



INTERPRETATIONS & PROCEDURES

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
BUILDING DIVISION

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|-----------------|---|----------------------|----------------------|
| CODE: | 2003 & 2006 IBC ICC/ANSI A117.1-2003 | INDEX NUMBER: | IBC-06-001 |
| SECTION: | IBC 1107 & A117.1 1003 | ISSUE DATE: | June 25, 2007 |
| SUBJECT: | Type A Condominium Unit Accessibility | | |

Policy:

In a condominium building, a pre-sold Type A unit is permitted to be altered to Type B standards prior to first occupancy when vested under either the 2003 International Building Code (IBC) or the 2006 IBC, provided:

1. The condominium developer must submit a letter to PCD specifically stating that any such unit designated by the designer to be a Type A unit will be built to Type A standards if the sale of the unit is not completed. Type A units must always be designated during the design and review process, and this exemption only applies when the exact unit that was originally designated as type A is actually sold.
2. The prospective owner must submit a letter to PCD stating their desire to alter their Type A unit to Type B standards. If only certain alterations are preferred, those specific changes should be indicated, otherwise the unit will be approved for construction according to Type B standards.

Rationale and Commentary:

Code Section

2003 & 2006 IBC 1107.6.2.1 Apartment houses, monasteries and convents. *Type A and Type B units shall be provided in apartment houses, monasteries and convents in accordance with Sections 1107.6.2.1.1 and 1107.6.2.1.2.*

2003 IBC 3409.5 [Accessibility for Existing Buildings] Alterations. *A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 and ICC A117.1, unless technically infeasible.*

2006 IBC 3409.6 [Accessibility for Existing Buildings] Alterations. *A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 and ICC A117.1, unless technically infeasible.*

Exceptions:

3. *The alteration to Type A individually owned dwelling units within a Group R-2 occupancy shall meet the provision for a Type B dwelling unit and shall comply with the applicable provisions in Chapter 11 and ICC/ANSI A117.1.*

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Rationale and Commentary (cont.):
June 25, 2007

The Washington State amendments to the 2006 IBC will allow individually owned Type A units to be altered to Type B standards in existing buildings. Because ownership does not transfer until after occupancy is authorized, there is a timing issue for enabling a rightful owner to legally alter their unit. It's wasteful (time, materials, and cost) to have to install equipment or cabinets first, wait until occupancy, then apply for a permit to make the alterations the unit owner wants.

The code defines "existing structure" as "A structure erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued."

The Fair Housing act requires accessible features to be in place "at first occupancy". However, Fair Housing does not require Type A units—only Type B. So to satisfy Fair Housing, the only elements that have to be in place at "first occupancy" are Type B features. The building code is not specific about timeframe, but only refers to "existing buildings" in the scope of this section in Chapter 34.

The requirement for letters from the buyer and developer are to put the requested alteration on record, and to ensure the Type A unit is available if the sale falls through.

SIGNATURE:  _____ **DATE:** June 25, 2007
Gregory H. Schrader, P.E., Building Official

ATTACHMENTS

SUPERSEDES _____

SAMPLE

BUYER LETTER

Date: _____

Development Services Department
City of Bellevue
450 110th Avenue NE
Bellevue WA 98004

Re: Project: _____

Address: _____

Unit No. _____

Condominium Construction as Type B Unit

Ladies and Gentlemen:

I/we have entered into a Unit Sales Agreement with
_____ (“Seller”)

for the purchase of the above-referenced Unit in _____ -
(Project Name) , a condominium created or to be created in Bellevue, Washington.

I/we understand that the Unit was designated to be constructed as a Type A unit which would contain the accessibility features described in the attached summary. Instead, I/we desire for the Unit to be constructed as a Type B unit, as set forth in the attached summary.

Very truly yours,

Name: _____

Address: _____

Telephone: _____

SAMPLE

DECLARANT LETTER

Building Owner: _____

Address: _____

Date: _____

Development Services Department (DSD)
City of Bellevue
450-110th Ave NE
Bellevue, WA 98004

RE: Unit(s) No. _____, _____ (Project)
Condominium ("Unit") Construction as Type B unit

To Whom It May Concern::

_____ ("Declarant") is Declarant of a
condominium created or to be created in Bellevue, Washington, known as

Condominium (Project).

The above-referenced Unit was designated during the design and review process to be built as a Type A Unit. Declarant has entered into a Unit Sales Agreement with a buyer who desires that the Unit be constructed partially or entirely as a Type B unit. The buyer has delivered a letter to DSD expressing such desire.

If the Unit is not sold pursuant to such Unit Sales Agreement and is remarketed, Declarant will build the Unit to Type A standards (unless Declarant enters into a Unit Sale Agreement with another buyer who notifies DSD that he or she desires the Unit to be constructed partially or entirely to Type B standards in accordance with DSD policy and Declarant actually closes such sale, in which case Declarant will not be required to construct the unit to Type A standards.

(Ownership/Development)

By: _____

Name: _____

Title: _____

Date: _____