



**GEORGIA STATE FINANCING AND INVESTMENT COMMISSION
CONSTRUCTION DIVISION**

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INTER-OFFICE MEMORANDUM

To: State Fire Marshal

From: GSFIC/State ADA Coordinator's Office

Subject: Technical Assistance for Georgia Accessibility Code/2010 ADA Standards for Accessible Design

Date: June 2014 Revised

202 Existing Buildings and Facilities – “Change in Occupancy”

Question: Are there any requirements under the Georgia Accessibility Code/2010 ADA Standards for Accessible Design when there is a “Change in Occupancy” to an existing building/facility when there are **no** alterations planned?

Answer: No. There are no requirements under the Scoping Sections of 201 or 202.1 Existing Buildings and Facilities of the 2010 ADA Standards for Accessible Design that require an existing building to be brought into compliance with the construction standards for New Construction or Alterations simply because of a “change in occupancy”. Further, Sections 201 or 202 Alterations are not triggered until a portion or portions of the existing facility are altered. Anytime an element of an existing building is altered it must be altered in an accessible manner. However, if there are alterations to Primary Function Areas alterations may be required in compliance with section 202.4 Alterations Affecting Primary Function Areas up to the point of disproportionality. (See the technical bulletin entitled “202 Alterations Affecting Primary Function Areas”)

Background: Confusion over this issue may arise due to the verbiage and requirements under the Life Safety Code or the International Building Code, where there are requirements when there is a change in occupancy. There are references in other codes pointing to regulations adopted by a state for accessibility issues. However, even though being directed to our Georgia Accessibility Code, there are no provisions similarly worded that would require bringing an existing building into full or partial compliance with accessibility regulations. Section 202.1 states simply that “additions or alterations must comply with section 202.”

Note: Under the Federal Guidelines there is an additional requirement for “Readily Achievable Barrier Removal”, regardless of whether or not alterations are planned for places of public accommodation

The State of Georgia ADA Coordinators Office provides this information to assist the Commissioner of Insurance and State Fire Marshal in administering interpretative guidance for the Georgia Accessibility Code. However, it does not constitute a legal interpretation or legal advice.

as defined under Title III of the ADA. Although not enforceable under our Accessibility Code, this is an obligation that you may want to bring to the attention of owners or their representatives. For more information on these and other construction requirements under Title II and Title III of the ADA please contact the ADA Coordinator's Office ADA Architect.

TEB
State ADA Coordinator's Office