



**Informal Interpretation Report
Number 9514**



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Section 233.3.1.1

Question:

1. Is it the intent of the 5% rule calculation in § 233.3.1.1 to apply to the total number of dwelling units in the overall development, such that only 5% of the units must provide mobility features?
2. Or does the Code intend for the percentage rule to be applied separately to each detached structure where the units are not physically connected?
3. Is there any requirement under the Accessibility Code that the dwelling units be physically connected for the § 233.3.1.1 percentage rule to apply across the development as a whole?

Answer

This section of the FACBC is for housing units created by governmental entities, it is NOT for condominium projects. Since the project is a condominium the first question to ask is when was it constructed. If built prior to March 13, 1991 there are NO FHA/accessibility requirements for the project unless the new work meets the requirements of 4 or more units in the new work. Since the work being proposed is single-family cottages there will be no accessibility requirements for these units. In your typical Florida projects:

Market-rate apartments / condos ? FHA governs (not 233.3.1.1)

HUD-funded / public housing / UFAS projects ? may trigger ADA + UFAS

Municipal or state-operated housing ? ADA applies ? 233.3.1.1 becomes relevant

Commentary:

None

Notice:

The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.