

ADA vs IBC/ANSI: What we enforce

For existing commercial buildings, the Building Division does not directly enforce the ADA. ADA is a federal civil rights law and is enforced outside of the permit process.

What we *do* enforce is the International Building Code. The IBC is what gives us authority, and it's the IBC that triggers ANSI A117.1 when there is new construction, an alteration, an addition, or a change of occupancy.

Even though ADA and the building code often align, it's important to understand that our role is IBC compliance, not direct ADA enforcement.

When Does Accessibility apply under the IBC?

Accessibility requirements under the IBC are not retroactive just because the code changes.

The code looks at whether there is new work being proposed. If there's no construction activity, no alteration, and no change of occupancy, the IBC does not require an existing building to be brought up to current ANSI standards.

Existing buildings with no work

If a building is legally existing and no work is being done, the IBC does not require accessibility upgrades.

ADA may still require what's called "readily achievable barrier removal," but that's a case-by-case determination. It's not tied to a permit, and it's not something the Building Division typically enforces. This means removing architectural barriers in existing buildings when it is easily accomplishable and able to be carried out without much difficulty or expense.

So the key takeaway here is that without new work, there is no automatic requirement to upgrade an existing building under the IBC.

Existing buildings with work: the trigger

Once work is proposed, that's when accessibility requirements are triggered.

Existing buildings are governed by IBC Chapter 34 or the IEBC, depending on what the jurisdiction has adopted. These chapters tell us how current code requirements apply to older buildings.

Alterations

For alterations, the general rule is that whatever is being altered must comply with the current code, including accessibility requirements in Chapter 11 and ANSI A117.1.

In addition, alterations may trigger path-of-travel upgrades. That can include accessible routes, entrances, restrooms, and drinking fountains that serve the altered area.

The code also recognizes limits, which is where the disproportionality rule comes in. Typically, required accessibility upgrades are capped at 20% of the overall project cost.

Additions

For additions, the new construction must fully comply with current accessibility standards.

The existing portion of the building generally does not have to be brought into full compliance unless the addition affects the path of travel or creates new accessibility obligations that didn't exist before.

Change of Occupancy

A change of occupancy is often the biggest trigger for accessibility upgrades.

Because the way the building is being used is changing, the code may require upgrades to meet current accessibility provisions, even if no major construction work is proposed.

How ANSI A117.1 fits in

ANSI A117.1 is not a stand-alone law. It becomes enforceable because it's referenced by the IBC, which has been adopted by the Winter Park Building Division.

Chapter 11 of the IBC tells us what needs to be accessible, and ANSI A117.1 tells us how to design and build those accessible elements.

When does ANSI apply?

So, if an element is required to be accessible under Chapter 11, and that element is part of new construction or a triggered alteration, then ANSI A117.1 applies.

If neither of those conditions is met, ANSI does not automatically apply to existing elements.

Practical Yes/No Test

When reviewing a project, we walk through a simple yes-or-no process.

First, is the building legally existing?

Second, is there new construction, an alteration, an addition, or a change of occupancy?

If the answer is no, there's no mandatory ANSI upgrade under the IBC.

If the answer is yes, we then ask whether the work affects an element covered by Chapter 11. If it does, ANSI applies to those altered elements.

Finally, we look at whether path-of-travel requirements apply and, if so, whether proportionality limits come into play.

Q&A that may be asked – Accessibility, ADA, and Existing Buildings

Q1: *Why isn't the Building Division enforcing ADA?*

Answer:

ADA is a federal civil rights law and is enforced by the Department of Justice and through private action.

The Building Division's authority comes from the locally adopted building code. We enforce the IBC, which includes accessibility requirements and references ANSI A117.1. While the two often align, they are enforced through different mechanisms.

Q2: *If a building doesn't meet current accessibility standards, why isn't it required to upgrade?*

Answer:

The building code is not retroactive. If a building was legally constructed under the code in effect at the time and no new work is proposed, the IBC does not require it to be upgraded to current standards.

Accessibility upgrades are triggered when there is new construction, an alteration, an addition, or a change of occupancy.

Q3: *Does that mean an existing building can stay inaccessible forever?*

Answer:

Not necessarily. Under ADA, property owners still have an obligation to remove barriers when it is readily achievable.

That obligation exists outside the permit process and is separate from what the Building Division enforces under the IBC.

Q4: *If someone files an ADA complaint, what does the Building Division do?*

Answer:

ADA complaints are handled outside the Building Division. Our role remains enforcement of the adopted building code.

If work is proposed in response to an ADA concern, that work must comply with current IBC and ANSI requirements.

Q5: *Why do you require accessibility upgrades when someone is only doing a small remodel?*

Answer:

The code requires that altered elements comply with current standards, and in some cases it also requires upgrades along the path of travel serving the altered area.

The code also includes proportionality limits to prevent excessive cost relative to the scope of work.

Q6: *What exactly is the “path of travel”?*

Answer:

The path of travel includes the accessible route to the altered area, along with associated elements such as entrances, restrooms, drinking fountains, and signage that serve that area.

The intent is to ensure that people with disabilities can access and use the area being altered.

Q7: *What if complying with accessibility requirements is too expensive?*

Answer:

The code recognizes that limitation. When path-of-travel upgrades are required, they are typically capped at twenty percent of the overall project cost.

If full compliance isn't feasible within that limit, the code allows prioritization of the most critical accessibility improvements.

Q8: *Does ANSI A117.1 apply to the entire building once any work is done?*

Answer:

No. ANSI applies to the elements that are required to be accessible under Chapter 11 and that are part of new construction or a triggered alteration.

It does not automatically apply to unaltered portions of an existing building.

Q9: *What if ADA requires something different than the building code?*

Answer:

ADA and the IBC generally align, but they are enforced separately.

Our responsibility is to enforce the adopted building code. Property owners may still have separate obligations under ADA beyond what is required for permit approval.

Q10: *Who decides whether something is “readily achievable” under ADA?*

Answer:

That determination is made under ADA, typically by the property owner, legal counsel, or through federal enforcement—not by the Building Division.

Our role is limited to evaluating compliance with the IBC for permitted work.

Q11: *Why is a change of occupancy such a big deal for accessibility?*

Answer:

A change of occupancy often changes how the public uses the building.

Because of that, the code may require accessibility upgrades to meet current standards, even if the physical work itself is limited.

Q12: *How do you ensure consistency in applying these rules?*

Answer:

We rely on the adopted code, Chapter 11 for accessibility scoping, ANSI A117.1 for technical requirements, and Chapter 34 or the IEBC for existing buildings.

Using this framework helps us apply accessibility requirements consistently and predictably.

