

CalDAG™

2020

Interpretive Manual & Checklist

Michael P. Gibbens



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CalDAG 2020

California DISABLED ACCESSIBILITY GUIDEBOOK INTERPRETIVE MANUAL & CHECKLIST

Tenth Edition, Printed in the United States of America

Author: Michael P. Gibbens

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I would like to express my appreciation for the continued support, dedication and hard work from the groups and individuals who have helped to make the CalDAG the successful and trusted resource that it has become.

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Hamid Naderi, Senior Vice-President, Business and Product Development.

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My wife, Cynthia Gibbens, for your continued support on all fronts, and for keeping things together for me and our family, I know it's not easy to live with a writer.

Each of you has had an impact on the success of this product, and I thank you.

Sincerely,
Michael P. Gibbens, CASp
The Author



ABOUT THE AUTHOR

Michael Patrick Gibbens, CASp, ICC, CASI, is a nationally recognized author, instructor and consultant on the interpretive and technical aspects of disabled accessibility compliance in commercial and residential applications for both public and private sectors. He has developed and presented hundreds of seminars on compliance with State and Federal access laws and guidelines throughout the country and has more than 30 years of experience as a disabled accessibility compliance consultant. In 1991, 6 months before the Americans with Disabilities Act (ADA) became enforceable, he had written the first nationally published manual for ADA compliance to facilitate site assessments and barrier removals, and was

presenting training seminars across the country. In California, he was the first to develop and publish compilations of the more stringent provisions between State and Federal accessibility mandates for the design and construction of Public Accommodations and Commercial Facilities (Federal ADA/State Title 24 standards) and multifamily residential projects (Federal FHAA/State HCD standards) in 1991. Mr. Gibbens' eighteenth book on disabled accessibility compliance, the *CalDAG 2020 (California Disabled Accessibility Guidebook)* began national distribution in November 2019. The *CalDAG* is the only publication in existence that documents the most stringent requirements between the California State accessibility requirements and the ADA. The California Council of the American Institute of Architects (CCAIA) has recognized the *CalDAG* as the foremost subject source on combined state and federal disabled accessibility compliance in the State of California.

Mr. Gibbens' expertise in the interpretation of the legal and technical provisions of disabled accessibility standards is regularly utilized by law firms for the resolution of complaints, allegations of non-compliance and lawsuits. He is experienced with both private sector and Department of Justice actions. When the very first complaint under the newly enacted ADA was registered with the Department of Justice against the Empire State Building, Mr. Gibbens was contracted to consult on-site with the building's architects and management to evaluate the complaint and work toward a resolution. Mr. Gibbens has also been approved by the State Bar of California to provide continuing legal education (MCLE) classes to attorneys on disabled access issues, and has been utilized by the federal Office of Civil Rights (OCR) to train their attorney's and investigators on state/federal accessibility compliance. He has served as a founding member of the California Design Safety and Accessibility Advisory Board (State Access Board), having been appointed by the State Architect, and has served on the Accessibility Code Advisory Committee for the State Building Standards Commission for over 20 years (5 years as past chairman). Mr. Gibbens is a California Certified Access Specialist (CASp), and is certified as an Accessibility/Usability Specialist by the International Code Conference (ICC).

Mr. Gibbens has completed facility compliance audits on virtually every category of occupancy covered under Titles II and III of the ADA and has served clients with facilities in all 50 states. He maintains continual contact with the Department of Justice and Access Board in Washington D.C. to keep abreast of new developments and proposed changes in the laws and standards. He has both designed and constructed improvements for the retrofit of facilities to provide compliance with State and Federal accessibility mandates, and is a consultant to a broad range of private businesses and governmental agencies.

ABOUT THE BOOK

For anyone who has endeavored to stay current with the constantly evolving disabled accessibility requirements contained in Part 2 of Title 24 of the California Code of Regulations (i.e., the California Building Code, or “CBC”), you know how difficult this task is/has been. The first edition of the CalDAG, in 1994, was the size of a phone book and contained not only a cross-referenced listing and checklist of the most stringent requirements and/or interpretations between state and federal laws and regulations, but also included the state and federal reference documents for instant cross-reference if desired. When the ADA Accessibility Standards (ADAAG) first became enforceable on January 26, 1992, there were hundreds of conflicts between California’s requirements for disabled accessibility compliance and the federal requirements. Californians were required to comply with the more stringent requirements of the federal accessibility provisions, however the state and local building officials were not legally allowed to enforce these federal provisions; hence the reason for writing the CalDAG. The original CalDAG was the end product of many thousands of hours of research. The purpose of this research was to determine the Federal Government’s position on the accuracy of California’s accessibility guidelines as they compared to those of the ADA, and to establish a relevant set of standards that reflected this position. The ultimate product was to have enough background documentation to support the application of these standards if challenged in a court of law. To accomplish this task, a countless number of contacts, both written and verbal, were initiated between appropriate federal and state offices charged with the dissemination, interpretation and enforcement of disabled accessibility guidelines. The majority of these contacts were with the heads of policy and interpretation of the various technical and legal departments. In addition, the expertise of many private attorneys was solicited for their position in various simulated situations to test probable outcomes in litigation. Since the original CalDAG, California has continually made significant modifications to the disabled accessibility provisions over the years, requiring constant awareness and dedication to understanding and keeping current with these changing requirements. The dedication to providing the most current and correct information between state and federal sources in a user-friendly format has continued throughout all of the previous editions of the CalDAG, and will hopefully be readily apparent in this edition.

The 2010 ADA Standards were altogether different than the previous ADAAG. The new standards are in a completely new and different format from the previous standards, and a new section numbering system is being utilized. Consequently, since California has adopted the federal standards as a base document for Chapter 11B of the CBC, the California standards also have a new format and section numbering system. In previous editions of the CBC, Scoping requirements and technical standards could be found together in the same location. The new format has separated scoping requirements and technical requirements in different sections; in many instances the necessary requirements for a particular use, occupancy, or improvement type are scattered throughout the code. The CalDAG has been crafted to significantly reduce this situation by listing the scoping and technical requirements for a particular use and/or improvement type in the same section heading when it was plausible, even if a particular requirement is repeated in multiple locations throughout the book.

It’s hard to believe that the CalDAG is celebrating its’ twenty-sixth year in existence, and that this is the tenth edition. With California’s adoption of the 2010 ADA standards into Chapter 11B of the CBC as a base document, and with the subsequent incorporation of those provisions adopted by California that are in addition to, or more stringent than, the federal accessibility requirements, the CBC disabled accessibility provisions are hopefully more stable now than they have ever been in the past. I sincerely hope that all of the information contained in the CalDAG helps the design and construction professional provide for correct disabled accessibility compliance, and that the numerous enforcement officials for the governing bodies in California can develop an increased level of consistency in the enforcement and interpretation of disabled accessibility requirements throughout the state.

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