

# 2010 ADA Design Standards and the California Building Code

November 10, 2011

## A. New Revisions to Federal Design Standards

The United States Department of Justice (USDOJ) published revised regulations for Titles II and III of the Americans with Disabilities Act of 1990 (ADA) in the Federal Register on September 15, 2010. These regulations adopted revised, enforceable accessibility standards called the *2010 ADA Standards for Accessible Design*. On March 15, 2012, compliance with the 2010 Standards will be required for applicable new construction and alterations nationwide.

A goal in revising the federal regulations was to make the design guidelines more consistent with model building codes and industry standards in order to facilitate compliance. The revisions were coordinated extensively with model code groups and standard-setting bodies so that differences could be reconciled. In particular, the Access Board sought to harmonize the guidelines with the International Building Code (IBC) and access standards issued through the American National Standards Institute (ANSI).

## B. The California Building Code

Revisions to the accessibility regulations in the California Building Code (CBC) will be necessary to ensure that the CBC accessibility requirements are not less stringent than the new federal requirements. Associated with these revisions to the CBC, the legislative intent of CA Government Code §4450(d) indicates the Division of the State Architect (DSA) seek certification by the USDOJ that the CBC accessibility requirements meet or exceed the requirements of the 2010 ADA Standards.

While the CBC is based on the IBC as its model and amended by various state agencies having authority to do so, the IBC accessibility provisions are not used in the CBC. Currently, all of the accessibility provisions contained in the CBC for public accommodations and commercial facilities are proposed by the State Architect and approved by the California Building Standards Commission. In other words, all of the accessibility provisions are incorporated through state amendment.

## C. The International Building Code

For accessibility, the IBC utilizes Chapter 11 for scoping requirements, and a separately published reference standard for technical standards called ICC/ANSI A117.1 *Accessible and Usable Buildings and Facilities*. Generally, scoping requirements indicate the when, where or how many of something is required, and the technical standards indicate how something is to comply. IBC Chapter 11 (scoping) is developed through an open hearing and consensus process by the International Code Council (ICC) utilizing ICC voting members comprised of code enforcement and fire officials for approval. ICC/ANSI A117.1 is developed through an open hearing and consensus process supervised by ANSI utilizing an accredited committee for approval.

## D. Options for Revising the California Building Code

As stated above, revisions to the accessibility regulations in the CBC will be necessary in order to comply with the new federal design standards. Below are three options that have been identified as possible approaches to these revisions:

1. Utilize Chapter 11B of the CBC with amendments necessary to comply with the new federal design standards. The accessibility provisions would continue to be California amendments in their entirety.
2. Utilize IBC Chapter 11 and ICC/ANSI A117.1 *Accessible and Usable Buildings and Facilities* with California amendments.
3. Utilize the *2010 ADA Standards for Accessible Design* with California amendments.

## E. Decision Criteria

There are several issues that may influence the decision regarding the three options listed above. Below are examples of issues that could be considered in deciding the best possible option:

1. Federal law
2. California law.
3. Ease of use or usability.
4. Ease of obtaining USDOJ certification.
5. Time required to align with the new federal design standards.
6. Support services such as interpretations and training.
7. Financial cost to develop and maintain.
8. Public input.
9. Reduction in litigation.
10. Desired level of consistency.