



## **Addendum #1 to DSA-AC 01-12**

September 21, 2012

TOPIC 2.1

### **SECTION 202 DEFINITIONS**

...

PUBLIC HOUSING [DSA-AC] Housing facilities owned and/or operated by, for or on behalf of a public entity including but not limited to the following:

1. Publicly owned and/or operated one- or two- family dwelling units or congregate residences;
2. Publicly owned and/or operated buildings or complexes with three or more residential dwellings units;
3. Publicly owned and/or operated housing provided by entities subject to regulations issued by the United State Department of Housing and Urban Development under Section 504 of the Rehabilitation Act of 1973 as amended;
4. Publicly owned and/or operated homeless shelters, group homes and similar social service establishments;
5. Publicly owned and/or operated transient lodging, such as hotels, motels, hostels and other facilities providing accommodations of a short term nature of not more than 30 days duration;
6. Housing at a place of education owned or operated by a public entity, such as housing on or serving a public school, public college or public university campus;
7. Privately owned housing made available for public use as housing.

...

PUBLIC USE. [DSA-AC] Interior or exterior rooms, spaces, or elements that are made available to the public. Public use may be provided at a building or facility that is privately or publicly owned. Private interior or exterior rooms, spaces, or elements associated with a residential dwelling unit provided by a public housing program or in a public housing facility are not public use areas and shall not be required to be made available to the public. In the context of public housing, public use is the provision of housing programs by, for or on behalf of a public entity.

TOPIC 2.1 – Initial Statement of Reasons:

General: DSA-AC is amending these definitions to provide clear language which accurately reflects the division's rulemaking authority, applicable to publicly-funded construction and public housing, as indicated in CA Gov. Code §§ 4451 and 12955.1(c) respectively. In coordination with the Department of Housing and Community Development, DSA-AC is amending these definitions to provide additional clarity.

**11B-233 Residential Facilities**

**11B-233.1 General.** *Public housing facilities* Facilities with residential dwelling units available for public use with shall comply with 11B-233. See Section 202 of this code for the definition of Public Housing.

**11B-233.2 Residential Dwelling Units. Provided by Entities Subject to HUD Section 504 Regulations.** Where public housing facilities with residential dwelling units are provided by entities subject to regulations issued by the Department of Housing and Urban Development (HUD) under Section 504 of the Rehabilitation Act of 1973, as amended, such entities shall provide residential dwelling units with mobility features complying with 11B-809.2 through 11B-809.4 in a number required by the applicable HUD regulations. Residential dwelling units required to provide mobility features complying with 11B-809.2 through 11B-809.4 shall be on an accessible route as required by 11B-206. In addition, such entities shall provide residential dwelling units with communication features complying with 11B-809.5 in a number required by the applicable HUD regulations. Entities subject to 11B-233.2 shall not be required to comply with 11B-233.3.

**11B-233.3 Residential Dwelling Units Provided by Entities Not Subject to HUD Section 504 Regulations.** *Public housing facilities* Facilities with residential dwelling units provided by entities not subject to regulations issued by the Department of Housing and Urban Development (HUD) under Section 504 of the Rehabilitation Act of 1973, as amended, shall comply with 11B-233.3.

...

**11B-233.3.1.2 Residential Dwelling Units with Adaptable Features.** *In public housing facilities with residential dwelling units, adaptable residential dwelling units complying with Chapter 11A, Division IV – Dwelling Unit Features shall be provided as required by 11B-233.3.1.2.1 through 11B-233.3.1.2.4. Adaptable residential dwelling units shall be on an accessible route as required by 11B-206.*

**EXCEPTION:** *The number of required adaptable residential dwelling units shall be reduced by the number of units required by 11B-233.3.1.1.*

...

**11B-233.3.1.2.4. Multi-Story Residential Dwelling Units.** *Public housing facilities with multi-story residential dwelling units shall comply with the following:*

**EXCEPTION:** *In non-elevator buildings, at least 10 percent but not less than one of the ground floor multi-story residential dwelling units shall comply with 11B-233.3.1.2.4.*

...

**233.3.1.2 11B-233.3.1.3 Residential Dwelling Units with Communication Features.** In public housing facilities with residential dwelling units, at least 2 percent, but no fewer than one unit, of the total number of residential dwelling units shall provide communication features complying with 11B-809.5.

**11B-233.3.2 Residential Dwelling Units for Sale.** Residential dwelling units designed and constructed or altered by public entities that will be offered for sale to individuals shall provide accessible features to the extent required by ~~regulations issued by Federal agencies under the~~

Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, as amended. this chapter

**Exception:** Existing residential dwellings or residential dwelling units acquired by public entities that will be offered for resale to individuals without additions or alterations shall not be required to comply with this chapter.

**11B-233.3.3 Additions.** Where an addition to an existing public housing facility building results in an increase in the number of residential dwelling units, the requirements of 11B-233.3.1 shall apply only to the residential dwelling units that are added until the total number of residential dwelling units complies with the minimum number required by 11B-233.3.1. Residential dwelling units required to comply with 11B-233.3.1.1 and 11B-233.3.1.2 shall be on an accessible route as required by 11B-206.

**11B-233.3.4 Alterations.** Alterations to a public housing facility shall comply with 11B-233.3.4.

**EXCEPTION:** Where compliance with 11B-809.2, 11B-809.3, or 11B-809.4 is technically infeasible, or where it is technically infeasible to provide an accessible route to a residential dwelling unit, the entity shall be permitted to alter or construct a comparable residential dwelling unit to comply with 11B-809.2 through 11B-809.4 provided that the minimum number of residential dwelling units required by 11B-233.3.1.1, and 11B-233.3.1.2 and 11B-233.3.1.3, as applicable, is satisfied.

**11B-233.3.4.1 Alterations to Vacated Buildings.** Where a building is vacated for the purposes of alteration for use as public housing, and the altered building contains more than 15 residential dwelling units, at least 5 percent of the residential dwelling units shall comply with 11B-809.2 through 11B-809.4 and shall be on an accessible route as required by 11B-206. Residential dwelling units with adaptable features shall be provided in compliance with 11B-233.3.1.2. In addition, at least 2 percent of the residential dwelling units shall comply with 11B-809.5.

**EXCEPTION:** Where the façade of an existing building is preserved, but the interior of the building is removed, including all structural portions of floors and ceilings and a new building intended for use as public housing is constructed behind the existing façade the building is considered a new building for determining the application of this chapter.

**11B-233.3.4.2 Alterations to Individual Residential Dwelling Units.** In public housing facilities with individual residential dwelling units, where a bathroom or a kitchen is substantially altered, and at least one other room is altered, the requirements of 11B-233.3.1 shall apply to the altered residential dwelling units until the total number of residential dwelling units complies with the minimum number required by 11B-233.3.1.1, and 11B-233.3.1.2, and 11B-233.3.1.3. Residential dwelling units required to comply with 11B-233.3.1.1 and 11B-233.3.1.2 shall be on an accessible route as required by 11B-206.

**EXCEPTION:** Where public housing facilities contain 15 or fewer residential dwelling units, the requirements of 11B-233.3.1.1, and 11B-233.3.1.2, and 11B-233.3.1.3 shall apply to the total number of residential dwelling units that are altered under a single contract, or are developed as a whole, whether or not located on a common site.

**11B-233.3.5 Dispersion.** In public housing facilities, residential Residential dwelling units required to provide mobility features complying with 11B-809.2 through 11B-809.4 and residential dwelling units required to provide communication features complying with 11B-809.5, and adaptable features complying with Chapter 11A, Division IV shall be dispersed

among the various types of residential dwelling units in the facility and shall provide choices of residential dwelling units comparable to, and integrated with, those available to other residents.

**EXCEPTION:** *In public housing facilities where* ~~Where~~ multi-story residential dwelling units are one of the types of residential dwelling units provided, one-story residential dwelling units shall be permitted as a substitute for multi-story residential dwelling units where equivalent spaces and amenities are provided in the one-story residential dwelling unit.

...

### **11B-809 Residential Dwelling Units**

**11B-809.1 General.** *When located within public housing facilities, residential* Residential dwelling units shall comply with 11B-809. Residential dwelling units required to provide mobility features shall comply with 11B-809.2 through 11B-809.4. Residential dwelling units required to provide communication features shall comply with 11B-809.5.

#### TOPIC 11B.2 – Initial Statement of Reasons:

General: Throughout proposed CBC sections 11B-233 and 11B-809, DSA-AC is amending model code language to clarify scoping and technical requirements applicable to public housing, consistent with DSA-AC's authority to propose building code amendments for public housing.

In consultation with the Department of Housing and Community Development, DSA-AC has developed scoping requirements for Chapter 11B, Section 11B-233 which may be applied independently of Chapter 11A technical requirements.

- Scoping for residential dwelling units provided by entities subject to United States Department of Housing and Urban Development (HUD) Section 504 regulations is consistent with the model code requirements.
- Scoping for residential dwelling units provided by entities not subject to HUD Section 504 regulations includes residential dwelling units with mobility features and units with communication features consistent with the model code requirements.
- Scoping for residential dwelling units provided by entities not subject to HUD Section 504 regulations also includes residential dwelling units with adaptable features consistent with existing CBC requirements for housing regulated by Chapter 11B scoping and Chapter 11A technical requirements.