



NYC Buildings Department  
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## BUILDINGS BULLETIN 2016-008

### Technical

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**Supersedes:** None

**Issuer:** Thomas Fariello, RA  
First Deputy Commissioner

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**Purpose:** This document clarifies where wheelchair platform lifts may be installed in a prior code building.

<b>Related Code/Zoning Section(s):</b>	BC 1101.3.1	BC 1104.4	LL 58/87
	BC 1101.3.2	BC 1107.3	
	BC 1101.3.5	BC 1109.7	

**Subject(s):** Wheelchair platform lift, new construction; Wheelchair platform lift, prior code buildings; Accessible route, wheelchair platform lift; Wheelchair platform lift, alteration; Wheelchair platform lift, change in use or occupancy; Accessibility, waiver recommendation; Wheelchair platform lift, one- and two-family buildings

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### I. WHERE THE USE OF WHEELCHAIR PLATFORM LIFTS IS NOT PERMITTED

BC section 1109.7 prohibits the use of wheelchair platform lifts as part of an accessible route in new construction:

“1109.7 Lifts. Platform (wheelchair) lifts shall not be a part of a required accessible route in new construction except as indicated in Items 1 through 9.”<sup>1</sup>

For the purposes of this section, the term ‘new construction’ includes new buildings constructed pursuant to the 2008 Building Code or 2014 Building Code, and certain alterations as explained below:

**Alterations that are considered ‘new construction’ (Item 1 of sections BC 1101.3.1 and 1101.3.2)**

With respect to prior code buildings, ‘new construction’ also includes buildings subject to the 2014 Building Code as a result of Item 1 in sections BC 1101.3.1 (requirements based on change of occupancy or how a space is used) or BC 1101.3.2 (requirements based on value of alterations).

Section BC 1101.3.1 states, “Accessible features and construction governed by this chapter shall be provided:

1. To the entire building, as if the building were hereafter erected, where a change is made in the main use or dominant occupancy of such building.” And section BC 1101.3.2 states, “Accessible features and construction governed by this chapter shall be provided: 1. To the entire building undergoing alterations, as if the building were hereafter erected, where the value of alterations exceeds 50 percent of the value of the existing building.”

Buildings subject to Item 1 in sections BC 1101.3.1 or 1101.3.2 are not permitted to install platform lifts to serve a required accessible route except where indicated in Item 1 through 9 in section BC 1109.7.

## **II. WHERE THE USE OF WHEELCHAIR PLATFORM LIFTS IS PERMITTED**

### **A. Alterations that are not considered ‘new construction’ (Item 2 of sections BC 1101.3.1 and 1101.3.2)**

With respect to prior code buildings that were not subject to Local Law 58 of 1987 (i.e. applications for construction document approval were submitted prior to September 1, 1987), where a space is now undergoing alterations and as such is subject to the 2014 Code as a result of Item 2 of sections BC 1101.3.1 or 1101.3.2, such alteration is not considered ‘new construction’ under section BC 1109.7, so wheelchair platform lifts may serve as part of the required accessible route to such altered space where permitted by ASME A18.1<sup>2</sup>. Note that ASME A18.1 imposes limits on travel, floor penetration, and capacity etc.

In particular, Item 2 of section BC 1101.3.1 states, “Accessible features and construction governed by this chapter shall be provided: 2. Throughout a space, including the immediate entrance(s) thereto, where an alteration is made that is considered either (i) a change in occupancy classification of such space in accordance with this code, or (ii) a change in the zoning use group of such space in accordance with the New York City Zoning Resolution ... .”

And Item 2 of section BC 1101.3.2 states, “Accessible features and construction governed by this chapter shall be provided: 2. To the portion of the building being altered, to the extent of the alteration, including minor alterations but excluding ordinary repairs, where the value of the alteration does not exceed 50 percent of the value of the existing building ... .”

**Example 1.** A 4-story building constructed in 1975 has a retail space on the first floor that pre-dated Local Law 58 of 1987 and is not accessible. The retail tenant has moved out and the space is now leased and to be occupied by a realty office, which is a change in occupancy of the space not exceeding the criteria in item 2 of sections 1101.3.1 and 1103.1.2. The realty office must comply with accessibility requirements in the 2014 Code. And because the floor elevation of the space is within 18” of the sidewalk with direct access to it, the entrance must be made accessible from the sidewalk. However, a wheelchair platform lift may be installed to serve as part of a required accessible route from the sidewalk to the realty office because the scope of work is not considered as ‘new construction’ for the purpose of applying section BC 1109.7.

### **B. Change in use, occupancy that are not considered ‘new construction’ (Item 3 of section BC 1101.3.1)**

Additionally, the 2014 Building Code requires “an accessible route to a space, including rooftops, where prior to a change in use of occupancy or in how such space is used, this chapter would not have required an accessible route for new construction” as specified in item 3 of section BC 1101.3.1.

With respect to prior code buildings that were not subject to Local Law 58 of 1987 (i.e. applications for construction document approval were submitted prior to September 1, 1987), where a space is now undergoing change in use, occupancy or in how such a space is being used, and as such is subject to the 2014 Code as a result of Item 3 of sections BC 1101.3.1, such a change is not considered ‘new construction’ under section BC 1109.7, so wheelchair platform lifts may serve as part of the required accessible route to such a space where permitted by ASME A18.1.

Therefore, while an accessible route to such a space (e.g., mechanical, electrical equipment, boiler, and furnace rooms or floors) was not originally required when the building was constructed, once the space is no longer exclusively accessed by maintenance personnel, an accessible route is required to provide access from the sidewalk to such a space under the 2014 Building Code.

**Example 2.** The basement floor of a 1969 mixed-use building contains only mechanical, electrical, and boiler rooms accessed only by maintenance personnel. The basement floor that did not contain an occupancy that would require an accessible route at the time, is now a dental office, an occupancy that is no longer exclusively accessed by maintenance personnel but is open to the public. As such, an accessible route is now required from the sidewalk to the basement per section BC 1104.4. An ASME A18.1 compliant wheelchair platform lift may be installed as part of the required accessible route from the sidewalk to the basement.

### **III. WAIVER RECOMMENDATION**

Where, because of hardship, a prior code building, including one subject to Local Law 58 of 1987, needs a wheelchair platform lift installed contrary to section BC 1109.7, or where an accessible route is physically infeasible, a waiver application may be submitted to the Borough Commissioner as set forth in section BC 1101.3.5. Prior to the issuance of such a waiver, however, a recommendation must be obtained from the Mayor's Office for People with Disabilities

(<http://www.nyc.gov/html/mopd/html/waiver/waiver.shtml>).

### **IV. ONE- AND TWO-FAMILY BUILDINGS**

One- and two-family buildings may install wheelchair platform lifts provided they meet the requirements of applicable edition of the ASME A18.1.

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<sup>1</sup> BC section 1109.7 contains 9 conditions in which a wheelchair platform lift may be installed in new construction.

As such, a wheelchair platform lift may also be installed in a prior code building when meeting the same conditions.

<sup>2</sup> ASME A18.1— 2005 "*Safety Standard for Platform Lifts and Stairway Chairlifts*".