

**NOTICE OF PROPOSED ACTION  
TO PROPOSED BUILDING STANDARDS  
OF THE DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE**

**REGARDING THE UNITED STATES DEPARTMENT OF JUSTICE  
CERTIFICATION OF CALIFORNIA ACCESSIBILITY STANDARDS  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 2.

The Division of the State Architect/Access Compliance (DSA/AC) proposes to update the accessibility regulations of the California Building Code (California Code of Regulations, Title 24, Part 2) to meet the requirements of the Americans with Disabilities Act of 1990 (ADA) as required per California Government Code §4450(c).

Revisions submitted under this portion of the proposed action are intended to address those items identified by the United States Department of Justice (USDOJ) which do not meet or exceed the accessibility requirements of the ADA Standards for Accessible Design as adopted under Title III of the Americans with Disabilities Act.

Rulemaking submitted under this notice is:

**ITEM #2-US DOJ ADA CERTIFICATION RELATED ACCESSIBILITY STANDARDS**

**PUBLIC COMMENT PERIOD**

The California Building Standards Commission on behalf of the Division of the State Architect will hold a public hearing at [TIME], on [DATE] at [ADDRESS], during which time any person may present statements or arguments relevant to the proposed regulatory action summarized below.

Written comments will be accepted by the CBSC regarding the proposed changes from [DATE] until [TIME] on [DATE].

Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: E. David Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

**OR**

A public hearing has not been scheduled; however, written comments will be accepted from [DATE], until [TIME] on [DATE]. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: E. David Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 day prior to the close of the written comment period that a public hearing be held.

## **POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified administrative, building, electrical and plumbing standards during the 15-day period.

**NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

## **AUTHORITY AND REFERENCE**

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18930 and 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Government Code Sections (GC§) 4450 through 4461, 12955.1 and Health and Safety Code Section (H&SC§) 18949.1 and 19952 through 19959. Division of the State Architect is proposing this regulatory action based on GC§ 4450.

## **INFORMATIVE DIGEST**

### **Summary of Existing Laws**

Section 4450 of the Government Code authorizes the State Architect to establish building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

Section 12955.1(d) of the Government Code authorizes the State Architect to establish building standards for public housing.

### **Existing Regulations & Effect**

Existing building standards which prescribe requirements for accessibility to public buildings, public accommodations, commercial buildings and publicly funded housing are promulgated by the Division of the State Architect. These regulations are contained in Title 24, Part 2, and are based on provisions within the adopted model building code.

### **Summary of Effect**

The proposed action would ensure that the State Architect's regulations and building standards published in CCR, Title 24, Part 2, would not prescribe a lesser standard of accessibility or usability than provided by the Federal Accessibility Guidelines prepared by the federal Access Board as adopted by the United States Department of Justice to implement the Americans with Disabilities Act of 1990 (Public Law 101-336), consistent with Government Code Section 4450(c).

### **Comparable Federal Statute or Regulations**

Federal Americans with Disabilities Act (ADA) of 1990, Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities as published in the Federal Register July 26, 1991 and the Federal Fair Housing Amendments Act of 1988 are the only Federal provisions the Division of the State Architect is aware of which may apply to the proposed Certification by the United States Department of Justice of these proposed code changes.

### **Policy Statement Overview**

The broad objective of the proposed action is to maintain building regulations in conformance with current state law and federally-recognized accessibility design standards.

**OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS**

There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The Division of the State Architect has determined that this proposed regulatory action would not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other non-discretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

**INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**

The Division of the State Architect has made an initial determination that this proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

**DECLARATION OF EVIDENCE**

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect.

**FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

The proposed regulatory action does not require a report by any business or agency, therefore the Division of the State Architect has not made a finding of necessity for public's health, safety or welfare.

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

The Division of the State Architect is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed regulatory action.

**ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**

The Division of the State Architect has assessed whether or not, and to what extent, this proposed regulatory action will affect the following:

The creation or elimination of jobs within the State of California.

- The Division of the State Architect has determined that this proposed action has no effect.

The creation of new businesses or the elimination of existing businesses within the State of California.

- The Division of the State Architect has determined that this proposed action has no effect.

The expansion of businesses currently doing business with the State of California.

- The Division of the State Architect has determined that this proposed action has no effect.

**INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS**

The Division of the State Architect has made an initial determination that this proposed regulatory action would not have a significant effect on housing costs. The CBSC contact designated below will make the Division of the State Architect's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

**CONSIDERATION OF ALTERNATIVES**

The Division of the State Architect (DSA) has determined that no reasonable alternative considered has otherwise been identified and brought to the attention of DSA would be more effective in carrying out

the purpose for which this action is proposed, or would be as effective as and less burdensome to affected private persons than this proposed action

**AVAILABILITY OF RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review by contacting the person named below. This notice, the express terms, and initial statement of reasons can be accessed from the California Building Standards Commission website (<http://www.bsc.ca.gov>).

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDUAL AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedure and administrative issues should be addressed to:

**[Insert name of assigned CBSC staff person and back-up person]  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959**

**PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

<b>Richard Conrad</b>	<b>Ph. (916) 324-7180</b>	<b>Richard.Conrad@dgs.ca.gov</b>
<b>Aaron Noble</b>	<b>Ph. (916) 445-4310</b>	<b>Aaron.Noble@dgs.ca.gov</b>

**Division of the State Architect  
1102 Q Street, Suite 5100  
Sacramento, CA 95814  
DSA Facsimile No: (916) 445-7658**