

**Introduced by Senator Corbett**

February 19, 2010

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An act to amend Section 12955.1 of the Government Code, relating to fair housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1252, as introduced, Corbett. Fair housing: multifamily dwellings. The existing California Fair Employment and Housing Act (FEHA) makes it unlawful to discriminate against any person in any housing accommodation on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability. The act permits the Department of Fair Employment and Housing to engage in affirmative actions to prevent and provide for effective remedies against housing discrimination, as defined.

This bill would make technical, nonsubstantive changes to the definition of the term "discrimination."

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 12955.1 of the Government Code is
- 2 amended to read:
- 3 12955.1. (a) For purposes of Section 12955, "discrimination"
- 4 includes, but is not limited to, a failure to design and construct a
- 5 covered multifamily dwelling in a manner that allows access to,
- 6 and use by, disabled persons by providing, at a minimum, the
- 7 following features:

1 (1) All covered multifamily dwellings shall have at least one  
2 building entrance on an accessible route, unless it is impracticable  
3 to do so because of the terrain or unusual characteristics of the  
4 site. The burden of establishing impracticability because of terrain  
5 or unusual site characteristics is on the person or persons who  
6 designed or constructed the housing facility.

7 (2) All covered multifamily dwellings with a building entrance  
8 on an accessible route shall be designed and constructed in a  
9 manner that complies with all of the following *requirements*:

10 (A) The public and common areas are readily accessible to, and  
11 usable by, persons with disabilities.

12 (B) All the doors designed to allow passage into and within all  
13 premises are sufficiently wide to allow passage by persons in  
14 wheelchairs.

15 (C) All premises within covered multifamily dwelling units  
16 contain the following features of adaptable design:

17 (i) An accessible route into and through the covered dwelling  
18 unit.

19 (ii) Light switches, electrical outlets, thermostats, and other  
20 environmental controls in accessible locations.

21 (iii) Reinforcements in bathroom walls to allow later installation  
22 of grab bars around the toilet, tub, shower stall, and shower seat,  
23 where those facilities are provided.

24 (iv) Useable kitchens and bathrooms so that an individual in a  
25 wheelchair can maneuver about the space.

26 (b) (1) For purposes of Section 12955, “discrimination”  
27 includes, but is not limited to, a failure to design and construct 10  
28 percent of the multistory dwelling units in buildings without an  
29 elevator that consist of at least four condominium dwelling units  
30 or at least three rental apartment dwelling units in a manner that  
31 incorporates an accessible route to the primary entry level entrance  
32 and that meets the requirements of paragraph (2) of subdivision  
33 (a) with respect to the ground floor, at least one bathroom on the  
34 primary entry level and the public and common areas. Any fraction  
35 thereof shall be rounded up to the next whole number. For purposes  
36 of this subdivision, “elevator” does not include an elevator that  
37 serves only the first ground floor or any nonresidential area. In  
38 multistory dwelling units in these buildings without elevators, the  
39 “primary entry level entrance” means the principal entrance through  
40 which most people enter the dwelling unit, as designated by the

1 California Building Standards Code or, if not designated by  
2 California Building Standards Code, by the building official. To  
3 determine the total number of multistory dwelling units subject to  
4 this subdivision, all multistory dwelling units in the buildings  
5 subject to this subdivision on a site shall be considered collectively.  
6 This subdivision shall not be construed to require an elevator within  
7 an individual multistory dwelling unit or within a building subject  
8 to this subdivision. This subdivision shall apply only to multistory  
9 dwelling units in a building subject to this subdivision for which  
10 an application for a construction permit is submitted on or after  
11 July 1, 2005.

12 (2) Notwithstanding subdivision (c), the Division of the State  
13 Architect and the Department of Housing and Community  
14 Development may adopt regulations to clarify, interpret, or  
15 implement this subdivision, if either of them deem it necessary  
16 and appropriate.

17 (c) Notwithstanding Section 12935, regulations adopting  
18 building standards necessary to implement, interpret, or make  
19 specific the provisions of this section shall be developed by the  
20 Division of the State Architect for public housing and by the  
21 Department of Housing and Community Development for all other  
22 residential occupancies, and shall be adopted pursuant to Chapter  
23 4 (commencing with Section 18935) of Part 2.5 of the Health and  
24 Safety Code. Prior to the effective date of regulations adopted  
25 pursuant to this subdivision, existing federal accessibility standards  
26 that provide, to persons with disabilities, greater protections than  
27 existing state accessibility regulations shall apply. After regulations  
28 pursuant to this subdivision become effective, particular state  
29 regulations shall apply if they provide, to persons with disabilities,  
30 the same protections as, or greater protections than, the federal  
31 standards. If particular federal regulations provide greater  
32 protections than state regulations, then those federal standards  
33 shall apply. If the United States Department of Housing and Urban  
34 Development determines that any portion of the state regulations  
35 are not equivalent to the federal standards, the federal standards  
36 shall, as to those portions, apply to the design and construction of  
37 covered multifamily dwellings until the state regulations are  
38 brought into compliance with the federal standards. The appropriate  
39 state agency shall provide notice pursuant to the Administrative

1 Procedure Act (Chapter 5 (commencing with Section 11500) of  
2 Part 5 of Division 3 of Title 2) of that determination.

3 (d) In investigating discrimination complaints, the department  
4 shall apply the building standards contained in the California  
5 Building Standards Code to determine whether a covered  
6 multifamily dwelling is designed and constructed for access to and  
7 use by disabled persons in accordance with this section.

8 (e) The building standard requirements for persons with  
9 disabilities imposed by this section shall meet or exceed the  
10 requirements under the federal Fair Housing Amendments Act of  
11 1988 (P.L. 100-430) and its implementing regulations (24 C.F.R.  
12 100.1 et seq.) and the existing state law building standards  
13 contained in the California Building Standards Code.