



ICC (ASC A117) CONSENSUS COMMITTEE ON ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES

A117.1 Committee Minutes #36 Thursday, July 13, 2023 12-4 Eastern

Chair: Ken Schoonover

Vice-chair: Gina Hilberry

Secretariat: Karl Aittaniemi; kaittaniemi@iccsafe; 888-422-7233, Ext. 4205

Please send requests for accommodations to Karl at least 5 business days before the call.

1) Welcome and Introductions

1) Call to order – the meeting was called to order at 12:00 Eastern

2) Meeting attendance:

Committee members:

Doug Anderson, AHLA – Principal

Tara Barthelmess, NCDOI & OSFM, Principal

Karen Braitmayer, DREDF, Principal

Kevin Brinkman, NEII, Principal

Dan Buuck, NAHB, Principal

John Catlett, JD Catlett Consulting for BOMA, Principal

Paula Cino, National Multifamily Housing Council, Principal

Bill Conner, ASTC, alternate

David W Cooper, SMA – Principal

Dan Dain, AIA, Principal

Glenn Dea, International Sign Association, Principal

Brad Gaskins, NACS, Principal

Alan Gettelman, Individual Member

Jenifer Gilliland, WABO Principal

John S. Gonzalez, ICC (Alternate)

Greg Guarnaccia, Illuminating Engineering Society (Principal)

Jennifer Hatfield, PHTA, Alternate

Glenn Hedman, RESNA, Alternate

Gina Hilberry, UCP, Principal, Vice-Chair – served as chair for this call

Robert Kelly Montgomery County, Principal

Matt Lescher, NATO, Principal

George Lim SEG, Alternate

Allison Lourash, LPA Principal

Daniel O’Gorman, ASPE – American Society of Plumbing Engineers, Principal

Simon Majarian, SEG, Alternate

Carolyn Majowka, VBCOA, Alternate

Marsha Mazz, United Spinal Association, Principal

Michele Mihelic, AIA, Alternate

Susan Morgan, ASID, Alternate

Jeffrey Munsterteiger, NAHB, Alternate

Eunice Noell-Waggoner, IES, Alternate

Kimberly Paarlberg, ICC, Principal
Barbara Padilla, AHLA Alternate
Rex Pace, HUD, Principal
Jake Pauls, Individual member
Lucy Pereira, International Sign Association, Alternate
Hope Reed, NMGCD Alternate
Richard Roberts, NEMA, Principal
Ed Roether, Individual member
Kurt Roeper – Builders Hardware Manufacturers Assoc , Alternate
Nathan Roether, United Spinal, Alternate
Stan Ross NM Governor’s Commission on Disability, Principal
Leslie Shankman-Cohn ASID (Principal)
Pat Sheehan, ACB, Principal
Koni Sims, ACB, Alternate
Ed Steinfeld, RESNA, Principal
Kyle Thompson, PMI (Principal)
Michael Tierney, BHMA, Principal
Norman Wang, Building Codes Administration, Maryland Dept of Labor, Principal
Richard Williams, WABO Alternate
R Duane Wilson, ASTC, Principal
Scott Windley US Access Board Principal

Interested parties:

Karen Gridley, MN Dept. Labor & Industry, Construction Codes Division
Thomas Hirsch, FAIA HIRSCH GROUP ARCHITECTURE
Laurel W. Wright, NCDOT/OSFM, Ret.
Thomas B Zuzik Jr – Railingcodes.com, representing NOMMA.org

B. Logistics

- 1) Minutes for 6-22-2023; agenda for 7-13-2023 were approved
- 2) Work groups –
 - Reach over a counter - 3rd presentation April 27, 2023; meetings TBD
 - 06-13 – meetings TBD
 - Adult changing – Meeting June 27, 2023
 - Assisted toileting and bathing – March 24, 2022 presentation – meeting TBD
 - Scoping – April 7, 2022 presentation – meetings TBD
 - Accessible bathing – April 21, 2022 presentation – meeting TBD
 - Accessible Communication Features for the Built Environment – meeting every other Wednesday, 1-3 Eastern;
 - special thanks to Eunice Noell-Waggoner
 - Walking and Wheeled Surfaces – meeting TBD
 - Terminology – meeting April 17, June 12, 26, July 10, 17, 24, 2023 –
 - Membership committee – letter for non-participation in development.
 - Editorial – collecting names for volunteers, email Karl and Kim

C. Administrative items

- The revised proposals are available at - [A117.1 Public proposals 2-8-2022](#)

- Information on the meetings and development of the 2023 edition of the standard will be posted at [A117.1 webpage](#)
- Ballots for proposals heard through July 28, 2022 were sent to the committee. Deadline for the ballot was **Sept. 6, 2022**.
- Ballots for proposals heard through January 19, 2023 were sent to the committee. Deadline for the ballot was **March 6, 2023**.
- Ballots for proposals heard through May 11, 2023 and public comment agenda were sent to the committee. Deadline for the ballot was **July 31, 2023**.
- **Revised meeting dates**
 - July 27, August 10, 24 are current summer dates
 - Revised dates are: Sept. 14, 28, Oct. 12, 26, Nov. 9 (not the 23rd since this is Thanksgiving), Dec. 7 and 21.
 - Kim/Karl to send out revised meeting invitations

D. ICC A117.1 development procedures –

E. Review of Proposals:

The following proposals were discussed during the call. See the report for any official committee reasons and final actions. Any items remaining on the agenda will roll to the next agenda – this is a running meeting minutes during the discussion of the Appendix.

Appendix

5-11-2023 Meeting

A-01 – The following are discussion points during the meeting –

Discussion of Appendix –

- That the overall goal is to harmonize as much as possible with existing scoping (IBC, ADA Standards, etc.) and not increase existing scoping.
 - That the Committee structure may need to be adjusted to achieve efficiency and adequacy of representation by interested parties.
 - That the IBC is not the only user of the Standard. Scoping is necessary for the Standard to be adopted by entities that do not use the building codes – such as universities or other non-governmental agencies.
 - That this would be duplicative of existing scoping in the IBC and in some state codes and cause confusion for architects, builders, code officials who prefer one set of rules and more work for jurisdictions in their adoption process.
 - That it is not known how this would affect HUD’s review for ‘safe harbor’?
 - That the proposal may not cover all of the IBC scoping.
 - That the proposal would not be adequate solely as a substitute for IBC Chapter 11 because of the interrelationship of accessibility provisions in the other I-Codes.
- Maintenance –
 - That there could be a problem with coordination between A117, IBC and ADA over time given the different timing of their revision cycles.
 - That this would substantially increase the work load of the committee and the people who participate in all forums.

- Whether scoping is necessary in the Standard given the successful treatment of scoping in the IBC.
- That this committee is the only forum in which people with disabilities have a significant voice and a vote. Advocates generally do not have the resources to participate in the ICC Code Development Process. The industry reps that participate in the IBC Chapter 11 process are largely the same who are members of or participate in this process.

Adoption ordinance –

- Errata for title of ordinance.
- This is a sample adoption ordinance. Scoping is addressed in the new appendix.
- Effective date, if not at time of adoption?

Item A201.1 –

- Issue with ‘newly designed’ when it relates to a building code.
 - While under ADA you can submit a complaint on a building that has not been built yet, this should be deleted here.
 - Newly designed is addressed during the review process – so it should stay.
- New construction and existing building scoping is addressed later in the appendix. This could be more generic. It may be sufficient to just say “New construction and alterations”.
- Is this intended to be enforced by the building department? A code official cannot address operational concerns addressed in civil rights laws.
- Look at IBC Section 102.2 Other laws. While this is in the sample ordinance in Item 10, this may be needed in the text.
- Should ‘elements’ be included to address previously constructed items such as signs.

Tabled to continue discussion at the next meeting.

5-25-2023 Meeting

General concerns –

- Why do we need to do this if we have a scoping document?
- Could an appendix be just elements that exceeded the IBC and IEBC?
- If a jurisdiction adopts this separately from the building codes, who will be the person enforcing or making interpretations on these requirements.
- Is the intent to say ‘comply if provided’ for everything in the standard, or just what was in the current scoping document?

A201.1 –

Should the exceptions for the entire standard be located under this section – example A203.1. Dan Buuck to submit modification.

It was requested that a comparison matrix should be provided to the committee for reasoning.

The chair for the working group, Gina Hilberry, stated that the committee started with a matrix, but it was split up and not recombined during the work group development process. There were multiple iterations.

The document does pull criteria from the 2010 ADA Standard, IBC and NFPA 101/5000 as well as new items in the standard.

A201.2 –

- ‘Assisted use’ is not used in the assisted living provisions. Some additional definitions from IBC are needed to clearly state what assisted living and nursing homes are quantified.
- Exceptions are included in the definitions (e.g. transient lodging). These should be moved to
- Some of the definitions include what something is not, vs. what it is (e.g. transient lodging).
- Additions – an occupied roof is not an addition floor area. Why is a mezzanine not included.
- Occupant load uses ‘means of egress’ which is not defined in the standard.
- Some definitions include technical requirements (e.g. limited access spaces, machinery space) – these need to be removed.
- Alterations – are the exceptions for controls, or just the items hidden in the wall?
- Alterations – is this only for jurisdictions that do not use IBC or as a replacement for IBC Chapter 11? Definitions should correlate with the I-codes as much as possible to reduce conflicts.
- Alterations - This is a substantial expansion. Is this trying to get the exceptions for improvements to the route into the definition.
- The codes may change the definitions – how would we keep up so that we don’t create conflicts.
- There are too many laundry lists.
- Definitions are a description of terminology – they should not contain requirements. An alteration would be different for each element (e.g. elevators).
- Alteration – this appears to be trying to match A204.7 – why not address it there instead. Defined term not used in text.
- Mezzanines – this is primarily IBC definitions with the height intended to make it not a raised platform
- Maybe we should come back to the definitions when we are dealing with the topic.
- Entrance –
 - different types of entrances should be grouped in definitions
 - this should include ingress requirements – why not steps included?
 - Is this not address by the three types – public, service, restricted
 - This appears to be describing the accessible route into the building – that would cause confusion with entrance doors
- Clusters – if this is for bathrooms (also sauna and steam rooms), there could be back to back items that are accessed from different tenants. This should be addressed in the exception and the definition removed – or come up with a different approach.

- Change of occupancy is treated the same as an alteration, so this definition should be removed and A204.5 can be revised same as IEBC.
- Change of occupancy – what happens if this changes in the IEBC over time.
- Employee work area is important to the scoping – should it be included in Appendix A? The work group responded that if it was in Section 107.5, it did not need to be repeated.
- Historic Buildings – IEBC has moved this definition forward. This needs to be updated. However, this will be a continuing issue with liability and cost concerns.
- Limited access space – the exception is in A202.2.3 General exception, not in a definition. Delete
- Machinery space - the exception should be in A202.2.4 General exception, not in a definition. Delete
- Public use areas
 - – ‘elements’ is confusing. How is this used in the text. Gene said this came from the 2010 standard.
 - Is ‘exterior room’ accessed from the outside or is it open to the outside air?
- Primary function area.
 - Locker rooms and bathrooms should be considered primary function spaces.
 - It is important to look at how this is used in context – this is only a break for improvements to the route, not to providing accessibility in the space.
- Restricted entrance – is there a way to make the definition consistent with the Access Board guidance
- Story –
 - IBC says to the top of the roof rafters, not the top of the roof. This fix could be here to reduce potential conflict with no change to accessibility requirements
 - The last sentence is about a mezzanine, so it should not be under the definition for story
 - It must be clear the changes in levels are not a story
- Technically infeasible – additional clarification would be helpful
- Transient lodging –
 - ‘guestrooms’ are a type of sleeping unit – better to use the defined terms
 - 2nd sentence is a list of what this is not
 - The exception should be in the general exceptions
- We need to define Accessible and Type C units if the intent is to scope those types of units – as a requirement or as a where provided
- Work area equipment – 2nd sentence is requirement, 3rd sentence is what this is not included.

A202 Accessibility Required

A202.1 –

- Should ‘structure’ be added? That could result in including retaining walls, fences, etc.

- ‘Facility’ is a term that is not person centered – However, this is needed for a group of buildings that operate together as one facility or several tenants/facilities in the same. Facility is defined in the ICC A117.1.

A202.2.3 General exceptions

- Why are some of the other exceptions in the IBC not in this list – places or religious worship, day care facilities?
- Why does the exceptions exempt the elements from accessibility and the route. The route provisions say connect accessible elements – so this is redundant. It could be implied that everything other non-accessible element does not have to be on a route. Marsha explained that the route is a separate requirement, so these spaces needed to be exempt from both.

A202.2.3 – Limited Access – delete definition in favor of text here.

A202.2.4 – Machinery spaces - delete definition in favor of text here.

A202.2.5 – Single occupant structures – change to match IBC toll booths. Better understanding and compliance.

Start next meeting with A202.2.8 and any proposed modifications.

6-08-2023 Meeting

Reviewed 14 modifications to Definitions.

Modification 1 Addition

Mod to add back in gross AM 19-4-0

AM 24-3-1

Modification 2 Alteration

Original modification 5-19-2

Replacement 21-3-1

Modification 3 – Assisted use - Tabled till related package for assisted living

Modification 4 – Change in occupancy – AM 24-0-1

Modification 5 – Cluster – replacement AM 29-0-1

Modification 6 – Entrance – AM 12-11-3

Modification 7 – Limited Access Spaces – AM 24-2-3

Modification 8 – Machinery spaces, A202.2.4 – replacement 20-2-3

Modification 9 – split proposal

Mezzanine – AM 22-2-3

Story – AM 14-9-4

Modification 10 – Public Use Areas – AM 26-0-3

Modification 11 – Social service center establishment – AM 23-0-3

Modification 12 – Transient lodging – AM 24-1-3

Modification 13 – Accessible unit – AM 24-1-3

Modification 14 – Type C unit –

Chair ruled A203.9.17 should be proposed with Residential requirements

Definition AM 18-0-2

Start next meeting with A202.2.8.

- The chair indicated that discussion will proceed in sequence from beginning to end rather than jumping around in the proposal and instructed the meeting participants to prepare for the next meeting by looking ahead and being prepared to discuss the next block(s) of subject matter. It would be preferable (not required, just preferable) to wait to submit modifications until after a block of text has been discussed and develop and submit modifications to that text at the following meeting. Provide modifications to staff using the modification [form](#) posted on ICC A117.1 webpage under Administration.
- The chair requested that the agenda identify blocks of portions of the proposal in sections to limit the scope of discussion by topic.

06-22-2023:

No comment on A202.2.8 through A202.2.11

A202.2 Exceptions - There are some exceptions located in the uses – they may need to be located either at the front of the use, or have a reference in the exceptions so they are not missed.

A202.3.2.1 and A202.3.2.2 Site arrival points– Exception – clarify where the route requirement is for housing

A202.3.2.3 – Why ‘level’ instead of ‘story’ in the first sentence? How would this stop changes less than a story height with no route to them? This should cover occupied roofs.

Exception 1 – uses ‘stories’ instead of ‘levels’ so may be confusing with main text; need a 1.5 to not allow for 4 or more dwelling units on a story.

Exception 2 – how are basements addressed? Is this covered in a 2 story building.

A202.3.2.4 Dwelling and Sleeping Units. –

There seems to be some exceptions missing

Where are the requirements for the site arrival points – why are they not located with this section?

Exception 1 – ‘legal restrictions’ could be read to allow no route to the 2nd floor if zoning wanted only mercantile with apartments above

Exception 2 – Would this conflict with Section 1102 that requires a route to all floors?

Use the defined term of ‘transient lodging’.

A202.3.2.5 Security Barriers. – no comments

A202.3.2.6 Spaces and Elements.

There is an exception that was moved to a use

Exception 2: text is confusing – already covered in main text; but there is confusion with designated aisle seats; maybe move to assembly and address there

Exception 1 – ‘if appropriate’, ‘without requiring substantial reconstruction of the space’ is very subjective

A202.3.2.7 Restaurants

The title could be misread to not have this apply to bars, lunch rooms, etc. – maybe ‘dining and drinking areas’. This might be easier if we used IBC use groups. Opposite side – groups are based on risk and may not work with accessibility.

Exception 2 – ‘décor’ is way to open for interpretation

Exception 4 – why is this needed – this is employees areas that are within a dining or drinking area, like the area behind a bar or in front of a check out stations/table bussing station.

A202.3.2.8 Performance areas. –

The last sentence for raised platforms is limited to banquet rooms? Need to address the platform platforms more generally?

What about a platform that is brought in as furniture for events?

What about when a platform is not a performance area – like a head table at a wedding?

A202.3.2.9 Employee Work Areas. – none

A202.3.2.10 Walkways adjoining construction and demolition sites. –

Location confusing. Move after 202.3.2.2 for outside; conflict with construction site exemption?

Is this not only for existing sidewalks? Covered in DOT/PROWAG? What about multi-building sites?

A202.3.3 Location of Accessible Route.

With the requirements for accessible means of egress, the no allowance for ‘kitchen’ and ‘storage room’ can be prohibitive. Maybe make this along the common circulation path – or defined paths.

A202.4 Accessible Means of Egress

A202.4.1 General. – are the exceptions needed? Already covered in the IBC, so not needed here.

What about existing buildings (see Section 204.7.1)?

Should we also reference the fire and safety plans in the IFC? Lock-down plans?

A202.5 Stairways

A202.5.1 General.

The IBC now calls all stairways means of egress stairways. The reference to ICC Section 504 for ‘means of egress’ would prohibit solid risers would effectively prohibit open stairways and spiral stairways (access to catwalks, equipment platforms). Many exterior stairways are open to limit the accumulation of snow and water.

Should there be additional exception for areas not required to be accessible.

Should this be limited to accessible means of egress stairways?

Would the stairway provisions conflict with residential stairway allowances for within individual dwellings? Including newel posts on handrails and handrail extensions.

This would also pick up the lighting requirements? Stripes?

A202.6 Operable parts

A202.6.1 General.

IBC has an update for locks at pools

A202.7 Entrances, Doors and Gates

A202.7.1 Entrances. Don’t need to repeat requirements for routes every time – already addressed. Chair indicated that there can be correlative pieces that appear in other sections.

For counting doors for entry, should there be an exception for doors that are exit only, or service entrances other than A202.7.1.8? Would that clarify how to qualify and entrance vs. all doors?

A202.7.1.1 Public entrances. Questions on to what is a public entrance, especially if the entrances are secured or indicated as limited (e.g. key pad or marked ‘employee only’). Would this exceed FHA by requiring 60% for access to the building? Think two entrance building that leads to individual dwellings on the hallway.

A202.7.1.2 Parking garage entrances. – none

A202.7.1.3 Entrances from tunnels or elevated walkways. – none

A202.7.1.4 Transportation Facilities. – none

A202.7.1.5 Tenant spaces, dwelling units and sleeping units. – none

A202.7.1.6 Restricted Entrances.

This needs to be more carefully separated from public entrances. The language repeats itself. See Access Board/DOJ guidance. Much more limited than people think.

A202.7.2 Doors, Doorways and Gates– none

A202.7.2.1 General.

Is using ‘providing user passage’ expanding the scope instead of ‘on an accessible route’ to comply? This would pick up two doors to the same room with only one on an accessible route? Maybe needs to say both for accessible spaces? Do not want this to apply to exempted spaces?

A202.7.2.2 Entrances.

Should we address vestibules?

07-13-2023 Meeting:

Modifications for the following were sent to the committee:

A202.2 General exceptions.

A202.3 Accessible Routes

A202.4 Accessible Means of Egress

A202.5 Stairways

A202.6 Operable parts

Modifications for

A202.2 General exceptions.

Modification 1 – A202.2.1; AS 24-0-1

Modification 2 – A202.2.4; AS 27-0-0

Modification 3 – A202.2.5; AS 25-2-0

Modification 4 – A202.2.12, A203.9.1; tabled

Modification 5 – A203.10; AS 18-6-2

Modification 6 – A203.2.8; AS 20-1-1

Modification 7 – A203.7.2; AM 23-2-0

Mod to A202.2.12 - delete first sentence and add ‘only’ – Approved 24-1-0

Modification 8 – B n B exception; AS 20-0-0

Modification 9 – withdrawn

Modification 10 - withdrawn

Modifications for

A202.3 Accessible Routes

Modification 1 – split into 3 parts

Level vs. story – modification to delete ‘including’ 23-0-0; AM 20-0-0

Occupiable roofs – AS 24-1-0

1.5 4 or more dwellings - tabled

Modification 2 – withdrawn; addressed by Modification 1

Modification 3 – withdrawn

Modification 4 – AM 20-0-0

Modification to Exception 4 to move phrase to front – 23-0-0

Modification to delete ‘dormitory’ in Exception 4 – 20-1-0

F) New business:

COMMENTS DUE JULY 24 = The U.S. Department of Housing and Urban Development (HUD) seeks public comment on potential changes to its regulation implementing Section 504 of the Rehabilitation Act for recipients of HUD federal financial assistance. Section 504 prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance from HUD. HUD’s Section 504 Advance Notice of Proposed Rulemaking (ANPRM) acknowledges the need to align HUD’s Section 504 regulation with environmental, societal, and technological advances and emerging issues. <https://www.federalregister.gov/documents/2023/04/25/2023-08464/nondiscrimination-on-the-basis-of-disability-updates-to-huds-section-504-regulations>

HUD's Deeming Notice for using the ADA Standards -

<https://www.federalregister.gov/documents/2014/05/23/2014-11844/nondiscrimination-on-the-basis-of-disability-in-federally-assisted-programs-and-activities>

G) Future meetings:

1) Calls will be every other Thursday, from Noon to 4:00 pm Eastern.

The meeting dates for 2022 are:

March 10, 24; April 7, 21; May 5, 19; June 2, 16, 30; July 14, 28; August 11, 25; Sept. 8, 22; Oct. 6, 20; Nov. 3, 17; Dec. 1, 15, 2022.

Meeting dates for 2023 are:

Jan. 5 and 19, Feb. 2 and 16, March 2, 16 and 30, April 13 and 27, May 11 and 25, June 8 and 22, July 13, 27, August 10, 24,

Sept. 14, 28, Oct. 12, 26, Nov. 9 (not the 23rd since this is Thanksgiving), Dec. 7 and 21, 2023

2) Information on the meetings and development of the 2023 edition of the standard will be posted at [ICC A117.1 webpage](#)

3) Any questions contact Karl Aittaniemi; kaittaniemi@iccsafe; 888-422-7233, Ext. 4205

H) Adjourn – Meeting was adjourned at 4:05.