

ACCESSIBILITY UPDATES

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RESIDENTIAL GROUP HOMES

NOTE: The attached information represents how the accessibility requirements in the 2002 NC Accessibility Code are to be applied to **RESIDENTIAL GROUP HOMES**. It precedes all previous information and has been discussed and agreed upon by the Division of Facility Services. The conclusions in it were reached after discussions with the *US Department of Justice*, the *US Department of Health and Human Services* and the *US Department of Housing and Urban Development*.

Summary. Whether single family or commercial, the requirements are now applied virtually the same way: for EXISTING BUILDINGS apply Chapters 33/34 and path of travel upgrades until the cost of doing so is disproportionate. For single family, use 1.4.4 with disproportionality. For commercial, use 34.2.6.2 with disproportionality. For NEW CONSTRUCTION, single family: use the Residential Code. For commercial: use the Residential Code (methods and materials only), but, for accessibility, use Chapter 29 - Dormitories. This assumes facilities that have little or no medical care. Where medical care is provided, Chapter 28 – Medical care Facilities is used.

In applying the Accessibility Code requirements, residential group homes will come under one of the following categories using the applicable code sections:

OWNERSHIP OF RESIDENTIAL GROUP HOME	NEW CONSTRUCTION		EXISTING CONSTRUCTION (ALTERATIONS)	
	NON-MEDICAL	MEDICAL	NON-MEDICAL	MEDICAL
<p>PRIVATE</p> <ul style="list-style-type: none"> When located in a private family residence The owner will live or continues to live in the residence The owner is the caregiver for the "residential care facility" 	<ul style="list-style-type: none"> NC Residential Code NCBC 421.x* (if req'd for licensing) NCAC 1.4.4 <p><i>New construction requires full compliance with 1.4.4.</i></p>	<ul style="list-style-type: none"> NC Residential Code NCBC 421.x* (if req'd for licensing) NCAC 1.4.4 + NCAC 34.2.2.1 <p><i>Disproportionality applies to all 1.4.4 items.</i></p>		
<p>COMMERCIAL</p> <ul style="list-style-type: none"> When located in a single family residential neighborhood (new) or when located in what used to be a private family residence (existing) The owner does not live (new) or no longer lives in the residence (existing) Employees are paid to be caregivers for the "residential care facility" or "group home" 	<ul style="list-style-type: none"> NC Bldg Code or NC Resid Code (methods + materials only) NCBC 421.x* (if req'd for licensing) NCAC Ch. 29 	<ul style="list-style-type: none"> NC Bldg Code or NC Resid Code (methods + materials only) NCBC 421.x* (if req'd for licensing) NCAC Ch. 28 (10% - 50% rooms, depending on the medical care provided) 	<ul style="list-style-type: none"> NC Bldg Code or NC Resid Code (methods + materials only) NCBC 421.x* (if req'd for licensing) NCAC Ch. 29 (dormitory) NCAC 34.2.2.1 NCAC 34.2.6.2 <p><i>Disproportionality applies.</i></p>	<ul style="list-style-type: none"> NC Bldg Code or NC Resid Code (methods + materials only) NCBC 421.x* (if req'd for licensing) NCAC Ch. 28 (10% - 50% rooms, depending on the medical care provided) NCAC 34.2.2.1 NCAC 34.2.6.2 <p><i>Disproportionality applies.</i></p>

* In NCBC 421.x, the "x" refers to the appropriate section number in the code, e.g., 421.1 or 421.2.

PUBLIC ACCOMMODATION IN PRIVATE RESIDENCE

OWNER/CAREGIVER: The owner continues to live in the residence, which is the private residence for the family, and is the caregiver for the "residential care facility".

NEW CONSTRUCTION: Medical and Non-Medical (NCAC 1.4.4)

- All NCAC 1.4.4 requirements shall be met. [NCAC 1.4.4(1), 1.4.4(2), 1.4.4(3) + 1.4.4(4)]

ALTERATIONS: Medical and Non-Medical (NCAC 1.4.4 + 34.2.2.1)

- Use 34.2.2.1 for PATH OF TRAVEL UPGRADES. (The PATH OF TRAVEL UPGRADE list is 1.4.4, not 34.2.6.2.)
- Disproportionality applies to everything [NCAC1.4.4(1), 1.4.4(2), 1.4.4(3) + 1.4.4(4)]

PARKING: Note there is no requirement for accessible parking or parking spaces.

COMMERCIAL FACILITY

OWNER/CAREGIVER: Caregiver is employee of facility owner. The caregiver may live at the facility 24 hrs/day or may be a shift worker.

CONSTRUCTION: NCBC 421.1 – 421.4 consider the building to be residential for methods and materials of construction only and permit the use of the NC Residential Code (Section 421.5 larger facilities require the use of the NC Bldg Code.)

OCCUPANCY: NCBC 421.x designation is as Single Family Residential (for the purposes of methods and materials of construction, as noted above) or R4 (421.5); for the NCAC application, the occupancy is either

- Ch. 28 - Medical Care or
- Ch. 29 – Dormitory

depending on whether medical care is provided or not (most do not).

PARKING: Where, due to the size of the facility, parking is not provided specifically for employees (i.e., dedicated spaces beyond a drive and number of parking spaces typically found in a single family residential setting), parking requirements are not applicable. For larger commercial facilities, where the parking area is surfaced and designated parking spaces are provided, accessible parking shall be provided in accordance with Ch. 4.

NEW CONSTRUCTION: Depending on whether medical care is provided or not, use:

- **Medical - NCAC Ch 28 Medical Care Facilities**
 - Comply with all Ch. 28 requirements
 - 28.2.1: for number of accessible rooms (10% - 50%, typically)

- **Non-Medical - NCAC Ch 29 Dormitories**
 - Comply with all Ch. 29 requirements
 - 29.4.1: for number of accessible rooms
 - 29.5.1: for number of hearing-impaired rooms

ADDITIONS: New construction shall comply with either Ch. 28 or Ch. 29 as noted above; PATH OF TRAVEL UPGRADES, where the path of travel to the addition goes through the existing building, shall also apply (20% of the budget for the addition shall be expended on upgrading the path of travel to the addition).

ALTERATIONS: Since the facility is in an existing building, any and all required accessibility upgrades shall be PATH OF TRAVEL UPGRADES based on Ch. 33 and 34, specifically Section 34.2.2.1.

- Use priority list of 6 items in 34.2.6.2
- Disproportionality applies
- Disproportionality does not apply to changes of occupancy and the requirements associated with the new occupancy (i.e., any proposed changes associated with making the facility function better as a residential group home would be considered an alteration being done due to the occupancy change from single family residential to a commercial facility)

FINAL NOTE: Since this is the first time this document has been published (7/1/03), there may be clarifications added to it from time to time. A list of revisions/clarifications will be maintained in the document footer and you may wish to check back from time to time to see if any changes have been made since you last referenced this document.

*Please call or e-mail any questions, with **name, jurisdiction and phone number**, to Laurel W. Wright, Accessibility Section: by e-mail at lwright@ncdoi.net or by telephone at 919-661-5880 Extension 247.*