

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE AMENDMENT OF THE 2010 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, CHAPTER 11A ONLY
(HCD 02/10)**

The Administrative Procedure Act requires an Initial Statement of Reasons to be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal and the rationale of the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose for which it is proposed.

- When repealing adopted California original standards, summarize the effect of the standards and explain why the standard is no longer necessary
- When amending a standard, explain the standard proposed to be modified, explain the effect of the proposed modification, explain the inadequacy of the standards being modified, and explain why the proposed amendment is necessary)

1) The Public Problem, Administrative Requirement, or Other Circumstance Addressed.

Administrative Requirement: Health and Safety Code Section 17921 directs the Department of Housing and Community Development (HCD) to propose adoption, amendment or repeal of building standards for the protection of public health, safety and general welfare. Government Code Section 12955.1 provides direction for HCD to propose adoption of building standards necessary to prohibit discrimination in the design and construction of all housing other than publicly funded housing.

2) Specific Purpose

HCD has determined the amendment of the 2010 edition of the CBC is needed pursuant to the requirements of Health and Safety Code Section 17921 and Government Code Section 12955.1.

The specific purpose of these regulations is to amend the 2010 CBC into Title 24, Part 2, Chapter 11A, of the California Code of Regulations (CCR) for the following programs:

- a) **State Housing Law:** 1. relative to residential occupancies, buildings or structures accessory thereto and as provided in Health and Safety Code Section 17921; 2. relative to California Fair Employment and Housing accessibility requirements as provided in Government Code Section 12955.1, except where the application is for public use only.
- b) **Employee Housing Act:** relative to any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- c) **Mobilehome Parks or Special Occupancy Parks:** relative to the use of building systems in or on any permanent buildings, accessory buildings, and structures under the ownership and control of the park operator within the park in accordance with Health and Safety Code Section 18300 for mobilehome parks, and Sections 18865 and 18873 for special occupancy parks.
- d) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

3) Rationale for Necessity

The 2010 California Building Code (CBC) becomes effective on January 1, 2011. HCD has developed amendments to the 2010 CBC, Chapter 11A, to implement, interpret, and make specific provisions of state and federal law and/or to incorporate provisions that benefit the health, safety and general welfare of the people of California.

The proposed changes to the building standards are necessary to provide clarity and consistency for enforcement and application with regard to the statewide needs of the accessibility community.

Specific Proposed Regulatory Actions: HCD proposes to amend the 2010 California Building Code, Chapter 11A. The rationale for each amendment is listed below.

CHAPTER 11A HOUSING ACCESSIBILITY

SECTION: 1010.9 Edge protection.

HCD proposes to amend the above-listed section. The reference to Sections 1114A.7 and 1122A.6 has been deleted since changes to both of these sections are proposed; therefore, the reference to Chapter 11A is no longer necessary. There is no intended change in regulatory effect.

SECTION: 1107A.3-C Carriage unit.

HCD proposes to amend the above-listed section. Group U, Division 1, was a correct occupancy classification for private garages under the 2001 CBC, but Group U in the 2010 CBC is not divided by divisions. The correct occupancy classification for private garages is Group U. This modification has no intended change in regulatory effect.

SECTION: 1113A.1 Width and continuous surface.

HCD proposes to amend the above-listed section. The reference to Section 1111A.3 is incorrect. Section 1111A is the correct reference to the requirements for changes in level. This change provides clarity and consistency for the user. There is no intended change in regulatory effect.

SECTION: 1114A.7 Edge protection.

HCD proposes to amend the above-listed section. The existing language is repealed and new language is added providing reference to the edge protection provisions for ramps and landings in Chapter 10. The title has been changed for consistency with the terminology used in Section 1010.9.

The Fair Housing Amendments Act references ANSI A117.1 as a safe harbor standard for the design and construction of accessible housing. In some areas, California has accessibility requirements that exceed those in ANSI A117.1. In addition, Chapter 11A is generally more restrictive than the requirements in the model code, including Means of Egress in Chapter 10.

Chapter 11A currently requires guide curbs or guide rails only for ramps with lengths exceeding 10 feet, and for landings with a vertical drop-off exceeding 4 inches. It appears there may be a conflict with ANSI A117.1, as well as with the model code requirements in Chapter 10. The proposed changes provide compliance with Federal Law and consistency with the model code. Note that Figure 11A-5A, relevant to Section 1114A.7, has also been modified.

SECTIONS: 1116A.2 Headroom clearance; and 1116A.3 Overhanging obstructions.

HCD proposes to amend the above-listed sections. The reference to Figure 11A-1B in Section 1116A.2 is misleading. The correct place for the reference to Figure 11A-1B "Overhanging Obstructions" is in Section 1116A.3. This modification provides clarity and consistency for the code user. There is no intended change in regulatory effect.

SECTION: 1122A.6 Edge protection.

HCD proposes to amend the above-listed section. The existing language is repealed and new language is added providing reference to the edge protection provisions for ramps and landings in Chapter 10. The title has been changed for consistency with the terminology used in Section 1010.9.

The Fair Housing Amendments Act references ANSI A117.1 as a safe harbor standard for the design and construction of accessible housing. In some areas, California has accessibility requirements that exceed those in ANSI A117.1. In addition, Chapter 11A is generally more restrictive than the requirements in the model code, including Means of Egress in Chapter 10.

Chapter 11A currently requires guide curbs or guide rails only for ramps with lengths exceeding 10 feet, and for landings with a vertical drop-off exceeding 4 inches. It appears there may be a conflict with ANSI A117.1, as well as with the model code requirements in Chapter 10. The proposed changes provide compliance with Federal Law and consistency with the model code. Note that Figure 11A-5A, relevant to Section 1122A.6, has also been modified.

SECTION: 1124A.3.4 Emergency telephone.

HCD proposes to amend the above-listed section. The reference to the applicable section in Chapter 11A has been changed from Section 1126A.6.1 to Section 1127A.9.6.4, and the phrase “be a lever type” has been deleted. This modification provides consistency with Section 1116B.1.8 and continues the past practice of coordinating between Chapters 11A and 11B, where appropriate. There is no intended change in regulatory effect.

SECTION: 1124A.8 Doorjamb marking.

HCD proposes to amend the above-listed section. Language is added to clarify that the raised characters shall be white on a black background and the star shall be equilateral. This modification provides consistency with Section 1124A.3.3.2 and continues the past practice of coordinating between Chapters 11A and 11B, where appropriate. Similar modification was made to Section 1116B.1.14 in Chapter 11B during the 2009 Triennial Adoption Cycle. In addition, HCD is correcting the reference to Sections 1117B.5.5 and 1117B.5.6. There are requirements for Braille in Chapter 11A, Sections 1143A.8 and 1143A.9.

After a comment received during the Access Code Advisory Committee meeting, HCD also proposes to clarify that the identification of the floor at all hoistway elevator entrances shall be designated by characters, not Arabic numerals only, and the raised five pointed star shall be placed on the main entry level. Some editorial changes are also made. There is no intended change in regulatory effect.

SECTION: 1124A.9 Door Protective and reopening devices.

HCD proposes to amend the above-listed section. The reference to ANSI 17.1 - 86 and ASME A 17.1 – 1990 was carried forward from the 2001 CBC. During the 2009 Triennial Code Adoption Cycle, HCD included a citation to ASME A17.1 as a reference standard to Section 1124A.1, but did not change the reference in Section 1124A.9. The modification provides clarity for the code user and consistency with Chapter 11B. There is no intended change in regulatory effect.

SECTIONS: 1124A.11 Platform (Wheelchair) lifts; 1124A.11.1 General; 1124A.11.2 Size and clear floor space; 1124A.11.3 Lift access space; 1124A.11.4 Standby power; 1124A.11.5 Openness; 1124A.11.6 Doors and gates; and 1124A.11.7 Restriction sign

HCD proposes to amend Section 1124A.11.1 and adopt the remaining above-listed sections. HCD received a stakeholder comment to provide regulations in this section consistent with the DSA’s regulations in Chapter 11B. In addition, some confusion was expressed by enforcement and design professionals with regard to the application of the requirements for platform (wheelchair) lifts in common use areas/facilities and public use areas/facilities. This modification provides consistency with Chapter 11B, Section 1116B.2 and ASME A18.1 and Title 8 “Elevator Safety Orders”.

Additional modifications and editorial changes were made after comments received during the Access Code Advisory Committee meeting. Section 1124A.11.2 was added, clarifying that wheelchair lifts shall be of sufficient size to accommodate a wheelchair in accordance with Section 1127A.9.4. Section 1124A.11.3 covers “Landing size” and “Relationship to the accessible route” (currently in Chapter 11B), clarifying level and clear floor areas or landings (including landing size) shall be part of accessible route requirements. Section 1124A.11.5 provides the same information as Section 1007.5.1, but is repeated in Chapter 11A because of its importance. The Exception of Section 1124A.11.6 clarifies that lifts having doors or gates on opposite sides shall be permitted to have self-closing manual doors or gates.

SECTIONS: 1125A.2 Headroom clearance; and 1125A.3 Overhanging obstructions.

HCD proposes to amend the above-listed sections. The reference to Figure 11A-1B in Section 1125A.2 is misleading. The correct place for the reference to Figure 11A-1B “Overhanging Obstructions” is in Section 1125A.3. This modification provides clarity and consistency for the code user. There is no intended change in regulatory effect.

SECTION: 1127A.2.4 Accessible urinals.

HCD proposes to amend the above-listed section. Section 1127A.5 is an incorrect internal citation. The correct reference is to Section 1127A.9.5. Additional modification was made after comments received during the Access Code Advisory Committee meeting. The title of item 3 was changed, clarifying that

Sections 1127A.9.4 and 1127A.9.5 apply to clear floor space and reach ranges, not to clear floor space only. These modifications provide clarity for the code user. There is no intended change in regulatory effect.

SECTION: 1127A.7.2 Identification symbols.

HCD proposes to amend the above-listed section. The reference to Section 1143A.10, Item 1, is incorrect. The correct reference for additional signage requirements is Section 1143.10. This modification has no intended change in regulatory effect.

DIVISION VII – FIGURES

FIGURE 11A-1B – HEADROOM CLEARANCE AND OVERHANGING OBSTRUCTION

HCD proposes to amend the above-listed figure. This correction is necessary to make the figure comply with the code language in Section 1116A.3. (Any obstruction that overhangs a pedestrian way shall be a minimum of 80 inches above the walking surface as measured from the bottom of the obstruction.) Additional modification was made after comments received during the Access Code Advisory Committee meeting. Another dimension was added, clarifying the headroom clearance, and the title of the figure was changed to “Headroom Clearance and Overhanging Obstruction”.

FIGURE 11A-1H – MINIMUM CLEAR FLOOR SPACE FOR WHEELCHAIRS

HCD proposes to amend the above-listed figure. “24 or more” is an incorrect dimension for alcove depth. Additional maneuvering clearance is required when the alcove depth is greater than 24”, not 24” or more (see note below the figure). This correction is consistent with Chapter 11B, Figure 11B-5A.

FIGURE 11A-5A – RAMPS AND SIDEWALKS

HCD proposes to amend the above-listed figure. Corrections are necessary to make the figure consistent with the code language in Sections 1010.9, 1114A.7 and 1122A.6, and with Chapter 11B, Figure 11B-27.

FIGURE 11A-6C – RAMP DIMENSIONS

HCD proposes to amend the above-listed figure. Corrections are necessary to make the figure consistent with the code language in Sections 1114A and 1122A. This modification is consistent with the changes made by DSA in Chapter 11B, Figure 11B-38.

FIGURE 11A-6D – RAMP LANDING AND DOORWAY

HCD proposes to amend the above-listed figure. Corrections are necessary to make the figure consistent with the code language in Sections 1114A and 1122A. This modification is consistent with the changes made by DSA in Chapter 11B, Figure 11B-39.

FIGURE 11A-7C – HOISTWAY AND ELEVATOR ENTRANCES

HCD proposes to amend the above-listed figure. Corrections are necessary to make the figure consistent with the changes made by DSA in Chapter 11B, Figure 11B-40C.

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

(Government Code Section 11346.2(b)(2) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).)

None.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency's reason for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternative.)

None.

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

(Government Code Section 11346.2(b)(3)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse impact on business.)

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

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

(Government Code Section 11346.2(b)(4) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.)

None.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(5) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives.)

These regulations neither duplicate nor conflict with federal regulations.