

# TRANSITION FROM 2004 NC ACCESSIBILITY CODE to Chapter 11 & 2003 ANSI A117.1

2009  
NCBC

## What accessibility code is in effect now for NC?

On June 9, 2009, the NC Building Code Council voted to allow a transition period between codes to extend from the date that the legislature adjourns (August 11<sup>th</sup>) until the end of the year (December 31<sup>st</sup>).

TRANSITION PERIOD: August 1, 2009 through December 31, 2009  
CODE: 2004 NC Accessibility Code or 2009 NC Building Code Ch. 11 + 2003 ANSI A117.1

Beginning January 1<sup>st</sup>, 2010, both the state and local jurisdictions will begin enforcing 2009 NC Building Code Ch. 11, along with the referenced standard 2003 ANSI A117.1. The transition time allows for designers and jurisdictions to familiarize themselves with the overlap of the state and federal requirements that go into effect on January 1<sup>st</sup>.

## 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 ADAAG requirements?

Several designers have asked what will happen to the NCAC requirements on Jan. 1, 2010, when NCDOT and local jurisdictions begin enforcing NCBC Ch. 11 + ANSI A117.1 and stop enforcing the 2004 NCAC. The 2004 NCAC is equivalent to the ADAAG (Americans with Disabilities Act Accessibility Guidelines). The ADAAG 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 approximately 2012 and 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 ADAAG requirements. That language is available on the US Access Bd's website at [www.access-board.gov](http://www.access-board.gov). When adopted by the US Dept. of Justice, it becomes enforceable. [An NCAC CD is available from the NCDOT office that also contains the current ADAAG language and appendices. 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 Americans with Disabilities Act Accessibility Guidelines. Designing to the 2004 NCAC will provide rebuttable evidence in court that you have designed a building that is ADA-compliant. The 2003 ANSI code contains language that is from the future ADA/ABA that has not yet been adopted by the US Dept. of Justice and is not likely to be adopted until 2012. The provisions, depending on the category, are both more restrictive and less restrictive than the current ADAAG provisions. 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 ADAAG-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](http://www.iccsafe.org). 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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