

SIGNIFICANT DIFFERENCES BETWEEN THE AB CODE AND THE NH STATE BUILDING CODE

AB CODE - 2010 ADA STANDARDS	NH STATE BUILDING CODE RSA 155-A; 2009 IBC-NH	COMMENTS
<p>Abfd 301.02 Scope. Pursuant to RSA 275-C:10, II, this chapter shall apply to buildings, facilities and their appurtenant grounds and curbs:</p> <p>(a) Which are used or to be used by the public; and</p> <p>(b) The cost of the construction, rehabilitation or substantial remodeling of which is to be paid for, in whole or in part, by federal, state, county or municipal funds.</p>	<p>NH RSA 155-A:2(I): <i>All buildings, building components, and structures constructed in New Hampshire shall comply with the state building code and state fire code. The construction, design, structure, maintenance, and use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair, removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the state building code.</i></p>	<p>The scope of the AB Code is very narrow . The NH State Building Code applies to most all buildings and structures; the AB Code applies only to publicly funded places of public accommodation, which is similar to those entities covered by Title II of the ADA.</p>
<p>Enforcement per NH RSA 275-C:15 Powers: The committee on architectural barrier-free design shall: I. Conduct studies, hold hearings, administer oaths, issue subpoenas, publish reports, and recommend legislation to implement this subdivision;</p> <p>II. Receive, process, and review complaints from any person alleging a violation of the code;</p> <p>III. Issue cease-and-desist orders that enjoin an owner, an owner's agent, or a lessee-in-possession from further construction or use of buildings and facilities, until compliance with the code for barrier-free design. To compel obedience to such orders, the committee on architectural barrier-free design shall petition the superior court for the county in which the party sought to be enjoined is principally located. Upon satisfying itself that the order of the committee was within its jurisdiction to issue and that there is substantial evidence on the record considered as a whole to support the finding of the committee, the superior court shall issue its order; AND</p>	<p>Enforcement per NH RSA 155-A:7, 1. <i>The local enforcement agency appointed pursuant to RSA 674:51 or RSA 47:22 shall have the authority to enforce the provisions of the state building code and the local fire chief shall have the authority to enforce the provisions of the state fire code, provided that where there is no local enforcement agency or contract with a qualified third party pursuant to RSA 155-A:2, VI, the state fire marshal or the state fire marshal's designee may enforce the provisions of the state building code and the state fire code, subject to the review provisions in RSA 155-A:10, upon written request of the municipality.</i></p> <p>II. <i>Upon the request of a local enforcement agency, state agencies, boards, and commissions may provide advisory services and technical assistance concerning any building or any construction project in the local enforcement agent's jurisdiction.</i></p> <p>III. <i>The local enforcement agency appointed to enforce the state building code shall have the authority to inspect all buildings, structures, construction sites, and other places in the jurisdiction. If consent for such inspection is denied or not reasonably obtainable, the local enforcement agency may obtain an administrative inspection warrant under RSA 595-B.</i></p>	
<p>Enforcement per NH RSA 275-C:16 Official Noncompliance: It shall be unlawful for any state or local authority who reviews building plans prior to their approval for construction or for any building inspector to knowingly and willingly approve the construction or opening of any building or facility which is not in compliance with the code of barrier-free design, unless such building or facility had received a valid waiver from the committee on architectural barrier-free design; AND</p>	<p>IV. <i>All local enforcement agencies and selectmen and the state fire marshal in those communities without a local enforcement agency shall provide information on the local and state appeals process when issuing a building permit or notice of violation.</i></p>	
<p>Enforcement per NH RSA 275-C:17 Penalty: Notwithstanding RSA Title LXII, failure to comply with any provision of this subdivision or any rule or regulation issued thereunder shall be punishable by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not more than 30 days, or both.</p>		
<p>Waivers to the AB Code per NH RSA 275-C:15 Powers (IV) and (V):</p> <p>IV. Except as provided in paragraph V, grant waivers to an owner, an owner's agent or a lessee-in-possession from specific requirements of the code for barrier-free design where, upon a clear and convincing showing, a compelling public interest is deemed to outweigh the state's interest in removing architectural barriers.</p> <p>V. With respect to construction projects subject to the provisions of RSA 155:39-d, grant waivers to an owner, an owner's agent or a lessee-in-possession from specific requirements of the code for barrier-free design upon good cause shown.</p>	<p>IBC 104.10 Modifications</p> <p><i>Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.</i></p>	

No equivalent requirement.		IBC 1109.12 Controls, operating mechanisms and hardware	Exception #7: Access doors or gates in barrier walls and fences protecting pools, spas and hot tubs shall be permitted to have operable parts of the release of latch on self-latching devices at 54 inches (1370 mm) maximum and 48 inches minimum above the finished floor or ground, provided the self-latching devices are not also self-locking devices, operated by means of a key, electronic opener, or integral combination lock.	There is no conflict between the AB Code and the NH State Building Code. The AB Committee understands that this IBC requirement is geared towards preventing children from being able to independently operate a lock and enter a potentially dangerous area.
<p>206.2.3 Multi-Story Buildings and Facilities. At least one accessible route shall connect each story and mezzanine in multi-story buildings and facilities. Exception #1. In private buildings or facilities that are less than three stories or that have less than 3000 square feet (279 m2) per story, an accessible route shall not be required to connect stories provided that the building or facility is not a shopping center, a shopping mall, the professional office of a health care provider, a terminal, depot or other station used for specified public transportation, an airport passenger terminal, or another type of facility as determined by the Attorney General.</p>	<p>Exception #1 to Section 206.2.3 applies only to private buildings, which are not within the scope of the AB Code. The definitions of private and public buildings in the ADA Standards are: (1)Private Building or Facility: A place of public accommodation or a commercial building or facility subject to title III of the ADA and 28 CFR part 36 or a transportation building or facility subject to title III of the ADA and 49 CFR 37.45. (2)Public Building or Facility: A building or facility or portion of a building or facility designed, constructed, or altered by, on behalf of, or for the use of a public entity subject to title II of the ADA and 28 CFR part 35 or to title II of the ADA and 49 CFR 37.41 or 37.43.</p>	<p>IBC 1104.4 Multilevel buildings and facilities. At least one accessible route shall connect each accessible level, including mezzanines, in multistory buildings and facilities.</p>	<p>Exceptions:</p> <ol style="list-style-type: none"> 1. An accessible route is not required to stories and mezzanines that have an aggregate area of not more than 3,000 square feet (278.7 m2) and are located above and below accessible levels. This exception shall not apply to: <ol style="list-style-type: none"> 1.1. Multiple tenant facilities of Group M occupancies containing five or more tenant spaces; 1.2. Levels containing offices of health care providers (Group B or I); or 1.3. Passenger transportation facilities and airports (Group A-3 or B). 	<p>ADA Std. Section 206.2.3 requires public entities to provide an accessible route in multi-story buildings regardless of the size of the building. Per Title II of the ADA, State, County, and Local entities are held to a higher degree of accessibility through the ADA Standards.</p>
206.2.9, 206.7.7, 234 & 1002 Amusement Rides		No equivalent requirement.		<p>Accessible recreational and sports facilities are required by Title II of the ADA. To provide increased opportunities for people with disabilities to enjoy all that the State of New Hampshire offers, the AB Committee feels that those facilities that fall under the AB need to provide equal access to these recreational facilities.</p>
206.2.10, 206.7.10, 235 & 1003 Recreational Boating Facilities		No equivalent requirement.		
206.2.13 , 236 & 1004 Exercise Machines and Equipment		No equivalent requirement.		
206.2.14, 206.7.10, 237 & 1005 Fishing Piers and Platforms		No equivalent requirement.		
206.2.15 , 238 & 1006 Golf Facilities		No equivalent requirement.		
206.2.16 , 239 & 1007 Miniature Golf Facilities		No equivalent requirement.		
206.2.17, 206.7.8, 240 & 1008 Play Areas		No equivalent requirement.		
206.2.18, 241 & 1009 Saunas and Steam Rooms		No equivalent requirement.		
242 & 1009 Swimming Pools, Wading Pools, and Spas		No equivalent requirement.		
243 & 1010 Shooting Facilities with Firing Positions		No equivalent requirement.		

<p>206.4.1 Public Entrances. In addition to entrances required by 206.4.2 through 206.4.9, at least 60 percent of all public entrances shall comply with 404.</p>	<p>1105.1 Public entrances. <i>In addition to accessible entrances required by Sections 1105.1.1 through 1105.1.6, at least 60 percent of all public entrances shall be accessible. At least one of the required accessible public entrances in Use Groups A, E, I1, I2, I3, M, R1 and R2 and all buildings greater than 1,000 sq. ft (93 m2) in Group B, and the nonresidential portion of live/work units per Section 419 greater than 1,000 sq. ft. (93 m2) shall be equipped with full powered automatic doors in compliance with ICC A117.1. Where an automatic door is not provided, a mechanism to alert the owner of a presence at the door shall be provided. Exceptions: 1. An accessible entrance is not required to areas not required to be accessible. 2. Loading and service entrances that are not the only entrance to a tenant space.</i></p>	<p>Per NH Article 28-a, the AB Committee cannot adopt a rule that is an unfunded mandate. Requiring public entrances to be equipped with door openers exceeds the ADA Standards and would require the state to fund the purchase and installation of door openers. [Art.] 28-a. [Mandated Programs.] The state shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the state or unless such programs or responsibilities are approved for funding by a vote of the local legislative body of the political subdivision.</p>
<p>206.2.8 Employee Work Areas EXCEPTION #1: Common use circulation paths located within employee work areas that are less than 1000 square feet (93 m2) and defined by permanently installed partitions, counters, casework, or furnishings shall not be required to comply with 402.</p>	<p>1104.3.1 Employee Work Areas EXCEPTION #1: <i>Common use circulation paths, located within employee work areas that are less 300 square feet (2.79 m2) and defined by permanently installed partitions, counters, casework, or furnishings shall not be required to be accessible routes.</i></p>	<p>Compliance with ADA Std. 206.2.8 is not in conflict with IBC 1104.3.1.</p>
<p>207 Accessible Means of Egress; 207.1 General. Means of egress shall comply with section 1003.2.13 of the International Building Code (2000 edition and 2001 Supplement) or section 1007 of the International Building Code (2003 edition) (incorporated by reference, see "Referenced Standards" in Chapter 1).</p>	<p>1007 Accessible Means of Egress</p>	<p>The AB Committee acknowledges that ADA Std. Section 207 references an outdated version of the IBC, and is of the opinion that there is no conflict between ADA Section 207 and IBC 1007.</p>
<p>206.4.4 Transportation Facilities. In addition to the requirements of 206.4.2, 206.4.3, and 206.4.5 through 206.4.9, transportation facilities shall provide entrances in accordance with 206.4.4.</p>	<p><i>IBC SECTION E109 TRANSPORTATION FACILITIES AND STATIONS</i></p>	<p>Despite efforts by the AB Committee, IBC Appendix E was not adopted by the NH State Building Code Review Board. Any amendment to the State Building Code must be approved by the Legislature.</p>
<p>209.2.2 Bus Loading Zones. In bus loading zones restricted to use by designated or specified public transportation vehicles, each bus bay, bus stop, or other area designated for lift or ramp deployment shall comply with 810.2.</p>	<p><i>IBC SECTION E108</i></p>	<p>Despite efforts by the AB Committee, IBC Appendix E was not adopted by the NH State Building Code Review Board. Any amendment to the State Building Code must be approved by the Legislature.</p>
<p>213.2 Toilet Rooms and Bathing Rooms, Exception #3: Where multiple single user portable toilet or bathing units are clustered at a single location, no more than 5 percent of the toilet units and bathing units at each cluster shall be required to comply with 603. Portable toilet units and bathing units complying with 603 shall be identified by the International Symbol of Accessibility complying with 703.7.2.1.</p>	<p><i>IBC E105.1 Portable toilets and bathing rooms. Where multiple single-user portable toilet or bathing units are clustered at a single location, at least 5 percent, but not less than one toilet unit or bathing unit at each cluster, shall comply with ICC A117.1. Signs containing the International Symbol of Accessibility and complying with ICC A117.1 shall identify accessible portable toilets and bathing units.</i></p>	<p>Despite efforts by the AB Committee, IBC Appendix E was not adopted by the NH State Building Code Review Board. Any amendment to the State Building Code must be approved by the Legislature.</p>
<p>No equivalent requirement.</p>	<p>1109.2.1 Family or assisted-use toilet and bathing rooms. <i>In assembly and mercantile occupancies, an accessible family or assisted-use toilet room shall be provided where an aggregate of six or more male and female water closets is required. In buildings of mixed occupancy, only those water closets required for the assembly or mercantile occupancy shall be used to determine the family or assisted-use toilet room requirement. In recreational facilities where separate-sex bathing rooms are provided, an accessible family or assisted-use bathing room shall be provided. Fixtures located within family or assisted-use toilet and bathing rooms shall be included in determining the number of fixtures provided in an occupancy. Exception: Where each separate-sex bathing room has only one shower or bathtub fixture, a family or assisted-use bathing room is not required. IBC 1109.2.1.1 Standard. Family or assisted-use toilet and bathing rooms shall comply with Sections 1109.2.1.2 through 1109.2.1.7 and ICC A117.1.</i></p>	<p>The AB Code is not in conflict with this IBC requirement. IBC exceeds the requirements of the ADA Standards.</p>

213.3.4 Lavatories. Where lavatories are provided, at least one shall comply with 606 and shall not be located in a toilet compartment.		IBC 1109.2.3 Lavatories. <i>Where lavatories are provided, at least 5 percent, but not less than one, shall be accessible. Where the total lavatories provided in a toilet room or bathing facility is six or more, at least one lavatory with enhanced reach ranges in accordance with ICC A117.1, shall be provided.</i>		ADA section 213.3.4 is not in conflict with IBC 1109.2.3. IBC exceeds the requirements of the ADA Standards.
215 & 702 Fire Alarm Systems; Section 702 references NFPA 72, 1999 or 2002		907 Fire Alarm and Detection System; References NFPA 72 - 2007		The AB Committee acknowledges that ADA Std. Section 702 references an outdated version of NFPA 72, and is of the opinion that there is no conflict between ADA Section 702 and IBC 907. <i>NOTE: The NH Fire Code Saf-C 6000 adopts the 2010 version of NFPA 72.</i>
215.4 Transient Lodging - Guest rooms required to provide alarms: When there are 2-25 sleeping units, at least 2 units shall be provided with visual alarms.		907.5.2.3.3 <i>When there are 6-25 sleeping units, at least 2 units shall be provided with visual alarms.</i>		ADA Std. Section 215.4 is more stringent as it requires visual alarms when there are 2 or more sleeping units. Complying with the AB Code in not in conflict with the NH State Building Code requirements.
216.9 & 703.7.2.2 TTY Signage		<i>IBC E106.4.9, Signs</i>		Despite efforts by the AB Committee, IBC Appendix E was not adopted by the NH State Building Code Review Board. Any amendment to the State Building Code must be approved by the Legislature.
217 & 704 Telephones		<i>IBC E106.4.2 Telephones</i>		
218.4 & 810.3 Bus Shelters		<i>IBC E108 Bus Shelters</i>		
220 Automatic Teller Machines and Fare Machines		<i>IBC E109.2.3 Fare Machines</i>		
224.3 Transient Lodging - Beds		<i>IBC E104.2 Beds</i>		
224.4 Transient Lodging - Guest Rooms with Communication Features; 806.3		<i>IBC E104.3 Communication Features</i>		
228 Depositories, Vending Machines, Change Machines, Mail Boxes, and Fuel Dispensers		<i>IBC E105.3 Depositories, vending machines, change machines and similar equipment.</i>		
230 Two-Way Communication Systems		<i>IBC E105.6 Two-way communication systems.</i>		
Accessible Parking Spaces	Proposed 502.2: MIN Width = 96 inches	ANSI 502.2	<i>As amended, MIN Width = 96 inches</i>	Current AB Code has the same requirements.
Access Aisles - VAN	Proposed 502.2: MIN Width = 96 inches	ANSI 502.2	<i>As amended, MIN Width = 96 inches</i>	Exceptions to the ADA Standards and ANSI Standards allow a 96-inch wide access aisle when the van-accessible parking space is also 96 inches wide.
Access Aisles - Standard	Proposed 502.2.3.1: MIN Width = 60 inches	ANSI 502.4.2	<i>As amended, MIN Width = 60 inches</i>	
Access Aisles - Signage	Proposed 502.3.3; NO PARKING Sign	ANSI 502.4.4	<i>As amended</i>	Current AB Code has the same requirements.
The ADA Standards no longer require detectable warnings at curb ramps.		ANSI 406.12; 406.13	<i>As amended</i>	There is no conflict between the AB Code and the NH State Building Code.
No equivalent requirement.		ANSI 604.5.1	<i>Vertical Grab Bar on Side Wall of Water Closet</i>	There is no conflict between the AB Code and the NH State Building Code.