

**EXPRESS TERMS
OF PROPOSED MECHANICAL STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE**

**REGARDING THE ADOPTION BY REFERENCE OF THE
2006 EDITION OF THE UNIFORM MECHANICAL CODE (UMC)
INTO THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

Chapter 1 Administration

The Division of the State Architect/Access Compliance (DSA/AC) proposes to adopt the 2006 edition of the Uniform Mechanical Code (UMC) for codification and effectiveness into the 2007 edition of the California Mechanical Code (CMC) as presented on the following pages, including any necessary amendments. DSA/AC further proposes to:

- Repeal the 2001 edition of the California Mechanical Code;
- Repeal amendments to the model codes that are no longer necessary, repeal or amend building standards that are not addressed by a model code;
- Relocate or codify existing adopted and necessary amendments to the model mechanical code into the format of the model building code proposed for adoption, the action of which has no regulatory effect; adopt new necessary amendments to the model code proposed for adoption;
- Adopt new mechanical standards that are not addressed by the model code proposed for adoption.

Legend for Express Terms:

1. Existing California amendments or code language being modified: All such language appears in *italics*, modified language is underlined or in ~~strikeout~~.
2. New California amendments: All such language appears *underlined and in italics*.
3. Repealed text: All such language appears in ~~strikeout~~.
4. Notation: Authority and Reference citations are provided at the end of each chapter.

CHAPTER 1

2001 CMC	Proposed adoption	DSA/AC <u>X</u>	
	Adopt entire chapter without amendments		
	Adopt entire chapter with amendments listed below		
✘	Adopt only those sections listed below		
108.1.1 CA			Repealed 2001 CMC DSA/AC amendments
108.1.1.10 CA	<u>108.1.1.10 Note CA</u>	<u>X</u>	Repealed 2001 CMC DSA/AC amendments. Adopt a Note only under title of Section 108.1.1.10 (Division of the State Architect) to cross-reference CCR, T-24, Pt 2, Section 109.1. All existing DSA/AC Mechanical Administrative provisions are repealed or relocated to Title 24, Part 2.
Authority Cited – GC§ 4450. Reference – GC §§ 4450 through 4461, 12955.1(d) and H&SC §§ 18949.1, 19952 through 19959.			

CHAPTER 1 ADMINISTRATION

~~108.1.1 Application - Vesting Authority. When adopted by a state agency, the provisions of this code shall be enforced by the appropriate enforcing agency, but only to the extent of authority granted to such agency by the State Legislature.~~

Part II – Organization and Enforcement

108.0 Powers and Duties of the Administrative Authority

108.1 General

108.1.1 Application - Vesting authority

108.1.1.10 ~~[For DSA/AC]~~ Division of the State Architect; Access Compliance.

Note: For applications listed in Section 109.1 of the California Building Code, regulated by the Division of the State Architect/Access Compliance see California Code of Regulations, Title 24, Part 2 (California Building Code), California Chapter 1 (General Code Provisions) under authority cited by Government Code Section 4450 and in reference cited by Government Code Sections 4450 through 4461, 12955.1 and Health and Safety Code Sections 18949.1, 19952 through 19959.

~~DSA; Access Compliance.~~

~~General - To assure that barrier-free design is incorporated in all buildings, facilities, site work and other improvements to which this code applies in compliance with state law to assure that these improvements are accessible to and usable by persons with disabilities. Additions, alterations and structural repairs in all buildings and facilities shall comply with these provisions for new buildings, except as otherwise provided and specified herein. The provisions of these regulations shall apply to any portable buildings leased or owned by a school district, and shall also apply to temporary and emergency buildings and facilities.~~

~~In addition, to incorporate standards at least as restrictive as those required by the federal government for barrier-free design under: (1) Title III (Public Accommodations and Commercial Facilities), Subpart D (New Construction and Alteration) and Appendix A (Americans with Disabilities Act Accessibility Guidelines) (see 28 C.F.R., Part 36) and (2) Title II (Public Entities), Section 35.151 (New Construction and Alterations) (see 28 C.F.R., Part 35) both from the Americans with Disabilities Act of 1990, and (3) Under the Fair Housing Amendments of 1988. Some of these regulations may be more stringent than state law in order to meet the federal requirement. The following applications apply:~~

~~1. Application - Publicly funded buildings, structures, sidewalks, curbs and related facilities shall be accessible to persons with disabilities as follows:~~

~~NOTE: See Government Code commencing with Section 4450.~~

~~1.1 All buildings, structures, sidewalks, curbs and related facilities constructed by the user of state, county or municipal funds, or the funds of any political subdivision of the state.~~

~~1.2 All buildings, structures and facilities, occupied 50 percent or more, which are leased, rented, contracted, sublet or hired for periods in excess of two years by any municipal county, or state division of government, or by a special district. The determination as to whether the building, structure or facility is occupied 50 percent or more shall be based on usable floor area as defined in this code.~~

~~1.3 All publicly funded living accommodations.~~

~~1.4 All publicly funded buildings used for congregate residences or for one or two family dwelling unit purposes shall conform to the provisions applicable to living accommodations.~~

~~1.5 All existing publicly funded buildings and facilities when alterations, structural repairs or additions are made to such buildings or facilities. For detailed requirements on existing buildings, see Chapter 11B, Division IV.~~

~~2. Application - All privately funded public accommodations, as defined, and commercial facilities, as defined, shall be accessible to persons with physical disabilities as follows:~~

~~NOTE: See Health and Safety Code commencing with Section 19952.~~

~~EXCEPTION: Certain types of privately funded multistory buildings do not require installation of an elevator to provide access above and below the first floor. See Title 24, Part 2.~~

~~NOTE: Exceptions for multi-storied buildings formerly located in this section have been moved to Title 24, Part 2.~~

~~2.1 Any building, structure, facility, complex, or improved area, or portions thereof, which are used by the general public.~~

~~2.2 Any sanitary facilities which are made available for the public, clients or employees in such accommodations or facilities.~~

~~2.3 Any curb or sidewalk intended for public use that is constructed in this state with private funds.~~

~~2.4 All existing privately funded public accommodations when alterations, structural repairs or additions are made to such public accommodations as set forth under Part 2, Title 24.~~

~~3. Enforcing Agency.~~

~~3.1 The director of General Services where state funds are utilized for any project where funds of counties, municipalities or other political subdivisions are utilized for the construction of elementary, secondary or community college projects.~~

~~3.2 The governing bodies where funds of counties, municipalities or other political subdivisions are utilized except as otherwise provided above.~~

~~3.3 The building department of every city, county, or city and county within the territorial area of its city, county, or city and county, where private funds are utilized, "building department" means the department, bureau or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.~~

~~4. Special Conditions for Persons with Disabilities Requiring Appeals Action Ratification. Whenever reference is made in these regulations to this section, the findings and determinations required to be rendered by the local enforcing agency shall be subject to ratification through an appeal process.~~

Authority Cited – Gov. Code §4450.

Reference – Gov. Code §4450 through 4460, 12955.1 and H&SC §18949.1, 19952 through 19959.