

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2013 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, CHAPTER 11A ONLY
“HOUSING ACCESSIBILITY”**

(HCD 08/12)

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

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE AND BENEFITS:

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal, the problem the agency intends to address and the rationale for the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose, including the problem the agency intends to address, for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.)

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 California Building Code (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 proposed building standards are intended to provide clarity, specificity and direction to the code user and to implement and make specific existing state laws. Some existing amendments will be brought forward without any changes and will represent no change in their effect from the 2010 California Building Code. Other previously existing California Amendments will be changed as explained below.

POWDER ROOM

Rationale: HCD proposes to continue adoption of the above referenced definition with amendment. The reference to Section 1107A.2-B is proposed for deletion because all definitions in Chapter 11A are proposed for relocation to Chapter 2. Editorial correction for consistency with the format of Chapter 2 is also proposed. There is no intended change in regulatory effect.

PUBLICLY FUNDED

Rationale: HCD proposes to repeal the above referenced California definition. “Publicly funded” is a term currently defined in Chapter 2, adopted by HCD, and used in Chapters 11A and 11B. However, the term used in the DSA proposal for housing covered by Chapter 11B is “public housing”. HCD proposes to repeal the definition for “publicly funded”, and co-adopt the DSA definition for “public housing”. HCD also proposes to replace the term “publicly funded” with “public housing” throughout the code where it is used.

HCD proposes to bring forward the 2010 California Building Code, Chapter 11A, with amendments for adoption into the 2013 California Building Code. The rationale for each amendment by chapter and section is listed below.

CHAPTER 11A HOUSING ACCESSIBILITY

2. SECTION 1102A BUILDING ACCESSIBILITY

Section: 1102A.1 Where required.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to delete references to specific sections in Chapter 11B and provide a general reference to Chapter 11B. HCD also proposes to replace the term “publicly funded” with “public housing.”

“Publicly funded” is a term currently defined in Chapter 2, adopted by HCD, and used in Chapters 11A and 11B. However, the term used in the DSA proposal for housing covered by Chapter 11B is “public housing”. HCD proposes to repeal the definition for “publicly funded” in Chapter 2, co-adopt the DSA definition for “public housing,” and use the term “public housing” throughout the code.

Section: 1102A.2 Existing buildings.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to delete all references to specific sections in Chapter 11B and provide a general reference to that chapter. HCD also proposes to replace the term “publicly funded” with “public housing.”

“Publicly funded” is a term currently defined in Chapter 2, adopted by HCD, and used in Chapters 11A and 11B. However, the term used in the DSA proposal for housing covered by Chapter 11B is “public housing”. HCD proposes to repeal the definition for “publicly funded” in Chapter 2, co-adopt the DSA definition for “public housing,” and use the term “public housing” throughout the code. .

In addition, HCD proposes an editorial correction to this section. The phrase “this chapter” is replaced with “Chapter 2” to align with the new format of the 2013 CBC (all definitions located in Chapter 2).

Section: 1102A.4 Participation areas.

Rationale: HCD proposes to repeal the above referenced section. HCD believes that there is no necessity to continue maintaining Section 1102A.4 in Chapter 11A. Section 1104B.4.3 provides a list of participation (activity) areas, including the following: tennis, racquetball and handball courts; gymnasium floor areas and general exercise rooms; basketball, volleyball and badminton courts, and bowling lanes; swimming pool deck areas; athletic team rooms and facilities, playing fields and running tracks. Chapter 11A is applicable to the activity areas described above when they are common use areas serving covered multifamily dwellings. The common use areas or facilities, serving covered multifamily dwellings, are covered by Section 1127A.1. (Pursuant to Section 1127A.1, when provided, all common use areas and facilities in covered multifamily housing developments are required to be accessible to persons with disabilities). Therefore, there is no need for the same requirement to be duplicated. There is no intended change in regulatory effect.

HCD had two options to incorporate this new language:

1. To amend Section 1120A.2 (which did not fully comply with the new proposal), and repeat the same language in Section 1110A.4; or
2. To amend Section 1138A.1.2 (formerly Section 1127A.9.3), and provide a reference to Section 1138A.1.2 in Sections 1110A and 1120A.

HCD decided not to duplicate the same language in two sections, and proposes Section 1138A.1.2 as an appropriate place to contain this requirement.

DSA's proposal to modify, reorganize and reformat Chapter 11B is based upon the direction of adopting the 2010 ADA Standards. The final format and regulatory proposals for Chapter 11B are still uncertain. HCD has been and will continue to closely monitor and evaluate DSA proposals; including a complete review of their proposed Express Terms submitted for the 45-day public comment period. HCD believes further revisions to Chapter 11A may be necessary to maintain consistency between public and common use areas.

5. SECTION 1112A CURB RAMPS ON ACCESSIBLE ROUTES

Section: 1112A.9 Detectable warnings.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to delete all references to specific sections in Chapter 11B and provide a general reference to that chapter. There is no intended change in regulatory effect.

6. SECTION 1114A EXTERIOR RAMPS AND LANDINGS ON ACCESSIBLE ROUTES

Section: 1114A.6.2.5 Handrail grips.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to delete all references to specific sections in Chapter 11B and provide a general reference to that chapter. HCD also proposes to replace the term "publicly funded" with "public housing."

"Publicly funded" is a term currently defined in Chapter 2, adopted by HCD, and used in Chapters 11A and 11B. However, the term used in the DSA proposal for housing covered by Chapter 11B is "public housing". HCD proposes to repeal the definition for "publicly funded" in Chapter 2, co-adopt the DSA definition for "public housing," and use the term "public housing" throughout the code.

7. SECTION 1115A EXTERIOR STAIRWAYS

Section: 1115.6.2.5 Handrail grips.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to delete all references to specific sections in Chapter 11B and provide a general reference to that chapter. HCD also proposes to replace the term "publicly funded" with "public housing."

"Publicly funded" is a term currently defined in Chapter 2, adopted by HCD, and used in Chapters 11A and 11B. However, the term used in the DSA proposal for housing covered by Chapter 11B is "public housing". HCD proposes to repeal the definition for "publicly funded" in Chapter 2, co-adopt the DSA definition for "public housing," and use the term "public housing" throughout the code.

**8. SECTION 1116A
HAZARDS ON ACCESSIBLE ROUTES**

Section: 1116A.1 Warning curbs.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. Exception 2 exempts the installation of warning curbs when a guardrail or handrail is provided with a wheel guide centered 2 to 4 inches above the walking surface of a walk or sidewalk. However, Exception 2 conflicts with Section 1114A.7, which was revised during the 2010 Interim Code Adoption Cycle. HCD proposes to correct the oversight. The new amendment provides a reference to Section 1010.10.1, which contains requirements for edge protection when guardrails or handrails are installed.

Section: 1116A.2 Headroom clearance.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. Section 1116A.2 mandates 84 inches minimum headroom clearance for accessible routes which are part of the required egress system. This requirement conflicts with Section 1003.2 (Ceiling height), which addresses ceiling height for means of egress and requires 90 inches minimum ceiling height.

The height of accessible routes which are part of the required egress system was included in Chapter 11A in 2005, when the format was changed and Chapter 11A was reorganized. At that time, the 2001 CBC (with 1997 Uniform Building Code as a model code) required 84 inches ceiling height for means of egress systems. HCD's intent to duplicate the (means of egress) language in Chapter 11A was to provide additional clarification, not to create new requirements.

The model code was changed in 2007; the 2007 CBC was based on the 2006 International Building Code. Chapter 10 in the 2007 CBC provided more details addressing means of egress systems, and a new ceiling height requirement of 90 inches. However, the requirement for 84 inches remained unchanged in Chapter 11A.

HCD proposes to correct this oversight, repealing the requirement for 84 inches minimum headroom clearance for means of egress systems. HCD also believes that Chapter 10 provides adequate information for means of egress systems, including accessible means of egress, and there is no need for general means of egress to be duplicated in Chapter 11A. Therefore, HCD proposes to provide a reference to Chapter 10, Section 1003.2, instead of continuing to maintain duplicative language in Chapter 11A.

**9. SECTION 1119A
INTERIOR ROUTES OF TRAVEL**

Section: 1119A.2 Flooring

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to modify the existing language in this section to incorporate the Division of State Architect's (DSA) proposal in Chapter 11B, which brings forward new language from the 2010 ADA. HCD believes that, in most instances, common use areas and public use areas should maintain the same technical requirements.

DSA's proposal to modify, reorganize and reformat Chapter 11B is based upon the direction of adopting the 2010 ADA Standards. The final format and regulatory proposals for Chapter 11B are still uncertain. HCD has been and will continue to closely monitor and evaluate DSA proposals; including a complete review of their proposed Express Terms submitted for the 45-day public comment period. HCD believes further revisions to Chapter 11A may be necessary to maintain consistency between public and common use areas.

**10. SECTION 1120A
INTERIOR ACCESSIBLE ROUTES**

Section: 1120A.1 Widths

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to repeal the reference to Figure 11A-1C, and provide a reference to Section 1138A.1.5, which is a new section proposed for adoption (see rationale for Section 1138A.1.5).

In this rulemaking HCD decided to eliminate references to figures which were used to illustrate code requirements, but did not have supporting text within the body of Chapter 11A. HCD believes that the figures in the back of Chapter 11A are provided for illustration purposes only, and are not mandatory. Therefore, references to figures are replaced with new language or reference to new sections, which address the specific requirements contained in the figures.

Section: 1120A.2 Interior accessible routes over 200 feet (60 960 mm)

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to repeal the existing language in this section, addressing requirements for interior accessible routes over 200 feet, and replace it with a reference to Section 1138A.1.2 (formerly Section 1127A.9.3). Section 1138A.1.2, as amended to incorporate the Division of State Architect's (DSA) proposal in Chapter 11B, which contains the same provisions, applicable to both interior and exterior accessible routes. HCD believes that, in most instances, common use areas and public use areas should maintain the same technical requirements.

Currently Section 1120A.2 requires wheelchair turning space when the interior accessible route is over 200 feet long, and its width is less than 60 inches. This requirement does not apply to exterior accessible routes. However, the 2010 ADA requires a wheelchair turning space for both interior and exterior accessible routes. Adopting 2010 ADA as a model code, DSA is proposing this requirement in Chapter 11B. For consistency, HCD decided to adopt this requirement. HCD also decided not to duplicate the same language in two sections. Instead, Section 1138A.1.2 was amended, and references to this section are provided in Sections 1110A.2 (Exterior routes of travel) and 1120A.2 (Interior routes of travel). (See also rationale for Sections 1110A.2 and 1138A.1.2).

DSA's proposal to modify, reorganize and reformat Chapter 11B is based upon the direction of adopting the 2010 ADA Standards. The final format and regulatory proposals for Chapter 11B are still uncertain. HCD has been and will continue to closely monitor and evaluate DSA proposals; including a complete review of their proposed Express Terms submitted for the 45-day public comment period. HCD believes further revisions to Chapter 11A may be necessary to maintain consistency between public and common use areas.

**11. SECTION 1121A
CHANGES IN LEVEL ON ACCESSIBLE ROUTES**

Section: 1121A.2 Changes greater than 1/2 inch.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. Language is added to clarify that stairs cannot be part of an interior accessible route. The same sentence is part of Section 1111A.2, which covers exterior accessible routes. This amendment provides clarity and consistency for the code user. The requirements for changes in level on interior and on exterior accessible routes are the same; there is no reason for Sections 1111A.2 and 1121A.2 to differentiate. There is no intended change in regulatory effect.

**12. SECTION 1122A
INTERIOR RAMPS AND LANDINGS ON ACCESSIBLE ROUTES**

Section: 1122A.5.2.5 Handrail grips.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to delete all references to specific sections in Chapter 11B and provide a general reference to that chapter. HCD also proposes to replace the term “publicly funded” with “public housing.”

“Publicly funded” is a term currently defined in Chapter 2, adopted by HCD, and used in Chapters 11A and 11B. However, the term used in the DSA proposal for housing covered by Chapter 11B is “public housing”. HCD proposes to repeal the definition for “publicly funded” in Chapter 2, co-adopt the DSA definition for “public housing,” and use the term “public housing” throughout the code.

**13. SECTION 1123A
INTERIOR STAIRWAYS**

Section: 1123A.6.2.5 Handrail grips.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to delete all references to specific sections in Chapter 11B and provide a general reference to that chapter. HCD also proposes to replace the term “publicly funded” with “public housing.”

“Publicly funded” is a term currently defined in Chapter 2, adopted by HCD, and used in Chapters 11A and 11B. However, the term used in the DSA proposal for housing covered by Chapter 11B is “public housing”. HCD proposes to repeal the definition for “publicly funded” in Chapter 2, co-adopt the DSA definition for “public housing,” and use the term “public housing” throughout the code.

**14. SECTION 1125A
HAZARD ON ACCESSIBLE ROUTES**

Section: 1125A.1 Warning curbs.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. Exception 2 exempts the installation of warning curbs when a guardrail or handrail is provided with a wheel guide centered 2 to 4 inches above the walking surface of a walk or sidewalk. However, Exception 2 conflicts with Section 1125A.1, which was revised during the 2010 Interim Code Adoption Cycle. HCD proposes to correct the oversight. The new amendment provides a reference to Section 1010.10.1, which contains requirements for edge protection when guardrails or handrails are installed.

Section: 1125A.2 Headroom clearance.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. Section 1125A.2 mandates 84 inches minimum headroom clearance for accessible routes which are part of the required egress system. This requirement conflicts with Section 1003.2 (Ceiling height), which addresses ceiling height for means of egress and requires 90 inches minimum ceiling height.

The height of accessible routes which are part of the required egress system was included in Chapter 11A in 2005, when the format was changed and Chapter 11A was reorganized. At that time, the 2001 CBC (with 1997 Uniform Building Code as a model code) required 84 inches ceiling height for means of egress systems. HCD’s intent to duplicate the (means of egress) language in Chapter 11A was to provide additional clarification, not to create new requirements.

The model code was changed in 2007; the 2007 CBC was based on the 2006 International Building Code. Chapter 10 in the 2007 CBC provided more details addressing means of egress systems, and a new ceiling height requirement of 90 inches. However, the requirement for 84 inches remained unchanged in Chapter 11A.

HCD proposes to correct this oversight, repealing the requirement for 84 inches minimum headroom clearance for means of egress systems. HCD also believes that Chapter 10 provides adequate information for means of egress systems, including accessible means of egress, and there is no need for general means of egress to be duplicated in Chapter 11A. Therefore, HCD proposes to provide a reference to Chapter 10, Section 1003.2, instead of continuing to maintain duplicative language in Chapter 11A.

15. SECTION 1126A DOORS

Section: 1126A.5 Type of lock or latch.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. The amendment clarifies that in addition to the requirements of Chapter 10, Section 1008, the type of latch and lock required shall be in accordance with Section 1126A.6.

This amendment is a response to stakeholder comments, expressing concern that Sections 1008 and 1126A.6 differ. Section 1126.6 has an additional requirement that the lock or latch operate by a single effort. This amendment provides clarity to the code user; there is no intended change in regulatory effect.

16. SECTION 1127A COMMON USE FACILITIES

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to modify the existing language in Chapter 11A to incorporate the Division of State Architect's (DSA) proposals in Chapter 11B which bring forward new language from the 2010 ADA. HCD believes that, in most instances, common use facilities and public use facilities should maintain the same technical requirements.

HCD did not repeal existing measures in this section that did not conflict with newly proposed language. However, some existing language was repealed and new sections were created where HCD was unable to incorporate new Chapter 11B or 2010 ADA language within the existing format of Chapter 11A. HCD proposes to repeal Section 1127A.9 and relocate the requirements contained in this section to Division V, "Features Common to Exterior and Interior of Buildings." (See rationale for Section 1138A). Additional editorial corrections are also proposed.

At inception, HCD intended only to align Chapter 11A with the emergency regulations proposed by DSA for Chapter 11B, which were approved by the Building Standards Commission on July 19, 2012. HCD began evaluating Section 1127A and included its proposed modifications to Section 1127A based upon DSA's approved emergency regulations. HCD's Express Terms submitted to the California Building Standards Commission for the Accessibility Code Advisory Committee (CAC) was HCD's first effort. The HCD proposals were presented to the CAC and discussed at the meeting held on September 25, 2012. During the meeting, HCD asked the CAC for a recommendation of further study. HCD recognized that additional modifications to Sections 1127A and other provisions of Chapter 11A may be necessary given not only DSA's emergency proposal, but their current Chapter 11B proposal for the 2013 CBC. HCD explained that additional revisions to Chapter 11A were necessary and HCD would also coordinate any recommended actions the CAC directed DSA to make, and that we would re-submit a comprehensive Chapter 11A Express Terms document for the 45-day public comment period.

HCD has continued its research and evaluation of Chapter 11A, and continued to collaborate with DSA. As a result, HCD decided to further modify the accessibility package, incorporating language from the DSA's proposal for 2013 CBC, Chapter 11B, in addition to the measures from the emergency package.

DSA's proposal to modify, reorganize and reformat Chapter 11B is based upon the direction of adopting the 2010 ADA Standards. The final format and regulatory proposals for Chapter 11B are still uncertain. HCD has been and will continue to closely monitor and evaluate DSA proposals; including a complete review of their proposed Express Terms submitted for the 45-day public comment period. HCD believes further revisions to Chapter 11A may be necessary to maintain consistency between public and common use areas.

**Section: 1127A.6 Lockers.
1127A.6.1 General.**

Rationale: HCD proposes to continue adoption of the above referenced Section 1127A.6.1 with amendment. "Accessible route" is the term defined in Chapter 11A. However, Section 1127A.6.1 uses the term "Path of travel" ("Path of travel" is a term defined and used in Chapter 11B). The amendment is in response to stakeholder comments that the use of multiple terms creates confusion. HCD proposes to correct the oversight by replacing the term "Path of travel" with "Accessible route." There is no intended change in regulatory effect.

**17. SECTION 1132A
DOORS**

**Sections: 1132A.1 Primary entry doors and required exit doors.
1132A.3 Width and height of interior doors and secondary exterior doors.**

Rationale: HCD proposes to continue adoption of the above referenced sections with amendment. HCD proposes to delete the first sentence and relocate existing language from Section 1132A.3 to Section 1132A.1, clarifying that the width and height of doors shall comply with Section 1126A.1. HCD also proposes to amend the title of Section 1132A.3 to read "Width and height of interior doors and secondary exterior doors." The proposed amendments provide clarity and convenience to the code user, combining the requirements for primary entry doors and required exit doors in Section 1132A.1. There is no intended change in regulatory effect.

Section: 1132A.2 Interior doors and secondary exterior doors.

Rationale: HCD proposes to continue adoption of the above referenced sections with amendment. Language is added to clarify that this section applies to interior doors intended for user passage and secondary exterior doors. The amendment is in response to stakeholder comments; there is no intended change in regulatory effect.

Section: 1132A.7 Type of lock or latch.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. The new amendment clarifies that in addition to the requirements of Chapter 10, Section 1008, the type of latch and lock required for all doors shall be in accordance with Section 1132A.8.

This amendment is a result of stakeholders' comments, expressing concerns that Sections 1008 and 1132A.8 differentiate in places, which creates confusion. This amendment provides clarity to the code user. There is no intended change in regulatory effect.

**18. SECTION 1133A
KITCHENS**

Section: 1133A.2.1 Clear width.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. The amendment in Section 1133A.2.1 provides a reference to the newly proposed Section 1133A.7, which contains requirements for knee and toe space under the kitchen sink.

Section: 1133A.3 Removable base cabinets.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. Section 1133A.3 has been amended to replace the term "clearance" with "knee and toe space." "Knee and toe space" is the term used in Chapter 11A for similar applications.

Section: 1133A.4.1 Repositionable countertops.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. Section 1133A.4.1 has been amended in response to stakeholder comments that the language, as written, is unclear and misleading. Currently Section 1133A.4.1 requires clearance for a wheelchair; however, knee and toe space under repositionable countertops it is not achievable when the countertops are repositioned to a height less than 30 inches. (See rationale for Section 1133A.7 for more details regarding the intent for amending Section 1133A Kitchens). There is no intended change in regulatory effect.

Section: 1133A.7 Knee and toe space.

Rationale: HCD proposes to adopt the above referenced new section into the 2013 CBC. The amendment provides specific requirements for wheelchair clearance (knee and toe space) under kitchen sinks, countertops and appliances. Section 1133A mandates wheelchair clearance in kitchens; however, stakeholders and enforcing agencies expressed concern that there were no specific guidelines for knee and toe space. Some believed that the wheelchair clearance requirement was only a recommendation. Currently Chapter 11A provides measures for knee and toe space under lavatories, but sinks are not addressed. Adoption of Section 1133A.7 will provide specific details for knee and toe space, clarity and consistency for the code user.

Section: 1133A.7.1 Plumbing protection.

Rationale: HCD proposes to adopt the above referenced new section into the 2013 CBC. This section mandates protection under kitchen sinks in dwelling units. The Federal Fair Housing Act Design Manual (FHADM) requires “plumbing protection” under lavatories and sinks for exposed pipes. Currently Chapter 11A mandates the installation of plumbing protection under lavatories, but plumbing protection for kitchen sinks is not addressed. Chapter 11A cannot be less restrictive than the federal standard. Adoption of this section will satisfy the required (FHA) protection, and will provide clarity to the code user.

**19. SECTION 1134A
BATHING AND TOILET FACILITIES**

Section: 1134A.7 Water closets.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. Item 1 has been amended in response to stakeholder comment that the language creates confusion, which may lead to conflicts with the federal accessibility standard. The FHADM and ANSI A117.1 mandate the distance between centerline of the toilet and the grab bar wall (sidewall) to be 18.” This is an absolute measurement. A minimum of 18” is required from the centerline of the water closet to the nearest fixture (vanities, lavatories, bathtubs, etc.) or other obstacles, including wing walls of the non-grab bar wall. The proposed amendment provides clarity to the code user and consistency with the federal standard.

This section was approved as submitted by the Code Advisory Committee (meeting held on September 25). However, HCD decided to further modify this section to incorporate the Division of State Architect’s (DSA) proposals in Chapter 11B, which brings forward new language from the 2010 ADA. Chapter 11B requires the centerline of the water closet to be 16 inches minimum and 18 inches maximum from a wall or partition (Figure 11A-9M is also proposed for modification). HCD proposes to make the same amendment in Section 1127A.2, addressing toilet facilities in common use areas.

DSA’s proposal to modify, reorganize and reformat Chapter 11B is based upon the direction of adopting the 2010 ADA Standards. HCD believes that in most instances common use areas and public use areas should maintain the same dimensional requirements. HCD does not have to necessarily adopt ADA provisions for dwelling units. However, HCD believes that there are measures which have to be the same regardless of the areas they apply to (common use areas or dwelling units). The requirements for toilets in regards to the location of the water closet are one of those measures. There is no reason for different requirements to be enforced in the dwelling unit and outside the dwelling units.

In addition, HCD proposes to amend Item 2 of this section. This amendment clarifies that when the water closet is installed adjacent to a side wall, but the side wall cannot support a grab bar or its reinforcement, an alternative floor mounted grab bar or equivalent shall be provided. The proposed amendment has no intended change in regulatory effect.

20. SECTION 1136A ELECTRICAL RECEPTACLE, SWITCH AND CONTROL HEIGHTS

Section: 1136A.1 Receptacle heights.
Section: 1136A.2 Switch and control heights.

Rationale: HCD proposes to continue adoption of the above referenced sections with amendments. HCD proposes to delete the existing language mandating specific height for receptacle outlets, switches and controls, and replace it with references to Section 1138A.3 (formerly Section 1127A.9.5). Section 1138A.3 contains requirements for reach ranges in common use areas, and incorporates the Division of State Architect's (DSA) proposals in Chapter 11B, which bring forward new language from the 2010 ADA.

DSA's proposal to modify, reorganize and reformat Chapter 11B is based upon the direction of adopting the 2010 ADA Standards. HCD believes that, in most instances, common use areas and public use areas should maintain the same dimensional requirements. HCD does not have to necessarily adopt ADA provisions for dwelling units. However, HCD believes that there are measures which have to be the same regardless of the areas they apply to (common use areas or dwelling units). The requirement for reach ranges is one of those measures. There is no reason for different reach ranges to be enforced in the dwelling unit and outside the dwelling units.

HCD also proposes to modify the existing language in Sections 1136A.1 and 1136A.2. The term "physical barriers" is added to Section 1136A.1 for consistency with Section 1136A.2. The note in Section 1136A.1 is proposed for repeal; HCD believes that the language in this section, as written, clarifies the intent, and the note does not provide additional benefit. The terms "receptacle outlets" and "switches and controls" are proposed to be used in the text instead "outlets" and "controls". The above referenced modifications provide more clarity to the code user, there is no intended change in regulatory effect.

21. SECTION 1137A OTHER FEATURES AND FACILITIES

Division V Table of Contents

Rationale: HCD proposes to continue adoption of Division V Table of Contents with amendment. Section 1138A.8, which is currently titled "Reserved", is amended to read "Space allowances and reach ranges." This amendment is necessary to match the title of the newly adopted Section 1138A.

Section: 1137A.1 General.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to add language, clarifying that part of Division V can be applicable to dwelling units, if specifically referenced in the text. This amendment is necessary to avoid confusion and misinterpretation. The existing language specifically states that Division V applies only to common use areas, and is not applicable to dwelling units. However, there are measures which are the same for common use areas and dwelling units. For instance, new Section 1138A.3 (Reach ranges) is referenced in Section 1136A, addressing receptacle and switch height in dwelling units. Section 1138A.1 is referenced in Sections 1110A (Exterior routes of travel) and 1120A (Interior accessible routes); those two sections are applicable to accessible routes to individual dwelling units. Requirements for the knee and toe space, as well as controls and operating mechanisms, are also the same for common use areas and dwelling units, and even though Sections 1138A.2 and 1138A.4 are not specifically referenced in Division IV, they may be in future rulemaking.

HCD has continued its research and evaluation of Chapter 11A, and continued to collaborate with DSA. As a result, HCD decided to further modify the accessibility package, incorporating language from the DSA's proposal for 2013 CBC, Chapter 11B, in addition to the measures from the emergency package.

DSA's proposal to modify, reorganize and reformat Chapter 11B is based upon the direction of adopting the 2010 ADA Standards. The final format and regulatory proposals for Chapter 11B are still uncertain. HCD has been and will continue to closely monitor and evaluate DSA proposals; including a complete review of their proposed Express Terms submitted for the 45-day public comment period. HCD believes further revisions to Chapter 11A may be necessary to maintain consistency between public and common use areas.

24. SECTION 1142A ELECTRICAL RECEPTACLE, SWITCH AND CONTROL HEIGHTS

Section: 1142A.1 Receptacle heights.

Section: 1142A.2 Switch and control heights.

Rationale: HCD proposes to continue adoption of the above referenced sections with amendments. HCD proposes to delete the existing language, mandating specific height for receptacle outlets, switches and controls, and replace it with references to Section 1138A.3 (formerly Section 1127A.9.5). Section 1138A.3 contains requirements for reach ranges in common use areas, and is amended to incorporate the Division of State Architect's (DSA) proposals in Chapter 11B, which bring forward new language from the 2010 ADA.

At inception, HCD intended only to align Chapter 11A with the emergency regulations proposed by DSA for Chapter 11B, which were approved by the Building Standards Commission on July 19, 2012. HCD began evaluating Sections 1127A, 1139A and 1143A, and included its proposed modifications to those sections based upon DSA's approved emergency regulations. HCD's Express Terms submitted to the California Building Standards Commission for the Accessibility Code Advisory Committee was HCD's first effort. Section 1142A was not part of this package.

The HCD proposals were presented to the Code Advisory Committee (CAC) and discussed at the meeting held on September 25, 2012. During the meeting, HCD asked the CAC for a recommendation of further study. HCD recognized that additional modifications to Sections 1127A, 1139A and 1143A, and other provisions of Chapter 11A, may be necessary given not only DSA's emergency proposal, but their current Chapter 11B proposal for 2013 CBC. HCD explained that additional revisions to Chapter 11A were necessary and HCD would also coordinate any recommended actions the CAC directed DSA to make, and that we would re-submit a comprehensive Chapter 11A Express Terms document for the 45-day public comment period.

HCD has continued its research and evaluation of Chapter 11A, and continued to collaborate with DSA. As a result, HCD decided to further modify the accessibility package, incorporating language from the DSA's proposal for 2013 CBC, Chapter 11B, in addition to the measures from the emergency package. Section 1142A is one of those sections, added to the Express Terms for the 45-day public comment period. (See also rationale for Sections 1127A, 1138A, 1139A, and 1143A)

DSA's proposal to modify, reorganize and reformat Chapter 11B is based upon the direction of adopting the 2010 ADA Standards. The final format and regulatory proposals for Chapter 11B are still uncertain. HCD has been and will continue to closely monitor and evaluate DSA proposals; including a complete review of their proposed Express Terms submitted for the 45-day public comment period. HCD believes further revisions to Chapter 11A may be necessary to maintain consistency between public and common use areas.

In addition, HCD also proposes to modify the existing language in Sections 1142A.1 and 1142A.2. The term "physical barriers" is added to Section 1142A.1 for consistency with Section 1142A.2. The note in Section 1142A.1 is proposed for repeal; HCD believes that the language in this section, as written, clarifies the intent, and the note does not provide additional benefit. The terms "receptacle outlets" and "switches and controls" are proposed to be used in the text instead "outlets" and "controls". The above referenced modifications provide more clarity to the code user, there is no intended change in regulatory effect.

The proposed Figure 11A-1F shows vertical and beveled change in level, and is consistent with the language in Sections 1111A and 1121A.

FIGURE 11A-1D – WHEELCHAIR TURNING SPACE

HCD proposes to continue adoption of the above referenced figure with amendment. HCD proposes to add an additional dimension, clarifying the required minimum length of the base. This amendment is consistent with Section 1138A.1.3.1 and aligns with the DSA's proposal for Chapter 11B.

Editorial modifications for clarity and better visual appearance are also proposed (font, size of text, size of diagrams, etc.).

EXISTING FIGURE 11A-1E – MINIMUM CLEAR WIDTH FOR SINGLE WHEELCHAIR

EXISTING FIGURE 11A-1F – MINIMUM CLEAR WIDTH FOR TWO WHEELCHAIRS

PROPOSED FIGURE 11A-1E – WHEELCHAIR PASSAGE WIDTH

PROPOSED FIGURE 11A-1F – CHANGE IN LEVEL

HCD proposes to repeal the above referenced existing figures. HCD proposes to adopt new Figure 11A-1E (**WHEELCHAIR PASSAGE WIDTH**), combining the two diagrams from existing Figures 11A-1E and 11A-1F. The diagram illustrating minimum clear width for single wheelchair is new, consistent with Section 1138A.1.1 and aligning with the DSA proposal for Chapter 11B. The diagram illustrating clear width for two wheelchairs is the existing Figure 11A-1F.

HCD also proposes to adopt new Figure 11A-1F (**CHANGE IN LEVEL**), illustrating change in level (See rationale for Figure 11A-1C)

EXISTING FIGURE 11A-1H – MINIMUM CLEAR FLOOR SPACE IN ALCOVES (FORMERLY MINIMUM CLEAR FLOOR SPACE FOR WHEELCHAIRS)

HCD proposes to continue adoption of the above referenced figure with modification. The dimensions, illustrating requirements from Section 1138A.1.4.2 (formerly 1127A.9.4.2), are unchanged. HCD proposes to re-title and re-format this figure, providing clearer diagrams for wheelchair in alcoves with parallel and forward approach.

FIGURE 11A-1I – FORWARD REACH

HCD proposes to repeal the existing Figure 11A-1I. HCD proposes to adopt a new figure, providing more details for forward reach, and better visual appearance. The proposed figure is consistent with Section 1138.3, and aligns with the DSA proposal for Chapter 11B.

FIGURE 11A-1J – SIDE REACH

HCD proposes to repeal the existing Figure 11A-1J. HCD proposes to adopt new figure, providing more details for side reach ranges, and better visual appearance. The proposed figure is consistent with Section 1138.3, and contains the new requirements for reach ranges (side reach), which HCD proposes for adoption in Section 1138A.3 to align with the DSA proposal for Chapter 11B.

FIGURE 11A-1L – INTERIOR ACCESSIBLE ROUTE (CORRIDOR) OVER 200 FEET; OCCUPANT LOAD 10 OR MORE (FORMERLY CORRIDOR OVER 200 FEET (60 960 MM))

HCD proposes to continue adoption of the above referenced figure with amendment. HCD proposes to change the title to read **INTERIOR ACCESSIBLE ROUTE (CORRIDOR) OVER 200 FEET; OCCUPANT LOAD 10 OR MORE**. Editorial modifications for clarity and better visual appearance are also proposed (font, size of text, size of diagrams, etc.).

Currently Figure 11A-1L provides diagrams for corridors over 200 feet long. The minimum width, shown on the diagrams, is 44 inches. Although this a correct dimension, the information is misleading. The minimum corridor width is 44 inches for occupant load 10 or more; the minimum corridor width for occupant load less than 10 is 36 inches. The proposed title provides clarity, and is consistent with Section 1138A.1 and DSA's proposal for Chapter 11B.

FIGURE 11A-3B – CURB DETAIL

HCD proposes to continue adoption of the above referenced figure with amendment. The reference to Figure 11B-19A is proposed for deletion. In this rulemaking, HCD proposes to delete references to specific sections of Chapter 11B in all HCD amendments related to accessibility.

FIGURE 11A-3M – RETURNED CURB STYLE (See Figure 11B-21)

FIGURE 11A-3N – TRUNCATED DOMES (See Figure 11B-23A)

FIGURE 11A-3 – (RESERVED)

HCD proposes to repeal the above referenced figure titles. There are no graphics for these figures in Chapter 11A. The figure titles “11A-3M” AND “11A-3N” reference illustrations or figures in Chapter 11B. HCD proposes to delete references to specific sections of Chapter 11B in all HCD amendments related to accessibility.

FIGURE 11A-9A – MULTIPLE-ACCOMODATION TOILET FACILITY

FIGURE 11A-9B

HCD proposes to repeal the above referenced figures. Those figures do not provide enough details and do not align with the changes proposed in Section 1127A. HCD proposes to adopt new Figure 11A-9A, combining diagrams for multiple and single accommodation toilet facilities (see rationale for the new Figure 11A-9A)

FIGURE 11A-9A – TOILET FACILITIES

HCD proposes to adopt the above referenced new figure. This figure contains diagrams for single and multiple accommodation toilet facilities, as well as accessible and ambulatory water closet compartment. The newly proposed figure is consistent with the proposed changes to Section 1127A

FIGURE 11A-9B – WATER CLOSETS

HCD proposes to adopt the above referenced new figure. This figure is consistent with the proposed changes to Section 1127A.

FIGURE 11A-9C – GRAB BARS SECTION

HCD proposes to repeal the above referenced figure. This figure does not provide enough details and does not align with the changes proposed for Section 1127A.4. HCD proposes to adopt new Figure 11A-9A (see rationale below).

FIGURE 11A-9C – GRAB BARS

HCD proposes to adopt the above referenced new figure. This figure contains the existing diagram illustrating a section through a typical circular grab bar, and the new non-circular cross section. Figure 11A-9C is consistent with the amendments proposed in Section 1127A.4.

FIGURE 11A-9D – KNEE CLEARANCE

HCD proposes to repeal the above referenced figure. This figure does not provide enough details for knee and toe space and does not align with the amendments proposed for Section 1138A.2. HCD proposes to adopt new Figure 11A-9D (see rationale below).

FIGURE 11A-9D – KNEE AND TOE SPACE

HCD proposes to adopt the above referenced new figure. This figure contains the existing diagram illustrating knee and toe space for lavatories, and two new diagrams showing general requirements for knee and toe space. Figure 11A-9D is consistent with the amendments proposed for Section 1138A.2. The title is consistent with the terminology proposed for use in Chapter 11A.

FIGURE 11A-9E – CLEAR FLOOR SPACE AT BATHTUBS

HCD proposes to repeal the above referenced figure. This figure does not provide enough details and does not align with the changes proposed for Section 1127A.5.2. HCD proposes to adopt new Figure 11A-9E, providing more details, clarity and consistency with the amendments proposed in Section 1127A.5.2.

FIGURE 11A-9F – GRAB BARS AT BATHTUBS

HCD proposes to continue adoption of the above referenced figure with amendment. The proposed amendment incorporate changes proposed for Section 1127A.5.2. Editorial modifications for more clarity and better visual appearance are also proposed.

FIGURE 11A-9G – REINFORCEMENT FOR GRAB BARS

HCD proposes to continue adoption of the above referenced figure with amendment. This amendment is necessary to make the figure consistent with the code language in Section 1134A.5.

The existing figure shows 12 inches between each end of the grab bar backing and the end walls of the bathtub; the proposed dimension (consistent with the dimension in the text) is 6 inches. HCD also proposes to add a new dimension, showing the distance between the bathtub rim and the bottom of grab bar reinforcement.

The existing Figure 11A-9G does not have a title. HCD proposes this figure to be titled **REINFORCEMENT FOR GRAB BARS**. Editorial corrections for more clarity and better visual appearance are also proposed.

FIGURE 11A-9H—ROLL-IN SHOWER

FIGURE 11A-9I—ROLL-IN SHOWER

HCD proposes to repeal the above referenced figures. Those figures do not provide enough details and do not align with the changes proposed for Section 1127A.5.3. HCD proposes to adopt new Figures 11A-9H and 11A-9I (see rationale below).

FIGURE 11A-9H—STANDARD ROLL-IN SHOWER

HCD proposes to adopt the above referenced new figure. This figure illustrates the location of grab bars for standard and alternate roll-in showers; and the requirements for shower seats. Figure 11A-9H is consistent with the amended text proposed in Section 1127A.5.3.

FIGURE 11A-9I—SHOWER SEATS AND GRAB BARS

HCD proposes to adopt the above referenced new figure. This figure contains diagrams for 60" x 30" standard roll-in shower, and 42" x 48" standard roll-in shower (known as the California size). Figure 11A-9I is consistent with the amended text proposed in Section 1127A.5.3.

FIGURE 11A-9J—OPEN SHOWER

HCD proposes to continue adoption of the above referenced figure with amendment. The proposed amendment incorporates language proposed for Section 1127A.5.3. Editorial corrections for more clarity and better visual appearance are also proposed.

Currently the figure shows 18 inches between the shower floor and the shower seat; the proposed dimension is 17"-19". The existing figure also shows 40" plus or minus 1" between the shower floor and the centerline of the operable parts of controls and faucets; the proposed dimension is 39"-41".

FIGURE 11A-9K—ALTERNATE ROLL-IN SHOWER (FORMERLY ALTERNATIVE ROLL-IN)

HCD proposes to continue adoption of the above referenced figure with amendment. The proposed amendment incorporates language proposed in Section 1127A.5.3. A new title and editorial corrections for more clarity and better visual appearance are also proposed.

Currently Figure 11A-9K shows 16 inches between the front edge of the seat and the seat wall; the proposed dimension is 15"-16".

FIGURE 11A-9L—SHOWER WITH WATER CLOSET

HCD proposes to continue adoption of the above referenced figure with amendment. Corrections are necessary to make the figure consistent with the code language in Section 1134A.6 modified during the 2009 Triennial Code Adoption Cycle. The shower drain requirement to be six inches from the back wall has been removed. Editorial corrections for more clarity and better visual appearance are also proposed.

FIGURE 11A-9M – WING WALL OR CABINET AT WATER CLOSET

HCD proposes to continue adoption of the above referenced figure with amendment. Amendment is necessary to make the figure consistent with the language proposed in Section 1134A.7 Water Closets.

Currently Figure 11A-9M shows 18 inches minimum between the centerline of the water closet and the wall; the proposed dimension is 16"-18". HCD also proposes to add a new dimension, showing the distance (18" minimum) between the wing wall and centerline of the water closet. Editorial corrections for more clarity and better visual appearance are also proposed.

FIGURE 11A-11A – DRINKING FOUNTAINS (FORMERLY WATER FOUNTAINS)

HCD proposes to continue adoption of the above referenced figure with amendment. Amendment is necessary to make the figure consistent with the language proposed in Section 1139A.

HCD proposes to change the dimension for the overall depth of the drinking fountain to 18"-19", and change the dimension from the front of the drinking fountain to the spout to 5". HCD also proposes to change the title of the figure to "Drinking Fountains" for consistency with the terminology used in Section 1139A. Other editorial amendments have been made for better clarity and visual appearance.

PART 2

27. CHAPTER 11A – HOUSING ACCESSIBILITY

HCD proposes to bring forward existing California Amendments in Chapter 11A from the 2010 California Building Code for adoption into the 2013 California Building Code without amendments, except for nonsubstantive editorial corrections.

BENEFITS ANTICIPATED FROM THE PROPOSED REGULATORY ACTION

(Government Code Section 11346.2(b)(1) requires an enumeration of the benefits anticipated from the proposed regulatory action, including the benefits or goals provided in the authorizing statute.)

- Updated and improved minimum requirements necessary to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, accessibility, use and occupancy, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment.
- Protection of public health and safety, worker safety and the environment.
- General welfare of California residents.

ECONOMIC IMPACT ASSESSMENT REPORT RELIED UPON

(Government Code Section 11346.3(b) requires preparation of an Economic Impact Assessment upon which the agency relies in proposing the regulation (s).)

- Economic Impact Assessment for the Adoption of the 2013 California Building Code, Chapter 11A.

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

(Government Code Section 11346.2(b)(3) 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.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

(Government Code Section 11346.2(b)(4) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.)

HCD is statutorily required to adopt by reference model building codes, which contain prescriptive standards. Prescriptive standards provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensure compliance with minimum health, safety and welfare standards for owners, occupants and guests.

Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(5)(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 an alternative. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt model codes by reference.

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

(Government Code Section 11346.2(b)(5)(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.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt model codes by reference.

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

(Government Code Section 11346.2(b)(6) 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.)

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.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(7) 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.)

These regulations do not duplicate nor conflict with federal regulations.