



# INTERPRETATIONS & PROCEDURES

## DEVELOPMENT SERVICES DEPARTMENT

### BUILDING DIVISION

**CODE:** 2015 IBC & IEBC **INDEX NUMBER:** IBC-2017-004  
 ICC/ANSI A117.1-2009  
**SECTION:** IBC 1107, IEBC 410.6, 705.1, **ISSUE DATE:** July 28, 2017  
 & A117.1 Chapter 10  
**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 provided:

1. The condominium developer must submit a letter 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. The exemption only applies when the specific unit that was originally designated as type A is actually sold.
2. The prospective owner must submit a letter stating their desire to alter their Type A unit to Type B standards. If only certain alterations are preferred, those specific alterations are required to be identified.
3. Revised plans must be submitted, reviewed, and approved prior to making any changes in the field.

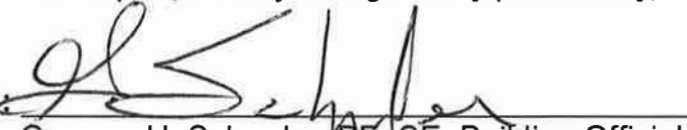
The 2015 IEBC allows the alteration of an individually owned Type A unit within a Group R-2 occupancy provided the unit meets the requirements of a Type B unit. Because ownership does not transfer until after occupancy is authorized, there is a timing issue for enabling a rightful owner to legally alter their unit. Requiring construction to Type A standards and then having the owner immediately remodel the unit wastes time, materials, and resources.

The IBC and the IEBC define "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 units are required. To satisfy Fair Housing, the only elements that have to be in place at "first occupancy" are Type B features. Neither the IBC nor the IEBC are specific about timeframe.

The requirement for both the developer and buyer to submit letters is to record the requested alteration and ensure the Type A unit is available if the anticipated sale does not close.

**NOTE: For questions concerning required permits, please visit or call Development Services (425-452-4121) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4).**

**SIGNATURE:**  **DATE:** July 28, 2017  
 Gregory H. Schrader, PE, SE, Building Official

**ATTACHMENTS**       **SUPERSEDES** IBC-06-001