

# Accessibility Requirements for Existing Buildings and Structures

**Purpose:** The purpose of this summary is to assist property owners, tenants, design professionals, and contractors in understanding the requirements for providing accessibility for existing buildings pursuant to the Ohio and the Cincinnati Building Codes. These requirements apply to any change of occupancy, additions, and alterations to existing buildings, including buildings designated as historic. This document also provides guidance for technical infeasibility, cost disproportionality, hierarchy of improvements, and utilization of the public right of way as it applies to accessibility for existing buildings.

***Please note:** While the spirit and intent of the Americans with Disabilities Act and the building code are the same, the technical provisions are not. A new building or renovated space must be carefully designed to meet the requirements of both laws. However, the City of Cincinnati only enforces the Cincinnati and Ohio Building Codes, and therefore this publication does not include any information regarding the ADA.*

**Background:** The provisions of Sections 3411.1 through 3411.9 of the 2011 Ohio Building Code (OBC) apply to change of occupancy and alterations to existing buildings, including those identified as historic buildings. The following summarizes the accessibility requirements for existing buildings in the City of Cincinnati using the 2011 OBC and the 2009 ICC/ANSI A117.1 Standard.

## Accessibility Requirements Pursuant to 2011 OBC, Chapter 34, Existing Structures

### Alterations to Existing Construction

Alterations and new components to a space or area in an existing building shall be fully accessible. The accessible route to the altered area must be upgraded up to a limitation of 20 percent of the cost of the alterations (this includes mechanical, electrical and plumbing).

**For example:** A new office tenant is to fill a suite at an existing office building. The alteration in the suite includes new offices, corridors and open office area. Cost: \$100,000. Therefore, \$20,000 or 20 percent of the total project cost must be spent to upgrade the accessible route. Please see the section below on **Disproportionate Costs** for more details on this concept.

#### COMMON IMPROVEMENTS TO UPGRADE THE ACCESSIBLE ROUTE

• Accessible entrance	• Wheelchair accessible toilets
• Accessible lavatories	• Accessible drinking fountains
• Door clearances	• Levered door hardware
• Signage	• Levered door hardware

## Change of Use or Occupancy

When a space undergoes a change of use or change of occupancy, it must be upgraded to meet the requirements of new construction, unless technically infeasible. In addition, the existing building must also be upgraded to meet all of the items listed below:

1. At least one accessible entrance
2. At least one accessible route from an accessible entrance to the primary function areas (this includes elevators)
3. Signage
4. Accessible parking
5. At least one accessible passenger loading zone (when one is provided)
6. At least one accessible route connecting parking, loading zone and 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. Section 3411.6 of the OBC, as shown below identifies what relief technical infeasibility provides.

**3411.6** - A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 of this code and ADAAG, unless **technically infeasible**. Where compliance with this section is **technically infeasible**, the alteration shall provide access to the maximum extent technically feasible.

### Exceptions:

1. The altered element or space is not required to be on an accessible route, unless required by Section 3411.7.
2. Accessible **means of egress** required by Chapter 10 are not required to be provided in existing buildings and facilities.

Please see the section below titled **Technical Infeasibility** for a more detailed discussion of this subject.

## Accessibility Elements

The following are highlights of provisions of the OBC that are related to specific accessibility elements. Please refer to the OBC for a full listing of accessibility requirements.

1. **3411.8.1 Entrances** - Accessible entrances shall be provided in accordance with Section 1105.
2. **3411.8.3 Platform lifts** - Platform (wheelchair) lifts complying with ADAAG and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.
3. **3411.8.5 Ramps** - Where slopes steeper than allowed by Section 1010.2 are necessitated by space limitations, the slope of ramps in or providing access to existing buildings or facilities shall comply with Table 3411.8.5.
4. **3411.8.14** - The maximum height of thresholds at doorways shall be  $\frac{3}{4}$  inch (19.1 mm). Such thresholds shall have beveled edges on each side.

TABLE 3411.8.5	
RAMP SLOPE	MAXIMUM RISE
Steeper than 1:10 but not steeper than 1:8	3 inches
Steeper than 1:12 but not steeper than 1:10	6 inches
For SI: 1 inch = 25.4 mm	

## Disproportionate Costs:

**3411.7** - 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 and the amenities serving the area shall be accessible. The accessible route to the primary function area shall include toilet facilities or 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. The determination of disproportionality and the conditions for applying this exception shall be in accordance with section 3411.7.1.
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 an existing building, facility or element.

**3411.7.1** - Disproportionate costs and alternative compliance. Alterations required to be made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds twenty per cent of the cost of the alteration to the primary function area. The determination of disproportionate costs shall be made and applied in accordance with the following:

1. Costs that may be counted as expenditures required to provide an accessible path of travel may include:
  - 1.1 Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;
  - 1.2 Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;
  - 1.3 Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a telecommunications device for hard of hearing persons (TDD);
  - 1.4 Costs associated with relocating an inaccessible drinking fountain.
2. Required accessible features in the event of disproportionality.
  - 2.1 When the cost of alterations necessary to make the path travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.
  - 2.2 In choosing which accessible elements to provide, **priority should be given to those elements that will provide the greatest access, in the following order:**
    - 2.2.1. An accessible entrance;
    - 2.2.2. An accessible route to the altered area
    - 2.2.3. At least one accessible restroom for each sex or a single unisex restroom
    - 2.2.4. Accessible telephones
    - 2.2.5. Accessible drinking fountains
    - 2.2.6. When possible, additional accessible elements such as parking, storage, and alarms

3. Series of smaller alterations. The obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.

3.1 If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.

***As a part of the building permit submittal package, the “Alteration Cost of Accessibility Certificate” shall be completed to document that the 20% requirement is being met.***

### **Technically Infeasible:**

**Defined in section 3402.1 as** “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 which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility”.

**Discussion:** This does not mean, for example, that the need to alter a single structural beam relieves the owner of complying with accessibility requirements. Where a condition of infeasibility exists, compliance shall be done to the extent feasible as determined by the building official. Priority must be given to provide an accessible entrance to buildings undergoing a change of occupancy or alteration. The designer is charged with creating reasonable accommodations to access the building. If deemed technically infeasible, consideration shall be given to create a solution to the maximum extent technically feasible. In areas where the proposed compliance methodology causes an encroachment into the Right-of-Way, the designer must demonstrate that a solution within the building envelope is not technically feasible before attempting to utilize the Right-of-Way as a solution. This shall be documented by the designer by completing the attached “Determination of Technical Infeasibility”.

When it is technically infeasible to meet the building code requirements for accessibility within the building envelope and changes are being proposed within the public right of way, then the Department of Transportation and Engineering (DOTE), Right of Way Management Section and Architecture and Urban Design Section, must review and approve accessibility encroachments PRIOR to the building permit issuance from DBI. DOTE will not approve (conditionally or otherwise) any building permit with encroachments in the right of way without an approved easement. DOTE will not approve a sidewalk encroachment greater than 3'-6" into a 10' wide or wider sidewalk. Any items in the sidewalk and collector strip that are approved to be removed to create a clear width of 4' must be done at the developer's expense. All doors that swing towards the right of way should be recessed with a depth equal to the width of the door. DOTE will permit up to a 5% sidewalk cross-slope to aid in building access. It must be noted that building accessibility work in the right of way must conform to the OBC regulations.

Where access is achieved from the side or rear of the building, proper signage complying with section 1111.2, must be installed at the main entrance to instruct individuals how to access the building. The accessible route shall not pass through kitchens, storage rooms, restrooms, closets, or similar spaces.

## Historic Buildings (2011 OBC 3411.9)

**Historic Buildings are defined as:** “Buildings that are listed in, or eligible for listing in, the National Registry of Historic Places, or designated as historic under appropriate state or local law”.

Alterations and additions to historic buildings shall be required to meet the criteria discussed above, as appropriate, unless technically infeasible. Then the provisions listed in the technical infeasibility section above shall be followed. However, when compliance with the requirements for accessible routes, ramps, entrances, or toilet facilities threaten or destroy the historic significance of the building or facility, the following may be required as an alternative:

1. **3411.9.1** - Provide an accessible route from a site arrival point to an accessible entrance
2. **3411.9.2** - Public spaces on the accessible entrance level shall be on an accessible route
3. **3411.9.3** - A main entrance shall be accessible or as an alternative, an accessible unlocked non-public entrance or a locked secondary entrance if a notification system with remote monitoring is provided. Signage complying with 1111 shall be provided at the primary entrance and accessible entrance
4. **3411.9.4** - Provide one accessible toilet

Any proposed exterior alteration to a building or structure in a City of Cincinnati historic district also must be reviewed and approved by the Board of Historic Conservation. For questions about these requirements please call the Office of the Urban Conservator at (513) 352- 4848 or email [urban.conservator@cincinnati-oh.gov](mailto:urban.conservator@cincinnati-oh.gov).