

CITY OF CITRUS HEIGHTS

BUILDING & SAFETY DIVISION

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Policy for Unreasonable Hardship and Technical Infeasibility

Policy:

To request a Determination of Unreasonable Hardship, a letter from the designer stating how they believe this project qualifies as an Unreasonable Hardship under the parameters stated in the code (see definition below), with supporting facts, will be submitted to the Chief Building Official.

The letter will need to state that it is understood that the applicant will still need to spend the 20% of the construction valuation on compliance, and will fill out the City's Access Compliance form indicating what those features will be and how much will be spent per feature.

To make a claim of Technically Infeasible, the designer or project owner will need to provide a letter addressed to the Chief Building Official detailing the project is not likely to be accomplished due to existing structural conditions requiring the removal of an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility. The letter must also include a plan for providing *equivalent facilitation* to compensate for the technical infeasibility, including the cost for providing the equivalent features.

Building Code Sections:

Determination of Unreasonable Hardship (CBC 11B-202.4 Exception 8)

An unreasonable hardship exists where the cost of providing an accessible primary entrance, restroom facilities, drinking fountains, public phones and signs serving the area is disproportionate to the cost of the project; that is, where it exceeds 20 percent of the cost of the project without these features. Where the cost of alterations necessary to make these features fully accessible is disproportionate, access shall be provided to the greatest extent that it can be without incurring disproportionate cost.

Technically Infeasible (CBC 11B-202.3 Exception 2)

In alterations, where the enforcing agency determines compliance with the applicable standard is technically infeasible, the alteration shall provide equivalent facilitation or comply with the requirements to the maximum extent feasible. The details of the finding that full compliance with the requirements is technically infeasible shall be recorded and entered into the files of the enforcing agency.

Definitions – CBC Chapter 2:

TECHNICALLY INFEASIBLE. [DSA-AC] An alteration of a building or a facility, that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

UNREASONABLE HARDSHIP. When the enforcing agency finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:

1. The cost of providing access.
2. The cost of all construction contemplated.

3. The impact of proposed improvements on financial feasibility of the project.
4. The nature of the accessibility which would be gained or lost.
5. The nature of the use of the facility under construction and its availability to persons with disabilities.

The details of any finding of unreasonable hardship shall be recorded and entered in the files of the enforcing agency.

EQUIVALENT FACILITATION. The use of designs, products or technologies as alternatives to those prescribed, resulting in substantially equivalent or greater accessibility and usability.

Note: In determining equivalent facilitation, consideration shall be given to means that provide for the maximum independence of persons with disabilities while presenting the least risk of harm, injury or other hazard to such persons or others.



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City of Citrus Heights
Building & Safety Division