

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

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INFORMATION BULLETIN (2017-04) (MP, SOP) Reissued

TO: Special Occupancy Park Owners and Operators
Local Enforcement Agencies
City and County Building Officials
Interested Parties (MP, SOP)
Recreational Vehicle Industry Association (RVIA)
California Association of RV Parks and Campgrounds
(CalARVC)

FROM:  Richard Weinert, Deputy Director
Division of Codes and Standards

SUBJECT: Accessibility in Special Occupancy Parks with Short-Term
Rental or Leased Recreational Vehicles and Park Trailers

Through this Information Bulletin (IB), the Department of Housing and Community Development (HCD) intends to provide interested and affected parties an overview of the accessibility laws that may apply to a Special Occupancy Park (SOP)¹ or to particular facilities or areas within an SOP.

HCD has received several inquiries related to the accessibility of SOPs in which recreational vehicles (RVs) and park trailers (PTs) are available for short-term rental or lease. In particular, interested parties have requested guidance on the accessibility of SOP common and public areas, path of travel to RVs and PTs, and within the RVs and PTs themselves.

Summary

If open to the public, an SOP or portions of an SOP, including short-term rental RVs and PTs, likely qualify as a "public accommodation" and thereby may be subject to the requirements in the 2010 Americans with Disabilities Act (ADA), the California Building

¹SOP includes recreational vehicle parks, incidental camping areas and tent camps. (Health and Safety Code Section 18862.43)

Code (CBC), the California Unruh Act (Unruh Act) and the California Disabled Persons Act (Disabled Persons Act). While the ADA and CBC may provide design guidance for certain SOP facilities, neither provides scoping or technical requirements for accessibility within RVs or PTs. Moreover, while HCD² may monitor CBC compliance, it does not have the authority to enforce the ADA. SOP owners and operators offering short-term rentals to the public should seek technical and/or legal advice to ensure compliance with these laws.

Guidance

An SOP, or any area within the SOP, including a short-term rental RV or PT, is likely to qualify as a place of public accommodation if open to the public. Places of public accommodation, whether permanent or temporary, must comply with 2010 ADA Standards for Accessible Design (2010 ADAS), which provides accessibility requirements for new construction and alterations subject to Title III of the ADA, and with the CBC. Public accommodations are also subject to the Unruh Act and the Disabled Persons Act. These laws are explained in more detail below.

The 2010 ADAS and CBC include accessibility requirements for facilities that may be present in an SOP, such as day use areas, nature trails, parking spaces, bathrooms, and pools. Although HCD enforces certain provisions of the CBC, it does not enforce the ADA. Moreover, neither the ADA nor the CBC includes standards for construction of accessible RVs or PTs. The California Health and Safety Code (HSC) does prohibit the alteration or conversion of any RV in a manner that is inconsistent with American National Standards Institute (ANSI) Standard No. A119.2 or A119.5 or with the National Fire Protection Association (NFPA) 1192 Standard on Recreational Vehicles. However, HCD does not have the authority to enforce these standards.

The guidance provided in this IB is subject to change if or when the United States Department of Justice publishes, provides, or further clarifies scoping and/or technical requirements in the 2010 ADAS, specific to RVs or PTs for rent.

Relevant Accessibility Laws

1. Americans with Disabilities Act (ADA)

Title III of the ADA prohibits discrimination based on “disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to) or operates a place of public accommodation.” Among other things, Title III defines the following as public accommodations: an inn, hotel, motel, or other place of lodging; a restaurant, bar or other establishment serving food or drink; a motion picture house, theater, concert hall, stadium, or other place of

²A local enforcement agency may also monitor compliance pursuant to Health and Safety Code Section 18865.

exhibition or entertainment; and an auditorium, convention center, lecture hall or other place of public gathering. The 2010 ADAS does not contain technical or scoping requirements for RVs or PTs. It does include requirements for other facilities that might be present at an SOP, such as parking spaces, toilet facilities, pools, and washing machines.

2. California Unruh Civil Rights Act and California Disabled Persons Act

The Unruh Civil Rights Act, Civil Code Section 51 *et seq.*, (Unruh Act) prohibits discrimination based on disability with respect to "accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever." The Unruh Act incorporates the ADA, making ADA violations also violations of the Unruh Act.

The Disabled Persons Act, Civil Code Sections 54 through 55.2 (Disabled Persons Act) guarantees "the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways...public facilities, and other public places" to persons with disabilities. The Disabled Persons Act also incorporates the ADA.

3. California Health and Safety Code (HSC) and California Building Code (CBC)

The term "building standard", as used by the California Building Standards Law (HSC Sections 18901 through 18949.31), excludes any standard that pertains to mobilehomes, manufactured homes, commercial modulars, or RVs. The law specifies, however, that a "building standard" does include the construction of permanent buildings as well as "plumbing, electrical and fuel gas equipment and installations within permanent buildings" in a mobilehome park or SOP. It defines a permanent building as any permanent structure constructed in the mobilehome park or SOP "that is a permanent facility under the control and ownership of the park operator."

HSC Section 19955 requires "public accommodations" or "facilities constructed in this state with private funds" to adhere to the accessibility standards published in the California Building Standards Code (California Code of Regulations, Title 24). Part 2 of the California Building Standards Code is the California Building Code (CBC), which sets forth accessibility standards for public buildings, public accommodations, commercial buildings and public housing. The CBC defines a public accommodation as a facility operated by a private entity whose operations affect commerce and falls into one of several categories including places of lodging, a restaurant or bar, an auditorium or other place of public gathering, or a sales or rental establishment. The CBC's definition of "building" excludes mobilehomes, manufactured homes, commercial modulars, and RVs, as those terms are defined in the HSC.

Consistent with the above definitions, the CBC contains no specific accessibility requirements for RVs or PTs intended for rent in SOPs. However, Section 11B of the CBC does provide accessibility requirements for other types of facilities, such as parking spaces, pools and bathroom facilities. In addition, CBC Section 11B-246, titled "Outdoor Developed Areas", provides measures for camping facilities, day use areas, picnic areas, parking lots, trails and paths, nature trails and other outdoor facilities.

The information contained in this IB is not legal advice and should not be used as a substitute for legal advice. Any specific legal issues or concerns should be referred to legal counsel. If you have any other questions regarding this IB, please contact Mitchel Baker at (916) 263-3221 or Mitchel.Baker@hcd.ca.gov.