

# Building & Codes Department

# Memo

Date: 11/19/2007 - Updated  
To: All Interested Parties  
From: Steve Mills, Director of Building & Codes  
RE: Accessibility Requirements & Guidelines Policy

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This memo is intended to clarify the issue of just what accessibility requirements and guidelines are currently in effect and/or being enforced within the City of Hendersonville. It should be noted that this policy is subject to any subsequent legal determination made by a court and/or agency of competent jurisdiction as well as any future technical modifications or accessibility code adoptions.

The City of Hendersonville after much deliberation has decided to not adopt locally any additional or possibly conflicting set of accessibility requirements or guidelines. We have chosen instead to reference the current and applicable State adopted criteria for consistency and uniformity. With respect to the Americans with Disabilities Act (ADA) this Department does not review plans, inspect for compliance nor provides technical advice concerning this Act. All inquiries should be directed to a licensed engineer or architect, the US Department of Justice (USDOJ) or to the myriad of other groups and individuals that are authorized to provide technical expertise concerning compliance with ADA. Obviously the City of Hendersonville is certainly committed to complying with ADA for all City of Hendersonville owned projects.

As of **July 1, 2006**, as is posted on the Tennessee Department of Commerce and Insurance's webpage, designers can use the "...applicable federal guideline that applies to their project or they can choose **Volume 1-C of the 2002 North Carolina State Building Code with 2004 revisions** which is also known as the North Carolina Accessibility Code." Although additional language within that same law may specifically allow local exempt jurisdictions, such as the City of Hendersonville, to adopt additional guidelines, such as ICC/ANSI A117.1, if it so chooses, the City of Hendersonville has not chosen to do so. Our decision was made for consistency with State Law and in consideration of the legal principle of "rebuttable evidence".

Hopefully this policy statement sufficiently clarifies the issue of which accessibility regulations and guidelines are in effect within the City of Hendersonville. If you have additional questions or comments regarding this issue please feel free to contact this office.