

**INITIAL STATEMENT OF REASONS
FOR PROPOSED REFERENCED STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT -- ACCESS COMPLIANCE**

**REGARDING THE ADOPTION OF REFERENCED STANDARDS
INTO THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 12**

Chapter's 12-11A and 12-11B and 12-35

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when a rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE

Government Code Section 4450(b) directs the State Architect to develop and submit proposed building standards to the California Building Standards Commission (CBSC) for approval and adoption pursuant to Health and Safety Code Section (H&SC§) 18935 and to develop other regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

The regulations and building standards relating to access for persons with disabilities are to be consistent with the standards for buildings and structures that are contained in pertinent provisions of the latest edition of the selected model code, as adopted by the CBSC; these regulations and building standards must contain additional requirements relating to buildings, structures, sidewalks, curbs, and other related facilities that the State Architect determines are necessary to ensure access and usability for persons with disabilities.

The actions described are reasonably necessary to carry out the purpose for which they are proposed. The rationale for these actions is to establish minimum requirements for accessibility by persons with disabilities to public buildings, public accommodations, commercial buildings, and publicly funded housing.

The general purpose of these regulations is to adopt minimum test standards, required by the California Building Code, into CCR, Title 24, Part 12, as indicated in the matrix adoption table of the Express Terms document, for the following programs:

- Access to Public Buildings by Persons with Disabilities: To ensure that all buildings, structures, sidewalks, curbs, and related facilities constructed in California by the use of state, county, or municipal funds, or the funds of any political subdivision of California will be accessible to and usable by persons with disabilities.
- Access to Public Accommodations and Commercial Facilities by Persons with Disabilities: To ensure that all buildings, structures, sidewalks, curbs, and related facilities used by the general public and constructed in California by the use of private funds will be accessible to and usable by persons with disabilities.
- Public Housing: To incorporate building standards into regulations developed by the Division of the State Architect for public housing.

This proposed action by DSA/AC will:

- Bring forward existing California amendments, which represent no change in effect from the 2001 California Referenced Standards Code. Some of the existing California amendments may be further amended as follows:
 - Language modified to clarify existing code provisions.
- Repeal existing California amendments to eliminate duplicative provisions adopted and/or amended by DSA/AC in CCR, Title 24, Part 2 (California Building Code).
- Codify non-substantive editorial and formatting amendments based upon the format of the 2006 International Building Code.

The specific purpose and rationale of each adoption, amendment, or repeal is as follows:

**CHAPTERS 12-11A and 12-11B
BUILDING AND FACILITY ACCESS SPECIFICATIONS**

DSA/AC is bringing forward this chapter from the 2001 California Referenced Standards Code with the following amendments:

Chapter's 12-11A and 12-11B. The DSA/AC is proposing to make editorial corrections to repeal the word 'NOTE(S)' or 'note(s)' and move the language in the note(s) to be included in the body of that regulations to be consistent with IBC format.

Sections 12-11A.205 and 12-11B.205. DSA/AC is proposing to correct a typographic error by deleting the word 'prescription' and replacing it with the word 'prescriptive'.

Sections 12-11A.209 and 12-11B.209. DSA/AC is proposing to correct a typographic error in Item (d) of this section by deleting the word 'equality' and replacing it with the word 'quality'.

**CHAPTER 12-35
CALIFORNIA BUILDING CODE STANDARDS**

DSA/AC is repealing this chapter, in its entirety, from the 2001 California Referenced Standards Code because the items indicated in this chapter duplicate abbreviations and adopted reference standards found in CCR, Title 24, Part 2 (California Building Code).

12-35-101. DSA/AC is repealing this item because the referenced standard, American National Standards Institute (ANSI) 17.1, is adopted in Part 2, Chapter 35 of Title 24.

12-35-102. DSA/AC is repealing this item because the abbreviation for California Code of Regulations, CCR, is defined in Part 2, Chapter 2 of Title 24.

12-35-103. DSA/AC is repealing this item because the referenced standard, National Fire Protection Association (NFPA) 72, is adopted in Part 2, Chapter 35 of Title 24.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

DSA/AC relied on the 2006 edition of the International Building Code of the International Code Council, Inc.

CONSIDERATION OF REASONABLE ALTERNATIVES

The alternative to repealing the indicated abbreviations and adopted reference standards contained in this Part is to maintain them in place. This alternative was rejected since it would result in technical requirements that are outdated and in conflict with the current national standards.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The DSA/AC has made a determination that this proposed regulatory action will not have an adverse impact on small business. DSA/AC has determined that no reasonable alternative considered by DSA/AC or that has otherwise been identified and brought to the attention of DSA/AC would be more effective in carrying out the purpose for which this action is proposed, or would lessen any adverse impact on small business.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

The DSA/AC has made an initial determination that this proposed action would not have a significant adverse economic impact on business. This proposed action would ensure that the State Architect's regulations and building standards published in CCR, Title 24, Part 12, 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).

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The DSA/AC is not within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal. The DSA is proposing to amend the referenced standards applicable to the design of accessible public buildings, public accommodations, commercial buildings and publicly funded housing. The Federal Americans with Disabilities Act (ADA) of 1990; ADA Standards for Accessible Design, 28 Code of Federal Regulations Part 36, revised as of July 1, 1994; 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 adoption of these standards.