



## **Discussion Paper**

### **2013 California Building Code Accessibility Provisions**

### **Model Code and Format Selection**

#### **Background**

The Division of the State Architect (DSA) has the responsibility and authority to develop and enforce accessibility regulations for California. Government Code § 4450 requires DSA to develop and submit proposed building standards to the California Building Standards Commission (BSC) for approval and adoption to “. . . ensure that all buildings, structures, sidewalks, curbs, and related facilities, constructed in this state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and usable by persons with disabilities.” These requirements are also applied to privately funded facilities through GC § 4451(c) and § 19955 of Division 13 of the Health and Safety Code.

The accessibility regulations must be consistent with the standards for buildings and structures within the latest edition of the selected model code, as adopted by the BSC. They may also contain additional requirements relating to buildings, structures, sidewalks, curbs, and other related facilities the State Architect determines are necessary to assure access and usability for persons with disabilities.

California Government Code §4450 (d) directed DSA to seek certification by the USDOJ that the CBC accessibility requirements meet or exceed the requirements of the ADA Standards. A submission based on the 1991 ADA standards was made by the deadline of 31 December 2010, but no response from the USDOJ has been received. With the 1991 ADA Standards being superseded by the 2010 ADA Standards DSA will need to submit a new or amended certification application for the 2013 CBC.

#### **Model Code Options**

The current 2010 California Building Code (CBC) is based upon 2009 International Building Code (IBC) and the upcoming 2013 CBC will use the 2012 IBC as its model. As it prepares the rule making package for submission to the BSC, DSA is evaluating the optimum format for the 2013 CBC accessibility provisions. The three options are:

- **Option 1 – Current California Provisions** – Continuation of current California provisions replacing the IBC Chapter 11 in its entirety, amended to implement State statutory mandates and to be consistent with the 2010 ADA Standards.
- **Option 2 – IBC Chapter 11 Provisions:** Replacement of the current California provisions with the IBC Chapter 11 language and reference standard (ICC A117.1 – 2009), amended to implement State statutory mandates and for consistency with the 2010 ADA Standards.
- **Option 3 – 2010 ADA Standards:** Replacement of the current California provisions with the federal 2010 ADA Standards amended to implement State statutory mandates.

A discussion of each option is presented below.

### **Option 1 – Current California Provisions**

The CBC uses the IBC as its model code, which is tailored to California's unique requirements with State Agency Amendments and adopted by the Building Standards Commission (BSC). However, in the area of accessibility the IBC's provisions have typically been completely replaced with unique California language proposed by various State agencies and approved by the BSC. In essence California has historically developed its own "model" accessibility code with most provisions carried forward to subsequent editions as State amendments during the triennial code adoption process.

This would involve carrying forward the existing CBC Chapter 11B with revisions to the current language to ensure that the accessibility requirements are no less stringent than the revised federal requirements and to implement State statutory mandates. The 2013 CBC accessibility provisions would continue to be California amendments in their entirety.

### **Option 2 – IBC Chapter 11 Provisions**

The IBC utilizes its Chapter 11 for accessibility scoping requirements, and a separately published reference standard, *ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities*, for its technical guidelines. Scoping requirements indicate when, where or how many of something is required, and the technical guidelines indicate how compliance is achieved. The scoping provisions of IBC Chapter 11 are developed and approved through an open hearing and consensus process by the International Code Council (ICC) utilizing ICC voting members comprised of code enforcement and fire officials. The technical standards and guidelines within ICC/ANSI A117.1 are developed through an open hearing and consensus process supervised utilizing an accredited committee for approval.

Option 2 would require deletion of the current Chapter 11 B language, adoption of the IBC Chapter 11 model code language with California amendments to comply with the new federal design standards, implement State legislative mandates and retain unique California provisions that remain relevant and beneficial.

### **Option 3 - 2010 ADA Standards**

The United States Department of Justice (USDOJ) published revised regulations for Titles II and III of the Americans with Disabilities Act of 1990 (ADA) in the Federal Register on September 15, 2010. These regulations adopted revised enforceable accessibility standards called the *2010 ADA Standards for Accessible Design*. Beginning March 15, 2012, compliance with the 2010 Standards will be required for applicable new construction and alterations nationwide.

A goal in revising the federal regulations was to make the design guidelines more consistent with model building codes and industry standards in order to facilitate compliance. The revisions were coordinated extensively with model code groups and standard-setting bodies so that differences could be reconciled. In particular, the Access Board sought to harmonize the guidelines with the International Building Code (IBC) and access standards issued through the American National Standards Institute (ANSI). While the ADA is federal law focused on the civil rights of people with disabilities for equal access, a number of States have used it as a model code upon which their state level building code provisions for accessibility are based.

Option 3 would require deletion of the current Chapter 11 B language, adoption of the federal 2010 ADA Standards as model code language with California amendments to implement State statutory mandates and retain unique California provisions that remain relevant and beneficial.

### **Decision Criteria**

A number of factors will influence the State Architect's selection of the model code and format to be used for the update of the California accessibility codes. The factors have been grouped into six decision criteria categories; each option will be evaluated for its effectiveness in supporting the decision criteria's requirements as follows:

1. **Legal** – How well each option supports the application of 1) California Building Standards law, 2) other state laws, 3) federal laws and the 4) 2010 ADA Standards.
2. **Development** – How well each option supports DSA's ability to 1) work within the BSC code adoption timeline, 2) use available resources and 3) solicit stakeholder input and comments.

3. **Administration** – How well each option supports 1) provision of support services, publications, interpretations and training 2) ease of permit applications and approvals, 3) development of project designs and documentation and 4) verification of compliance with accessibility regulations.
4. **Application** – How well each option supports 1) clear and unambiguous accessibility requirements and 2) usability for individuals with disabilities.
5. **Compliance Costs** – How well each option minimizes the costs of 1) codes and standards, 2) project documentation, 3) construction and 4) potential litigation.
6. **Certification** – How well each option provides consistency with federal 2010 ADA Standard and supports USDOJ certification of the 2013 CBC.

### **Request for Stakeholder Input**

DSA is requesting input from interested individuals, groups and organizations on their preferences and the advantages and disadvantages of the identified options for the 2013 CBC accessibility provisions. Interested parties may provide or update their contact information, indicate their preference and offer optional comments using the accompanying MS-Word Form.

Completed Forms may be returned electronically as e-mail attachments to:

[DSAAccess2013@dgs.ca.gov](mailto:DSAAccess2013@dgs.ca.gov)

Please direct written comments to:

California Division of the State Architect  
Accessibility Code 2013  
1102 Q Street, Suite 5100  
Sacramento CA 95811

Attn: Beth Sanchez

This document and the accompanying Stakeholder Information Form are available in alternative formats upon request. Requests for alternative formats should be directed to Beth Sanchez at 916 322-1912 or by e-mail to [beth.sanchez@dgs.ca.gov](mailto:beth.sanchez@dgs.ca.gov).