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NC ACCESSIBILITY CODE
2012 NC Bldg Code Ch. 11
2009 ICC/ANSI A117.1
Mandatory: 1 Jun 2012

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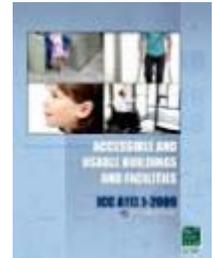
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2009 ANSI A117.1 Redux

After sending the last newsletter, this is the question that I received. I apologize for not putting just a little bit more information in that news - letter and for forgetting that some of you are relatively new subscribers who may not have seen previous newsletters addressing this issue.



Q: In your newsletter you write that you are surprised that the question of “which Access Codes to use” is still being asked. As I read this, I found some slight confusion still. Under the previous code we used the **ANSI/ICC A117.1 – 2003**. However, the **2009 NC Chapter 11** Code references **ICC A117.1** (no mention of year). The **2012 NC Chapter 11** Code again references **ICC A117.1** (no mention of year or ANSI).

A: The current code is shown in the left column of this newsletter. If you want to know which edition of a referenced standard to use, go to **NCBC Chapter 35**. **Chapter 35** lists the year edition of all the referenced standards that the **NC Building Code** uses. It is sometimes difficult to locate as the natural instinct may be to search under **ANSI** whereas the standard is actually listed under **ICC/ANSI A117.1**.

If you look through the earlier newsletters you may find information that would be helpful to you on other documents to purchase as well. I have had some inspectors tell me that they have printed out the newsletters as a reference because they forget what was in them from time to time. But that is up to you.

Chapter 35 may be a good reference reminder to tuck away for the future.

Stair Lifts + Chair Lifts + Code Numbers

Two issues concerning the above are popping up having to do with *consistency* – always a grand idea!

If you take out the last newsletter again, or go to it on the website (link upper left where it says [Click here](#)) you can check out the handout concerning the Stair Lift Use in Existing Private Clubs and Religious Entities.

Issue 1: Stair Lift vs. Chair Lift – this is a terminology issue. The request to the Building Code Council was for the

use of a chair lift. It was approved. The BCC wrote the code language in the Exception to NCBC 3409.8.3 as chairlift, whereas in **NCBC 3409.8.3.1**, both words were used – inclined stairway chairlifts. I was not part of the committee meeting, so I cannot explain on the difference between the two. The intent is that a stair lift and a chair lift be interchangeable. If it is used in a means of egress, it does require the back-up power per **NCBC 1007.5**.

Issue 2: Code Numbering. The **2009 NCBC 3409.8** series set of section numbers was accurate at the time the provision was submitted to the BCC. In the **2012 NCBC**, the numbering system changed to **NCBC 3411**. By the time it gets printed in the **2015 NCBC**, the numbering system may change again. It was accurate for when it was presented.

Like all prospective code changes, it will be tracked accordingly.

Due Diligence Reports + Research

Fairly frequently, someone contacts this office to gather information about a previous code relative to an old code. For a residential building, this may be helpful information.

Q: We have inspected a multi-family apartment complex that is located in Mebane, NC for the purposes of a mortgage refinance transaction. This property was constructed in 1998. Do you know the accessibility code required by the state code at that time? There are some issues with this project and we are trying to verify the exact Fair Housing Act Safe Harbor that was required at the time of construction.

A: The issue may or may not be that simple. These are the facts:

1. The property will be constructed under the date of the building permit for the property.

Step I:

2. If the building was constructed in 1998, the building permit was most likely the code in effect before that time.
 - a. *The date you provided may have been the date the Certificate of Occupancy was given, not the date the permit was issued.*
3. The code in effect prior to 1998 was the North Carolina State Building Code [NCSBC], Volume I, General Construction, 1978 Edition, including Amendments through March 9, 1982.
4. 1978 NCSBC Section (11X) on page [11x-i] addresses accessibility requirements (effective 9/1/73, including amendments through 6/24/77).
5. 1978 NCSBC Section (11X)1 on page [11x-1] addresses scoping requirements. It indicates that the code applies to *Apartments, hotels, motels, dormitories.*

Step II:

6. The Federal Fair Housing Act is applicable to first occupancy on or after March 13, 1991.
7. The building in question was constructed prior to March 13, 1991 and would not fall under the FHA.

Step III:

8. If any alterations were made to the building after March 13, 1991, there may be requirements (state or federal).
 - a. State: The NC Building Code, from year edition to subsequent year edition are not required to
 - i. The 1991 NCSBC Vol. I-C, including 1997 Revisions, does not address retrofit requirements for residential occupancies.
 - ii. The 2004 NC Accessibility Code (1991/2002 previous) specifically identified that alterations to dwelling units constructed prior to March 13, 1991 were not required to be altered to comply with the current code at the time.
 - b. Federal: A recent letter from Housing and Urban Development clarified the federal stance on alterations to existing multi-family buildings depending on the extent of renovation. [See [FHA-01-2h-504Requirements.pdf](#)]. These regulations are the responsibility of the design professional and would not be enforced by a local authority having jurisdiction since the provisions are not located in a building code.

Bottom line: There were 1978 NCSBC requirements, although there were no FHA requirements if it was constructed prior to March 13, 1991. However, if the building was altered after March 13, 1991, the extent of the alteration will determine the extent of the compliance that HUD expects.

The referenced [FHA-01-2h-504Requirements.pdf](#) document will be posted on the AccessUpdate website below this newsletter. The HUD letter also clarifies that the most current edition of ANSI A117.1 is used for all HUD/FHA projects.



“Due diligence” is a term used for a number of concepts involving either an investigation of a business or a person prior to signing a contract, or an act with a certain standard of care. ... A common example of due diligence in various industries is the process through which a potential acquirer evaluates a target company or its assets for acquisition.

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