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2010 ADA STANDARDS:

- Mandatory 3/15/12
- Copy available: www.ada.gov

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Which to Use: Lift, LULA, Elev or Ramp?

Q: The project is a family life center for a church. The building is basically a gymnasium with classrooms, a small kitchen area, bathrooms and storage. There is also a mezzanine with classrooms and additional bathrooms and an open space that overlooks the gym. Since the mezzanine is over the 3,000sf limit the second floor is required to be accessible.

To provide accessibility what are my options? Do I need to provide a full-blown commercial elevator or can I use a LULA (limited use/limited application elevator), or platform lift or even a stair mounted wheelchair lift? I cannot find anything as to when you can or cannot use any of these options. Is that defined in the "commentary"?

A: If you look at the commentary, it does not define what device is required. It does state essentially that you can use a platform lift, a LULA, an elevator or a ramp, whichever one is most appropriate. So what does that mean?

1. A platform lift has limitations in terms of whether or not it can be used for egress. Consider the following:
 - a. **NCBC 1007.5**, which limits use as part of an accessible means of egress except where complying with **NCBC 1109.7** Items 1 through 9.
 - b. Plus Standby power is required in accordance with **NCBC Ch. 27**.
 - c. The area taken up by any platform lift, in the down position, would be in addition to the egress width required on a stair.
2. Limited Use Limited Access Lifts
 - a. There is a height limitation for LULAs, but as long as the LULA fits within the listing for the height then its use is acceptable.
 - b. Have to comply with **ANSI 408**.
3. Elevators
 - a. Always acceptable.
4. Ramps
 - a. Generally a lengthy option for an upper level, but occasionally when the floor change is more of a split-level this may work.

So, it ends up being designer's – and owner's – choice. Note that once access has been provided to an upper level, then some designers/owners may have some concerns about the ability to be able to provide accessible egress from those same levels. Remember, the above addresses access only. Egress requirements are located in **NCBC 1007.3**.





"What you and I take for granted today ... may not be so easy tomorrow.

Think about it + do what you can.

Reach for the future, today."



Accessible Webinars on the Internet

A webinar was presented by Great Lakes ADA on Sept 6th titled "Accessible Webinars" that dealt with all types of public presentations: PowerPoint, webcasts, webinars, etc. It gave the legal reasons why these presentations have to be "accessible" for persons, with visual, hearing, and motor impairments. It also provided tips on how to make the presentations accessible. For example did you know that PowerPoint 10.0 has the ability to imbed auditory descriptions of visual photos and graphs and other visual aids? The full archived webinar can be found at this location:

<http://www.accessibilityonline.org/Archives/index.php?app=4&type=transcript&id=2012-09-06>

These requirements address making types of presentations accessible.

Something we should all try to do.

Legal Implications for use of "accessible" webinar technology

- **Federal Government** – Section 508 of the Rehabilitation Act (Access to electronic and information technology procured by Federal agencies) and Section 504 of the Rehabilitation Act
- **Local and State Government entities** – Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act (Employment and Access to Programs and Services and Auxiliary Aids and Services)
- **Places of Public Accommodation*** – Title III of the Americans with Disabilities Act (Access to Goods and Services and Effective Communication)
- **Private employers of 15 or more employees** – Title I of the Americans with Disabilities Act (Reasonable Accommodation)

*Recipients of federal financial assistance would be subject to Section 504 of the Rehabilitation Act



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Understanding Barriers for People with Disabilities

- **Auditory**– Difficulty hearing sounds or a range of decibels. Often referred to as either Deaf or Hard of Hearing.
- **Visual**– Difficulty seeing images, light or color. Different degrees of loss occur which are referred to as either Blind, Low Vision or Color Blind.
- **Limited fine or gross motor skills** – Difficulty manipulating small objects with hands or moving limbs.
- **Cognitive**– Difficulty processing information delivered aurally, visually or both including memory loss. This includes individuals with clinical diagnosis of learning disability, autism, traumatic brain injury, attention deficit disorder (ADD), Downs Syndrome, etc.



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NCBC 3411.7 Path of Travel Upgrades: Yes or No?

Are you tired of all the Qs + As, or are you thinking, "Hmmm, I had exactly the same question, just lightly different." My guess is that it is more the latter than the former. Let [me](#) know iff I am guessing incorrectly.

Q: I have an existing 2,200 sf Mercantile building, properly permitted and constructed in 2006, fully meeting all Accessibility requirements. The building is a basic box. The Sales Area is directly inside the entrance door. Toilets are in the left rear corner. There are two offices existing in the right rear corner. The Owner wants to add two more offices beside those existing along the rear wall.

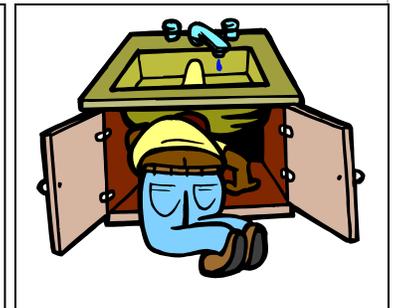
The existing toilets do not meet ANSI 117.1 solely because the lavatory is within the Clear Floor Area of the Water Closet (which was allowed in 2006). Do they have to upgrade the 6 year old Toilets?

A: The building is being altered with the two additional offices being added along the rear wall. The requirement for those offices falls under NCBC 3411.5 as additions/new construction. Since the

primary function area of the building is being altered, NCBC 3411.7 Exc. 1 applies. As such, 20% of the budget expended in designing and constructing the offices is required to be spent in upgrading the path of travel to the area under remodel.

Therefore, if the remainder of the building path of travel from the parking lot into the building is accessible as you stated, then up to but not more than the disproportionate amount (20% of the expended budget) is required to be spent in upgrading the 6-year-old toilets.

The only potential exemption would be if doing so is technically infeasible, i.e., if relocating a wall required moving a structural member. If this is the case, documentation is required in the form of a signed, sealed letter from a structural engineer.



Adaptable ?

Q: Quick question on bathroom sink vanities. The client wants to do this scenario for the removable bath sink vanities in the ADA units: are they allowed to build the bath sink vanity just like the other typical non ADA vanities and then remove the whole unit, cabinets, sink, counter top, etc., and build back in a wall hung sink if it is requested by a ADA resident?

A: Not in an Accessible dwelling unit. [See **ANSI 1002.11.2.**] However, since what you have are apartments with Type A and Type B dwelling units, that is a different issue. In a Type A dwelling unit or a Type B dwelling unit, if the bathroom is the required accessible size and configuration at the time the certificate of occupancy is issued, the cabinetry beneath can be removable if certain criteria is met:

1. The lavatory is required to be accessible per **ANSI 606.**
2. The cabinetry can be removed so long as that can occur without removal or replacement of the lavatory.
3. The floor finish is required to extend under the cabinetry; and
4. The walls behind and surrounding the cabinetry are required to be finished.

The criteria noted above is identified for Type A dwelling units in the **Exception** to **ANSI 1003.11.2.2.** For Type B dwelling units, the criteria are identified in the **Exception** to **ANSI 1004.11.1.1.**

As to your question, what cannot be done is to install a non-accessible bath sink vanity and then swap it out with an accessible bath sink vanity when it is requested. That results in a non-complying condition at the time of the certificate of occupancy. When designed as described in the **Exceptions** to **ANSI 1003.11.2.2** and **ANSI 1004.11.1.1**, both Type A and Type B dwelling units have complying accessible lavatories with the simple removal of the slide-out vanities.



OR



Q: re: NCBC 3411.7 Exc. 1

These are typical questions concerning Path of Travel Upgrades that are asked on a regular basis from inspectors across the state, typically so that the building owner has an 'official' interpretation. How often have you asked this?

Q: Got a question for you regarding **NCBC 3411.7**. It talks about the primary route including restrooms or drinking fountains.

We have a situation where it will be difficult to resize the existing restroom and the owner/ tenant wanted to spend the money on a hi /lo water fountain. However the water fountain is not required. So can he do this?

I would think the restroom comes first but it's really not worded that way. We told him he had to make the unisex accessible per current code; it is not accessible now.

A: Without seeing a restroom layout or knowing what is not accessible, your question did state that *it would be difficult to resize the restroom*. *Being difficult to resize a restroom* may or may not be the same thing as being *technically infeasible* to resize a restroom. Being *technically infeasible* is the recognized exemption per **NCBC 3411.6**. In order to document that difficulty, a signed, sealed letter from a structural engineer is required. Even so, *there are many things that can be done with the disproportionate budget to make a restroom more accessible without making it 100% accessible*. The examples listed below are not listed in order of priority and are not exhaustive.

1. Enlarge the entrance door if providing less than the minimum required 32" clear.
2. Reverse the door swing into the room if non-complying clear floor areas exist.
3. Provide lever hardware, if hardware is used to enter the room.
4. Lower the lavatory height to 34".
5. Replace the paper towel dispenser with one which does not protrude from the wall more than 4".
6. Provide a paper towel collector (trash bin) that does not obstruct the clear floor area at the lavatory.
7. Provide accessible grab bars where none are provided.
8. Provide an accessible urinal if more than one urinal is provided.
9. Provide an accessible stall where the number of fixtures provided exceeds the number required by removing a non-required fixture.
10. Provide an accessible mirror height or adding an additional accessible mirror.
11. Provide a self-closing door on a handicapped stall in a multi-fixture restroom.

While it may be preferable to the building owner, adding an accessible feature such as a drinking fountain that is not required is not considered an acceptable alternative to providing access in areas that are required.

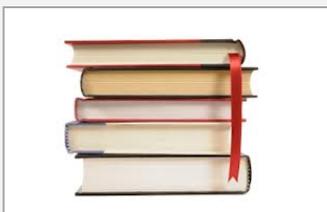
New www.ncdoi.com/osfm/engineering Website

Finally, the NCDI website has been redesigned. We hope that you will find things easier to locate.

You may have to re- bookmark sites that you had bookmarked before. Please take some time to look at it.

Yes, like everything that is new, it will take some adjusting to. But the new organization will find its way into your minds and hearts and become a frequent part of your reference life...we hope!

Let us know what you think of the new website. ☺



Happy Halloween!!!

