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California Building Standards Commission
Accessibility (ACCESS) Code Advisory Committee
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Via Comment Email: CBSC@dgs.ca.gov, veronica.turdean@hcd.ca.gov
Public Comment Period: July 26, 2024 - September 9, 2024

RE: DRC Public Comment to Accessibility (ACCESS) Code Advisory Committee for the Department of Housing and Community Development (HCD) 2024 Triennial Code Proposals on Accessibility (HCD 1-AC 01/24 — Amend the 2025 edition of the California Building Code, Part 2, Title 24)

I. **Disability Rights California Background and Interest in Code Access**

Disability Rights California (DRC) is the largest disability organization in the nation. DRC holds the unique position under federal and state law as the California agency designated responsible to provide investigation, public information, education, litigation, regulatory, and advocacy projects under federal grants to redress individual and systemic disability discrimination, pursuant to the Developmental Disabilities Assistance and Bill of Rights

Act, 42 U.S.C. § 15001, PL 106-402.¹ DRC is also mandated under California law to be the state's Protection and Advocacy Organization. Welfare and Institutions Code §§ 4900 et seq. DRC has had this authority for over 40 years and has a long history of fighting for the rights of people with disabilities.

DRC frequently interacts with disabled community members who have experienced harm from inadequate or absent accessibility dwellings HCD is responsible for, including private dwellings, manufactured homes, mobile homes, farm worker housing, modular homes, tiny houses, campers, or floating homes. 25 CCR Title 25 §§ 1 et seq.; 25 CA ADC §§ 1 et seq.; Health and Safety Code, Chapter 3.2 §§ 50515.2 et seq. As such, we uplift the continued need for HCD and other state agencies to ensure structures in California are equitable for people with disabilities.

DRC appreciates the work state agencies provide regarding accessibility codes compliance work, including listening to public comment, researching, drafting, analyzing, and editing code proposals for each cycle.

II. Comment on Housing and Community Development's (HCD) 2024 Triennial Code Proposals

Below are the textual changes proposed for the 2024 Triennial Cycle by Housing and Community Development (HCD), as proposed on July 26, 2024, and Disability Rights California's public comment for each proposal brought forth. DRC uplifts that majority of HCD proposals (Items 3-9) included in submission to the ACCESS CAC 45-day public comment are focused on the alignment of numerical errors in code numbering. DRC recommends that, in accordance with disability advocates and experts, HCD should ensure that its code accessibility provisions are closely examined for language edits regarding further clarification and usability, Health and Safety Code 18930(a) *et seq.* criteria requirements, fair housing law, applicable federal minimum accessibility standards, reference standards, and other substantive changes for the 2025 Interim cycle, rather

¹ DRC is also designated under the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. § 10801, PL 106-310; the Rehabilitation Act, 29 U.S.C. § 794e, PL 106-402; the Assistive Technology Act, 29 U.S.C. § 3011,3012, PL 105-394; the Ticket to Work and Work Incentives Improvement Act, 42 U.S.C. § 1320b-20, PL 106-170; the Children's Health Act of 2000, 42 U.S.C. § 300d-53, PL 106-310; and the Help America Vote Act of 2002, 42 U.S.C. § 15461-62, PL 107-252.

than only updating numbering errors.

ITEM 1

Chapter 11A Housing Accessibility, Section 1101A.1 Scope, and Section 1102A.1 Where required.

1101A.1 Scope. ...

1. through 5. (See Item 2 for proposals impacting existing California amendment.)

Chapter 11A generally does not apply to public accommodations such as hotels and motels and public housing. Public use areas, public accommodations and public housing as defined in Chapter 2 of this code are subject to provisions of the Division of the State Architect (DSA-AC) in Chapter 11B and are referenced in Section 1.9.1.

Newly constructed covered multifamily dwellings, which can also be defined as public housing, shall be subject to the requirements of ~~Chapter 11A~~ and Chapter 11B.

1102A.1 Where required. ...

Newly-constructed covered multifamily dwellings as defined in this chapter, include, but are not limited to, the following:

1. through 9. ...
10. *Public housing as defined in Chapter 2 of this code is subject to provisions of the Division of the State Architect (DSA-AC) in Chapter 11B. Newly constructed covered multifamily dwellings, which can also be defined as public housing, shall be subject to the requirements of ~~Chapter 11A~~ and Chapter 11B.*

DRC Comment on Item 1

DRC opposes Item 1. Until such time as Chapter 11B fully incorporates all required 11A provisions, we do not support this change. If 11A is deleted, in some circumstances, the elimination of a stand-alone 11A requirement in public housing projects will mean required federal accessibility standards are not met because they are not covered under 11B.

For example: The CBC 1104A.1 section defining Covered Multifamily

Dwellings accessibility and adaptability fails to include the entire category of FHA covered dwelling units defined by HUD’s guidance. This category of dwelling units covered by the FHA are all dwelling units in buildings with an elevator. While this issue is addressed later in CBC at Section 1106.1(2) within the context of the site impracticality provisions, to rectify vagueness, it should be listed in the earlier section defining “Covered Multifamily Dwellings” provisions of the CBC.

Also, many facilities are mixed-use, such as large hotels with both residential and nonresidential accommodations. For example, a complex that allows both long term and short terms stays within the public housing section such a as a property that has both emergency shelters and permanent public housing.² In projects such as these, 11B does not currently adequately capture Fair Housing Act requirements, therefore we cannot completely eliminate chapter 11A. 11A also needs to remain in place, as HCD has control over modular housing, which may be used in multifamily housing settings and needs to be covered by the FHA.

Deletion of these sections at this time will cause unnecessary confusion, and potentially conflict with other applicable codes and their intersection with the 2010 standards. Furthermore, the following language is not clear: “*Newly constructed covered multifamily dwellings, which can also be defined as public housing,...*” We believe clearer language would be to say: “*Newly constructed covered multifamily dwellings **which are covered by the definition of public housing...***”

ITEM 2

Chapter 11A Housing Accessibility, Section 1101A.1 Scope

[Amendment withdrawn]

DRC Comment on Item 2

Although the amendment was withdrawn, DRC supports clarifications to

² *Insight Housing’s The Hope Center*, BRIDGE HOUSING, <https://bridgehousing.com/properties/berkeley-way/> (contains 53 permanent supportive housing apartments as well as 32 emergency shelter beds, and 12 transitional beds for homeless veterans. The Hope Center development also contains a community kitchen and wrap-around services for mental health, substance abuse, job training and social activities).

target an addition of *one or two dwelling units* to an existing building that is a covered multifamily dwelling building (a building built after March 13, 1991).

History of Item 2: HCD first presented Item 2, because “**Stakeholders have expressed that there is confusion** as to whether an addition of only two units to a building that already contains covered multifamily dwellings must comply with Chapter 11A, as applicable. The newly proposed item four clarifies that an addition of one or two dwelling units to an existing building that is a covered multifamily dwelling building (a building built after March 13, 1991) would need to comply with Chapter 11A. The modification is for clarity only.”

In HCD’s Initial Statement of Reasons on Item 2, HCD stated that the proposal was necessary “to clarify that additions to covered multifamily dwellings must comply with Chapter 11A. Item three requires additions to existing buildings, where the addition alone meets the definition of a covered multifamily dwelling, to comply with Chapter 11A.”

At the June 4, 2024 CAC meeting, discussion of adding administrative clarification language of “one or more” dwelling units was mentioned by CAC members Daniel Kaiser, Janet Kent, Eugene Lozano, and Arfaraz Khambatta. HCD responded verbally in the June 4, 2024 meeting by stating they would provide a friendly amendment. This amendment and the entirety of Item 2 was later withdrawn without explanation. We agree with CAC and HCD that item 2 is important for clarification, and should be considered in future code cycles.

By withdrawing the proposed amendment with no further explanation, HCD leaves unaddressed the acknowledged stakeholder confusion. We urge BSCS to ask HCD to consider this amendment again in the intervening cycle to solve this problem.

Item 2 was sent back for further study. We would appreciate an explanation as to why this is withdrawn, and for HCD to consider reintroducing it in the next cycle with the amendments suggested below.

Proposed language changes below in blue:

Chapter 11A Housing Accessibility, Section 1101A.1 Scope

1101A.1 Scope. *The application and authority of this chapter are identified and referenced in Sections 1.8.2.1.2 and 1102A for the Department of Housing and Community Development. Applicable sections are identified in the Matrix Adoption Tables of this code under the abbreviation HCD 1-AC. The provisions of this chapter shall apply to the following:*

1. *All newly-constructed covered multifamily dwellings.*
2. *New common use areas serving existing covered multifamily dwellings.*
3. *Additions to existing buildings, where the addition alone meets the definition of a covered multifamily dwelling.*
4. *Additions to existing covered multifamily dwellings where the existing covered multifamily dwellings were built for first occupancy after March 13, 1991 including existing buildings with one or more dwelling units.*
4. *5. New common-use areas serving new covered multifamily dwellings.*
5. *6. Where any portion of a building's exterior is preserved, but the interior of the building is removed, including all structural portions of floors and ceilings, the building is considered a new building for determining the application of this chapter. (No change to existing California amendment.)*

... (No change to remainder of existing California amendment.)

ITEM 3

Chapter 11A Housing Accessibility, Section 1115A.6 Exterior stairway handrails.

1115A.6 Exterior stairway handrails.

1115A.6.1 Where required. *Stairways shall have handrails on each side. Intermediate handrails shall be located equidistant from the sides of the stairway and comply with Section ~~4042.9~~ 1014.9.*

Exception: ...

DRC Comment on Item 3

DRC supports Item 3, with minor amendments. The Section listed should be updated per the 2015 Triennial Code Adoption Cycle amendments. 1115A.6.1 should also include reference to the renumbered section 1014.1 *Where required*. to confirm handrails serving stairways shall comply with 1014, means of egress, as applicable, and where required. Means of egress is an applicable standard that will ensure clarity for code users under Health and Safety Code 18930(a)(1) and (a)(2).

Proposed language changes below in blue:

1115A.6 Exterior stairway handrails.

1115A.6.1 Where required. Stairways shall have handrails on each side that comply with Section 1014.1, as required. Intermediate handrails shall be located equidistant from the sides of the stairway and comply with Section ~~4012.9~~ 1014.9.

Exception: ...

ITEM 4

Chapter 11A Housing Accessibility, Section 1116A.1 Warning curbs.
1116A.1 Warning curbs. ...

Exceptions:

1. ...
2. When a guardrail or handrail is provided with edge protection in accordance with Section ~~4010.10.1~~ 1012.10.1.

DRC Comment on Item 4

DRC supports Item 4. DRC agrees that the Section should be updated in compliance with the 2015 Triennial Code Adoption Cycle amendments.

ITEM 5

Chapter 11A Housing Accessibility, Section 1122A.6 *Edge protection.*

1122A.6 *Edge protection.* Ramps and ramp landings shall be provided with a continuous and uninterrupted barrier on each side along the entire length in compliance with Sections ~~4010.10~~ 1012.10 and ~~4010.10.1~~ 1012.10.1. (See Figure 11A-5A.)

Note: Extended floors or ground surfaces, as permitted in Section ~~4010.10.2~~ 1012.10.2, are not allowed for ramps and ramp landings providing access to, or egress from, buildings or facilities where accessibility is required.

DRC Comment on Item 5

DRC supports Item 5. The Section listed should be updated per the 2015 Triennial Code Adoption Cycle amendments.

ITEM 6

Chapter 11A Housing Accessibility, Section 1123A.6 *Interior stairway handrails.*

1123A.6 *Interior stairway handrails.*

1123A.6.1 *Where required.* Stairways shall have handrails on each side. Intermediate handrails shall be located equidistant from the sides of the stairway and comply with Section ~~4012.9~~ 1014.9.

Exception: ...

DRC Comment on Item 6

DRC supports Item 6, with minor amendments. Item 6 is analogous to Item 3, but specifically for interior stairways. The Section listed should be updated per the 2015 Triennial Code Adoption Cycle amendments. 1123A.6 should also include reference to the renumbered section 1014.1 *Where required* to confirm handrails serving stairways shall comply with 1014, means of egress, as applicable, and where required.

Proposed language changes below in blue:

Chapter 11A Housing Accessibility, Section 1123A.6 Interior stairway handrails.

1123A.6 Interior stairway handrails.

1123A.6.1 Where required. Stairways shall have handrails on each side *that comply with 1014.1, as required*. Intermediate handrails shall be located equidistant from the sides of the stairway and comply with Section ~~1012.9~~ 1014.9.

Exception: ...

ITEM 7

**Chapter 11A Housing Accessibility, Section 1125A.1 Warning curbs.
1125A.1 Warning curbs. ...**

Exception: When a guardrail or handrail is provided with edge protection in accordance with Section ~~1010.10.1~~ 1012.10.1.

DRC Comment on Item 7

DRC supports Item 7. The Section listed should be updated per the 2015 Triennial Code Adoption Cycle amendments.

ITEM 8

Chapter 11A Housing Accessibility, Section 1126A.5 Type of latch and lock,

1126A.5 Type of latch and lock. The type of latch and lock required for all doors or gates shall be in accordance with Section 1126A.6 and Chapter 10, ~~Section 1008~~.

DRC Comment on Item 8

DRC supports Item 8. The Section listed should be updated per the 2015 Triennial Code Adoption Cycle amendments. Item 8 ensures that Chapter 10 is fully incorporated into applicable 11A sections. This may help code users understand the interplay between Chapter 10 and Chapter 11A.

ITEM 9

Chapter 11A Housing Accessibility, Section 1143A.5 *Visual characters.*

1143A.5 Visual characters. *Signs with visual characters shall comply with this section.*

1. through 4. ...

5. Height from finish floor. *Visual characters shall be 40 inches (1016 mm) minimum above the finish floor.*

Exceptions:

1. *Visual characters indicating elevator car controls.*
2. *Floor-level exit signs complying with Chapter 10, ~~Section 1011.6.~~*

DRC Comment on Item 9

DRC supports Item 9. The Section listed should be updated per the 2015 Triennial Code Adoption Cycle amendments. Item 8 ensures that Chapter 10 is fully incorporated into applicable 11A sections. This may help code users understand the interplay between Chapter 10 and Chapter 11A.

Respectfully,



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