender restrooms multi-stall and facilities that that in no way will contribute to the loss of the single user restrooms, family or unisex is what is in the code, federal code. And people want those or need those rooms because of the counter, the lavatory. So that they sometimes need that room and I to do if they need to test their diabetes sugar level. Or they need to give some insulin so that they're not seen giving injections in the room and people think they're taking illegal drugs and therefore the next day they have law enforcement. And that's happened at my university and thank God resolved very quickly. They understood law enforcement there, but the person was embarrassed the fact that they were being questioned.

And this is, again, it solves a lot of needs the single user restrooms. And so, they don't want to see that lost in favor. They multi-stall all-gender restrooms and so I don't know, that's not within your realm, I assume, the plumbing code, but if there's anything, at least if you're sharing information with the people that are within DSA that are working on the plumbing code let 'em know that there is, there's an constituent that still wants those single user restrooms regardless whether there's gender specific rest, multi-stall restrooms or whether there's all-gender multi-stall restrooms. Thank you.

Brad Morrison: Okay, thank you Gene. I appreciate that. Pretty good comments there. Okay, so really quickly here with one eye on the clock, I'm gonna ask Michal if she has any further comments. She had a comment the other day regarding privacy asking for the privacy term, recommending the privacy term be removed. So, Michal, do you wanna come in here and comment while we're, we're roughly on the discussion of privacy?

Michal Healy: Yes, I do. Thank you. My background is K-12 schools and so for us, the privacy versus security and safety within a multi-stall bathroom is paramount on this. And we feel that full floor to ceiling partitions within a bathroom may diminish the safety and security of students and supervision that can go on in those bathrooms. Adults can't go in there. But not having the ability for other students to see underneath these stalls to see how many feet might be in there is a concern for us. A big concern.

And we view it as you're at school and these multi-stall bathrooms, if they truly have floor to ceiling partitions, then it just creates a lot of complications with managing how many students are in each stall. And so that is certainly something that is at the forefront of our mind. And we are looking at also providing single occupancy bathrooms that are all-gender. And so that might be that if someone does need more private space, they could go in, use a single occupancy bathroom. But for the multi-stall, we really would be pushing for allowing each individual district or each entity to decide how tall or close to the ground those partitions are. So that's kind of where we're coming from.

Brad Morrison: Oh, great. Thanks, Michal. Appreciate it. That's good. Good stuff there. Okay, so let's see. We have Eric and Richard in queue. Go ahead. Eric, please.

Eric Driever: Thank you, Brad. Michal I'm curious, so when you, when you're saying the we, I'm trying to understand what that collective is, and have you had the opportunity to collaborate with CDE on any of these concerns? I know that they're developing some standards, some guidance for all-gender multi-user restrooms, and I'm curious to what extent those comments have been passed on to CDE.

Michal Healy: I actually wasn't aware that CDE was doing that, so I will reach out to them and find out. We have, at least in the Bay Area, near San Francisco area, we have a group of school districts and we kind of talk amongst ourselves. And it seems to be the consensus between, at least on the, especially at the high school level that more transparency between the different stalls is a better situation for the safety of the students.

And so, I haven't gone statewide on that, but we have worked with, in my district, we've spoken with staff, we've spoken with students and students are mixed. Some of the students do want more privacy. But if we do offer an all-gender single occupancy restroom, then they could use that.

But for the majority of the students, they actually are okay. And like I said, we have opened up all-gender restrooms in our female restrooms. And we didn't change anything. So, the stalls do have slight gaps in them. And they are the regular height partitions. And so far, that's been working.

And so, we did have, I will say we did have one incident in a multi-stall and that was with the shorter partitions. And so, our concern with the safety of the students in what could happen in multi-stall restrooms with floor to ceiling partitions, that with bullying and other things, that could potentially increase if you can't see how many feet, so to say, are in each stall.

But I will do some more research and reach out to CDE. I'm sure CASH and CASBO have been doing that also, but just from the local school districts within the South Bay area. I'll reach out to CDE and see if we can provide more input on that.

Eric Driever: Thank you. I'll try to send you the contact that I have on that.

Michal Healy: That would be great. Thank you.

Yeah, great. It would be great to know in a future meeting too, what you found out. So, keep us in the loop. Privacy seems to be an issue, so please bring it back. Okay, thanks Michal. Richard, did you have a comment?

Richard Skaff: I do, I actually have a couple of comments and questions.

Michal, I, I'm wondering have, you said you, not you necessarily, but there were discussions with the students, and I hear what you're saying about security and safety. I respect that. First, I would hope that if these stalls, we don't have these floor to ceiling enclosed stall in multi-use bathrooms, that there is a multi-floor, all-gender restroom on each floor.

So, they don't have to go between floors to get that same type of privacy. And the reason that children with disabilities may want that privacy is, you know, they're

uncomfortable with doing things like catheterization or emptying leg bags or whatever in a situation where other kids might see that happening.

And as long as that's respected by having access to a privacy bathroom on each floor, I have really no problem as long as we define it, that lack of multi-use bathroom privacy stalls just for schools, not for universities or any other public accommodation. I also wonder though, if you have these all-gender single use bathrooms, what do you do about security there?

I, you know, I understand you're saying with a stall that has it floor to ceiling of walls, you can't, you have no way of determining whether one person or ten are in there. Well, how do you do that with a single use all-gender restroom?

Michal Healy: So, I have spoken to the students personally. That was one of my jobs. And before we opened up all of these, and so a lot of the students with disabilities are already they're using, they have single occupancy bathrooms that they're using. So, they're either going to the nurse's office if they need assistance, or then they're going to another single occupancy bathroom on campus.

So, I would say that there's more of a chance that someone will see two people going into a single occupancy restroom at the same time, because most of the time there's security guards, at least at the high school level. We have security guards walking around. We have there's lots of people walking around. And so, the odds of someone seeing two people going into a single occupancy restroom are more likely than noticing two people going into a multi-stall restroom because that they can go in because there's multi stalls. So that is one of the items that the principals have mentioned that it's a little bit easier for them to regulate just because someone, for the most part will say something if they see two people going into a single occupancy restroom, but two people going in one after another within a multi stall, that's pretty normal.

So those were the comments that we got from the staff at our high schools.

Richard Skaff: Thank you. My only concern with what you said was, in some schools, they may go to the nurse's office and there's, I would assume there's only one nurse's office in a building. In a school? Yeah. I would again state I would support separating out these floor to ceiling single use stall systems for schools to the, through the high school level, not college, but through the high school level.

But as long as there are all-gender single use bathrooms on each floor, not forcing a child to go to a nurse's office, which, you know, if there's only one office with a single use bathroom not only may it already be in use, but the time it takes to do that might be unreasonable. So, if the school district wants to have that kind of safety security, then I would suggest they need to provide an all-gender restroom, single use restroom on each floor.

Michal Healy: And we do now in our new construction. We're planning for that now, but many of our schools were built 50 years ago and we don't have enough bathrooms to basically taking a single all-gender bathroom and giving it to the students results in the staff having one less bathroom. And so, we're being really careful on our plumbing counts on that.

And so, it really is school by school. But when we build new buildings, we are making sure that we have a single occupancy on each floor and in each building for the students. And then we are smattering the campus with a multi-stall all-gender restroom in different locations throughout the campuses.

So, it's just hard when you have to go back and modernize something. Because DSA makes sure that we're up with current plumbing code when we touch something. And so, if that triggers us making wholesale modifications to our multi-stall restrooms or having to add an extra bathroom, that may just prohibit us from doing some other improvements just because of the cost of it.

Richard Skaff: If I could ask one more, Brad, I apologize.

Brad Morrison: Okay. Quick, quick, quickly, Richard,

Richard Skaff: Quick, how do you, how do you deal with the stress of an all-gender multi-stall bathroom on a child with a disability who may be very shy about their disabling condition as it relates to the use of a multi stall, multi-gender, all-gender bathroom without having the privacy of a floor to ceiling stall then. I, that poses a problem as far as I can see.

Michal Healy: So, the students still have the single gender bathrooms to go into. So, we're not taking that option away from them. We're just allowing the option of having one, right now, it's one or two all-gender multistyle restrooms on a campus. And so those students currently are using a single gender bathroom for the, as far as I know, they're pretty much all using a single gender bathroom.

Or going in if they are, if they have an aid, then the aid is either going into a multi stall bathroom with them or the aid is going into a single occupancy bathroom with them, which is our preference, of course. And so, it just depends on where those bathrooms are located on the campus.

Brad Morrison: Great.

Richard Skaff: And that's why I was concerned about the minimal number of single use all-gender bathrooms.

Brad Morrison: Yeah. Okay. Let me...

Michal Healy: Yeah, it's certainly something that we struggle with.

Brad Morrison: Let me bring Carol into this one so we can wrap up this discussion. Oh, Gene, you wanna get on this one too? Okay. Let me bring in Carol. Okay, Carol.

Carol Loeffler: Hi, Brad, it's Carol. I just want, I just wanted to point out, I worked in schools and none of my schools had nursing bathrooms. None of my schools had a nursing room. The nurse was on call most of the time. So, I think the analysis that people are saying, well, the nurses have a bathroom is outdated. So that one I just would like to share for people's knowledge base. I've not worked in a school with that accessibility.

Brad Morrison: Yeah, yeah. No, that's, that's a good point, Carol. Unfortunately, yeah, the school nurses have not the same as it used to be, and it's probably the difference between you know large school districts and small and medium school districts that you're pointing out there. So, yeah. Good point.

Carol Loeffler: Okay.

Brad Morrison: Thank you on that one. Gene?

Eugene Lozano: Yeah. I, elementary school, I can really understand where you're going in there and monitoring. It's, and I guess unfortunately things have changed. It just kind of the building code can't control this, the behavior of people that it's necessary to have somebody monitoring. Who's in the restrooms and the stalls there that's what's going on.

I would agree generally with what Richard's proposal was. Though I think middle schools and high schools should be just brought up to the same category of universities and just public restrooms around there. That there needs to be some of truly private compartments there. The thing is, and I did the all-gender, single user and against, I guess this probably plumbing code again, I hate to see that, and Michal did not say this, but that potentially you could have in large schools that you only have a handful of these restrooms where you might have more of the other multi-stall ones in that, and I talk about new construction that you have at least one adjacent to the single user adjacent to in close vicinity to the multi-stall ones there.

So, there's at least you don't have to go to. Either, you know, opposite end of a campus to go to a restroom if you need the single user when it's on the same floor, but that it's right there in vicinity. And again, I talk about new construction and if it could be having at least more than one because when you go out in the public, you often find like at community centers like the one here in Sacramento, downtown, we just, we got renovated there and live theaters go there. And even though it was, they had put in more women's restrooms and, in the building, the unisex ones, the two they had there, it, you have a long line of people going there saying, I'd rather go here. And you point out, well, there is no line going to the others. And so, there are a lot of people in the public that for whatever with it, without disability, they want these, so I'm saying is in the code. There's some way of not ensuring that it's in close vicinity, a single user restroom to when you have a multi-stall restrooms so that they you don't have to. You only have one or two on a floor when there's maybe multiple in large facilities. So, thank you on that.

Brad Morrison: Okay, Thank you Gene. Appreciate it. Okay, so, we've reached a sort of a point here, 12:05. I think we can make it by kind of our original goal here, 12:30, you know, somewhere in that vicinity. If you'll just stick with me. I'm sorry we blew by the break. But there's been a lot of discussion and I think some of these topics are pretty you know, they're timely and people have things to say.

So, let me proceed on the list here and see if we can't just keep, get through our existing comments and then we'll go from there. And if any, does anybody have any comments on the timeframe here or any other suggestions? Okay, let me just kind of proceed on as we were going. Okay.

Ida Clair: Hey Brad, I think we need to stick to our, at least our suggested time to end. So, if we don't hit all, I mean, we, the ACC has accomplished what it needs to do for rule making, I believe. So, I just wanna make sure that in respect of everyone's time, we don't extend beyond the allotted time.

Brad Morrison: Okay. That sounds good. Thank you, Ida. Got it.

Ida Clair: Thanks.

Brad Morrison: Okay. Nubyaan, you had talked about a new item that you wanted to bring up, and so wanted to kind of include you in on that right now.

Nubyaan Scott: Thank you. So, there are two items that DRC had previously proposed to come in front of the ACC and so I just wanted to repeat those suggestions here and see if there has been any update. So, the first one would be a proposed amendment to 11B-233.3.1.2.6 on public housing facility site impracticality. The site impracticality tests in this section may be used to determine the number of required residential dwelling units with adaptable features and buildings without an elevator located on sites with difficult terrain conditions or unusual characteristics.

The proposal that we're making is because we think that the current section omits the portion of the Fair Housing Accessibility Guidelines Requirement one, which defines specific exceptions to the site impracticality tests. And we recommend just incorporating those exceptions into the CBC to ensure consistency with the Federal Fair Housing Accessibility Guidelines.

And we think that failure to include those exceptions will mean that the CBC compliant buildings may fail to include adaptable units that the Fair Housing Act would otherwise require. That's the first one.

Brad Morrison: Okay. Okay.

Nubyaan Scott: And I can go to the next one if you'd like.

Brad Morrison: Please go ahead.

Nubyaan Scott: Okay. The next one is a proposed amendment to 11B-233.3.1.2.1 on elevator buildings. This section of the code outlines which units in an elevator building must contain adaptable features. However, the language currently in the code differs from the HUD regulations because the current code covers fewer units. The current code language limits required adaptable units and elevator buildings to those floors served by an elevator.

But federal law requires that all units in an elevator building be adaptable units, even on floors not served by the elevator. And we think that the code has to be amended in order to be clear that it's in compliance with federal law. The Fair Housing Act prohibits discrimination on the form, in the form of failing to design and construct accessible housing of course, and pursuant to those regulations implementing the statute of covered family, covered multifamily dwellings means buildings consisting of four or more dwelling units if those buildings have one or more elevators.

And so, the ground floor essentially is any floor of a building with a building entrance on an accessible route, and a building may have more than one ground floor. So, we just wanted to incorporate that suggestion because it would make it very clear that there's accessibility, that there have to be adaptable units throughout the building rather than just on floors that happen to have an elevator. And we don't think that's currently clear in the building code.

Brad Morrison: Okay. So just to clarify, and you have basically what amounts to two code proposals here that you're suggesting, is that correct?

Nubyaan Scott: Correct.

Brad Morrison: Okay. And then what's the timeframe what are you thinking in terms of the timeframe for your proposed action?

Nubyaan Scott: So the proposal would be for it to be included in this cycle, but I, in previous conversations with Eric and other staff, the issue I think folks were facing was they thought that it would require DSA to work at a pretty heightened pace because there has to be a lot of paperwork done before it moves on to, you know, the next steps. And so, I just wanted to see if there was any update on that. If you all thought that it might be able to be incorporated into this cycle.

Brad Morrison: Oh, okay. I see Eric up here. Let me, let me bring him into the discussion. See what he can do here. Okay.

Eric Driever: Yeah. Hi. Thank you, Brad. Thank you, Nubyaan, for bringing those up. I think under the, and actually you should say that these were not the only code proposals that we had previously received. Recently became aware of them and have been working with you to research whether or not those could be included. I think there is a strong possibility that the elevator building proposal could get worked into our process.

I'm corresponding with Building Standards Commission regarding some of the need for public input on that proposal. I think that's going to be the critical factor in all of this. Whether or not a public meeting is necessary. As I mentioned, December 2nd is our current deadline to submit to the Building Standards Commission.

We would not have the ability to bring in new proposals subsequent to that or after that. So, it would be us needing to update our current proposals that have been submitted to finance and legal. So, there's a few things that we are definitely trying to work in. An alternate approach could be some clarification in the housing guidance document that we have as an initial step. Moving towards the inclusion of some needed changes in the elevator building requirements. We acknowledge that there's something missing there. My sense is after doing a bit of research on your proposals, that there are a number of things that we need to address within housing, public housing and perhaps it would, could be part of a larger effort in the triennial cycle. So, the goal right now would be to at least move to include 230 the elevator buildings. And I'm gonna, if I try to state the section right now, I'm gonna mess up the number. It was, I wanna say it's 233.3.1.2.1. But if that's wrong, I apologize. So, we'd like to see if we can't include that.

The site impracticality, I think is a bigger item that we would not be able to include in this cycle considering the timeline but would propose that get moved into the triennial cycle along with the other proposals that your group had presented.

Nubyaan Scott: Thank you. I appreciate the update, Eric.

Brad Morrison: Yeah, you're. Okay, great. Okay, other discussion on this this item, these new proposals. Anybody else have any comment?

Okay. Okay. Nubyaan, does that complete your request?

Nubyaan Scott: Yes, thank you.

Brad Morrison: Okay, great. Okay, thanks. Thanks everybody. Okay. So, I have a couple of things here just to kind of tie up some loose ends here. Arfaraz, for us you had mentioned something about a new section to define toilet compartments and urinals and toilet rooms and you were, it sounded like you're working on some language there from the meeting the other day. And I think we cut you short was item number one and we cut you short just to kind of get on with the discussion. So, do you wanna come back with any suggestion you might have there or any further discussion on that? Arfaraz?

Arfaraz Khambatta: Thank you Brad. I am drawing a blank as to what you are referring to right now. I know we discussed the language, and I did suggest some modifications to the proposal language at the meeting. But in addition to that I had offered to share with DSA examples where both urinals and toilet fixtures are in the same compartment and how the proposed code language could potentially be able to address those scenarios as well. And I had requested that DSA provide for the clarification in code between what constitutes a total compartment in an all-gender multi accommodation restroom versus what constitutes a single accommodation restroom.

Because what we're seeing is, in some situations where the multi accommodation restroom and adjacent quote unquote depending on how you look at the definition what could be an accessible toilet compartment, or it could be an accessible single accommodation restroom. If we're looking at it as an accessible toilet compartment, then we would prohibit the installation of, let's say, a baby changing station in that compartment. Because 11B-226.4 prohibits that. However, if it's looked at as a single accommodation toilet room, then there's nothing prohibiting someone from putting the baby changing station in that accessible toilet compartment.

So, I think that it's important to get clarification on that to obviously, the reason why 11B-226.4 exists is you don't want folks who need to change their baby's diaper occupying the accessible toilet facility. And it should instead be in the common use area of the multi, well, not common use area, but I guess common space of the multi accommodation restroom. So, I think those were the points I was making when we were discussing those code proposal.

I do have a one more code proposal. I understand from the conversations earlier that now may not be the time to incorporate this, but I do think this is an area that is, I would encourage DSA to take this up as an emergency amendment.

Currently, as some of you may or may not be aware, in the 2019 California Building Code Chapter 30 Section 301.2 of the Elevator Code, now has a provision for two-way emergency communication systems to have visual and audio communication ability to account for the needs of persons who are deaf and hard of hearing.

Unfortunately, there isn't a clear code path between 11B-407 and Section 3 1.2. To add to that to, add to the problem currently state building inspector's elevator installations are overseen by OSHA and because in California, we use the 2004 version of an a 17-point AME. There is nothing in the 2004 version that speaks to this new requirement. So, there's no enforcement on the, from the state inspector side at the local level. Fire inspectors don't have a code path to enforce it either if it even if it's brought to their attention.

So, I think there's a gap there from the code enforcement perspective. And I'm wondering if DSA can plug that gap with perhaps language in 11B-407.4.9. If I'm not mistaken, I don't have the code section in front of me, that cross references section, the CBC section 3001.2 for this new system.

Brad Morrison: Okay, Arfaraz, let me, it looks like we have Eric in the queue followed by Gene. Let me get Eric in here and see if he can clarify.

Eric Driever: So, I was originally raising my hand just to point out that I think Arfaraz's original comments on the toilet compartment were in the context of that earlier discussion. But since you brought it up, the chapter, sorry, the elevator section 3001.2, I believe we've had some earlier discussions within our statewide teams regarding this item. So, I appreciate you bringing it up. I think the overall goal is that accessibility provisions are generally in 11B, not dispersed throughout.

And that I'll just recognize without a whole lot of thorough investigation here in this moment, that that section is not even adopted by DSA access currently. So, I appreciate that the desire to get that included in an emergency session. I'll take it under consideration but suggest that if something is needed to be brought in, that might be an item that is targeted for our triannual code adoption cycle. And as was discussed earlier with Richard, I definitely want to have a more transparent way to receive these proposals. {indiscernible} notes. We also want to be able to report back to you on and close the loop so that the feedback loop is complete. So, I'll definitely follow up with you but appreciate you bringing it up.

Brad Morrison: Okay, great. Thanks. Thanks, Eric. Appreciate that. Gene, do you wanna have a comment in here on this one? Gene, are you on mute? I can see your lights on. Go ahead.

Eugene Lozano: I, I'm, you can hear me now?

Brad Morrison: Oh, yes, I can hear you.

Eugene Lozano: Okay. I would strongly support a next triannual cycle that we see about the alleged communication system in the elevators that have switched where if there's individuals trapped who are deaf or harder hearing, they have no way of communicating with the outside. The monitor does, you know, has no idea, it cannot interact with them. And this is also true. There's some visual things, but for the totally

blind, there is no way accessible to communicate that you're trapped. You need assistance. It's just one way. It's the camera, if they look in there and you in some way, they can decipher that, ok somebody's having a problem, we need to get some assistance there. I, the, this is something of real interest on the national level from the blind and deaf communities.

So, this really needs to be flushed out. And actually, I know a lot of this will be on the national level but see what California can do to ensure that somebody who is, has a sensory disability can truly communicate and get help and act and be able to communicate. Not just a one way viewing from a safe security perspective, but actual truly communications. Thank you.

Brad Morrison: Okay. Thank you, Gene. Richard?

Richard Skaff: Just to support what Gene was saying I, here's an example of what DSA needs to do, and that is, have as a primary goal assuring that the built environment is safe and accessible to everyone, including people with disabilities.

And I can't, you know, State of California was the leader in putting what do they call the new elevator systems that don't stop at every floor. They go to...

Gene Lozano: destination based.

Richard Skaff: Destination based. How could we have jumped to that? And nobody raised a finger about that. Yet, we have problems with access ongoing by industry folks and code folks and licensed folks. I, I'm just amazed. You know, where is the support for our needs? And that needs to be pretty clear and it's not.

Brad Morrison: Thank you. Thanks, Richard. Appreciate it. Okay. I think we worked through our list. I'd just like to make for the, I don't see Tim or Bob here, and I, one of them made a comment about the increasing the area of safe refuge, and I just want to have that in the record here, so that we can bring it up in a future code meeting and recognize that their comments weren't lost. Okay. At this point we've gone through the list, and I think we've addressed most of the members' comments from earlier parts of the meeting. And if there's any other comments at this time, let's see 'em right now. Hear 'em right now. And if not, we are gonna move to adjourn this meeting and look forward to our next. So, would there, is there, at this point, anybody who has had any further thought?

Richard Skaff: I'll move off the, I'll move to adjourn.

Brad Morrison: Okay. Sounds good.

Ida Clair: I don't know that we ever need, this is not a, we can just agree that the meeting's over.

Brad Morrison: That's okay. I like it. It's very clear though. I like that.

Arfaraz Khambatta: Sorry, I was a little slow at unmuting and Richard beat me to the call, but I did have one follow up question to Eric. Eric, you did say that the, for the next I guess this would be the intervening code.

Eric Driever: It would...

Arfaraz Khambatta: Oh, no, I'm sorry. This would be...

Eric Driever: We're in the intervening code.

Arfaraz Khambatta: Cause we're in the intervening.

Eric Driever: It would be for the triennial.

Arfaraz Khambatta: So, it would be for the 2024 CBC. 25. Thank you for keeping me honest with my math, Ida. So, in the interim, however, we have this six-year gap where from a code enforcement official's point of view, it becomes very hard to enforce the Chapter 30 requirements.

And you know, speaking to my colleagues in or fire inspectors as well as building officials, what could possibly be done in the interim because it the, we we're talking about a code, a change that won't go into effect till for another three years.

Eric Driever: January 1, 2026.

Arfaraz Khambatta: Exactly. So, it's a long time. Many elevators get, are getting installed in the next three years. And how do we as code enforcement officials enforce the requirements that are already existing in the 2019 Chapter 30? So, I think that's really something that is an emergency situation so to speak where you know, we need the teeth to be able to enforce that.

And right now, it's not getting enforced by the state and it's not getting enforced at the local level either. So, I, and then I guess you mentioned there was a certain timeframe you'd like to receive proposals from the ACC? Just a ballpark estimate of what that timeframe looks like. Are we talking about next April or maybe later in 2023?

Eric Driever: Yeah, So I, I'm going to anticipate a good, strong effort. Let's see. So, we have our rule making that we're doing and that we're gonna be involved with through July. But I think prior to July, there's going to be a window where we can take advantage to set some new practices and probably incorporate those into some may be necessary changes to the charter.

In what coincides in July is that we have new membership coming in. I'll just suggest that we just went through selection of new members. Everybody agreed to the existing charter. And so, I think our really next good opportunity to update that charter is, was just prior to bringing in new membership so that the new members can then react to a new charter.

And that sort of seems to align with our ability to reset on a new process to receive proposals from the ACC. And really, I guess move forward in a strong way, having good collaboration with the ACC.

Some time to revisit the study, see if there were any gaps. I absolutely sense the urgency and I recognize that. We have some things to do right away. And we have a significant number of proposals. Even though that there are some that, that are more

administrative, there's still a lot of effort that goes into those proposals. Public meetings, et cetera.

So, I would not want to take this effort on sort of reorganizing the group on prior to July. Well, sorry, prior to this code cycle effort. But I would say that sometime in the late spring, prior to summer, we can readdress some of these larger issues regarding the organization and how we receive proposals and feedback loops and everything else related to the acc.

That was a really long-winded answer. I apologize, Arfaraz.

Brad Morrison: It's okay, Eric. Thanks. {indiscernible} to all day meetings. Okay, Gene.

Gene Lozano: Yes, I, I'd just like to add to the list of things to look at for ACC when the time is looking at the charter, looking at term limitations. I think the loss of some subject matter expertise that may not, may be lost.

I think there should be some discussion about that. The other thing was, I'm wondering, and I know not during this code cycle, but whenever get into the elevator, the actual effective QA communications, I was wondering if a task force could be convened with subject matter experts, knowledgeable, and in addition to people with variety of disabilities, including, and it was unintentional oversight about people with physical disabilities that may be unable to use their hands or have speech impediments and cannot communicate. But the whole realm of disabilities, as Richard was saying to be involved and with subject manage to look at this whole thing and formula with the gold of formulating new codes language to be put into chapter 11B, that within the that we'll be addressing accessible communications in elevator car.

Brad Morrison: Thank you. Thanks, Gene. Go ahead Eric.

Eric Driever: I just want to bring this up promise keeper, we are at time. So, I think it's probably appropriate that we end this meeting. Thank you, Gene, for your comments. Certainly, take that under consideration. But in an effort to be respectful for everybody's time, I'd suggest we end the meeting.

Brad Morrison: Okay with that. Goodbye everybody. Thank again for your participation and thank you. Take care now.