



2010 ADA STANDARDS

Presented by:
Christopher Rhodes, CIH, CSP

Agenda

- 2010 Standards Regulations Overview
- Safe Harbor exemptions
- Compliance Dates
- Transient Lodging Facilities
 - New Construction
 - Alterations and Change in Procedures
- Additional Facilities not covered in Safe Harbor
- Steps to Compliance

Regulations Overview

- 2010 Standards are composed of updated versions of:
 - Department of Justice Regulations (DOJ) 28 CFR 36 Subpart D (Title III).
 - Public accommodations including **Transient Lodging** (e.g. hotels) and condominium properties that operate like hotels.
 - Commercial facilities (e.g. shops, restaurants).
 - 2004 ADA Accessibility Guidelines (ADAAG) published by the US Architectural and Transportation Barriers Compliance Board (Access Board) sets the design standards.

Regulations Overview

- 2010 Standards combines the 1991 regulation and 2004 standards.
 - Replaces all prior regulations and standards.
- Effective March 15, 2012
- ADA requires the DOJ to promulgate and enforce all regulations.

Safe Harbor

- 1991 Standards compliance
 - If your existing facility complies with the 1991 Standards, then you do not have to make modifications until you alter the facility.
 - If your facility does not comply with the 1991 Standards, then you have to come into compliance.
- Element-by-element basis
 - If you alter the bathroom, it does not mean you have to alter the sleeping or common room areas.
 - Bring like elements of an alteration into compliance.

Compliance Dates

- Triggering Events:

- All new construction and alterations must be in compliance with 1991 or 2010 standards if take place on or after September 15, 2010 and before March 15, 2012.
 - Must be consistent throughout the facility with chosen standard.
- All new construction and alterations with 2010 standards if take place on or after March 15, 2012.
- Date of permit is the trigger date.
 - Depending on local permitting process it could be start date of physical construction.

Transient Lodging

- Definition:

- A *building* or *facility* containing one or more guest room(s) for sleeping that provides accommodations that are primarily short-term in nature.

- Exemption:

- If rooms not owned or substantially controlled by the entity that owns, leases, or operates the overall facility and the physical features of the guest room interiors are controlled by individual owner.

Alterations

- A change that affects or could affect the usability of the building or facility or portion thereof.
- Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.
- Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.
- Need to meet the standards to the “maximum extent possible”. Onus on facility to show all extents meant to meet the standard.

Alterations- Guest Rooms

- Applies only to the guest room(s) being altered.
- Applies only up to the number of guest rooms that meet the minimum number required for new construction – not total number of rooms in facility.
 - 2010 standards outline in a table the number of rooms required for new construction based on total number of rooms.
- Individual elements can be altered without having to make the entire room accessible.
 - Look to the intent of the alteration.

Alterations- Guest Rooms

- Rooms shall provide mobility and communication features.
 - At least one room, but not more than ten percent, must have both mobility and communication
 - Visible notification systems to alert for incoming telephone calls, door knocks or bells. No exemptions.
 - Visible fire alarms need to be permanently installed. Exemption is only when fire alarm system is updated or replaced.

Alterations Guest Rooms

- Dispersion
 - Rooms required to provide mobility and communication features shall be dispersed among the various classes of guest rooms.
 - Facility shall provide choices of the types of guest rooms, number of beds, and other amenities comparable to the choices provided to other guests.

Alterations- Path of Travel

- If an alteration affects or could affect the usability of or access to an area of a facility that contains a “primary function”, then an accessible path of travel must be provided to the altered area.
- Path of travel to the “primary function” area also includes, but not limited to, areas along the route such as restrooms, water fountains and ATM machines.
- Primary function is a major activity for which the facility is intended.

Alterations- Path of Travel

- Disproportionate costs
 - If alteration costs for an accessible Path of Travel exceeds 20% of the overall cost of the alteration to the primary function area, then it will be deemed disproportionate.
 - If deemed disproportionate, then the facility has the duty to provide an accessible Path of Travel to the extent that it can without incurring disproportionate costs.
 - Regulations provide priority list of accessible elements in the Path of Travel.

Change in Procedures

- Hotel Reservations

- Reservation staff are required to identify accessibility features in guest rooms and other hotel amenities during the reservation process
- An individual with a disability can now make an independent assessment whether the hotel meets their accessibility needs at the time of reservation.

Change in Procedures

- Service Animals
 - Must allow if animal is trained to provide a service to the disabled individual.
 - Employees may ask about the service animal and its purpose without asking the person about a disability.
- Wheelchairs and Other Power Driven Devices
 - People with disabilities are using devices other than wheelchairs (e.g. Segway).
 - Must be allowed to use unless it can be shown that a legitimate safety issue exists.
 - Employees may ask about the purpose of the device without asking about a disability.

Additional Facilities

- **New** 2010 Sections NOT included in the 1991 Standards and NOT subject to Safe Harbor , which require IMMEDIATE ACTION:
 - SPAs/Fitness Centers
 - Pools/Saunas
 - Assembly areas
 - Golf Facilities
 - Amusement attractions or rides
 - Play Areas
 - Court sport facilities.

**Must be compliant to the extent it is “readily achievable, easy, and affordable” to do so, therefore a compliance audit is highly recommended.*

Additional Facilities

- 2010 Standards now include:
 - Employee work areas
 - Restaurants
 - Retail Stores
 - Beauty Salon/Barbour shop
 - Accessible routes
 - Public Entrances
 - Parking Spaces

** These require separate AND additional regulations within each facility, therefore a compliance audit is highly recommended.*

Steps to Compliance

- Conduct full facility inspection to ensure compliance with 1991 standards, at a minimum.
- Work towards 2010 Standards with the exception of any NEW 2010 Standard that was not listed in Safe Harbor exemptions.
- Plan alterations carefully!
 - Any alterations are subject to new 2010 Standards. For example, Simply moving an ATM that was 1991 compliant now brings it under the 2010 Standard.
- Train staff on mobility and communication services for the disabled.

Additional Consultation

- Occupational Health & Safety Administration (OSHA)
 - General Industry Training
 - Hazard Communication
 - Electrical
 - Respiratory Protection
 - Confined Space Entry
 - Fall protection and prevention
 - Stairway and Ladder Safety
 - Noise Protection
 - Material Handling
 - Lead Awareness
 - Personal Protective Equipment
 - Heat Stress Prevention

Additional Consultation

- Occupational Health & Safety Administration (OSHA)
 - Workplace Hazards & Assessments
 - Chemical Exposures
 - Air Monitoring
 - Indoor Air Quality
 - Noise Surveys
 - Safety Inspections
 - Ergonomics
 - Ventilation

Additional Consultation

- Occupational Health & Safety Administration (OSHA)
 - Environment, Safety & Loss Control Programs
 - Incident Reporting and Investigation Systems
 - Incident and Accident Management
 - Corrective Actions and Lessons Learned Implementation
 - Safety Leadership
 - Injury/Worker Comp Case Management
 - Change Management
 - Hazard Communication Programs
 - Hazardous Energy Control (lockout/tagout) Programs
 - Confined Space Programs
 - Fall Protection Programs
 - Hazardous Material Programs
 - Personal Protective Equipment Programs
 - Powered Industrial Vehicles (forklift) Programs
 - Hearing Conservation Programs
 - Blood Borne Pathogen Programs



Contact Info:

Christopher Rhodes, CIH, CSP

Mobile:

671-685-8686

E-mail:

crhodes@ecc.net
