



APPENDIX C CODE CHANGE PROPOSAL NORTH CAROLINA BUILDING CODE COUNCIL

1429 Rock Quarry Road, Suite 105
Raleigh, North Carolina 27610
(919) 647-0008
david.rittlinger@ncdoi.gov

Petition for Rule Making

Item Number _____

Granted by BCC _____
Denied by BCC _____

Adopted by BCC _____
Disapproved by BCC _____

Approved by RRC _____
Objection by RRC _____

PROPOSER: Cliff Isaac PHONE: (919) 676-9090
REPRESENTING: NC Home Builders Association
ADDRESS: 5580 Centerview Drive, Suite 415
CITY: Raleigh STATE: NC ZIP: 27606
E-MAIL: cisaac@nchba.org FAX: () -

North Carolina State Building Code, Volume Building (2018) + (2024) - Section 1109.2

CHECK ONE: [] Revise section to read as follows: [] Delete section and substitute the following:
[x] Add new section to read as follows: [] Delete section without substitution:

~~LINE THROUGH MATERIAL TO BE DELETED~~

UNDERLINE MATERIAL TO BE ADDED

1109.2 Toilet and bathing facilities. Add the following **exception** as shown below:

8. This section is not applicable to dwellings built under the NC Residential Code that serve as model homes if one temporary ADA accessible portable toilet is provided during the time in which the garage serves as a sales office. A sign shall be provided to direct staff and the public to the ADA portable toilet. Water shall be permitted to be supplied to the entire dwelling while operating as a model home, and when fully converted to a residential dwelling when meeting the NC Residential Code for 1- and 2 family dwellings.

Will this proposal change the cost of construction? Decrease [] Increase [] No [x]
Will this proposal increase to the cost of a dwelling by \$80 or more? Yes [] No [x]
Will this proposal affect the Local or State funds? Local [] State [] No [x]
Will this proposal cause a substantial economic impact (≥\$1,000,000)? Yes [] No [x]

- Non-Substantial – Provide an economic analysis including benefit/cost estimates.
- Substantial – The economic analysis must also include 2-alternatives, time value of money and risk analysis.
- Pursuant to §143-138(a1)(2) a cost-benefit analysis is required for all proposed amendments to the NC Energy Conservation Code. The Building Code Council shall also require same for the NC Residential Code, Chapter 11.

REASON: As a typical model home has an office in the garage, the business occupancy is not intended to be permanent. The residential areas are outside that business area. Allowing the use of water for the residential area is reasonable, if there is a temporary ADA accessible portable toilet placed and serviced outside the model home during the time that the sales office is operating. The business staff and the general public should know and/or be directed to the portable ADA accessible toilet. A simple sign stating, "This is not an accessible toilet" on the door and/or a directional sign outside to the portable ADA accessible toilet seems logical. If a staff member or the general public choose to use a non-ADA accessible room in the residential area of the building, then that is their choice. Providing a clean and sanitary finished area inside model homes is important to the health of the staff and general public.

Signature: 

Date: 10/30/2019

BCC CODE CHANGES

FORM 11/26/19

Isaac, Cliff

From: Isaac, Cliff
Sent: Wednesday, October 25, 2023 3:53 PM
To: Barthelmess, Tara K
Cc: Yip, Pak
Subject: RE: [External] RE: Model House use as a sale office

Tara: ^{fail} I fell to see where providing a portable ADA accessible restroom on the outside of a model home creates discrimination. Private toilets in businesses and other exceptions shown in **NCBC 1109.2** are not required to be accessible per the Code. A model home is two different occupancies, a business (the garage area) and 1-2 family residential (home). Accessible restrooms are not required in the residential 1-2 family dwellings as stated in **1109.2, exception 2**, "This section is not applicable to toilet and bathing rooms that serve dwelling units or sleeping units that are not required to be accessible by Section 1107." I see no where in Section 1107 that instructs accessibility to be met for 1-2 family dwellings built under the NCRC.

A portable or permanent ADA accessible restroom for the business occupancy (the garage area) must be provided to met the NC Building Code. This is satisfied.

Please let me know your final interpretation on this.

Sincerely,

Cliff Isaac, PE

Director of Codes and Construction

North Carolina Home Builders Association
5580 Centerview Dr. Suite 415, Raleigh, NC 27606
p 919.676.9090 | e cisaac@nchba.org
www.nchba.org | www.21buildingexpo.com

From: Barthelmess, Tara K <Tara.Barthelmess@ncdoi.gov>
Sent: Wednesday, October 25, 2023 3:13 PM
To: Isaac, Cliff <CIsaac@nchba.org>
Cc: Yip, Pak <pak.yip@ncdoi.gov>
Subject: RE: [External] RE: Model House use as a sale office

Cliff,
As you can imagine, providing the only accessible toilet in a portable facility outside of the home, while able bodied people use an indoor facility is creating discrimination.
I agree, providing a clean and sanitary finished area inside model homes is important to the health of the staff and general public. An accessible bathroom can be provided and modified when the space is no longer used for the public.

Please let me know if you have any additional accessibility questions.
As with all responses regarding accessibility, this response does not address possible federal ADA requirements which might apply as my authority ends with the NC codes; however, it is the responsibility of the permit holder and owner to comply with federal requirements if any.

Kind regards,

Tara Barthelmess
Chief Accessibility Code Consultant



N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0014

From: Isaac, Cliff <CIsaac@nchba.org>
Sent: Monday, October 23, 2023 11:39 AM
To: Barthelmess, Tara K <Tara.Barthelmess@ncdoi.gov>
Cc: Yip, Pak <pak.yip@ncdoi.gov>
Subject: RE: [External] RE: Model House use as a sale office

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Tara: Quick question. As a typical model home has an office in the garage, the Business occupancy is in only that space that would be for a limited time. The residential areas are outside that business area. Allowing the use of water for the residential area seems reasonable, if there is a temporary portable ADA accessible toilet placed and serviced outside the model home during the time that the sales office is operating. The business staff and the general public should know and/or be directed to the portable ADA accessible toilet. A simple sign stating, "This is not an accessible toilet" on the door and/or a directional sign outside to the portable ADA accessible toilet seems logical; provided one is well, provided. If a staff member or the general public choose to use a non-ADA accessible bathroom in the residential area of the building, then that is their choice.

Providing a clean and sanitary finished area inside model homes is important to the health of the staff and general public.

Is this something that has been considered?

Sincerely,

Cliff Isaac, PE

Director of Codes and Construction

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From: Isaac, Cliff
Sent: Thursday, October 19, 2023 11:19 AM
To: Barthelmess, Tara K <Tara.Barthelmess@ncdoi.gov>; Yip, Pak <pak.yip@ncdoi.gov>
Subject: RE: [External] RE: Model House use as a sale office

Tara: Can this be placed on the website?

Thanks,

Cliff Isaac, PE

Director of Codes and Construction

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www.nchba.org | www.21buildingexpo.com

From: Barthelmess, Tara K <Tara.Barthelmess@ncdoi.gov>
Sent: Monday, October 2, 2023 12:46 PM
To: Isaac, Cliff <CIsaac@nchba.org>; Yip, Pak <pak.yip@ncdoi.gov>
Subject: RE: [External] RE: Model House use as a sale office

Cliff,
Please see the attached interpretation regarding a sales office within a model home.

Please let me know if you have any additional accessibility questions.
As with all responses regarding accessibility, this response does not address possible federal ADA requirements which might apply as my authority ends with the NC codes; however, it is the responsibility of the permit holder and owner to comply with federal requirements if any.

Kind regards,
Tara Barthelmess
Chief Accessibility Code Consultant



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Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0014

From: Isaac, Cliff <CIsaac@nchba.org>
Sent: Wednesday, September 27, 2023 1:02 PM
To: Yip, Pak <pak.yip@ncdoi.gov>
Cc: Barthelmess, Tara K <Tara.Barthelmess@ncdoi.gov>
Subject: [External] RE: Model House use as a sale office

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Thanks!

Cliff Isaac, PE
Director of Codes and Construction

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From: Yip, Pak <pak.yip@ncdoi.gov>
Sent: Wednesday, September 27, 2023 1:01 PM
To: Isaac, Cliff <CIsaac@nchba.org>
Cc: Barthelmess, Tara K <Tara.Barthelmess@ncdoi.gov>
Subject: Model House use as a sale office

Hi, Cliff,

Tara is currently updating some code references in that interpretation document and shall send it to you shortly.

I hope the information above is helpful to you. Please let me know if you have any further questions or require additional information.

Best regards,

Pak Keung Yip, P.E.
Chief Building Code Consultant



N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
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919.647.0007

SALES OFFICE IN A MODEL HOME

Accessibility

A sales office or materials selection showroom must be in an accessible location. If these spaces are located within a Model Home, the Model Home must comply with accessibility requirements as per the NC Building Code.

If a Home Builder offers a model home without a sales office, the model home is not required to provide accessibility requirements per the NC Building Code or the NC Residential Code when it is used as a model or example of the Home Builder's product. If the home is not accessible, the Home Builder must refrain from conducting any form of business in the model other than using it as an example of their work. Material selection or showroom and dealing with documents should only be done in an accessible sales office or other accessible location.

NC Building Code Section 1104.1, 1104.2 & 1105.1

An accessible route is required from the site arrival point to any accessible features, which could include the Sales Center or Materials Selection Showroom. The site arrival point could be the sidewalk or a parking area. The components of an accessible route would be required, including the entrance to the accessible space.

When the Sales Center is located in the model home, an accessible path of travel is required to the area where the sales center is located within the house. If the Sales Center is in the garage, then access between the garage and entrance to the house is required, but an accessible path of travel through the house is not required. The model home itself is considered a display area, requiring access to and from, but not through, the house.

The finish materials may be located in a storage area from which the selections are taken, and then carried over to the sales center so that everyone, both able-bodied customers and customers with disabilities, can make their selection.

NC Building Code Section 1106.1

Accessible parking with an access aisle is only required when parking is provided. If parking is on the street, accessible parking is not required. If the driveway is used for parking, ensure that the surface and slope meets the accessibility requirements, striping and signage are not required.

The NC Plumbing Code, The NC Accessibility Requirements and the Plumbing Facilities

When a residential dwelling is used as a model home, there are several different scenarios as to how the situation may occur. The following addresses each of the various options and is based on the following premise:

BASIC PREMISE: Once a business office is located within a residential dwelling, that office is considered a permanent business office in accordance with the NC Plumbing Code. As such, the Plumbing Code requires permanent plumbing fixtures as long as the sales office or design center is located either in the model home or the garage.

The NC Building Code Ch.11 works in coordination with the NC Plumbing Code and the referenced ICC A117.1 standard to provide the required accessible fixtures.

If the Sales office is located in the model or the garage:

- provide permanent accessible plumbing fixtures in model or in garage (unisex toilet) with an accessible route
- if local plumbing official permits use of portable toilets, provide accessible portable toilets for everyone to use (see next bulleted item below)
- able-bodied personnel cannot use permanent fixtures in house and persons with disabilities use accessible portable toilet

If a portable toilet is used, the water supply to the fixtures would have to be shut off. Simply posting an "out of order" sign would not be acceptable because in-house staff would be aware that the sign was not accurate and may continue to use the facilities, contrary to the 3rd bulleted item.

