



## Accessibility and Existing Buildings

This edition of the Code Outreach Program is intended to reinforce the applicability of the accessibility provisions of the Uniform Code to buildings, structures, and premises, as well as the provisions for the maintenance of the existing accessible features of un-altered buildings.

Current and previous versions of the Uniform Code have consistently included provisions for accessibility. Section 102.2 of the 2020 Property Maintenance Code of New York State<sup>1</sup> and Section 305.2 of the 2020 Existing Building Code of New York State require that the accessible features provided in buildings, structures, and premises, in accordance with the Uniform Code effective at the time of construction, be maintained and remain accessible both during occupancy and when work is performed in the building, such as reconfiguring the space, changing the occupancy, or any other work.

When existing buildings, structures, or premises undergo modifications that involve, among others, the reconfiguration of furnishings, sitting areas, parking lots, and circulation pathways, it is important to be cognizant of how the modifications may affect accessibility and other code requirements. Existing accessible features in buildings, structures, and premises must be maintained when an existing building is modified in order to provide code-compliant access to all patrons regardless of ability.

More detailed information on the current specific requirements for accessible components can be found in Chapter 11 of the 2020 Building Code of New York State (2020 BCNYS) and in the standard incorporated by reference titled “Accessible and Usable Buildings and Facilities” (ICC A117.1-09). A partial summary of some of the accessibility requirements to bear in mind when reconfiguring spaces is provided below:

- **Accessible Parking.** The existing number of accessible spaces, access aisles, and required signage must be maintained. Covering of accessible parking signage and re-purposing of signage, spaces, and access aisles is not permitted. Businesses wishing to create temporary or permanent pick-up areas must do so without affecting accessible parking. See Section 1106 of the BCNYS and Section 502 of ICC A117.1-09.
- **Accessible Routes.** The minimum required widths of exterior accessible route components, including sidewalks, cannot be reduced by the placement of furniture for outdoor seating areas, for the sale of merchandise, or otherwise. Similarly, the minimum required widths of indoor accessible route components, including corridors, and the required floor clearances for operable parts of interior and exterior doorways cannot be reduced by the placement of signage or temperature checking stations. See Section 1104 of the BCNYS and Chapter 4 of ICC A117.1-09.
- **Dining surfaces.** A minimum of 5%, but no less than one seating or standing space, shall be accessible where provisions are made for the consumption of food or drinks. Such seating and standing spaces cannot be reduced by the reconfiguration of sitting areas. Clear floor space and knee and toe clearances shall be maintained as well. See Section 1108.2.9.1 of the 2020 BCNYS and Section 902 of ICC A117.1-09.
- **Service Counters.** Where counters are provided, at least one of each type of point of sale counters provided shall be accessible. Where security glazing is used to minimize contact between employees and patrons, it must be placed in a manner that preserves the required countertop depth and enables voice communication with the patrons. See Section 1009.12.3 of the 2020 BCNYS and Section 904 of ICC A117.1-09.
- **Toilet facilities.** Accessible toilet rooms are required in most buildings and facilities that are open to the public and at least one of each type of fixture, control, or dispenser provided shall also be accessible. See Section 1109 of the BCNYS and Chapter 6 of ICC A117.1-09.

This is not intended to be an exhaustive list of accessible requirements found in the Uniform Code. Code users, and business and property owners should also be aware of the federal accessibility requirements. The Americans with Disabilities Act of 1990, also known as [ADA](#), is a civil rights law that prohibits discrimination based on disability.

<sup>1</sup> Access to online versions of the 2020 Codes of New York State may be found on the [DBSC website](#).