

Division of the
State Architect

Guide to Public Housing Regulated by Chapter 11B of the California Building Code



First Edition

Department of General Services

Division of the State Architect

Governor Gavin Newsom

Yolanda Richardson, Secretary of the Government Operations Agency

Ana Lasso, Director of the Department of General Services

Division of the State Architect

Ida A. Clair, AIA, LEED AP, CASp, State Architect

DSA Access Codes and Standards Team

Derek Shaw, Supervising Architect

Susan Moe, Senior Architect, CASp

Debbie Wong, Senior Architect, CASp

Michelle Golden, Senior Architect

The Division of the State Architect is a division within the Department of General Services

Visit our website at <https://www.dgs.ca.gov/DSA>

Table of Contents

Introduction	3
Rulemaking Authority	4
Overview of the State and Federal Regulations	4
ADA and 2010 ADAS	5
HUD Section 504	7
HUD Fair Housing Act of 1968, as Amended	9
California Building Code, Chapter 2 Definitions	10
Flowcharts and Resources	11
Federal Regulations – ADA and 2010 ADAS	12
Federal Regulations – ADA and 2010 ADAS for Title II Entities	13
Federal Regulations – ADA and 2010 ADAS for Title III Entities	14
Federal Regulations – Fair Housing Act and Section 504 of the Rehabilitation Act	15
Federal Regulations – Fair Housing Act and Fair Housing Accessibility Guidelines	16
Federal Regulations – Section 504 of the Rehabilitation Act	17
State Regulations – California Building Code Chapter 11B	18
State Regulations – California Building Code Chapter 11B – Public Housing	19
State Regulations – California Building Code Chapter 11B – Transient Lodging, Housing at a Place of Education, Social Service Center Establishments	20
Housing Programs and Applicable Regulations and Guidelines	21
For More Information	27

Introduction

This guide is provided by the Division of the State Architect (DSA) to offer guidance for understanding the application of Chapter 11B of the California Building Code (CBC) for public housing projects. Selected parts of Federal standards and guidelines are reproduced in this document only to show consistency of those standards and guidelines to the definition of “public housing” in Chapter 2 of the CBC.

The genesis of this guide arose from the numerous questions DSA has received regarding the definition of public housing and what is considered a “housing program.” DSA has a statutory directive to provide education and training to code users on compliance with the CBC and has endeavored to improve the clarity of the State regulations for public housing. The information included in this guide is intended to expand this endeavor and provide guidance to code users such as design professionals, housing developers, and building officials related to housing regulated by Chapter 11B of the CBC.

This guide is intended to be complementary to, and not a substitute for, the specific scoping requirements of the CBC and federal regulations. Each project provides a unique set of project parameters that require close examination of the applicability of State and federal standards; therefore, this guide should not be used as the sole mechanism to check for compliance with the regulations. Additionally, this guide does not supersede the interpretation of the local enforcement entity, who under California law possesses the exclusive authority to enforce and interpret the requirements of the CBC. Furthermore, the California Attorney General’s Office has declared that it is outside the authority of the local enforcement entity to enforce the federal regulations cited in this guide; therefore, the responsibility for compliance with the federal requirements rests with the owner and the design professionals working on the project.

The information contained in this manual is intended only to serve as a guide and an informational tool on compliance with federal and State laws, regulations, and standards. This manual does not constitute legal advice. Please consult with appropriate legal counsel regarding any legal questions you may have with the content of this guide. DSA is unable to provide interpretations or guidance on federal standards and guidelines. DSA has no authority to regulate, interpret and enforce Federal laws and regulations, and this document is not making any such action. DSA does not claim expertise in providing information on Federal regulations.

For questions related to the federal standards and guidelines cited in this document contact the following agencies:

United States Department of Justice Civil Rights Division – <https://www.ada.gov/>

United States Department of Housing and Urban Development – <https://www.hud.gov/>

It should be noted that State and federal laws, regulations, standards, and guidelines are subject to revisions, additions, or deletions, at any time.

DSA has the authority to interpret and enforce Chapter 11B for projects that are within its jurisdiction. DSA has no enforcement authority at the local level. Only the local building department has the authority to interpret and enforce CBC Chapters 11A and 11B for projects that are in its jurisdiction.

DSA is unable to provide interpretations or guidance on CBC Chapter 11A. For questions related to CBC Chapter 11A please contact:

California Department of Housing and Community Development - <https://www.hcd.ca.gov/>

Rulemaking Authority

Government Code section 12955.1, subdivision (c), grants the Division of the State the authority to develop regulations for public housing and reads in part:

“...regulations adopting building standards necessary to implement, interpret, or make specific the provisions of this section shall be developed by the Division of the State Architect for public housing...”

During the rulemaking cycle for the 2013 Triennial Edition of the CBC, with the decision to use the 2010 ADA Standards for Accessible Design (2010 ADAS) as model code, the regulations for public housing in Chapter 11B were significantly amended. A definition for “*public housing*” was developed and provided in Chapter 2 of the CBC. This guide is offered for use as a starting point to analyze if the definition of “*public housing*” and the scoping and technical provisions for public housing in CBC Chapter 11B apply to the project under consideration.

Overview of the State and Federal Regulations

The following pages provide information for the various types of housing regulated by the federal standards and public housing regulated by the State standards. Public housing may be both privately funded and part of a public entity’s program to provide housing. However, all public accommodations in the State are required to comply with CBC Chapter 11B.

ADA and 2010 ADAS

The ADA mandates that when state or local governments establish a program that provides housing to its residents, that public entity has the obligation to ensure that its program is operated in a non-discriminatory manner whether the program is provided directly by the public entity or through "contractual, licensing, or other arrangements."

When a state or local government enters into an agreement with a private party the obligation to comply with the ADA is not contracted away. Adherence to the ADA and the 2010 ADAS is required in such an agreement.

2010 ADAS and ADA Title II Regulations (28 CFR 35), applicable to state and local government services, programs, and activities:

§ 35.149 Discrimination prohibited.

Except as otherwise provided in § 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

§ 35.151 New construction and alterations.

(a) Design and construction.

(1) Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities if the construction was commenced after January 26, 1992.

For the whole text, you can go to: 2010 ADA Standards for Accessible Design.

(j) Facilities with residential dwelling units for sale to individual owners.

(1) Residential dwelling units designed and constructed or altered by public entities that will be offered for sale to individuals shall comply with the requirements for residential facilities in the 2010 Standards, including sections 233 and 809.

(2) The requirements of paragraph (1) also apply to housing programs that are operated by public entities where the design and construction of particular residential dwelling units take place only after a specific buyer has been identified. In such programs, the covered entity must provide the units that comply with the requirements for accessible features to those pre-identified buyers with disabilities who have requested such a unit.

For the whole text, you can go to: 2010 ADA Standards for Accessible Design

The ADA National Network DISABILITY LAW Handbook provides the following information related to the Americans with Disabilities Act (ADA) and housing:

Where is housing covered in the ADA?

Housing under the ADA is covered in Title II and Title III of the Act.

Title II covers programs of state or local governments, which includes housing. Title II requires new construction and alterations to have no architectural barriers that restrict access or use. Each part of a facility built after January 26, 1992, must be designed and constructed to be accessible. Title II applies to individual housing units as well as offices, recreational areas, and other parts of a housing complex that might not be covered by the FHA. Facilities constructed between January 26, 1992, and March 15, 2012, should have been built in compliance with either the

1991 ADA Standards for Accessible Design or UFAS. Housing built on or after March 15, 2012, must comply with the 2010 ADA Standards for Accessible Design.

Title III covers places of public accommodation associated with housing. Just like under Title II, new construction and alterations must be designed and constructed with no architectural barriers. Most private housing is not covered by Title III, but rental offices, day care centers, & other places of public accommodation associated with private housing facilities are covered. Public accommodations built for first occupancy after January 26, 1993, and before March 15, 2012, should have been built in compliance with the 1991 ADA Standards for Accessible Design. Public accommodations built on or after March 15, 2012, must comply with the 2010 ADA Standards for Accessible Design. Architectural barriers in existing public accommodations constructed before January 26, 1993, must be removed if the removal is relatively easy to accomplish without much difficulty or expense.

This handbook can be found on the ADA National Network website at:

<https://adata.org/publication/disability-law-handbook#Housing>

HUD Section 504

Section 504 Regulations prohibit discrimination based on disability in any program or activity that receives federal financial assistance. The Section 504 regulations define “recipient” as any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution organization, or other entity or any person to which federal financial assistance is extended for any program or activity directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. Thus, a HUD-funded public housing agency or a HUD-funded non-profit developer of low-income housing is a recipient of federal financial assistance and is subject to Section 504's requirements. However, a private landlord who accepts Section 8 tenant-based vouchers in payment for rent from a low-income individual is not a recipient of federal financial assistance merely by receipt of such payments. Similarly, while a developer that receives Community Development Block Grant (CDBG) or HOME funds for the rehabilitation of an owner-occupied unit is a recipient for purposes of Section 504, a family that owns the unit is not a recipient because the family is the ultimate beneficiary of the funds.

The above information is taken from Section 504: FREQUENTLY ASKED QUESTIONS at HUD.gov.

The questions and answers can be found on the HUD website at:

https://www.hud.gov/program_offices/fair_housing_equal_opp/disabilities/sect504faq# Program_Accessibility

Code of Federal Regulations Title 24 – Housing and Urban Development Part 8 Section 8.3 Definitions. Federal financial assistance as defined is:

Federal financial assistance means any assistance provided or otherwise made available by the Department through any grant, loan, contract, or any other arrangement, in the form of:

- (a) Funds;
- (b) Services of Federal personnel; or
- (c) Real or personal property or any interest in or use of such property, including:
 - (1) Transfers or leases of the property for less than fair market value or for reduced consideration; and
 - (2) Proceeds from a subsequent transfer or lease of the property if the Federal share of its fair market value is not returned to the Federal Government.

Federal financial assistance includes community development funds in the form of proceeds from loans guaranteed under section 108 of the Housing and Community Development Act of 1974, as amended, but does not include assistance made available through direct Federal procurement contracts or payments made under these contracts or any other contract of insurance or guaranty.

Rehabilitation Act of 1973 Section 504. Nondiscrimination under Federal grants and programs.

SEC. 504. (a) No otherwise qualified individual with a disability in the United States, as defined in section 7(20), shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.

(b) For the purposes of this section, the term “**program or activity**” means all of the operations of—

(1)(A) a department, agency, special purpose district, or other instrumentality of a state or of a local government; or

(B) the entity of such state or local government that distributes such assistance and each such department or agency (and each other state or local government entity) to which the assistance is extended, in the case of assistance to a state or local government;

(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

(B) a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of **providing** education, health care, **housing**, social services, or parks and recreation; or

(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3); any part of which is extended Federal financial assistance

HUD Fair Housing Act of 1968, as Amended

Title 42 United States Code sections 3601 et seq

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin, and disability. It also requires that all federal programs relating to housing and urban development be administered in a manner that affirmatively furthers fair housing.

The Fair Housing Act applies whether the housing is **publicly funded or not**.

Fair Housing Accessibility Guidelines

Dwelling Covered by the Design Requirements

The design requirements apply to buildings built for first occupancy after March 13, 1991, which fall under the definition of “covered multifamily dwellings.” Covered multifamily dwellings are:

1. all dwelling units in buildings containing four or more dwelling units if such buildings have one or more elevators, and
2. all ground floor dwelling units in other buildings containing four or more units.

The above information is taken from Fair Housing Act Design Manual that can be found on the HUD website at:

<https://www.huduser.gov/portal/publications/PDF/FAIRHOUSING/fairfull.pdf>

California Building Code, Chapter 2 Definition

The definition for “Public Housing” in Chapter 2 of the CBC is derived from requirements of the ADA and the 2010 ADAS that regulate the built environment.

2010 ADAS and ADA Title II Regulations (28 CFR 35), applicable to state and local government services.

“§ 35.102 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to all services, programs, and activities provided or made available by public entities.”

Entire section can be located at: 2010 ADA Standards for Accessible Design

“§ 35.151 New construction and alterations.

(a) Design and construction.

(1) Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.”

Entire section can be located at: 2010 ADA Standards for Accessible Design

“(j) Facilities with residential dwelling units for sale to individual owners.

(1) Residential dwelling units designed and constructed or altered by public entities that will be offered for sale to individuals shall comply with the requirements for residential facilities in the 2010 Standards, including sections 233 and 809.

(2) The requirements of paragraph (1) also apply to housing programs that are operated by public entities where design and construction of particular residential dwelling units take place only after a specific buyer has been identified. In such programs, the covered entity must provide the units that comply with the requirements for accessible features to those pre-identified buyers with disabilities”

Entire section can be located at: 2010 ADA Standards for Accessible Design

The above referenced provisions are in Chapter 2 of the CBC’s definition of public housing, which is the basis for determining whether or not a project is public housing and thereby regulated by CBC Chapter 11B.

PUBLIC HOUSING. *Housing facilities constructed or altered by, for, or on behalf of a public entity, or constructed or altered as part of a public entity’s program to provide housing pursuant to United States Code of Federal Regulations, 28 CFR Part 35, 102(a), including but not limited to the following:*

1. *One-or two-family dwelling units, or congregate residences;*
2. *Buildings or complexes with three or more residential dwellings units;*
3. *Homeless shelters, group homes, halfway houses and similar social service establishments;*
4. *Transient lodging, such as hotels, motels, hostels and other facilities providing accommodations of a short term nature of not more than 30 days duration;*
5. *Housing at a place of education, such as housing on or serving a public school, public college or public university.*

Note: *A public entity’s program to provide housing may include but is not limited to: the allocation of local, state, or federal financial assistance, Community Development Block Grants, Low Income Housing Tax Credits, the California Multifamily Housing Program, loan agreements and housing bonds. Examples that are not considered a public entity’s program to provide housing may include but are not limited to: density bonuses, the receipt of public funds for the installation of energy efficiency features, seismic strengthening, water conservation and fire safety features. For additional information see “Guide to Public Housing Regulated in Chapter 11B of the California Building Code” and the “California Access Compliance Advisory Reference Manual” available on the Division of the State Architect’s website.*

Flowcharts and Resources

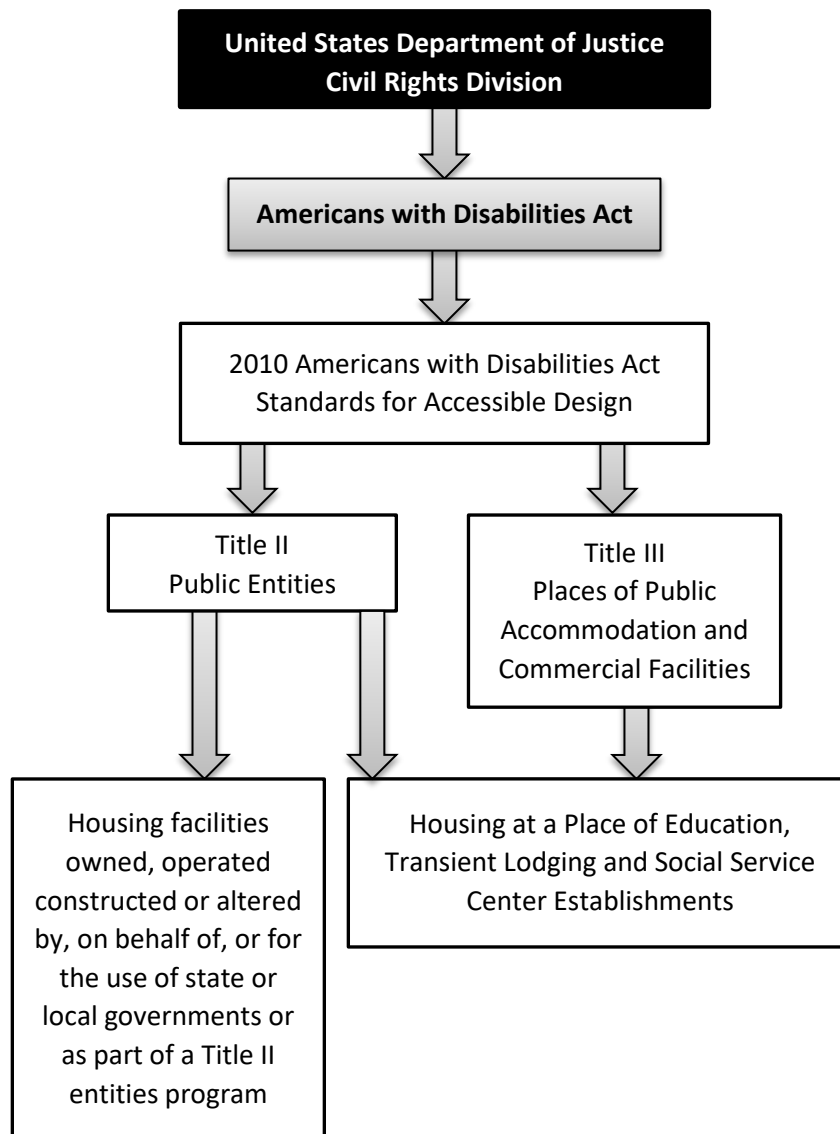
The information in the following flowcharts and tables are based on DSA staff research and are not exhaustive. Additional State and local regulations specific to the project, such as those promulgated by the Tax Credit Allocation Committee, must be adhered to if applicable.

Housing that is both a place of public accommodation and public housing, such as housing at a place of education, social service center establishments and transient lodging facilities, have flowcharts provided only for reference.

The flowcharts are intended to be used as a step-by-step guide to analyze and determine which of the federal and State regulations are applicable to a housing project. Each flowchart addresses only one federal or State standard or regulation. The user must process each flowchart for the project to determine which standards or regulations apply. When more than one standard or regulation applies, the user must ensure that all requirements for the specific standard are met, and where individual requirements appear to coincide or conflict, apply the most restrictive requirement to the project.

Responsibility for complying with the applicable laws and regulations rests with those involved in the design and construction of housing facilities. A housing facility that is non-compliant with the applicable State and federal requirements could have a complaint filed at any time against all parties involved in the design and construction of the facility including the government entity, the owner, the architect, the contractor, etc. The government entity is required to inform the contracted party or recipient of benefit (owner) participating in its housing program of the State and federal accessibility regulations applicable to the project. The owner must inform the design professionals and contractor of the State and federal accessibility regulations to which the facility must be designed and constructed. The Architects Practice Act in California requires that the architect have knowledge of all applicable building laws, codes, and regulations. Contractors should take care in constructing housing facilities in compliance with the approved set of plans and specifications. Building officials have the authority to review projects for compliance with the California Building Code only and are not authorized to review for compliance with federal regulatory requirements.

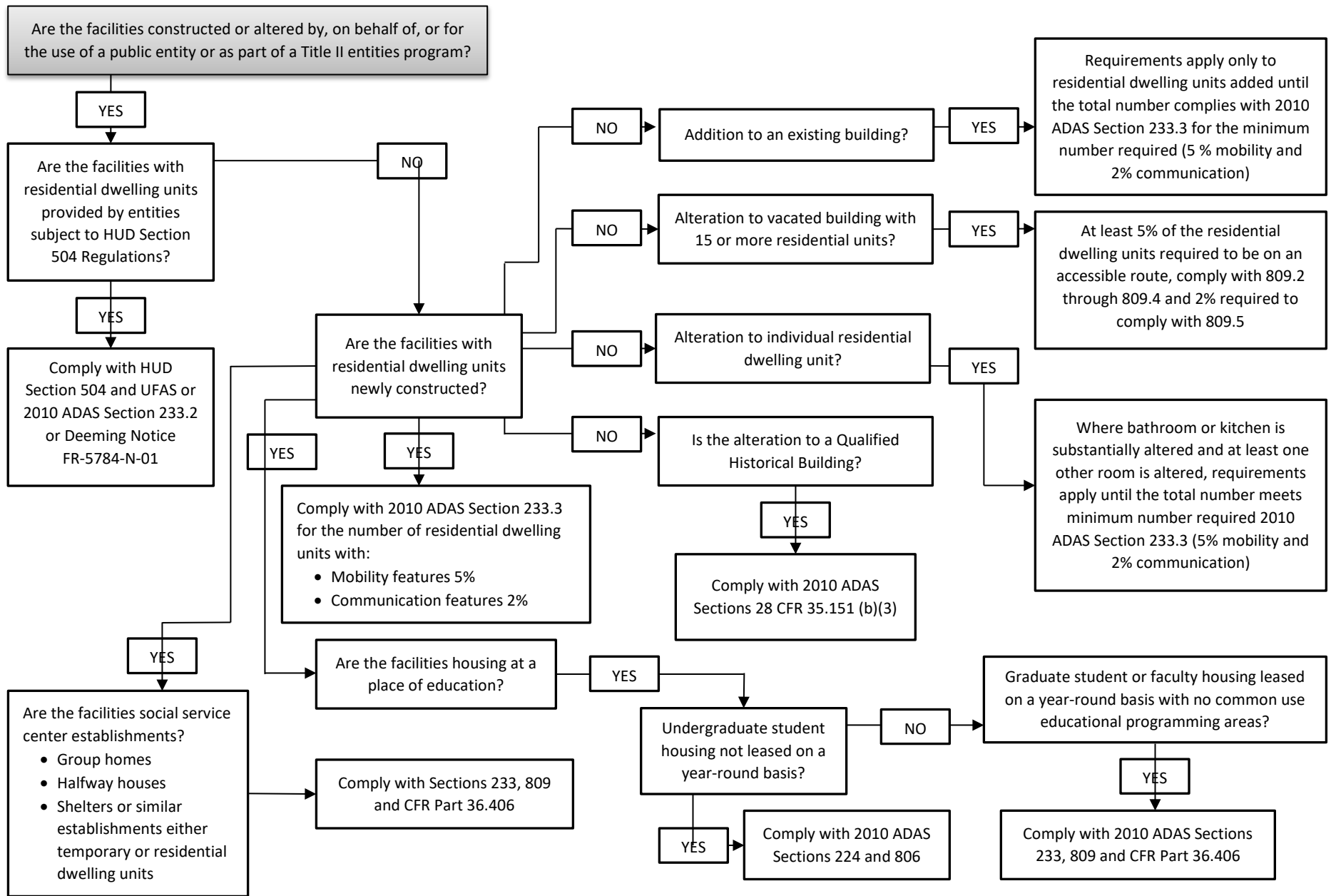
Federal Regulations – ADA and 2010 ADAS



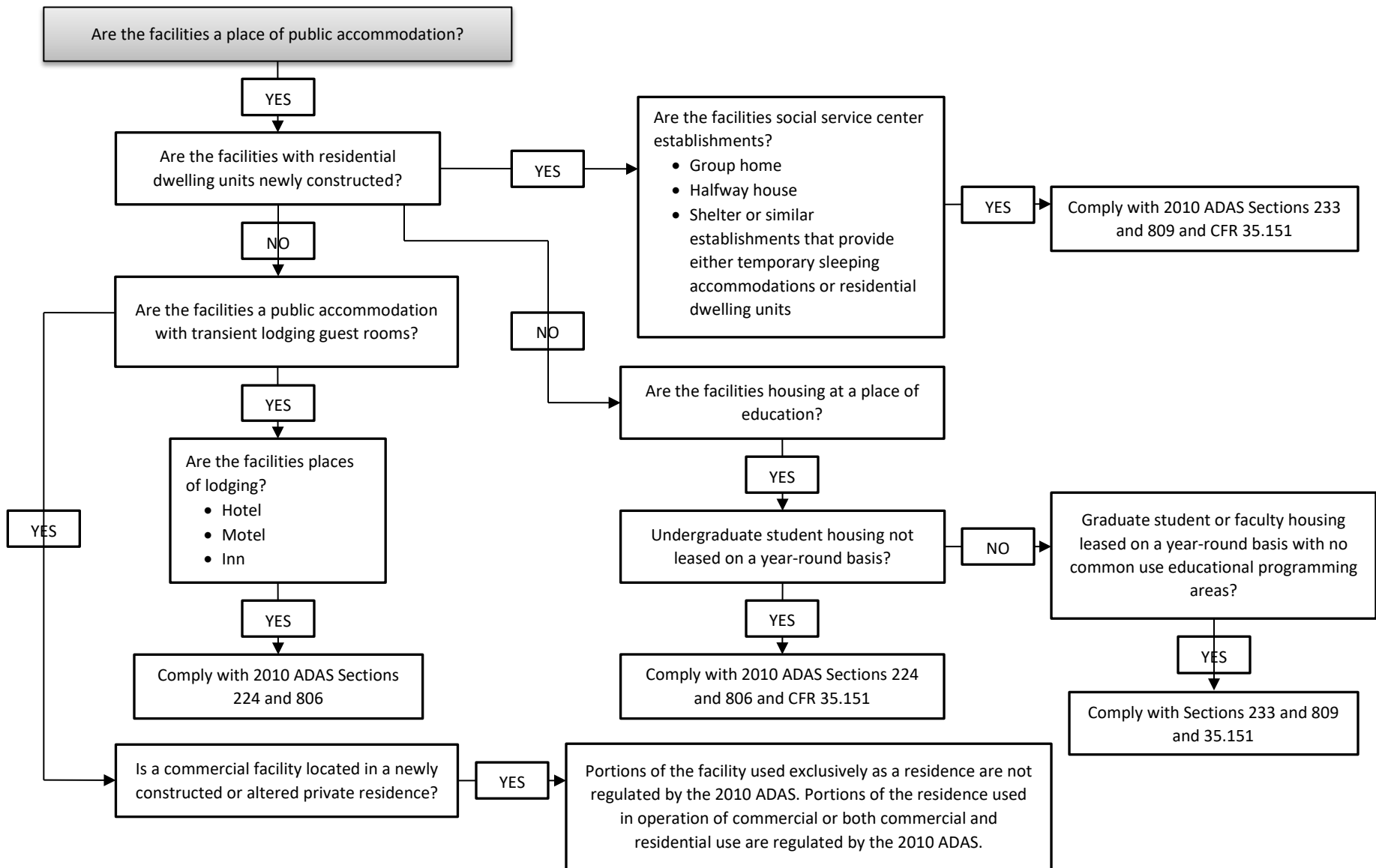
Key Concepts

- Scoping applies to 1 or more residential dwelling units
- 5% required to have mobility features
- 2% required to have communication features
- Mobility features and communication features can overlap in the same residential dwelling unit
- Transient lodging limits the overlap of mobility features and communication features in guest rooms
- Requires residential dwelling units and transient lodging guest rooms to be dispersed among the various types of dwelling units and guest rooms
- Multi-story residential dwelling units require an accessible route throughout the unit
- A single-story dwelling unit can be substituted for a multi-story dwelling unit when comparable features are provided
- Building officials do not have the authority to enforce Federal standards or regulations. The parties designing and developing the project have the responsibility for compliance with these standards and regulations.

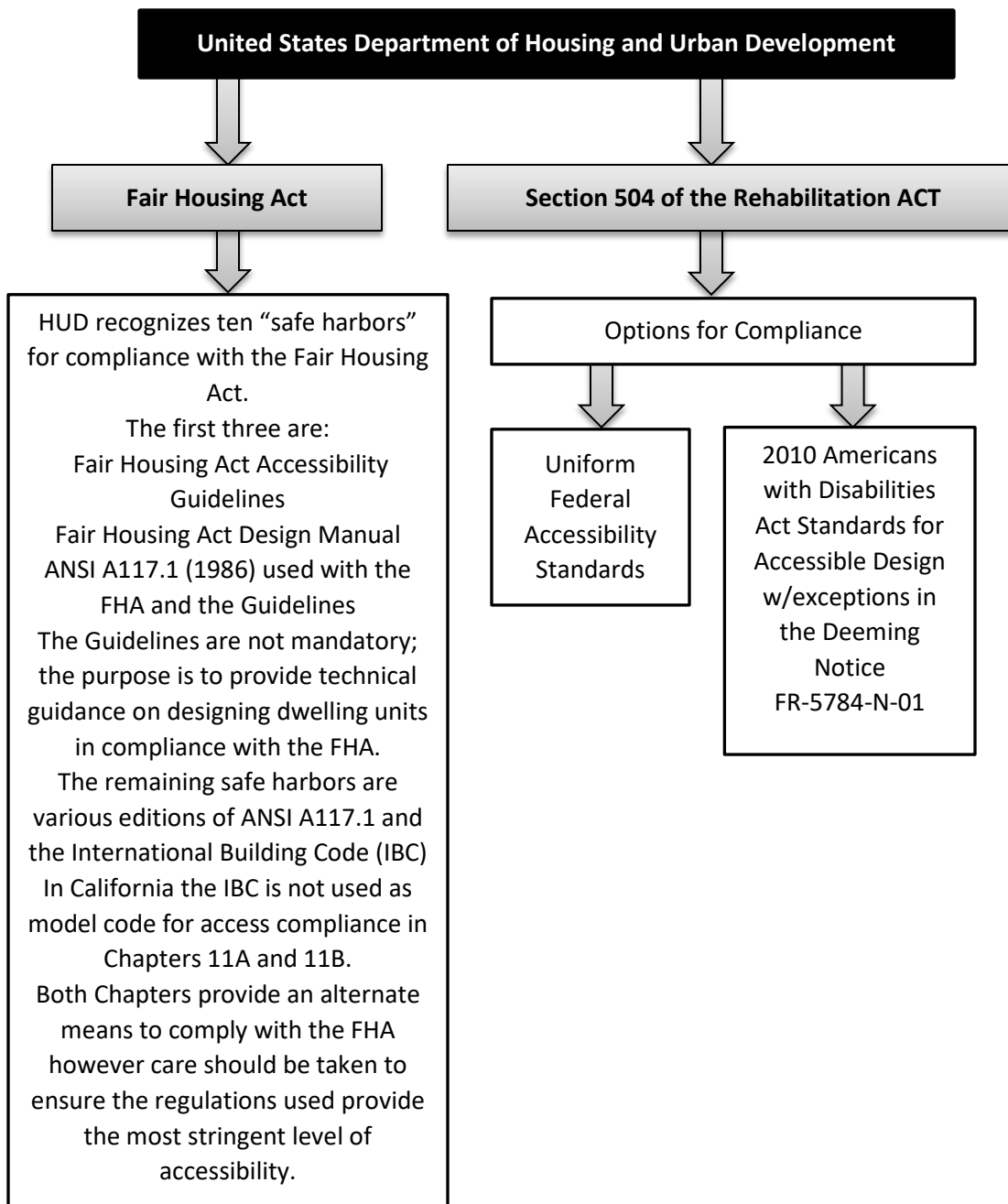
Federal Regulations – ADA and 2010 ADAS for Title II Entities



Federal Regulations – ADA and 2010 ADAS for Title III Entities

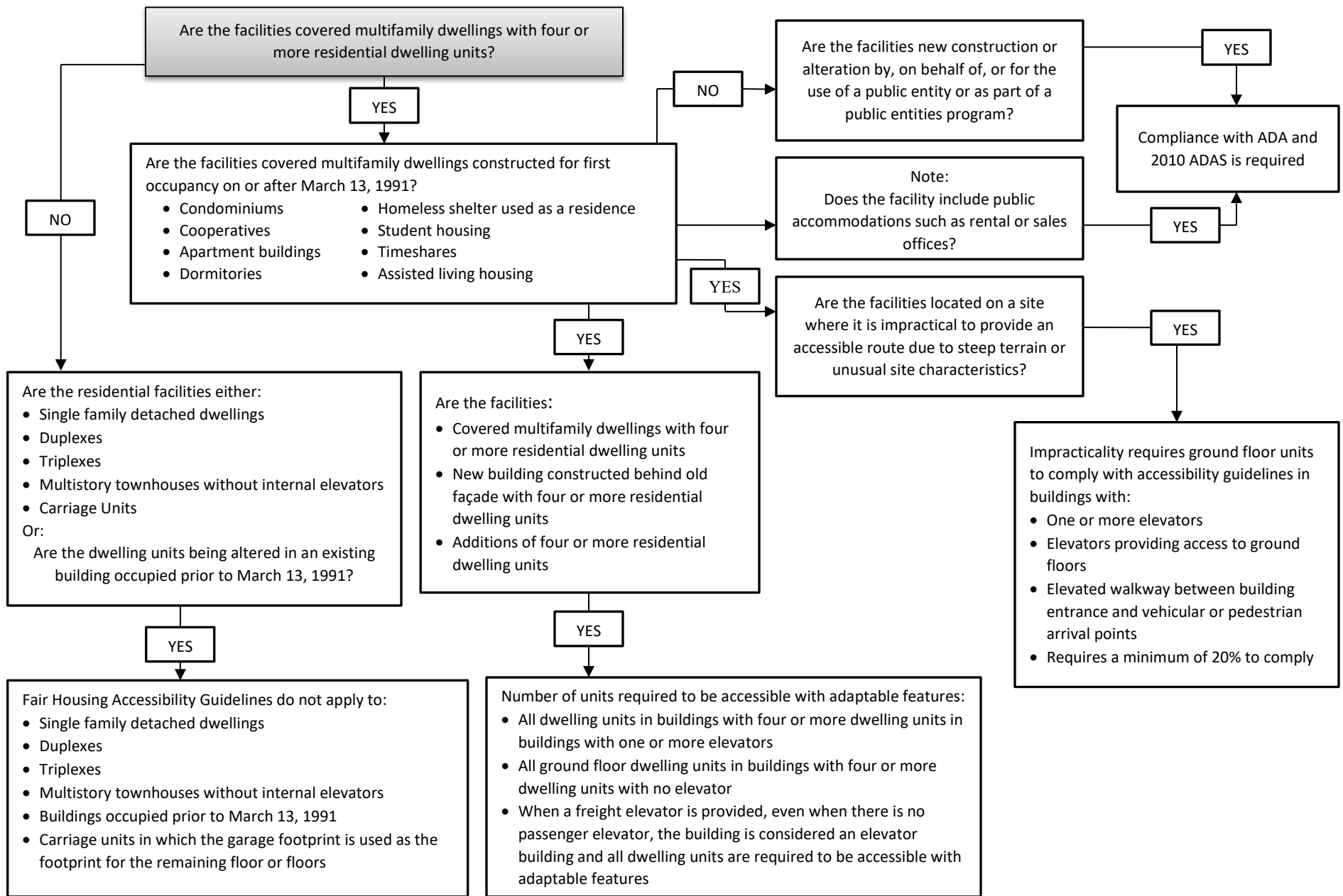


Federal Regulations – Fair Housing Act and Section 504 of the Rehabilitation Act

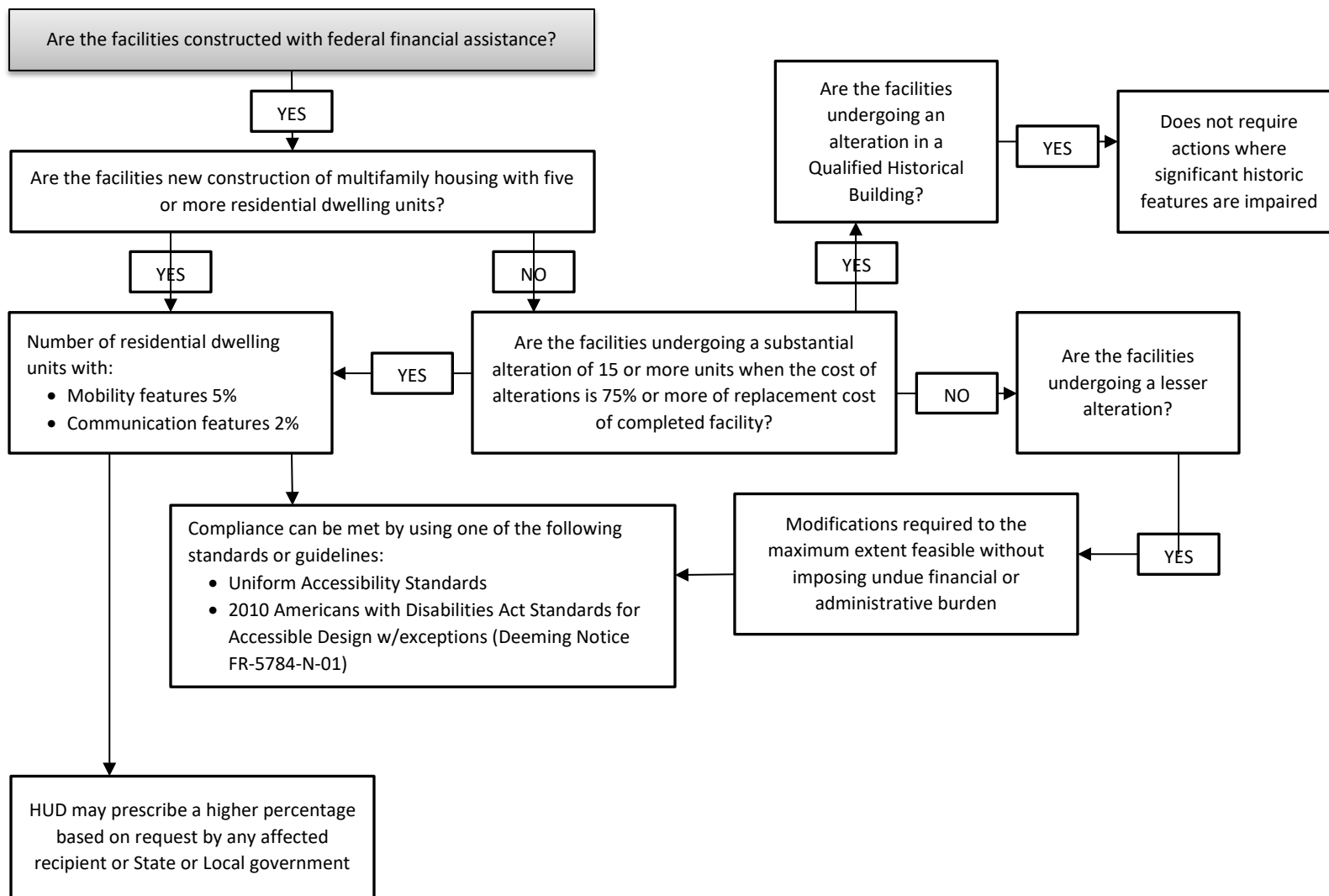


- Key Concepts**
- Fair Housing Act Accessibility Guidelines**
- Scoping applies to 4 or more covered multifamily dwellings
 - Applies to new construction of housing built for first occupancy after March 13, 1991
 - Does not regulate alterations to covered multifamily dwellings constructed for first occupancy prior to that date
 - Applies when a new building is constructed behind an existing façade
 - Ten safe harbors are allowed for compliance
 - Tenant bears the cost of a reasonable accommodation or modification
- HUD Section 504 Regulations**
- Scoping applies to 5 or more dwelling units
 - 5% are required to have mobility features
 - An additional 2% are required to have communication features
 - Mobility features and communication features can’t overlap in the same unit
 - Requires the units with mobility and communication features to be dispersed among the various types of dwelling units
 - Recipient of federal financial assistance bears the cost of a reasonable accommodation or modification
 - Building officials do not have the authority to enforce Federal standards or regulations. The parties designing and developing the project have the responsibility for compliance with these standards and regulations.

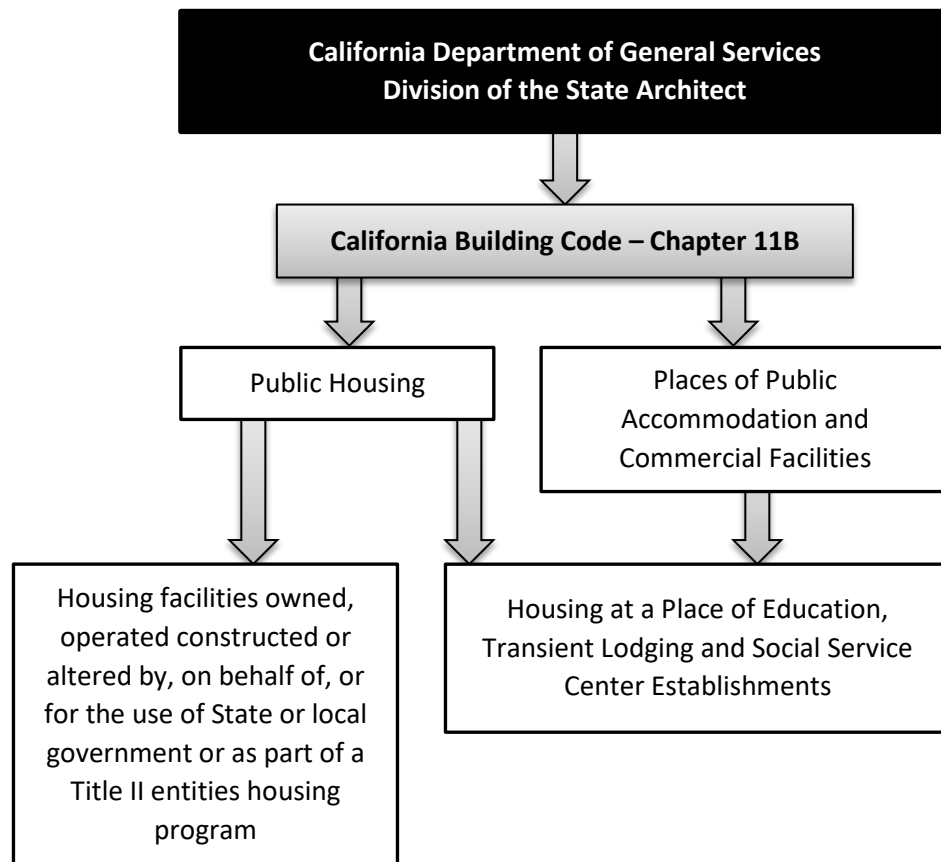
Federal Regulations – Fair Housing Act and Fair Housing Accessibility Guidelines



Federal Regulations – Section 504 of the Rehabilitation Act



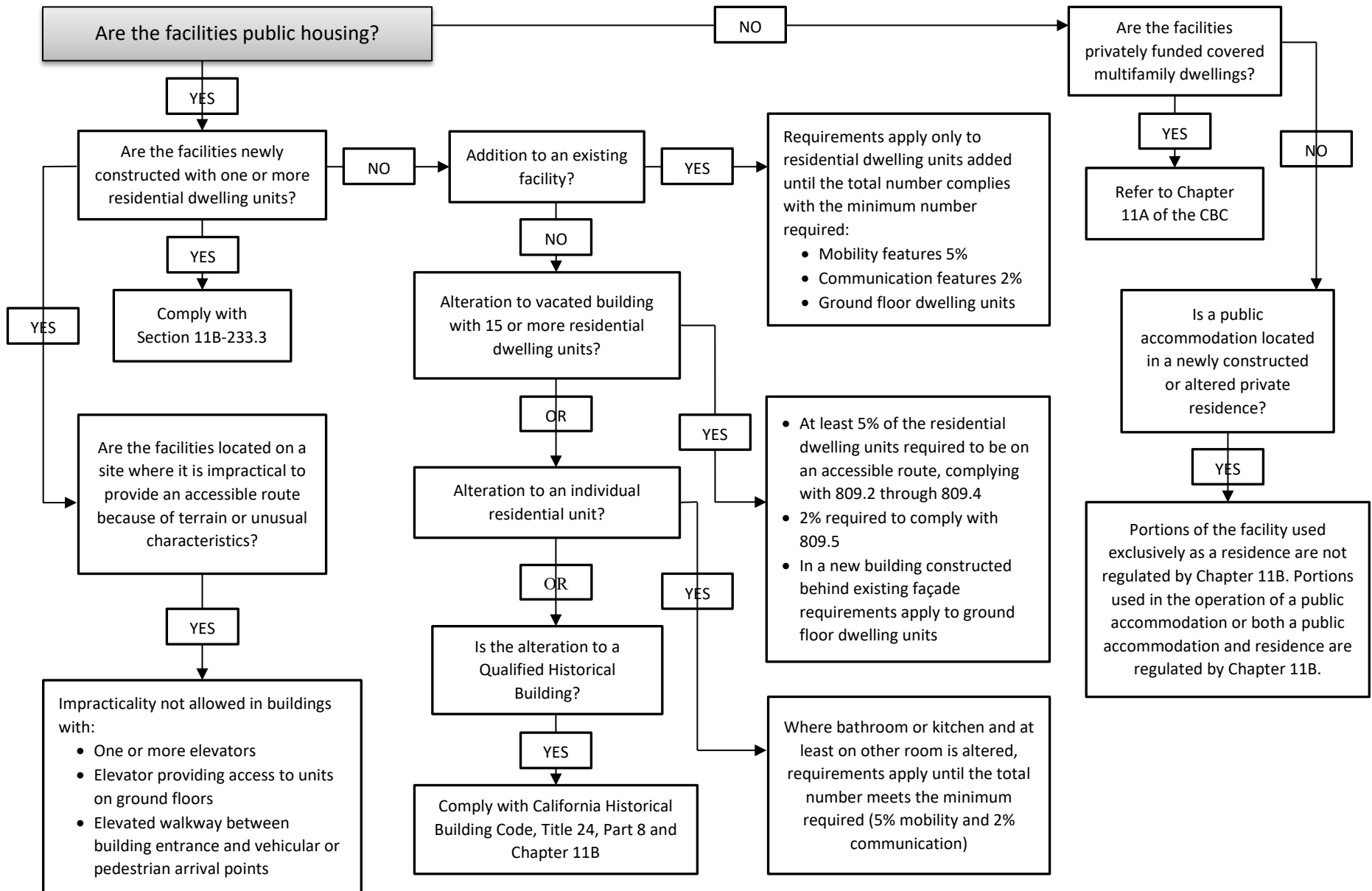
State Regulations – California Building Code Chapter 11B



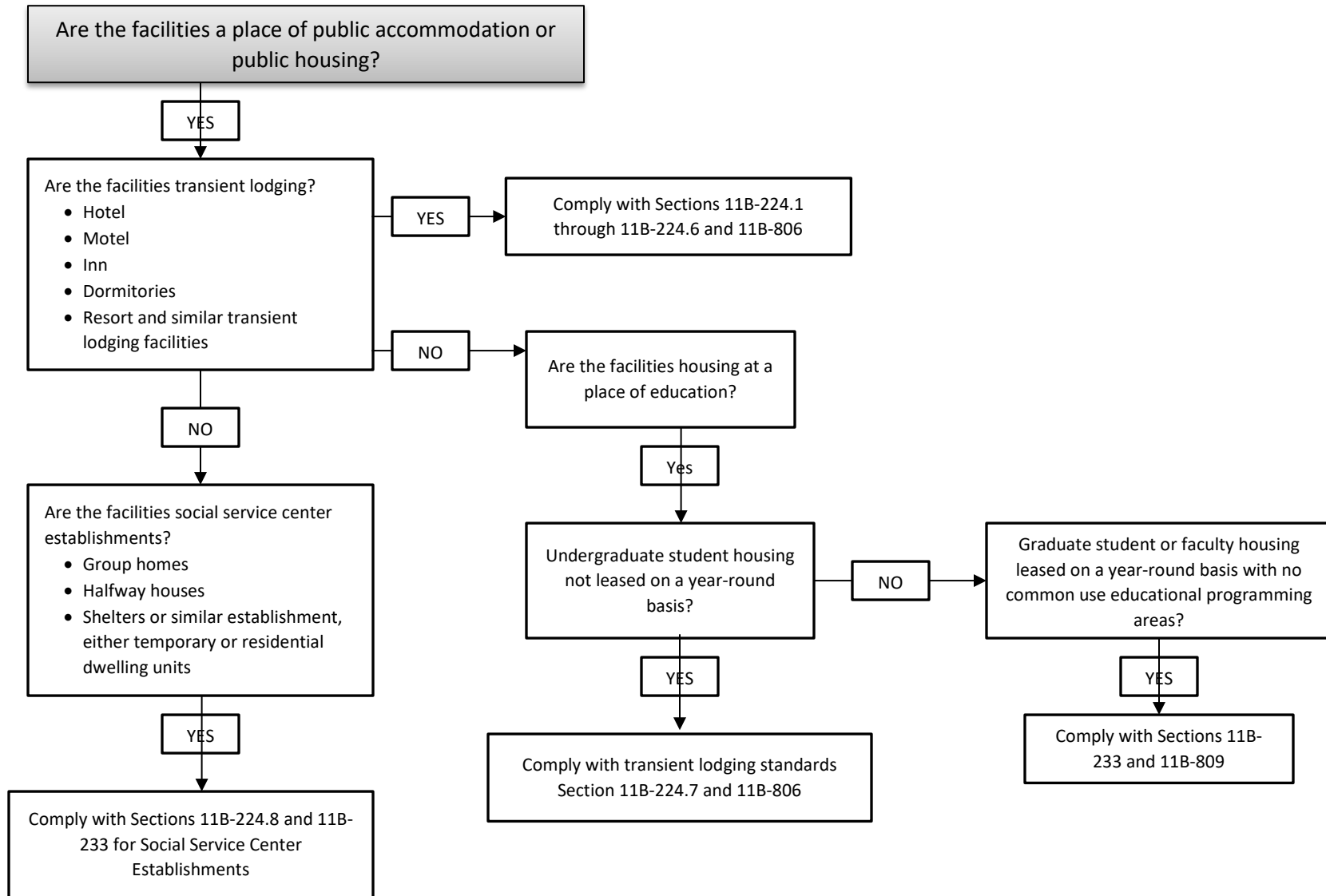
Key Concepts

- Scoping applies to 1 or more residential dwelling units
- 5% required to have mobility features
- 2% required to have communication features
- All ground floor residential dwelling units required to be on an accessible route with adaptable features
- Mobility features and communication features can overlap in the same residential unit
- Transient lodging limits the overlap of mobility features and communication features in guest rooms
- Requires residential dwelling units and transient lodging guest rooms to be dispersed among the various types of dwelling units and guest rooms
- Multi-story residential dwelling units with mobility features require an accessible route throughout the dwelling unit
- A single-story dwelling unit with mobility features can be substituted for a multi-story dwelling unit when comparable features are provided

State Regulations – California Building Code Chapter 11B – Public Housing



State Regulations – California Building Code Chapter 11B – Transient Lodging, Housing at a Place of Education, Social Service Center Establishments



Housing Programs and Applicable Regulations and Guidelines

#	Housing Program	504/UFAS	2010 ADAS	Fair Housing Act	CBC – Chapter 11B	CBC – Chapter 11A	Comments
1	Housing Opportunities for Persons with AIDS (HOPWA) HOME Investment Partnerships Program (HOME) Community Development Block Grants	Receipt of federal financial assistance administered by HUD requires compliance with HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Public entity's housing program requires compliance with 2010 ADAS and HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public housing requires compliance with CBC, Chapter 11B.	N/A	
2	HUD Project-Based Vouchers	Receipt of federal financial assistance administered by HUD requires compliance with HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Public entity's housing program requires compliance with 2010 ADAS and HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public housing requires compliance with CBC, Chapter 11B.	N/A	
3	Housing and Urban Development (HUD) Tenant Based Rental Assistance (TBRA) and Housing Choice Vouchers	N/A	N/A	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	N/A	Applies to privately funded covered multifamily dwellings of three or more units depending on type, constructed for first occupancy after March 13, 1991.	Compliance with FHAG & Chapter 11A is not based on receipt of rental assistance voucher, rather on the number of units and initial date of occupancy.
4	Housing and Urban Development (HUD) Mortgage Insurance for Rental and Cooperative Housing	Receipt of federal financial assistance administered by HUD requires compliance with HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	When the mortgage insurance is provided to the lender and not administered by a public entity compliance with the 2010 ADAS is not required.	Applies to covered multifamily dwellings of four or more unit constructed for first occupancy after March 13, 1991.	When the mortgage insurance is provided to the lender and not administered by a public entity compliance with CBC, Chapter 11B is not required.	Applies to privately funded covered multifamily dwellings of three or more units depending on type, constructed for first occupancy after March 13, 1991.	

#	Housing Program	504/UFAS	2010 ADAS	Fair Housing Act	CBC – Chapter 11B	CBC – Chapter 11A	Comments
5	Housing and Urban Development (HUD) Multifamily Rental Housing for Moderate-Income Families (Section 221(d)(3) and (4))	Receipt of federal financial assistance administered by HUD requires compliance with HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Public entity's housing program requires compliance with 2010 ADAS and HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public housing requires compliance with CBC, Chapter 11B.	Applies to privately funded covered multifamily dwellings of three or more units depending on type, constructed for first occupancy after March 13, 1991.	HUD issues mortgage insurance to finance rental and cooperative housing of five or more units. 1. When the mortgage insurance is administered by a public agency mortgagor, compliance with the UFAS, 2010 ADAS and Chapter 11B is required. 2. If the mortgagor insurance is provided to a private entity then compliance with UFAS or 2010 ADAS with exceptions, compliance with Chapter 11B is not required.
6	Housing and Urban Development Veterans Affairs Supportive Housing Program (HUD-VASH)	Receipt of federal financial assistance administered by HUD requires compliance with HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Public entity's housing program requires compliance with 2010 ADAS and HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public housing requires compliance with CBC, Chapter 11B.	N/A	The regulations and guidelines apply when project-based vouchers are received.
7	Federal Home Loan Banks Affordable Housing and Community Investment	N/A	N/A	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	N/A	Applies to privately funded covered multifamily dwellings of three or more units depending on type, constructed for first occupancy after March 13, 1991.	
8	Multifamily Bond Financing Program issued by a public entity	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	City issued tax-exempt and taxable multifamily housing bonds.

#	Housing Program	504/UFAS	2010 ADAS	Fair Housing Act	CBC – Chapter 11B	CBC – Chapter 11A	Comments
9	California Statewide Communities Development Authority (CSCDA) Housing Bonds	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	The CSCDA Housing Bond Program is designed to assist both for profit and nonprofit developers in accessing tax-exempt bonds ("Bonds") for the financing of low-income multifamily and senior housing projects.
10	Low Income Housing Tax Credits (LIHTC) issued by the Internal Revenue Service and distributed by a public entity	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
11	Low Income Housing Tax Credits (LIHTC) issued by the California Tax Credit Allocation Committee (TCAC)	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	When LIHTC are issued by the IRS HUD Section 504 Regulations do not apply. LIHTC issued by HUD require compliance with HUD Section 504 Regulations.
12	Veterans and Affordable Housing Bonds	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
13	United States Department of Agriculture Multi-family rental housing	Program requires compliance with UFAS	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
14	Infill Infrastructure Grant Program (IIG)	N/A	Applies to site elements.	N/A	Applies to site elements.	N/A	Applies to infrastructure not residential dwelling units.
15	Department of Housing and Community Development (HCD) Multifamily Housing Loans and Grants	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	

#	Housing Program	504/UFAS	2010 ADAS	Fair Housing Act	CBC – Chapter 11B	CBC – Chapter 11A	Comments
16	Department of Housing and Community Development (HCD) Affordable Housing and Sustainable Communities Program (AHSC)	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
17	Department of Housing and Community Development (HCD) Community Development Block Grant (CDBG)	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
18	Department of Housing and Community Development (HCD) Golden State Acquisition Fund (GSAF)	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
19	Department of Housing and Community Development (HCD) Homekey	Receipt of federal financial assistance administered by HUD requires compliance with HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Public entity's housing program requires compliance with 2010 ADAS and HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
20	Department of Housing and Community Development (HCD) Housing for a Healthy California (HHC)	Receipt of federal financial assistance administered by HUD requires compliance with HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Public entity's housing program requires compliance with 2010 ADAS and HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	

#	Housing Program	504/UFAS	2010 ADAS	Fair Housing Act	CBC – Chapter 11B	CBC – Chapter 11A	Comments
21	Department of Housing and Community Development (HCD) Joe Serna, JR. Farmworker Housing Grant (FWHG)	N/A	Public entity's housing program requires compliance with 2010 ADAS and HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
22	Department of Housing and Community Development (HCD) Local Housing Trust Fund Program (LHTF)	N/A	Public entity's housing program requires compliance with 2010 ADAS and HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
23	Department of Housing and Community Development (HCD) Multifamily Housing Program (MHP)	N/A	Public entity's housing program requires compliance with 2010 ADAS and HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
24	Department of Housing and Community Development (HCD) National Housing Trust Fund Program	Receipt of federal financial assistance administered by HUD requires compliance with HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Public entity's housing program requires compliance with 2010 ADAS and HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
25	Department of Housing and Community Development (HCD) No Place Like Home Program	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	

#	Housing Program	504/UFAS	2010 ADAS	Fair Housing Act	CBC – Chapter 11B	CBC – Chapter 11A	Comments
26	Department of Housing and Community Development (HCD) Predevelopment Loan Program (PDLP)	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
27	Department of Housing and Community Development (HCD) Supportive Housing Multifamily Housing Program (SHMHP)	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
28	Department of Housing and Community Development (HCD) Transit Oriented Development Program (TOD)	N/A	Public entity's housing program requires compliance with 2010 ADAS and HUD Section 504 or 2010 ADAS with exceptions (Deeming Notice).	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
29	Department of Housing and Community Development (HCD) Veterans Housing and Homelessness Prevention Program (VHHP)	N/A	Public entity's housing program requires compliance with 2010 ADAS.	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	Public entity's housing program requires compliance with CBC, Chapter 11B.	N/A	
30	Density Bonus Law, Government Code Sections 65915-65918	N/A	N/A	Applies to covered multifamily dwellings of four or more units constructed for first occupancy after March 13, 1991.	N/A	Applies to privately funded covered multifamily dwellings of three or more units depending on type, constructed for first occupancy after March 13, 1991.	Administrative (ministerial) action of a government through planning departments provided to all projects that meet the criteria. Not considered a public entity's housing program. Compliance with FHAG & Chapter 11A is not based on density bonus, rather on the number of units and date of occupancy.

For More Information

The following websites provide additional information:

Division of the State Architect, Access Compliance Reference Materials:

<https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Access-Compliance-Reference-Materials>

Department of Housing and Community Development: <http://www.hcd.ca.gov/>

U.S. Department of Housing and Urban Development: <https://www.hud.gov/>

U.S. Department of Justice Civil Rights Division: <https://www.ada.gov/>

Fair Housing Accessibility First: <https://www.fairhousingfirst.org/>

Should you have any questions or suggestions for improving this guide they can be emailed or sent to the Division of the State Architect at:

Susan R. Moe, Senior Architect
Division of the State Architect
1102 Q Street
Sacramento, CA 95811

Susan.Moe@dgs.ca.gov