

North Carolina now Enforcing 2009 NCBC Chapter 11 - Accessibility & 2003 Edition of ICC/ANSI A117.1

2009
NCBC

What accessibility code is in effect now for NC?

Beginning January 1st, 2010, both the state and local jurisdictions will begin enforcing the 2009 NC Building Code Ch. 11, along with the referenced standard 2003 ANSI A117.1. The only enforcement of the 2004 NC Accessibility Code (the 1999 Volume I-C with 2002 and 2004 Amendments) after January 1st, 2010 will occur on projects that received their building permits on or before December 31st, 2009.

EFFECTIVE DATE: January 1, 2010
CODE: 2009 NC Building Code Ch. 11 + 2003 ANSI A117.1

What effect does the 2009 NCBC have on accessibility provisions?

Provisions in 2009 NC Building Code such as NCBC 1007, NCBC 3409 and Appendix E have already been in effect for buildings under the 2009 NC Building Code. Some of these provisions are similar to provisions in the 2004 NC Accessibility Code. Some, such as NCBC 1007.3, which requires areas of refuge for all buildings, even sprinklered ones, with few exceptions, may be more restrictive. Horizontal exits may be used to access the area of refuge. NCBC 1007.2 requires that an elevator in a building be used as one path of egress when 4-stories above the level of exit discharge. *These sections are new to NC (because NC deleted 1007 in earlier codes), but not new to the IBC so there is no change bar beside the text.*

What happens to the ADA Standards* requirements?

Several designers have asked what happened to the NCAC requirements on Jan. 1, 2010, when NCDOT and local jurisdictions begin enforcing NCBC Ch. 11 + ANSI A117.1 and stopped enforcing the 2004 NCAC. The 2004 NCAC is equivalent to the ADA Stds.* The ADA Stds. requirements will continue to be enforced on the federal level by the US Department of Justice. It is estimated by USDOJ that the current ADAAG requirements (what is/was in the 2004 NCAC) will remain as federal accessibility requirements until sometime between now and 2012 when the future ADA/ABA is adopted. [The ADA/ABA stands for the *Americans with Disabilities Act/Architectural Barriers Act*.] The ADA/ABA provisions contain those requirements adopted in the 2009 NCBC Ch. 11 + 2003 ANSI A117.1 and which are both more and less restrictive than the current ADA Std requirements. That language is available on the US Access Bd's website at www.access-board.gov. When adopted by the US Dept. of Justice, it becomes enforceable across the US. [An NCAC CD is available from the NCDOT office that also contains the current ADA Stds* language and appendices is available. Call NCDOT at 919-661-8550 + ask for **CODE SALES**.]

What differences are there between the NCAC and the ANSI Codes?

The 2004 NCAC was certified on November 28, 2005 as complying with the ADA Standards*. Designing to the 2004 NCAC will provide rebuttable evidence in court that you have designed a building that is ADA Stds-compliant. The 2003 ANSI code contains language from the future ADA/ABA that has not yet been adopted by the US Dept. of Justice and that may not be adopted until sometime between now and 2012. The provisions, depending on the category, are both more restrictive and less restrictive than the current ADA Standards*. **After January 1, 2009 and until the USDOJ adoption of the ADA/ABA, designers will have to address the worst case scenario between the applicable codes [2004 NCAC (as the federal ADA Standards*-equivalent) and NCBC Ch. 11/ANSI A117.1] since both will apply on a state and federal levels. Where codes overlap, design to comply with both.**

Which edition of ANSI is required?

2009 NC Building Section 1101.2 references ICC ANSI A117.1. NC Building Code Ch. 35 on page 544 requires ICC ANSI A117.1-03 of the standard. It can be ordered through the International Code Council at their website at www.iccsafe.org. Look under Standards. You may order either the Standard or the Commentary. Getting the commentary is recommended. The language in the commentary may be helpful, however, commentary language is not enforceable, it is merely explanatory. The scoping is in Ch. 11; technical requirements are in ANSI. Both are necessary. Be aware that comments for one section may be listed under another section in the commentary.

Further questions may be directed to:

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1990 = ADAAG (Americans with Disabilities Act Accessibility Guidelines)
1994 Amendments to ADAAG = ADA Standards*



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