

Building Code – CHAPTER 11 – ACCESSIBILITY

Section BC-1101. General. This section defines the scope of Chapter 11, Appendix E, N, and P as governing the design and construction of facilities to provide accessibility to people with disabilities. This section also establishes Chapter 11 and its referenced national standard, ICC A117.1 (*Accessible and Usable Buildings and Facilities*), as the baseline criteria for accessibility compliance. The current code references the 1986 version of the same national standard while Chapter 11, Appendix E and P all reference 2003 version of ICC A117.1. Although not mentioned in this section, there are other accessibility-related requirements, for instance accessible means of egress, which have been mainstreamed into other chapters of the code that address the specific subject matter.

Chapter 11 contains scoping requirements for accessibility of buildings, sites and facilities for people with physical disabilities. It also contains scoping requirements that address Fair Housing Act (FHA) requirements. Appendix E contains provisions that cover Americans with Disabilities Act (ADA) requirements that are not addressed in Chapter 11. ADA and FHA are the two current federal regulations that require accessibility in buildings, sites and facilities. Even though ADA and FHA are not enforced by the Department of Buildings and do not exist in the current city building code, it has been the industry's practice and professional responsibility to comply with ADA and FHA where applicable. Therefore, the requirements in Appendix E and FHA-related provisions in Chapter 11 are not new to practitioners.

Appendix N is adopted from the *Building Code of New York State* to provide specifications for facilities that are required to provide assistive listening systems.

Unlike other typical appendices that provide scoping provisions, Appendix P is specially created to enhance ease of use by providing technical specifications for toilet and bathing facilities in dwelling or sleeping units in Occupancy Group R-2 pursuant to Section 1107.2.2.

Chapter 11 also contains added provisions that address Local Law 58 of 1987 (LL58/87) requirements.

27-292.1, 27-292.2, RS 4-6

Section BC-1102. Definitions. This section provides the meanings for terms that are used in this chapter. However, some of the terms also appear elsewhere in the code and have the same meanings as defined in this section. Some of the definitions are modified and new terms are introduced to reflect modifications in Chapter 11 and its appendices. The current code has definitions for some but not all of the terms defined in this section.

27-232, RS 4-6

Section BC-1103. Scoping Requirements. This section establishes that all buildings, structures and their associated sites and facilities must be accessible to people with physical disabilities unless exempted from other provisions of the chapter. It also provides specific exceptions where the level of accessibility may be reduced.

Existing buildings are referred to Section 101 of Title 28 of the Administrative Code of the city of New York. The current code also addresses accessibility provisions for existing buildings.

This section requires a percentage of the employee work areas and work stations to be accessible and exempts only small-elevated, work-critical areas such as a 150-square-foot, elevated security monitoring station in an airport. The current code has equivalent requirement for accessible employee work areas and work stations but provides no exceptions. This section provides reasonable exceptions where a special architectural layout is critical to the proper function of the work.

Like the current code, detached one and two-family dwellings are exempt from accessibility requirements.

This section exempts agricultural buildings and the like in occupancy Group U from accessibility requirements except areas open to the public. The current code does not have such an exemption.

This section also exempts from accessibility requirements structures, sites and equipment in a construction site. The current code does not address this issue.

Raised areas used for security, life safety or fire safety purposes; limited access spaces, equipment spaces, and toll booths that are not frequented by the public are exempt from accessibility requirements. The current code has similar provisions that exempt equipment rooms and spaces not frequented by the public.

This section exempts small bed-and-breakfasts that are also the home of the proprietor. The current code does not have such an exemption.

This section exempts from accessibility requirements those areas of correctional or detention facilities that are not required to be accessible. The current code has no such exemptions but has provisions for the Commissioner to grant compliance waivers to correctional facilities.

This section permits fuel-dispensing systems at gas and service stations to be inaccessible but it requires clear floor spaces at the operable parts. The current code does not address this issue.

27-123.1, 27-292.4(a), 27-292.5(a), 27-292.5(i), LL58/87 §10, TPPN 8/88, RS 4-6

Section BC-1104. Accessible Route. This section establishes the requirements for interior and exterior routes for sites, buildings, facilities, and elements.

This section requires accessibility from the site arrival point to the accessible entrances. For instance, there must be an accessible route from a bus stop to the main entrances of the building. The current code has similar requirements.

In this section, at least one accessible route is required to connect all accessible buildings and facilities within the same site. The current code has similar but more stringent provision that requires all buildings and their accessory areas, including those that are not accessible, to be connected by accessible routes. This section provides reasonable exemptions to inaccessible buildings such as a building housing some equipment on the site that is not frequented by the public.

This section requires each portion of an accessible building to be connected by an accessible route to accessible building entrances. An accessible route is not required if it meets the condition established in the two exceptions regarding assembly seating and mezzanines. The current code has similar provisions and exceptions. This section permits an accessible route to pass through a kitchen or storage room in an accessible dwelling unit. The current code does not address this issue.

Circulation paths within employee work areas are required to be accessible in this section with two exceptions. The first exempts small work areas that are 300 square feet or less. The second exempts circulation paths that are an integral component of equipment. The two exceptions are not intended to remove accessibility required at the work stations pursuant to Section 1103.2.3 but are only applicable to the circulation path requirement. Both exceptions are reasonable based on the limited amount of space available and the nature of the use of the space. The current code has similar provisions but provides no exceptions.

This section requires press boxes to be on an accessible route with exceptions for small press boxes at bleachers and elevated small press boxes. The current code does not explicitly require press boxes to be on an accessible route or provide any exceptions.

This section requires, with some exceptions, that each accessible level and mezzanines be connected by an accessible route. The exceptions include small non-residential buildings, levels that are permitted to be inaccessible in assembly, institutional, and storage occupancies, and a story in a two-story building with five or fewer occupants and no public-use space. The current code has similar provisions for the first two exceptions only.

This section requires accessible routes to coincide with the general circulation path, which is consistent with ADA requirements. It also requires that such routes be indoor where an interior circulation path is provided. The current code only requires the latter.

The section prohibits security barriers from obstructing accessible routes or means of egress. The current code only has general terms that require accessible routes to provide unobstructed safe access.

27-292.4 (a), 27-292.5(b), 27-292.5(c), 27-292.5(d), 27-292.5(f), 27-292.5(g), 27-292.5(i), RS 4-6 §4.3.

Section BC-1105. Accessible Entrances. This section establishes the baseline requirement that all public entrances must be accessible and provides specific requirements where entrances other than public entrances must also be accessible. The three exceptions where accessible entrances are not required include entrances not required to be accessible by this chapter and Appendix E, loading and service entrances that are not the only entrance to the building or tenant space, and the use of revolving doors, gates and turnstiles where accessible doors are provided adjacently. The current code has similar requirements and exceptions.

This section requires accessible entrances where direct access is provided between the parking structure and the associated building or facility. The current code has equivalent provision.

This section requires accessibility at the entrances from pedestrian tunnels or elevated walkways to a building, and at restricted entrances. The current code does not explicitly address these types of entrances but generally requires all entrances to be accessible.

This section requires accessibility at entrances used by inmates, detainees, and security personnel. The current code generally requires all entrances to be accessible but not as specifically.

If a service entrance is the only entrance to a building, accessibility is required. The current code has similar provision under the definition of Primary Entrance(s).

Where a tenant space is required to be accessible, this section requires all entrances to such tenant space be accessible entrances. It further requires doors serving Accessible units to comply with the more extensive requirements in Section 404 of ICC A117.1, while doors serving Type B units, the adaptable units, must comply with the more basic requirements in Section 1003 of ICC A117.1. The current code has similar provisions for the equivalent, respective Usable and Adaptable units.

LL58/87 §2, 27-232, 27-292.5(a), 27-292.5(b), 27-292.5(c), 27-292.8(a)(2), 27-292.9(a)(2), TPPN #1/92, RS 4-6

Section BC-1106. Parking and Passenger Loading Facilities. This section sets forth the requirements for accessible parking areas and passenger loading zones.

This section establishes a minimum percentage of parking spaces to be accessible parking spaces. The current code has equivalent requirements and percentages.

This section addresses parking facilities serving multiple dwelling units in R-2 and R-3 occupancies. A minimum number of parking spaces is required to be accessible but is permitted to be leased, rented or assigned based on some conditions. The current code has equivalent provisions.

A higher percentage of accessible parking spaces is required in hospital outpatient facilities. This is a reasonable and necessary requirement for the specific type of facilities that is not addressed in the current code. In fact, hospital outpatient facilities are required to comply with ADA, which has the same provisions as those in this section.

Rehabilitation facilities and outpatient physical therapy facilities are required to provide a higher percentage of accessible parking spaces. The increase in percentage is reasonable in light of the type of facilities and services involved. Although the current code does not address this issue separately, such facilities are required to comply with ADA, which has the same provisions as those in this section.

Among the required accessible parking spaces, some of which, and not less than one, must be van accessible parking spaces. The current code has similar provisions but requires a lesser number than that required in this section. However, the number of van accessible parking spaces required in this section similar to those required in ADA. Since most facilities are required to comply with ADA today, the requirement in this section is not new to practitioners.

This section addresses the issue of locations of accessible parking spaces, provides exceptions where accessible parking spaces are not required to be dispersed, and provides exceptions for attended parking facilities that meet certain conditions. The current code has identical provisions for attended parking facilities. The current code also addresses the location requirements for accessible parking spaces but not in as detailed a manner. ADA has similar requirements that apply to most facilities in the city. Therefore, the requirement in this section is not new to practitioners.

This section establishes requirements for passenger loading zones and requires passenger loading zones for medical facilities and valet parking services, which are identical to ADA requirements. The current code is more lenient in that it requires only one accessible passenger loading zone where passenger loading zones are provided, whereas this section requires one or more accessible passenger loading zone(s) at certain intervals. The current code is also more lenient in that it does not require passenger loading zones at medical facilities.

27-292.19, 27-292.20, RS 4-6 Section 4.6.2 and 4.6.3

Section BC-1107. Dwelling Units and Sleeping Units. This section establishes the scoping and accessibility requirements for occupancies containing dwelling and sleeping units. The requirements in this section reflect a painstaking effort to coordinate with the federal law of Fair Housing Act (FHA) and Local Law 58 of 1987 (LL58/87). Many

multiple dwellings in the city are subjected to FHA, even though FHA is not enforced by the Department of Buildings and is not reflected in the current city building code. It has been the industry's practice and professional responsibility to comply with FHA where applicable. Therefore, the FHA related requirements in this section are not new to practitioners.

This section sets forth the design criteria for dwelling units and sleeping units that are required to be Accessible units or Type B units, and establishes Appendix P (R-2 occupancy Toilet and Bathing Facilities) and Chapter 10 of ICC A117.1 as the technical specifications for accessibility design of dwelling and sleeping units. In the current code, the equivalent of Accessible unit is Usable unit, and Type B unit's equivalent is Adaptable unit. This section further requires Type B units in R-2 occupancies to comply with a number of specific requirements in Section 1107.2. The current code has similar provisions for accessible and adaptable units.

For Type B units, this section prescribes detailed requirements for doors and doorways within the unit. The current code has equivalent provisions. Toilet and bathing facilities in Type B units are required to comply with one of the two options: the Appendix P specification that is applicable to all bathrooms or the ICC A117.1 Type A specification that is applicable to one bathroom. The current code requires all bathrooms to be adaptable similar to the first option in this section but offers no second option.

Countertops, appliances, and storage in kitchens and kitchenettes are all required to comply with this section and ICC A117.1. The current code and Technical Policy and Procedure Notices (TPPN) contain similar provisions for kitchens.

Operable windows are required to comply with ICC A117.1. The current code has similar provisions.

The section sets forth the conditions and exceptions that are applicable to multi-story Type B units. This is similar to the current code.

A limited area within a Type B unit is permitted to be raised or sunken with conditions. This increases design flexibility but maintains a degree of accessibility in the unit. The current code has no similar allowance.

Storage facilities and laundry equipment provisions in this section are generally similar to those in the current code. However, this section further prescribes a percentage of laundry equipment in accessible common-use areas to be accessible and front loading.

This section establishes that spaces available to the public or residents must be accessible. The current code has equivalent requirements.

This section requires an accessible route to be provided to connect accessible building entrances with accessible entrances of Accessible and Type B units and their exterior and interior spaces. The current code has an equivalent requirement. This section, however,

exempts the requirement of accessible routes from certain exterior spaces that are part of Type B units. For instance, a balcony with concrete floor that serves only a Type B unit is permitted to have a four-inch drop to help prevent water infiltration to the interior. This is a common problem that is not addressed in the current code.

This section sets forth the number of required Accessible units and Type B units in occupancy Groups I-1, I-2, R-1, R-2 and R-3. For I-1, assisted-living, and I-2, nursing homes, hospitals, and rehabilitation facilities, the current code has equivalent scoping. For other residential occupancies, the current code differs from this section. For R-1 occupancies, the current code requires five percent Usable units. This section requires the same percentage but also requires all units to be Type B units where four or more of the units are intended to be occupied as a residence. The current code classifies boarding houses, dormitories, fraternity houses and sorority houses as J-2 multiple residential dwellings. Even though such occupancies have been reclassified as R-1 transient occupancies in Chapter 3 of the Proposed code, the accessibility requirements for such occupancies remain the same in this section as in the current code. For apartments in R-2 occupancies, the current code requires 100 percent Adaptable Units if the building has an elevator, and requires 25 percent and not less than one Adaptable Unit if the building does not have an elevator. This section requires the same percentage in buildings with elevators but requires 100 percent Type B Units on the ground floor or the lowest story of the building if the building has no elevator. For one- and two-family dwellings in R-3 occupancies, the current code has no requirement whereas this section requires all units to be Type B units if there are four or more dwelling units in a single structure. All the additional requirements in this section that are different from the current code are necessary to address FHA requirements and are incorporated into the code. The requirements in this section are not new to practitioners who must comply with FHA in buildings with four or more dwelling units.

Several exceptions are provided in this section in which the number of required Type B units may be reduced. First, where there is no elevator service in a building, Type B units are only required at the entrance level(s). This is similar to the current code where Adaptable units are only required on the ground level in buildings without elevators. However, the current code requires 25 percent and not less than one dwelling unit to be an Adaptable unit whereas this section requires all units on the entrance level(s) to be Type B units. This is consistent with FHA. Second, where dwelling units are only provided on the second floor or higher, and if such units are intended to be occupied as a residence, all such units must be Type B units and an accessible route must be provided from the entrance of the building to the Type B units. This exceeds the current code requirements but is in conformance with FHA. Third, multistory units in R-3 occupancies without elevator services are exempt from accessibility requirements even if there are four or more units in the structure. The current code in general exempts all R-3 occupancies from accessibility requirements and therefore does not require R-3 occupancies with four or more dwelling units to comply regardless of the presence of an elevator. This is one of the areas where the current code is more lenient than FHA requirements but is necessary for FHA compliance.

27-292.5, 27-292.8, 27-292.9, LL58/87 Fig. 53-58, TPPN 8/88, TPPN 9/88, TPPN 15/88, TPPN 1/92, TPPN 3/92, RS 4-6

Section BC-1108. Special Occupancies. This section sets forth additional requirements for special occupancies including assemblies, self-service storage facilities, and judicial facilities. These requirements are in addition to the requirements elsewhere in the chapter.

This section requires wheelchair spaces and its companion seating to be provided and dispersed in assembly occupancies and requires designated aisle seats along access aisles. This is consistent with ADA. The current code addresses wheelchair spaces but does not require companion seating or designated aisle seats. Assistive listening systems are required where audible communications are integral to the function of the space. The current code contains similar provision. Access to performance areas is required to be accessible. This is similar to the current code. Dining areas are also required to be accessible. The current code contains similar provision.

This section requires a percentage of accessible storage spaces in self-service storage facilities. The current code is less stringent in that it generally requires accessibility in functional spaces and rooms but it does not prescribe the percentage of required accessible storage.

This section also requires accessibility in judicial facilities including court rooms, holding cells, and visiting areas. The current code contains general provisions that are not as detailed.

27-292.10, 27-292.11, 27-531(a)(1)(h)

Section BC-1109. Other Features and Facilities. This section establishes accessibility requirements for facilities and elements that are in addition to other requirements within Chapter 11. Most of the requirements in this section are not occupancy-specific. This section covers features and facilities including toilet and bathing facilities, sinks, kitchens, drinking fountains, elevators, lifts, storage, detectable warnings, assembly area seating, service facilities, controls and operating mechanisms and hardware, recreational facilities, and stairways.

This section requires accessibility in toilet and bathing facilities. The intent is to ensure each facility and its elements are accessible. There are a number of reasonable exceptions including facilities accessed by a single occupant and only through private offices, dwelling units' toilet and bathing facilities (regulated by Section 1107), toilet rooms in excess of those required by the plumbing code, single urinal, and toilet rooms in critical-care or intensive-care patient sleeping room in which patients are mobility dependent. The current code contains similar provisions that require accessible toilet and bathing facilities. However, it provides no exceptions for private office's toilet room, additional toilet facilities, urinal, or toilet rooms in hospitals.

Unisex toilet and bathing rooms are required in assembly and mercantile occupancies where an aggregate of six or more male and female water closets is required. This is a welcoming change since one can utilize such facilities to provide necessary personal care to family members including infants and children. The current code permits the use of unisex toilet rooms but it does not prescribe the number of required unisex toilet rooms. This section requires a unisex bathing room in recreational facility where separate-sex bathing rooms are provided. The current code has no similar provision.

This section requires five-percent of the sinks to be accessible. The current code requires one lavatory in each toilet room.

Kitchens, kitchenettes, and wet bars are required to be accessible. The current code contains general provision that requires the same.

This section requires 50-percent of the drinking fountains provided on each floor to be accessible. However, it does not address outdoor drinking fountains. ADA contains similar requirements and with the same percentage. The current code requires only one drinking fountain on a story where drinking fountains are provided and requires one drinking fountain where drinking fountains are provided outdoors.

All elevators that are on an accessible route are required to be accessible. Chapter 10 separately addresses those elevators that serve as accessible means of egress. The current code also requires all elevators to be accessible but it does not have any requirements for accessible means of egress. Under some conditions, a Limited-Use/Limited-Application (LULA) elevator is permissible to serve as an accessible route. Although the current code does not address the use of LULA, it has been the practice of the Department of Buildings and the Mayor's Office for People with Disabilities to accept certain LULA installations through the waiver provisions. The section codifies such practice.

Wheelchair platform lifts are generally prohibited in new construction and are only permitted in a number of circumstances. This is similar to ADA requirements. The current code permits the use of wheelchair platform lifts in certain new construction with small floor area, which is in conflict with the ADA.

This section establishes the required number of accessible storage spaces, lockers, and coat hooks and folding shelves. It also requires shelving and display units to be on accessible routes. The current code provides only general provisions but does not prescribe a specific number of accessible elements.

Detectable warnings are required at passenger transit platforms, hazardous vehicular areas, pools, curb ramps, and other hazardous locations. The current code contains similar provisions.

This section requires seating provided within assembly areas to be accessible. This includes assembly areas not within assembly occupancies. The current code contains similar provisions but not as extensive as this section.

This section establishes the number of required accessible seating at fixed or built-in tables, counters or work surfaces. The current code has an equivalent requirement.

This section prescribes the number of required accessible dressing rooms, fitting rooms, locker rooms, check-out aisles, service counters, food service lines, and waiting lines. The current code addresses such elements in a general way and does not prescribe the number of accessible elements.

Controls, operating mechanisms, and hardware are required to be accessible if they are in accessible spaces, along accessible routes, or parts of accessible elements. This section provides a number of exceptions where operable parts are not required to be accessible. The current code contains similar provisions for accessible operable parts but provides no exceptions. Operable windows are required in Accessible units in Group I-1, I-2, and R-1 occupancies. The current code has similar provisions.

This section requires recreational facilities to be accessible. The current code in general requires functional spaces to be accessible but does not explicitly require accessible recreational facilities.

Stairways that are located alongside an accessible route where an elevator is not provided must be accessible. This is equivalent to ADA but the current code has no similar provision.

27-292.5(e), (j) and (k), 27-292.10, 27-292.12, 27-292.13, 27-292.17, TPN #1/92, RS 16-5, RS 4-6

Section BC-1110. Signage. This section establishes areas where accessible signage is required. The current code contains a similar list of areas where accessible signage is required, but the list is not as extensive as that in this section. This section also sets forth the requirements for signs including directional signage and other special signs. The current code has general provisions for directional signage but is not as detailed as this section. The current code has no provisions for those special signs that are addressed in this section. The provisions in this section are generally consistent with ADA.

27-292.18, RS 4-6