

Specific Proposed Regulatory Actions:

PART 1

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

**1. 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. The DSA is currently developing proposals to modify, reorganize and reformat Chapter 11B based upon their proposed adoption of the 2010 ADA standards. The final format of Chapter 11B's divisions and/or sections is uncertain. HCD will continue to closely monitor and evaluate DSA proposals and further amendment or revisions may be necessary.

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. The DSA is currently developing proposals to modify, reorganize and reformat Chapter 11B based upon their proposed adoption of the 2010 ADA standards. The final format of Chapter 11B's divisions and/or sections is uncertain. HCD will continue to closely monitor and evaluate DSA proposals and further amendment or revisions may be necessary.

Section: 1102A.4 Participation areas.

Rationale: HCD proposes to repeal the above referenced section, and not propose it for adoption into the 2013 CBC. 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.

**2. SECTION 1107A
DEFINITIONS**

Section: 1107A.3-C COVERED MULTIFAMILY DWELLINGS

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. The DSA is currently developing proposals to modify, reorganize and reformat Chapter 11B based upon their proposed adoption of the 2010 ADA standards. The final format of Chapter 11B's divisions and/or sections is uncertain. HCD will continue to closely monitor and evaluate DSA proposals and further amendment or revisions may be necessary.

**3. SECTION 1109A
PARKING FACILITIES**

Section: 1109A.3 Required accessible parking spaces.

Rationale: HCD proposes to continue adoption of the above referenced section with amendment. HCD proposes to repeal the last sentence of this section. This language is duplicative; the same sentence is part of Section 1109A.4 (Assigned accessible parking spaces). It is unnecessary to maintain the same language in two sections. The proposed amendment to this section has no intended change in regulatory effect.

Section: 1109A.7 Location of accessible parking spaces.

Rationale: HCD proposes to adopt the above referenced section with amendment. This amendment will clarify that van accessible spaces may be grouped on one level in multilevel parking facilities. There is no intended change in regulatory effect.

Section: 1109A.8.1 Vertical clearances.

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. The DSA is currently developing proposals to modify, reorganize and reformat Chapter 11B based upon their proposed adoption of the 2010 ADA standards. The final format of Chapter 11B's divisions and/or sections is uncertain. HCD will continue to closely monitor and evaluate DSA proposals and further amendment or revisions may be necessary.

Section: 1109A.8.6 Van accessible parking space.

Rationale: HCD proposes to adopt the above referenced section with amendment. This amendment will clarify that van accessible spaces may be grouped on one level in multilevel parking facilities. There is no intended change in regulatory effect.

**4. 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. The DSA is currently developing proposals to modify, reorganize and reformat Chapter 11B based upon their proposed adoption of the 2010 ADA standards. The final format of Chapter 11B's divisions and/or sections is uncertain. HCD will continue to closely monitor and evaluate DSA proposals and further amendment or revisions may be necessary.

**5. 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. The DSA is currently developing proposals to modify, reorganize and reformat Chapter 11B based upon their proposed adoption of the 2010 ADA standards. The final format of Chapter 11B's divisions and/or sections is uncertain. HCD will continue to closely monitor and evaluate DSA proposals and further amendment or revisions may be necessary.

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10. 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. The DSA is currently developing proposals to modify, reorganize and reformat Chapter 11B based upon their proposed adoption of the 2010 ADA standards. The final format of Chapter 11B's divisions and/or sections is uncertain. HCD will continue to closely monitor and evaluate DSA proposals and further amendment or revisions may be necessary.

11. 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 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 measures 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 1116A.2 mandates 84 inches minimum headroom clearance for accessible routes part of the required egress system. This requirement conflicts with Section 1003.2 (Ceiling height), which requires 90 inches minimum ceiling high for means of egress. HCD has proposed to correct this oversight, replacing 84 inches with 90 inches and add an additional exception (Exception 2), clarifying that ramps and stairways are permitted to have a minimum clear headroom of 84 inches which is the existing requirement in Section 1116A.2.

12. 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.

**13. SECTION 1127A
COMMON USE FACILITIES**

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.

**14. 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 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 closet doors that do not require users to pass through the doorway to reach the content are not required to comply with Section 1132A. The amendment is in response to stakeholder comments that requested clarification of this section. 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.

**15. SECTION 1133A
KITCHENS**

Section: 1133A.2.1 Clear width.

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

Section: 1133A.3 Removable base cabinets.

Rationale: HCD proposes to adopt the above referenced section with amendment. Section 1133A.3 has been amended to replace the term “clearance” with “knee space.” “Knee space” is the term used in Chapter 11A for similar applications.

FIGURE 11A-3B – CURB DETAIL

HCD proposes to adopt the above referenced figure with amendment. The reference to Figure 11B-19A is proposed for deletion. The DSA is currently developing its proposals for modification and/or reorganization of Chapter 11B. Due to this uncertainty, 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 figures graphics in Chapter 11A. The figure titles “11A-3M” AND “11A-3N” reference illustrations or figures in Chapter 11B. The DSA is currently developing its proposals for modification and/or reorganization of Chapter 11B. HCD proposes to delete references to specific sections of Chapter 11B in all HCD amendments related to accessibility. HCD will continue to closely monitor and evaluate the DSA proposals, when available. Amendments to sections, related to accessibility, may need further revision.

FIGURE 11A-9G

HCD proposes to amend the above listed figure. Corrections are necessary to make the figure consistent with the code language in Section 1134A.5. There is no intended change in regulatory effect.

FIGURE 11A-9L—SHOWER WITH WATER CLOSET

HCD proposes to amend the above listed figure. 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. There is no intended change in regulatory effect.

FIGURE 11A-9M

HCD proposes to amend the above listed figure. Corrections are necessary to make the figure consistent with the code language in Section 1134A.7 Water Closets. There is no intended change in regulatory effect.

18. SECTION 1127A OF DIVISION III, AND SECTIONS 1139A AND 1143A OF DIVISION V.

HCD proposes to continue adoption of the above-listed sections with modification. HCD proposals are intend to align Chapter 11A Common Use Areas with the Emergency Regulations proposed for Chapter 11B by the Division of State Architect and approved by the Building Standards Commission July 19, 2012. HCD does not have to necessarily adopt ADA provisions, but felt that design and dimensional requirements in common use and public use facilities should be the same wherever possible. Therefore, HCD modifications are intended to align with DSA’s emergency proposal and the direction of adopting 2010 ADA Standards.

PART 2

19. 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 this model code 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 this model code 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.