

## ***Designing Public Accommodations and Commercial Facilities – where to find ADA Requirements***

Designing for persons with disabilities to have access to commercial spaces is serious business. One must first understand there are legally enforceable requirements involved. In addition, building jurisdictions enforce building codes with technical requirements based on scoping from building codes and accessibility standards governing design, plan review, construction, and inspection – more on that later. This overview article will focus on where to find the legal requirements found in the Americans with Disabilities Act (ADA) Standards, which designers should consult for guidance on accessibility.

### **What are the ADA Standards?**

The ADA Standards were created on the basis of the ADA, which is federal civil rights law. The Standards codify the ADA and establish design requirements for the construction and alteration of facilities subject to the law. They are developed and updated by a federal agency, the United State Access Board, and issued by the Department of Justice (DOJ) for all facilities except public transit facilities, the latter which are issued by the Department of Transportation (DOT). The current ADA Standards (2010) are based on the updated ADA Accessibility Guidelines or ADAAG (2004), which were issued jointly with the American Barriers Act (ABA) Accessibility Guidelines for federally funded facilities. Title III of the Standards and the Code of Federal Regulations 28 CFR, Part 36 specifically address Public Accommodations and Commercial Facilities, as well as the term “Private Building or Facility”.

### **What are Public Accommodations and Commercial Facilities?**

The ADA uses the terms Public Accommodations and Commercial Facilities, which are both intended for the private / non-governmental sector and affect commerce. Public accommodations fall into twelve categories of facility types, including stores and shops, restaurants and bars, sales or rental establishments, service establishments (which include specific professional office types and hospitals), theaters, places of lodging, recreation facilities, assembly areas, private museums, places of education, and others. Commercial Facilities include office buildings with areas for the non-employee public, factories, warehouses, manufacturing plants, and other facilities whose operations affect commerce.

Some public-oriented facilities are not included in these lists, such as private clubs (with exceptions) or places of religious worship or places controlled by a religious organization. These facilities are exempt from these ADA Standards. However, building jurisdictions will likely enforce accessibility requirements found within the local adopted building code and within other referenced standards.

### **Online Resources:**

The Department of Justice has a website [www.ADA.gov](http://www.ADA.gov). The website includes the full text of the 2010 ADA Standards, which include the Title II (government-funded facilities

and/or for government use) regulations, Title III regulations and design guidelines all in one place. The direct link is found here:

[https://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards\\_prt.pdf](https://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards_prt.pdf)

Designers will want to review Title III regulations, especially the facility type definitions to distinguish commercial projects from publicly-funded projects.

The United States Access Board website [www.access-board.gov](http://www.access-board.gov) provides this link on the specific modifications to Chapters 1-10 when the 2010 Standards became mandatory on March 15, 2012:

<https://www.access-board.gov/aba/guides/>

### **What about Existing Facilities?**

Depending on a project's scope of work, existing buildings often are required to meet accessibility standards. Public accommodations (ADA Title III entities) must remove structural and communication barriers where it is "readily achievable" to do so.

The ADA National Network [www.adata.org](http://www.adata.org) is another valuable resource on the ADA, but also on the subject of existing facilities. The Network provides information, guidance and training on the ADA, and has ten Regional ADA Centers throughout the United States and an ADA Knowledge Translation Center (ADAKTC). In particular, the Network offers a downloadable checklist <http://www.adachecklist.org/> that can help designers survey an existing property and be familiar with creating readily achievable design.

### **Printed Publication**

The International Code Council (ICC) has a publication Pocket Guide to the 2010 ADA Standards for Accessible Design, Version 3.0 (as Adopted by DOJ & DOT),

<https://shop.iccsafe.org/media/wysiwyg/material/4826S10-TOC.pdf> Evan Terry

Associates, LLC, editor, May 27, 2015. This guide provides selected sections of Title II and Title III regulations from the current 2010 Standards, with some references to the 1991 Standards and advisory notes.

### **Conclusion:**

All the ADA-listed websites listed here have live contact information, so designers can tap into this additional resource.

The other accessibility standards mentioned earlier come from the American National Standards (ANS) administered by the American National Standards Institute (ANSI). ANSI A117 has been adopted and enforced as the model code for accessibility. With few exceptions, the A117 Standard nearly parallels the similar sections in the ADA Standards.