

November 19, 2012

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attn: Jim McGowan, Executive Director



RE: Support for proposed changes to the California Building Code

Dear Mr. McGowan:

On behalf of the California Restaurant Association (CRA), we ask that the California Building Standards Commission adopt the proposed modifications to the building standards to the California Code of Regulations (CCR), Title 24, Part 2. The CRA appreciates the State Architects office's work to bring California's building code into conformity with the 2010 federal Americans with Disabilities Act (ADA) Guidelines and the effort to make the state codes much more user-friendly. The existing regulatory regime consists of conflicts between state and federal ADA requirements, which create forced violations leading to unnecessary litigation against businesses that are attempting in good faith to comply with the law. This action by the California Building Standards Commission is long overdue, and will improve access compliance without limiting physical access.

The CRA believes that a crucial aspect of this reform is that the new state building code, like the federal rules, will now allow specific tolerances for minor variances from the standards. Allowing for variances reflects the practical reality that the degree of precision currently required by the building code is unnecessarily difficult to achieve and that a flexible approach such as that recommended by the Building Standards Commission will improve compliance without compromising the needs of disabled Californians. The hope is that these and other "variances" will substantially reduce legal violations for minor violations that do not impact access.

The commissions' update of the building code has additional importance due to recent legislative reforms. With the signing of SB 1186 (Steinberg and Dutton) by Governor Brown in September, the state has demonstrated its intent to help protect California businesses from predatory demand for money letters and lawsuits over the ADA. The Division of the State Architect will play a crucial role in the implementation of provisions of the new law and improving the current Certified Access Specialist (CAsp) program. SB 1186 is expected to provide some relief to businesses that show good faith in trying to follow the law and are willing to correct a violation, which ultimately promotes compliance and brings greater access to the disabled community. The CRA believes that both of these reforms – SB 1186 and the update of the state building code – will do much to improve compliance with the ADA while reducing the volume of contentious litigation over forced violations. We believe this will have the effect of

PREPARE TO BE INSPIRED.

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incentivizing compliance and enhancing relations between businesses, the disabled community and state and local regulators.

Thank you for your consideration,

A handwritten signature in blue ink that reads "Daniel Conway". The signature is fluid and cursive, with the first name "Daniel" and last name "Conway" clearly legible.

Daniel Conway
Legislative and Public Affairs Director
California Restaurant Association
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Sacramento, CA 95814