



### WHEN DO I HAVE TO COMPLY WITH THESE MINIMUM REQUIREMENTS?

Change of Occupancy and Accessibility – (See CAB # 7)

#### International Existing Building Code-2003

#### SECTION 806 ACCESSIBILITY

**806.1 General.** Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with Section 812.5.

**TECHNICALLY INFEASIBLE.** An alteration of a building or a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements for new construction and that are necessary to provide accessibility.

**812.5 Accessibility.** Existing buildings or portions thereof that undergo a change of group or occupancy classification shall have all of the following accessible features:

1. At least one accessible building entrance.
2. At least one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with Section 1110 of the *International Building Code*.
4. Accessible parking, where parking is provided.
5. At least one accessible passenger loading zone, where loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible. Changes of group or occupancy that incorporate any alterations or additions shall comply with this section and Sections 506.1 and 905.1 as applicable.

## International Building Code -2003

**Chapter 34  
EXISTING BUILDINGS**

**1103.1 Where required.** Buildings and structures, temporary or permanent, including their associated sites and facilities, shall be accessible to persons with physical disabilities.

**3409.3 Change of occupancy.** Existing buildings, or portions thereof, that undergo a change of group or occupancy shall have all of the following accessible features:

1. At least one accessible building entrance.
2. At least one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with Section 1110.
4. Accessible parking, where parking is being provided.
5. At least one accessible passenger loading zone, when loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible.

**Interpretation from the International Code Council**

- *This section establishes that when an existing building or a portion thereof undergoes a change of occupancy, full compliance with accessibility requirements is expected and reasonable for the portion undergoing the change of occupancy, except where technical infeasibility can be demonstrated. If full compliance is technically infeasible, the element must be made accessible to the fullest extent that is feasible. This is consistent with the general approach that has always been taken relative to other matters regulated by the code. Changes of occupancy have always been viewed as a reasonable opportunity to secure a higher level of code compliance than is necessarily deemed acceptable for alterations. Six items are required in a facility undergoing a change of occupancy. The intent is to provide the bare minimum to get people from a point of arrival into the building and to the area of primary function for the new use. This is not based on any specific provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG), but parallels the intent of the requirements for removal of barriers. If the area undergoing a change of occupancy contains a primary function, the accessible route provisions in Section 3409.6 are also applicable (see commentary, Section 3409.6).*

## PRIMARY FUNCTION

- *When an accessible route to a primary function area is required by this section, an accessible route to such facilities, **including any restrooms** and drinking fountains serving the primary function area, must also be made accessible, even though such facilities and areas may not by themselves be considered primary function areas.*

**Interpretation from the International Code Council**

- *The purpose of Section 3409 is to establish minimum criteria for accessibility when dealing with existing buildings and facilities. The history and efforts involved are similar to that discussed in Chapter 11 (see commentary, Chapter 11, “General Comments”). When a facility or element is altered, it must meet new code requirements. For example, if a door and frame are removed and replaced, the door must meet the requirements for width, height, maneuvering clearances and hardware. If just the doorknob is being removed, it must be replaced with lever hardware. If the area undergoing alteration does not contain a primary function (see Section 3409.6), there are no additional requirements; however, if the area contains a primary function, there are additional criteria that may require work not in the original scope to achieve accessibility. This additional criteria is to provide an accessible route to the altered area, including any toilets and drinking fountains that serve it. Requirements for an accessible route might specify that the door previously discussed be removed and replaced because it did not have adequate width or maneuvering clearances.*
- *The principle behind this approach to upgrading existing buildings is that they will become more accessible over time. A valid time to work towards that goal is when a structure is being altered. Special considerations are offered because of the difficulty involved in dealing with existing facilities that may not have been built with accessibility for physically disabled persons in mind. For example, when a historically registered home is being made into a museum, if changing the front door to allow for wheelchair access would alter the historical significance, alternatives are offered in Section 3409.8. Another example is the alternatives offered in Section 3409.7 if it is technically infeasible to provide full accessibility in an existing building. Please note that the term “technically infeasible” refers to either movement of a major structural element or other physical constraints. For example, a ramp to provide entrance or exit from a particular door may not be possible because of property lines or setback constraints.*

**3406.2 Certificate of occupancy.** A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met. An existing building that has been classified into a new occupancy group must receive a certificate of occupancy before tenancy. The code requirements for one occupancy group are not always the same as those for the new occupancy group. The new occupancy must be inspected to verify that all the applicable code requirements have been met.

**NOTE: A Building permit is required for this required work and a new Certificate of Occupancy will be issued.**