

BULLETIN: APPLICABILITY AND EFFECTIVE DATES OF ADA AND CBC ACCESSIBILITY REGULATIONS

PURPOSE: To describe the applicability of the accessibility provisions in the California Building Code (CBC) Title 24, Part 2 and the Americans with Disabilities Act Standards for Accessible Design (ADA Standards or Standards) for Title II and Title III construction projects in California.

BACKGROUND: The US Department of Justice published revised regulations for Titles II and III of the Americans with Disabilities Act of 1990 (ADA) on September 15, 2010. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design (2010 Standards).

Title II applies to all services, programs, and activities provided to the public by State and local governments. Public school projects are covered by Title II.

Title III applies to “places of public accommodation” (businesses and non-profit agencies that serve the public) and “commercial facilities” (other businesses).

For Title II and Title III projects, the applicant has the responsibility to comply with **both** the CBC and the ADA Standards, as described below. It is recommended the owner, architect or engineer review both the CBC and the ADA Standards.

Note: The building department of every city, county, or city and county shall enforce the accessibility regulations of the CBC within the territorial area of its city, county, or city and county. (Reference California Health & Safety Code §19958).

1. Determining Compliance Dates:

1.1 CBC: Construction projects must comply with the Title 24 codes in effect at the time an application is received by the enforcement agency, such as the city or county building department or the Division of the State Architect (DSA). (Reference 2010 CBC Section 1.1.9). Construction projects exempt from enforcement agency review and approval must comply with the Title 24 codes in effect at the time construction is commenced.

1.2 ADA-Title II: If physical construction or alterations commence after July 26, 1992, but prior to September 15, 2010, then new construction and alterations must comply with either the Uniform Federal Accessibility Standards (UFAS) or the 1991 ADA Standards for Accessible Design (1991 Standards) except that the elevator exemption of the 1991 Standards shall not apply.

If physical construction or alterations commence on or after September 15, 2010, and before March 15, 2012, then new construction and alterations may comply with one of the following: the 2010 Standards, the UFAS, or the

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1991 Standards except that the elevator exemption of the 1991 Standards shall not apply.

If physical construction or alterations commence on or after March 15, 2012, then new construction and alterations shall comply with the 2010 Standards.

The entity must use the selected standard for all applicable elements in the entire facility.

For the purposes of this section, ceremonial groundbreaking or razing of structures prior to site preparation do not commence physical construction or alterations.

- 1.3 ADA-Title III:** New construction shall comply with the 1991 Standards if the date when the last application for a building permit or permit extension is certified to be complete by a State, county, or local government (or, in those jurisdictions where the government does not certify completion of applications, if the date when the last application for a building permit or permit extension is received by the State, county, or local government) is after January 26, 1992, and before September 15, 2010, or if no permit is required, if the start of physical construction occurs after January 26, 1992, and before September 15, 2010; and, if the first certificate of occupancy for the facility is issued after January 26, 1993. Alterations shall comply with the 1991 Standards if the physical alteration begins after January 26, 1992, and before September 15, 2010.

New construction and alterations shall comply with either the 1991 Standards or the 2010 Standards if the date when the last application for a building permit or permit extension is certified to be complete by a State, county, or local government (or, in those jurisdictions where the government does not certify completion of applications, if the date when the last application for a building permit or permit extension is received by the State, county, or local government) is on or after September 15, 2010, and before March 15, 2012, or if no permit is required, if the start of physical construction or alterations occurs on or after September 15, 2010, and before March 15, 2012.

New construction and alterations shall comply with the 2010 Standards if the date when the last application for a building permit or permit extension is certified to be complete by a State, county, or local government (or, in those jurisdictions where the government does not certify completion of applications, if the date when the last application for a building permit or permit extension is received by a State, county, or local government) is on or after March 15, 2012, or if no permit is required, if the start of physical construction or alterations occurs on or after March 15, 2012.

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The entity must use the selected standard for all applicable elements in the entire facility.

For the purposes of this section, ceremonial groundbreaking or razing of structures prior to site preparation do not commence physical construction or alterations.

- 2. For Additional Information:** The following ADA publications can be found on the Internet:

ADA 2010 Revised Requirements: Effective Date / Compliance Date

(HTML) http://www.ada.gov/revised_effective_dates-2010.htm
(PDF) http://www.ada.gov/revised_effective_dates-2010.pdf

2010 ADA Standards for Accessible Design

(HTML) <http://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm>
(PDF – screen) <http://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards.pdf>
(PDF – print version) http://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards_prt.pdf

Guidance on the 2010 Standards for Accessible Design

(HTML) <http://www.ada.gov/regs2010/2010ADAStandards/Guidance2010ADAstandards.htm>
(PDF – screen) http://www.ada.gov/regs2010/2010ADAStandards/Guidance_2010ADAStandards.pdf
(PDF – print version) http://www.ada.gov/regs2010/2010ADAStandards/Guidance_2010ADAStandards_prt.pdf

- 3. 2013 California Building Code:**

DSA is reviewing the 2010 ADA Standards and will prepare responsive California revisions for the 2013 CBC. Public vetting of this process will occur through the DSA Advisory Board. If you would like to receive notification of meetings where access code issues are discussed, contact Derek Shaw, Executive Director of the DSA Advisory Board, at derek.shaw@dgs.ca.gov or (916) 324-7178.