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**FIRE PREVENTION AND BUILDING SAFETY COMMISSION**  
**Department of Homeland Security****Written Interpretation of the State Building Commissioner****Interpretation #:** CEB-2020-40-2014 IBC-2902.2**Building or Fire Safety Law Interpreted****675 IAC 13-2.6 2014 Indiana Building Code (IBC) Section 2902.2 Separate facilities.** Where plumbing fixtures are required, separate facilities shall be provided for each sex.**Exceptions:** (1-4, omitted for lack of relevance to the interpretation request)**675 IAC 13-2.6 2014 IBC Section 1109.2 Toilet and bathing facilities.** Each toilet room and bathing room shall be *accessible*. Where a floor level is not required to be connected by an *accessible route*, the only toilet rooms or bathing rooms provided within the facility shall not be located on the inaccessible floor. At least one of each type of fixture, element, control or dispenser in each *accessible* toilet room and bathing room shall be *accessible*.**Exceptions:** (1, 2, 4, 5 and 6 omitted for lack of relevance to the interpretation request)3. Where multiple single-user toilet rooms or bathing rooms are clustered at a single location, at least 50 percent but not less than one room for each use at each cluster shall be *accessible*.**675 IAC 13-2.6 2014 IBC Section 1109.2.2 Water closet compartment.** Where water closet compartments are provided in a toilet room or bathing room, at least one wheelchair-accessible compartment shall be provided. Where the combined total water closet compartments and urinals provided in a toilet room or bathing room is six or more, at least one ambulatory-accessible water closet compartment shall be provided in addition to the wheelchair-accessible compartment.**Issues**

Given: a proposed multi-user toilet/bathing/locker facility intended for simultaneous use by both sexes, which provides a common lavatory area for simultaneous mixed-gender use, and an array of individual, fully enclosed, private toilet/bathing rooms that are not labeled as gender-specific. In such a facility, the issues at the core of the interpretation request are as follows:

1. Whether Section 2902.2 of the 2014 IBC requires separate-sex facilities if the proposed same-sex design provides user privacy and safety commensurate with that provided by separate-sex designs.
2. Whether the minimum accessible room requirements of Exception 3, Section 1109.2 of the 2014 IBC apply to a facility of the proposed design.
3. Whether the accessible compartment requirements of Section 1109.2.2 of the 2014 IBC apply to a facility of the proposed design.

**Interpretation of the State Building Commissioner**

1. Section 2902.2 of the 2014 IBC requires separate-sex facilities be provided whenever the facilities' fixtures are required by Section 2902, regardless of the degree of privacy and safety offered by an alternative same-sex design.
2. The minimum quantity requirements for accessible rooms of Exception 3, Section 1109.2 of the 2014 IBC apply to all designs that feature clustered groupings of individual toilet or bathing rooms, regardless of the location of the cluster(s).
3. Section 1109.2.2 of the 2014 IBC applies only to compartments provided in a multiple-user toilet or bathing room, not to fully enclosed, private, individual-user toilet and bathing rooms.

**Rationale**

This interpretation request is based on a toilet/bathing/locker room design that is described as being intended for multiple users of both sexes, simultaneously, with private and fully enclosed toilet, shower and changing rooms for individual, gender-nonspecific use, and a common bank of lavatories for simultaneous mixed-gender use. The basis of the request is the question of whether such a design meets the intent of Section 2902.2, and further, how Exception 3 of Section 1109.2 and Section 1109.2.2 are to be applied in determining the required quantity of accessible fixtures/rooms/compartments. Each section is examined individually below.

**Section 2902.2**

The interested person argues that the sole intent of Section 2902.2 is to provide privacy and security for each individual user, and if a design achieves this, then the code is satisfied. They have provided fully enclosed, private, individual toilet/shower/changing rooms for this purpose. Commentary agrees that the provision of privacy and safety are paramount drivers behind the requirements of Section 2902.2, but it then goes on to make the

case that the acceptable means to achieve these privacy and safety ends is through the provision of separate-sex facilities.

Perhaps more importantly, Section 2902.2 is not a performance code, but a prescriptive code. The actual rule does not call for privacy and safety for the occupants. A performance requirement explicitly calling for privacy and safety would be a practical impossibility for a designer. Both are subjective criteria and are therefore difficult to measure objectively, and if either one can be said to have been provided by a given design, they are always subject to breach by any number of factors in or out of the control of the designer. Rather than call for a safety performance standard that must be judged subjectively by individuals as varied as jurisdictions, the code prescribes a single path to those ends, namely the provision of separate facilities. An alternative design that appears to adequately provide those qualities might be seen as a suitable argument in support of a variance request, but the section as written cannot be interpreted to mean such an alternative design approach complies with the rule when that alternative approach is in outright conflict with the language of the rule.

#### Chapter 11 Sections

As stated above, the premise of the interested person's requested interpretation of the two Chapter 11 sections is limited to the manner of their application in a hypothetical scenario in which a multi-user, gender non-specific facility is allowed. As such, we will be limiting our comments to that specific construct; this interpretation will not address the sections' application to all configurations of structures. While the interpretation of Section 2902.2 is that these designs are not allowed for required fixtures, the two referenced Chapter 11 sections may still be relevant, should a given design of this nature be granted approval through the variance process. Our discussion of the interpretation rationale for the Chapter 11 sections should be viewed strictly within this context.

#### Section 1109.2, Exception 3

Exception 3 states a very clear requirement – that where multiple single-user toilet or bathing rooms are clustered in a single location, the minimum number of accessible rooms is 50 percent of the total, while additionally providing no fewer than one accessible room for each type of use, i.e., toilet and bathing. As it has been described to us, the design in question consists of a collection of fully enclosed, private individual toilet and bathing rooms clustered together in a single location, a layout which meets the sole design characteristic provided in the section, and which drives the section's accessibility requirement. The fact that this collection of individual rooms is intended to replace standard compartments contained within a larger, multiple-user group toilet/bathing area is irrelevant – the location of the room cluster is not mentioned as a qualifying (or disqualifying) criterion in the code.

#### Section 1109.2.2

While the code does not offer definitions to distinguish "rooms" from "compartments," both terms are used within Section 1109.2 to describe different design circumstances, and as such they should not be considered synonymous or interchangeable. Where Section 1109.2 discusses individual rooms, with the understanding that they are fully enclosed by solid construction, Section 1109.2.2 discusses compartments, which are typically of less private design, and are commonly seen in larger rooms that contain multiple toilet fixtures. This is reflected in the opening sentence of the section, which states, "*Where water closet compartments are provided in a toilet room or bathing room. . .*" (emphasis added). As such, the two sections refer to two different design circumstances, and would not apply simultaneously to the same facility, unless that facility included, within the same large room, a collection of fully enclosed smaller *rooms* as well as the typical toilet or bathing *compartments*. It is our understanding this does not describe the facility at the center of this interpretation request. If that understanding is accurate, and all the toilet and bathing plumbing fixtures in the proposed design are contained in fully enclosed private rooms, then the compartment rules of Section 1109.2.2 would not apply.

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