

NC ACCESSIBILITY CODE

2009 NC Bldg Code Ch. 11

2003 ICC/ANSI A117.1

Effective date: 1 Jan 2010

NEWS FLASH: Until the 2004 ADA/ABA is adopted by the US Dept of Justice, designers have to comply with the more restrictive of the following codes:

- **2009 NCBC** with **2003 ANSI A117.1**
- **ADA Standards** (or you can use the **2004 NCAC** while was certified as being equivalent on Nov. 28, 2005)
- **Anticipated Date of Enforcement:**
1/26/11

Access Update Newsletter

To sign up for the newsletter, go to the Access Update page and click on the sign-up at the top of the page for the **E-MAIL UPDATES** link at: http://www.ncdoi.com/OSFM/Engineering/CodeServices/engineering_codeservices_interpretations_accessibility.asp

ADA Changes

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President Barack Obama announced the publication of two final rules that will amend the DOJ's regulations implementing Title II and Title III of the ADA. These two rules will be published concurrently in the Federal Register.



President Obama Announces Revised ADA Regulations

Adoption of the Revised Design Standards – *New accessible design standards are established for a variety of recreational facilities, including swimming pools, playgrounds, golf courses, amusement rides, recreational boating facilities, exercise machines and equipment, miniature golf courses and fishing piers; as well as for such public facilities as courthouses, jails and prisons.*

Element by Element Safe Harbor – *The department is mitigating the cost of design changes by adopting a “safe harbor” under which existing building elements that already comply with the 1991 ADA Standards for Accessible Design would not be required to be brought into compliance with the 2010 Standards until the elements were subject to a planned alteration.*

Ticketing – *The department has added provisions that provide guidance on the sale of tickets for accessible seating, the sale of season tickets, the secondary ticket market, the hold and release of accessible seating to persons other than those who need accessible seating, ticket pricing, prevention of the fraudulent purchase of accessible seating and the ability to purchase multiple tickets when buying accessible seating.*

Service Animals – *The regulations define “service animal” as a dog that has been individually trained to do work or perform tasks for benefit of an individual with a disability.*

Wheelchairs and Other Power-Driven Mobility Devices – *The amended rules provide a two-tiered approach under which wheelchairs and scooters must be permitted in all areas open to pedestrian use.*

Timeshares – *The Title III regulation also makes clear that timeshare and condominium properties that operate like hotels are subject to title III, providing guidance about the factors that must be present for a facility that is not an inn, motel, or hotel to qualify as a place of lodging.*

<http://blogs.usdoj.gov/blog/archives/913>



Our guiding principle was that design is neither an intellectual nor a material affair, but simply an integral part of the stuff of life, necessary for everyone in a civilized society.

— Walter Gropius,
Architect and
Founder, Bauhaus



Four New ADA Proposals

Also published Friday, July 23, 2010 in the Federal Register were four new ADA proposals addressing

1. The accessibility of websites,
2. The provision of captioning and video description in movies shown in theaters,
3. Accessible equipment and furniture, and
4. The ability of 9-1-1 centers to take text and video calls from individuals with disabilities.

The proposals, which were announced by Attorney General Eric Holder on July 23, 2010, are in the form of advance notices of proposed rulemaking, or ANPRMs, which provide information on these ADA issues and ask questions seeking comments and information from the public.

<http://www.justice.gov/opa/pr/2010/July/10-crt-850.html>

The four ANPRMs will be available for review at

<http://ada.gov/anprm2010.htm> .



The US Department of Justice has been busy in North Carolina in the past several years. If you visit the www.ada.gov website and look under the link for Project Civic Access, you will note that a number of jurisdictions have been visited by their survey teams. This occurs when a complaint or complaints have been received that are serious enough to warrant federal attention.

Over the past few years, the most recent locations receiving settlement agreements with the USDOJ are posted on the <http://www.ada.gov/civicac.htm> website for viewing. If you look at #34 or so on the settlement agreement, you will realize why it so important to comply with the minimum code requirements in your jurisdiction. These are your tax dollars at work.

1. City of Wilmington
2. Wilson County

If you go to the Access Update website, there will be a [USDOJ Barrier Removal Check List](#) posted by July 30th.