



Accessibility Requirements for Existing Building Alterations

When do alterations trigger a requirement to bring a building, space or facility into compliance with accessibility deficiencies and exactly how much compliance is required when this happens?

Section 1103.1 of the IBC requires that all sites, buildings, structures, facilities, elements and spaces, temporary or permanent, shall be accessible to individuals with disabilities. In addition, when alterations to a building or facility occur, it must make the altered portions accessible.

Anytime alterations are made to a building or facility where barriers still exist, 20 percent of the construction costs must be spent on barrier removal on the “path of travel”. For Accessibility purposes, the “path of travel” also includes parking, entrances, ramps, elevators, platform lifts, restrooms, telephones, and drinking fountains. Any alteration to a “primary function area” triggers the requirement. A “primary function area” is an area where the activities are germane to the building or facility.

Common barriers

Many older buildings have architectural features that are barriers for people who have disabilities. Some are obvious impediments such as curbs, steps, narrow doors, aisles and other passageways. But there are many other, less obvious barriers.

- Doorknobs and operating mechanisms that require tight grasping or pinching can be barriers for people who have limited manual dexterity.
- Deep pile carpeting on floors or loose gravel on exterior walkways are barriers for people who use a wheelchair, scooter, or walker.
- Most signs are useless for people who are blind.
- Audible alarm systems are useless for people who are deaf.
- Public telephones, drinking fountains, mirrors, and paper towel dispensers are often mounted too high, making them unusable by people who use wheelchairs or scooters.
- Low-hanging tree branches, wall-mounted light fixtures that are mounted at head height and extend more than four inches from the wall, or other objects that overhang or protrude into a walkway can be a hazard for people who are blind or have low vision.
- Within a building, movable elements such as furniture, equipment, or display racks can be barriers if their location blocks an aisle or hinders a person's ability to move around.

Removing barriers

Removing or correcting barriers can be simple and inexpensive in one facility, but difficult and costly in another. For this reason, Section 705.2 of the IEBC sets out a flexible rule for removing barriers. When the cost

of improvements made to the path of travel exceeds 20% of the cost of the alteration to the primary function area, the IEBC considers this ratio to be disproportionate, in which case the path of travel need only be made accessible to the extent necessary without having to incur the disproportionate cost.

Anytime alterations are made to a building or facility where accessibility deficiencies at the path of travel still exist, up to 20 percent of the construction costs must be spent on barrier removal at the “path of travel”. For example: If the construction cost of alterations equals \$100, then a maximum of \$20 will need to be spent on barrier removal at the “path of travel”.

Although not an all-inclusive list, here are some of the general rules of thumb to remember:

- A common misconception about accessibility requirements is that older buildings are not covered or do not have to comply, they are "grandfathered." These types of misconceptions are simply not true.
- The “path of travel” requirement provides that when a “primary function” area of an existing facility is altered, the “path of travel” to that area must also be made accessible, but only to the extent that the cost of doing so does not exceed twenty percent (20%) of the cost of the “alterations” to the “primary function” area. For the purposes of this part, the term “path of travel” also includes the restrooms, telephones, and drinking fountains serving the altered area.
- As per the applicable IEBC provisions, it would be unacceptable to alter any “primary function” area without improving the “path of travel”, unless the “path of travel” is already code compliant. For instance, if a tenant space includes a “primary function” area, then the “path of travel” must be improved if non-compliant, despite the consequences for any lessees’ or ownership.
- Entities can alter as many elements within a “primary function” room or space as they like without triggering a requirement to make the entire room or space accessible based on the alteration of individual elements. However, if the intent was to alter the entire space, the entire space must be made accessible and comply with the applicable requirements of the current IEBC code requirements.
- Newly constructed or altered items that may have an effect on accessibility, must be made accessible at the time of installation if altered or replaced. The changed portion(s) must be made accessible as if newly constructed.
- Non-complying existing construction and alterations must be corrected, and are not considered a portion of the funds required for the 20% **disproportionate costs** to achieve **path of travel improvements**. Existing construction and alterations are considered non-compliant, if they did not comply with the applicable codes or standards required at the time of installation.
- The International Building Code (IBC) mandates that a design must ensure compliance with federal accessibility requirements. Many local codes such as the IBC contain accessibility provisions, but they are separate from the Accessibility Standards. It is very common for architects and contractors to follow only their local building codes, which may not provide the same degree of accessibility to persons with disabilities. Compliance with local building codes does not ensure compliance with the ADA. In the few places where requirements between the two differ, the requirements of ADA prevail, unless the adopted code or standard is more restrictive. Simply put, it is best to follow the requirements that will result in greater accessibility.