

# ACCESSIBILITY UPDATES

Laurel W. Wright, Chief Accessibility Code Consultant

## NEW AMENDMENTS EFFECTIVE AUGUST 1<sup>ST</sup>, 2004

On Tuesday, June 8, 2004, the NC Building Code Council adopted changes to the 2002 NC Accessibility Code which were requested by the US Department of Justice in order for them to certify the code as being in compliance with the Americans with Disabilities Act. By the time you read this, the adopted changes will have been reviewed by the Rules Review Commission (RRC) at their meeting on July 15, 2004. Assuming that fewer than ten written objections were received and that the amendments were approved by the RRC, the new amendments become effective on August 1, 2004. **In order to verify that the 2004 amendments have been approved and are now effective, and to download a pdf copy of the 2004 amendments, please check the Accessibility Updates page at: <http://www.ncdoj.com/OSFM/Home/Marshal.asp?PARAMSection=sidEngineeringCode&PARAMCategory=cidNCBuildingCodeCouncil&PARAMSubCategory=scidAccessibilityUpdate>. The 2004 amendments will be available by download in pdf format only; there will be no printed edition.**

**Major changes in the 2004 amendments include the following: NCAEC 205.1** – “Accessibility” added to alternate methods and materials definition; **1.6 Dimensions** subject to conventional industry tolerances; **9.4 Maneuvering Clearance** – additional 6” required when depth of alcove exceeds 24”; **11.3.1.2 and 11.3.1.3 Toe Space** - 9” instead of 8-3/4; **11.4.3 Second Accessible Stall Width** - 36” when 6 or more stalls provided; **11.6.1(1) Seat Height** - 17” minimum to 19” maximum; **11.6.2 Lavatory Height** - maximum 34”; **18.4.1.2 Sign on Door** [Deleted]; **29.4.5.3 Countertops** - maximum 34”; **PART III – ALTERATIONS and PART IV – HISTORIC PRESERVATION** - No longer appendices, these sections are now a required part of the code.

The following **topics** have been the subject of interpretations recently:

**§3.1.3 Model Home Access.** An accessible path of travel is required from the parking area to the following specific locations when model homes are provided: 1) to the Sales Center; 2) to the model home entrance; 3) to the path of travel between models. When the Sales Center is located in the house, an accessible path of travel is required to the area where the Sales center is located within the house. If the Sales Center is in the garage, then access between the garage and entrance to the house is required, but an accessible path of travel through the house is not required. The model home itself is considered a display area, requiring access to and from, but not through, the house. Chapter 26 requirements apply for the sales area.

**§4.4.3. Crosswalks.** Marked crosswalks are required whenever a pedestrian path of travel crosses a vehicular way.

**§6.3.2.5 Two-Way Communication in ARAs.** When an Area of Rescue Assistance (ARA) is provided on the exterior of a building, the two-way communication system is required, even if the ARA location is visible from the fire department response route or the response point. There are no conditions under which it is acceptable to allow omission of the two-way communication system from an ARA.

**§30.4.4.1.3 Powder Rooms and Half-Baths.** The NCAC definition of a powder room is a room containing a lavatory only; a half-bath contains a lavatory and a flushing fixture, but no bathing fixture.

**§28 vs 30 Assisted Living.** A licensed Assisted Living Facility is designed under Chapter 28, with 10% of the patient rooms required to be accessible. A non-licensed Assisted Living Facility is designed under Chapter 30, with all single-story dwelling units in buildings having four or more units designed as Type B dwelling units. If the dwelling units are rental units, then 5% are required to be Type A dwelling units.

**§26.2.1 Bank Teller Windows.** Several alternate designs for bank teller windows have been reviewed and approved as alternate methods under Section 205 of the 2002 NC Admin. & Enforcement Code due

to the pervasive concern that the industry has regarding security. The approval of alternate methods is at the sole discretion of the local jurisdiction, however several jurisdictions throughout the state have referred those alternate designs back to DOI. In order to provide some direction to local jurisdictions when they review alternate designs for this type of facility, the following is offered:

The 2002 NC Accessibility Code addresses the requirement under Section 26.2.1, which was based on ADAAG 7.2(2). In each case, the alternate has been based on ADAAG 7.2(2)(iii) which allows "equivalent facilitation". This section, in the text, cites examples consisting of either a folding shelf on which persons with disabilities can write or the use of a space at the side of a counter for handing materials back and forth.

The code indicates maximum height and minimum opening width, but not depth. There is no clear requirement to maintain the opening at 36" clear through the entire depth of the opening. In fact, the illustration on page 383 gives a good example of a design allowing the writing surface to be provided at 36" in width while still allowing a physical barrier to address security concerns.

A reasonable equivalent facilitation for a bank would: 1) allow for a 36" wide writing area at maximum 36" high on the customer side of the counter; 2) maintain a certain amount of the "pass-through area" as open for the purpose of conducting transactions (counting out change, passing documents back and forth); and 3) provide a reasonable open dimension at the pass-through for eye contact between the teller and a customer with a disability. A design addressing each of these concerns could be considered acceptable as an alternate method provided the depth of the writing surface is sufficient for that purpose. The code gives no guidelines, so the acceptable writing surface depth is up to the local jurisdiction.

*Please call or e-mail any interpretation requests, with **name, jurisdiction** and **phone number**, to Laurel W. Wright, Accessibility Section at: by e-mail at [lwright@ncdoi.net](mailto:lwright@ncdoi.net) or by phone at 919-661-5880 Extension 247.*