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Building Services – Chief Building Official code interpretation:

The following is a building code interpretation by the Chief Building Official explaining the intent and requirement of a specific code section that is not entirely clear and not concisely explained in the code.

Issue: Do alterations in commercial spaces trigger accessibility upgrades to existing restrooms?

The 2021 International Existing Building Code (IEBC), section 306.7 and 306.7.1 state:

306.7 Alterations. A *facility* that is altered shall comply with the applicable provisions in Chapter 11 of the *International Building Code*, ICC A117.1 and the provisions of Sections 306.7.1 through 306.7.16, unless *technically infeasible*. Where compliance with this section is *technically infeasible*, the *alteration* shall provide access to the maximum extent technically feasible.

306.7.1 Alterations affecting an area containing a primary function. Where an *alteration* affects the accessibility to, or contains an area of *primary function*, the route to the *primary function* area shall be accessible. The accessible route to the *primary function* area shall include toilet *facilities* and drinking fountains serving the area of *primary function*.

Exceptions:

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the *alterations* affecting the area of *primary function*.
2. This provision does not apply to *alterations* limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to *alterations* limited solely to mechanical systems, electrical systems, installation or *alteration* of fire protection systems and abatement of hazardous materials.
4. This provision does not apply to *alterations* undertaken for the primary purpose of increasing the accessibility of a *facility*.
5. This provision does not apply to altered areas limited to Type B dwelling and sleeping units.

Assuming the work does not fall into the exemptions listed above, where an alteration affects the primary function of that occupancy/space, upgrades to the accessible route (including restrooms and drinking fountains) shall be made if it is not currently compliant. Building code requires these improvements regardless of the space changing occupancy/use or not. The intent of the code is to upgrade accessibility requirements for non-compliant accessible routes, including restrooms and drinking fountains, gradually over time.

The costs of providing the accessible route are not required to exceed 20 percent of the costs of the *alterations* affecting the area of *primary function*.

For example: If the total project cost is \$10,000, an additional \$2,000 must be dedicated to upgrading accessibility requirements of the accessible route (including restrooms and drinking fountains). If upgrading an accessible route, restroom or drinking fountains to meet all accessibility requirements exceeds the required \$2,000, then the scope of the upgrades can be reduced, such as only adding grab bars in the restroom but not moving walls (for access clearance) or any other accessibility requirements throughout the accessible route.

IEBC Section 306.7.11 does allow a single gender-neutral restroom to be upgraded or added instead of altering all existing restrooms to meet this requirement. This would allow someone to make one of two restrooms accessible and sign them both as gender-neutral to comply.

Any portion of the accessible route can be upgraded, building codes do not require specific phasing requirements for improvements to the route, restrooms or drinking fountains.

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