Disabled Accessibility in Multistoried Dwelling Units in Buildings without Elevators - SB 1025

The first set of statewide accessibility provisions for multifamily construction took effect in September of 1985. California’s regulations were substantially changed in 1992 to conform to the recently passed Federal Fair Housing Amendments Act.

In apartment buildings of three units or more and in condominium buildings of four units or more, all ground floor units must comply with California’s disabled accessibility provisions. In apartment and condominium buildings having an elevator, all units in the building (100%) must comply with HCD’s accessibility regulations.

SB 1025 amended Government Code Section 12955.1(b)(1) to state: This subdivision shall apply only to multistory dwelling units in a building subject to this subdivision for which an application for a construction permit is submitted on or after July 1, 2005.

The statute requires ten percent (10%) of the primary entry levels of multistoried dwelling units in buildings without elevators to comply with HCD’s accessibility provisions for new multifamily construction. Under California accessibility code, a multifamily dwelling is defined as an apartment building containing three or more dwellings or a condominium/town home building containing four or more dwellings under the same roof. One- and two-family dwelling units are exempt from these requirements, as are “carriage units”. A “carriage unit” is a dwelling that is located directly above the private parking garage that serves that unit. Units which are located above a common-use parking structure are not “carriage units”.

To determine the total number of multistory dwelling units subject to this subdivision, all multistory dwelling units in the buildings subject to this subdivision on a site shall be considered collectively.” On a site with multiple buildings containing multistoried dwelling units, the “ten percent” application level is applied to the entire construction site. It is not applied separately to each building if there are multiple buildings on a site.

SB 1025 contained a specific provision amending Government Code 12955.1(b)(1) which states; “This subdivision shall not be construed to require an elevator within an individual multistory dwelling unit or within a building subject to this subdivision.” However, an accessible route, which may include an elevator, ramp or other means, may still be required to access dwelling units in a multistory building where the first floor containing dwelling units is located above grade or ground level (i.e. located above retail facilities or common-use parking).