



New Accessibility Standards For Multifamily Buildings Effective July 1, 2005 (SB 1025)

**The following provisions affect all building permit applications
submitted on or after July 1, 2005**

Summary of Existing Laws

Existing law in the 2001 California Building Code (California Code of Regulations, Title 24, Part 2) requires accessibility for persons with disabilities in majority of new dwelling units within new multifamily buildings. However, existing state law exempts accessibility standards for multistory dwelling units (townhouse-type) in multifamily buildings without an elevator. Current federal law also permits the exemption of accessibility requirements in townhouse-type dwellings constructed in multifamily buildings without an elevator.

Summary of Proposed New Regulations

This proposed regulatory action, promulgated by SB 1025, makes some of the more critically needed updates to California standards pertaining to disabled access in multistory residential dwellings. Specifically, SB 1025 requires that 10% of townhouse-type construction in such multifamily buildings (those without elevators) is subject to building standards for persons with disabilities.

Because the provisions of SB 1025 become effective on July 1, 2005, The California Housing and Community Development (HCD) Department has proposed emergency amendments to the California Building Standards Commission (CBSC) for their review. These provisions were approved at the May 18, 2005 meeting of CBSC and will be effective July 1, 2005. The regulations will clarify the requirements of the new law for the affected public such the owners, the local building departments and the construction industry.

Detailed Requirements

A minimum of ten percent, but not less than one of the multistory dwelling units in apartment buildings with 3 or more dwelling units or condominiums with 4 or more dwelling units, located in buildings without an elevator, shall comply with the following:

1. The primary entry to the dwelling unit shall be on an accessible route unless exempted by site impracticality tests as defined in Chapter 11A.
2. At least one powder room or bathroom shall be located on the primary entry level served by an accessible route.
3. All rooms or spaces located on the primary entry level shall be served by an accessible route and shall comply with the provisions of chapter 11A. Rooms and spaces located on the primary entry level and subject to this chapter may include but are not limited to kitchens, powder rooms, bathrooms, living rooms, bedrooms, or hallways.
4. Common use areas shall be accessible as required by chapter 11B.
5. If common tenant parking is provided, accessible parking spaces per chapter 11A is required.

The minimum number of multifamily dwelling units which must comply with this section shall be calculated using the total number of all multistory dwelling units in buildings on a site which are subject to this section. Any fraction thereof shall be rounded to the next highest whole number.

Carriage Unit Exception

“Carriage” units are exempt from above requirements. Carriage units are dwelling units with living space on one or more floors immediately above a Group U, Division 1, private garage which serves only that unit. The footprint of the garage is used as the footprint for the remaining floor or floors of the dwelling units above and the garage level contains no habitable space. Dwelling units located over a common garage shall not be considered carriage units, unless the common garage is clearly divided into private parking areas by means acceptable to the Building Official.

Analysis

The above provisions, while new, are not expected to have a significant impact over the layout of the building, with the exception of site access to the first floor of the building and the parking garages. Site access may be provided by means of an elevator, a ramp or a special lift. Any of the above means are acceptable per chapter 11A.

Access to parking space is expected to have a major impact on the garage design if a common garage area is used in conjunction with units that do not qualify as “Carriage” units. In this case, at least one van accessible space with an 8’2” vertical clearance to the space will need to be provided.