

## STATE BUILDING CODE INTERPRETATION NO. I-30-00

April 28, 2000

The following is offered in response to your letter in which you request formal interpretations of sections 1110.2.1 and 1107.4.2.1 of the BOCA National Building Code/1996 portion of the 1999 State Building Code.

**Question 1:** Is it the intention of section 1110.2.1, exception 1, to allow the cost of alterations affecting the primary functional areas to be accumulated among the buildings of a complex, and then to apply the accessible route cost to one or more buildings of the complex, at the owner's choice?

**Answer 1:** Yes, as long as this method is not employed to allow the spending of less than 20 percent of the alterations to primary function areas within the total complex. Section 1107.4.2.1 makes it clear that in determining accessibility requirements for Use Group R-2 buildings, those buildings that are part of a complex, as defined in the code, are to be treated similarly to buildings not part of a complex. The intent of the "20 percent rule" set forth in section 1110.2.1, exception 1, is to require that a minimum of 20 percent of the costs of alterations to primary function areas be spent on creating an accessible route to the areas altered, with the idea that after enough alterations, a complete accessible route will be provided. If we treat the entire complex as one building, it provides a greater benefit to the disabled to allow all of the monies required to be spent on the accessible route to be spent on one building in the complex, thereby obtaining a greater degree of code compliance for that individual building over what would be achieved if the monies were distributed among all of the various buildings in the complex. Any portion of the 20 percent available after the code-compliant accessible route is created in the first building would, of course, then have to be spent on the accessible route to and within the next building in the complex.

**Question 2:** If an existing R-2 residential complex is served by one or more existing elevators which do not comply with the requirements of ICC/ANSI A117.1, Section 407.4.6 for existing elevator dimensions, are altered apartments on floors which are not the street floor, exempt from the requirements of 1107.4.2.1?

**Answer 2:** No. The code, at section 1107.4.2.1, requires that dwelling units constructed or substantially renovated on the street floor and on any floor serviced by an elevator, be Type A dwelling units. The code does not qualify the existing elevator

by imposing any minimum size. If the floor is served by an elevator, regardless of size, it is the intent of the code that the dwelling units on such floor be Type A dwelling units. In the event that the existing elevator could not possibly be used by persons with disabilities (keeping in mind that the range of disabilities is endless), the permit applicant could request an Accessibility Exemption from the Office of Protection and Advocacy for Persons with Disabilities and the Office of the State Building Inspector, seeking a determination that the dwelling units did not have to be Type A units.

**Question 3:** What is the definition of “substantially renovated” for the purposes of Section 1107.4.2.1?

**Answer 3:** Section 201.4 of the code states that when terms are not defined in the code, they shall have the ordinarily accepted meanings such as the context implies. The code does not define the term substantially. In checking dictionaries for the meaning of substantial, I have come across definitions such as “considerable in quantity”, “significantly large” and “considerable in importance, value, degree, amount or extent”. The code likewise does not define the term renovate, although it does include renovation in the definition of alteration. Dictionary definitions for renovate include “to restore to an earlier condition, as by repairing or remodeling” and “to restore to a former better state (as by cleaning, repairing or rebuilding).”

In the context of Section 1107.4.2.1, which requires that an existing dwelling unit be converted to a Type A dwelling unit when substantially renovated, we must take into account the ramifications of such a conversion when defining the term substantially renovated. It is most likely necessary to create larger bathrooms and kitchens, wider doorways with increased clearances, increased maneuvering clearances and increased accessibility to control devices to make the existing dwelling unit compliant with the Type A standards. Given that, a substantial renovation would have to involve removal and re-construction of the walls surrounding those areas required to be increased in size, to achieve the Type A standards. It would not, for example, be appropriate to determine that the removal of only interior finishes was a substantial renovation for the purposes of this section, but that the renovation would have to involve the relocation of existing walls, thereby making it possible to comply with the Type A standards. An example of substantial renovation that would require the creation of Type A dwelling units would be the conversion of an existing building with eight dwelling units per floor to one with six, larger dwelling units per floor, involving the removal and reconstruction of the interior walls to achieve the conversion.