

**[DSA-AC] SECTION 109
DIVISION OF THE STATE ARCHITECT**

109.1 Division of the State Architect—Access Compliance

General. The purpose of this code is to ensure that barrier-free design is incorporated in all buildings, facilities, site work and other improvements to which this code applies in compliance with state law to ensure that these improvements are accessible to and usable by persons with disabilities. Additions, alterations and structural repairs in all buildings and facilities shall comply with these provisions for new buildings, except as otherwise provided and specified herein.

The provisions of these regulations shall apply to any portable buildings leased or owned by a school district, and shall also apply to temporary and emergency buildings and facilities.

In addition, to incorporate standards at least as restrictive as those required by the federal government for barrier-free design under (1) Title III (Public Accommodations and Commercial Facilities), Subpart D (New Construction and Alteration) and Appendix A (Americans with Disabilities Act Standards for Accessible Design) (see 28 C.F.R., Part 36), and (2) Title II (Public Entities), Section 35.151 (New Construction and Alterations) (see 28 C.F.R., Part 35) both from the Americans with Disabilities Act of 1990, and (3) under the Fair Housing Amendments Act of 1988. Some of these regulations may be more stringent than state law in order to meet the federal requirement.

109.1.1 Application. See Government Code commencing with Section 4450. Publicly funded buildings, structures, sidewalks, curbs and related facilities shall be accessible to and usable by persons with disabilities as follows:

109.1.1.1 All buildings, structures, sidewalks, curbs and related facilities constructed in the state by the use of state, county or municipal funds, or the funds of any political subdivision of the state.

109.1.1.2 All buildings, structures and facilities that are leased, rented, contracted, sublet or hired by any municipal county, or state division of government, or by a special district.

109.1.1.3 All publicly funded buildings used for congregate residences or for one- or two-family dwelling unit purposes shall conform to the provisions applicable to living accommodations.

109.1.1.4 All existing publicly funded buildings and facilities when alterations, structural repairs or additions are made to such buildings or facilities. For detailed requirements on existing buildings, see Chapter 11B, Division IV.

109.1.1.5 With respect to buildings, structures, sidewalks, curbs and related facilities not requiring a building permit, building standards published in the California Building Standards Code relating to access for persons with disabilities and other regulations adopted pursuant to Government Code Section 4450, and in effect at the time construction is commenced, shall be applicable.

109.1.2 Application. See Health and Safety Code commencing with Section 19952. All privately funded public accommodations, as defined, and commercial facilities, as defined, shall be accessible to persons with physical disabilities as follows:

Exception: Certain types of privately funded multistory buildings do not require installation of an elevator to provide access above and below the first floor. See the California Building Code, Chapter 11B.

109.1.2.1 Any building, structure, facility, complex, or improved area, or portions thereof, which are used by the general public.

109.1.2.2 Any sanitary facilities which are made available for the public, clients or employees in such accommodations or facilities.

109.1.2.3 Any curb or sidewalk intended for public use that is constructed in this state with private funds.

109.1.2.4 All existing privately funded public accommodations when alterations, structural repairs or additions are made to such public accommodations as set forth under the California Building Code, Chapter 11B.

109.1.3 Application—public housing and private housing available for public use. See Government Code Sections 4450 and 12955.1 (d).

109.1.4 Enforcing agency.

109.1.4.1 The director of General Services where state funds are utilized for any project or where funds of counties, municipalities or other political subdivisions are utilized for the construction of elementary, secondary or community college projects.

109.1.4.2 The governing bodies where funds of counties, municipalities or other political subdivisions are utilized except as otherwise provided above.

109.1.4.3 The building department of every city, county, or city and county within the territorial area of its city, county, or city and county, where private funds are utilized. "Building department" means the department, bureau or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.

109.1.5 Special conditions for persons with disabilities requiring appeals action ratification. Whenever reference is made in these regulations to this Section, the findings and determinations required to be rendered by the local enforcing agency shall be subject to ratification through an appeals process.

109.1.6 Authority cited. Government Code Section 4450.

109.1.7 Reference cited. Government Code Sections 4450 through 4461, 12955.1(d) and Health and Safety Code Sections 18949.1, 19952 through 19959.

**SECTION 110
RESERVED**