

ASANC News Flash MAY 2009

Senate Bill 607 and House Bill 610: Acts to Disapprove the Building Code Council Adoption of a New Accessibility Code

A Yes vote on SB 607 and HB 610 will preserve Accessible Housing in NC

The Proposed NC Amendments to the IBC Will Decrease The Number of Accessible Units in Rental Housing. The current NC Accessibility Code requires 5% of units on a site with 11 or more dwelling or sleeping units to be fully accessible. The new standards would require 5% in buildings with 11-100 units but then decrease to 2% where the number of units exceeds 100 units (2% of the number of units exceeding 100). We need more accessible units, not less.

People with Disabilities and Advocates for People with Disabilities were not included in this decision to change the Accessibility Code. An Ad Hoc Accessibility Code Committee was formed in early 2007, yet advocates for people with disabilities did not know about the changes until days before the public hearing to adopt the International Building Code Accessibility provisions. At that late date, there was no opportunity to offer additional amendments or preserve our current level of accessible housing. The individual claimed to be representing people with disabilities from United Spinal is an out of state paid consultant.

The Current North Carolina Accessibility Code is in Compliance with Federal Law. On November 28, 2005, North Carolina became the sixth state in the nation to receive Americans with Disability Act (ADA) certification from the U.S. Department of Justice of its statewide accessibility code. This ensures that builders who meet the requirements of the North Carolina Accessibility Code are in compliance with the requirements of the ADA. There are significant differences between the accessibility provisions of the IBC and the current ADA Accessibility Guidelines.

Amendments to the Federal Regulations on Accessibility are currently under consideration. New ADA regulations have been under consideration for several years. In the first days of the Obama Administration, the final rules were pulled from the Office of Management and Budget. We are awaiting word as to whether the regulations will be revised and again available for public comment or if the proposed regulations will move forward. Waiting for the issuance of the new regulations is a more reasoned approach.