

This Time We Mean Next Spring!

The New ADA Accessibility Standards
+ Additional US Department of
Justice Regulations Update for the
Hospitality Industry

Presenter



- J. Aaron McCullough Attorney & Primary @ ADAConsult.com
- Practice focuses exclusively on civil rights law; specifically compliance with the Americans with Disabilities Act & the Fair Housing Act.
- Is a former social worker, and has worked for & in the interest of people with disabilities for 20 years.
- Research interests include fair housing accessibility, & defining dimensional tolerances exceptions in concert with accessibility standards.

Special thanks to Vinh Nguyen



1-800-949-4ADA (4232)

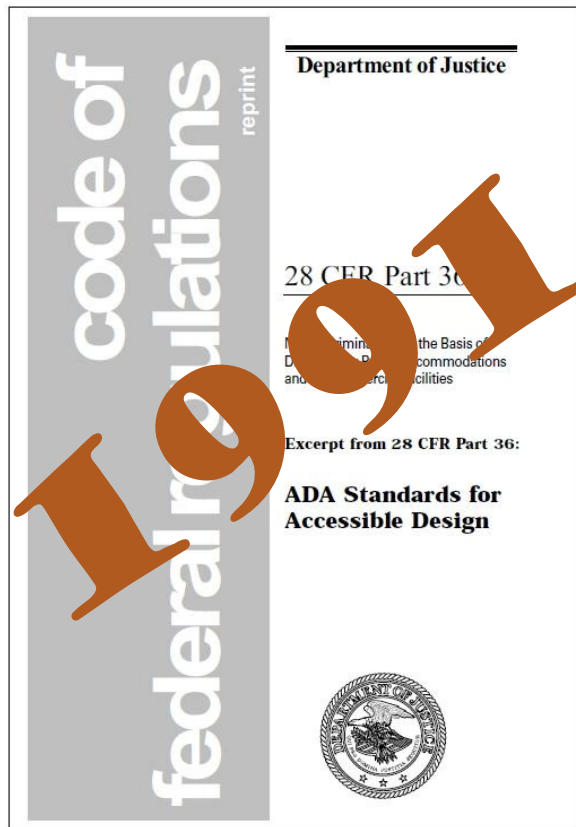
Session Agenda:

- 9:30 to 10:30 AM --- Please hold me to it!
- New ADA Standards
 - Generally
 - Affecting transient lodging
 - Affecting food & beverage
- Reservations
- Wheelchairs and other Powered Mobility Aids?
 - Segways, Scooters, Golf Carts + ATVs!
- Service Animals
- Other issues ...

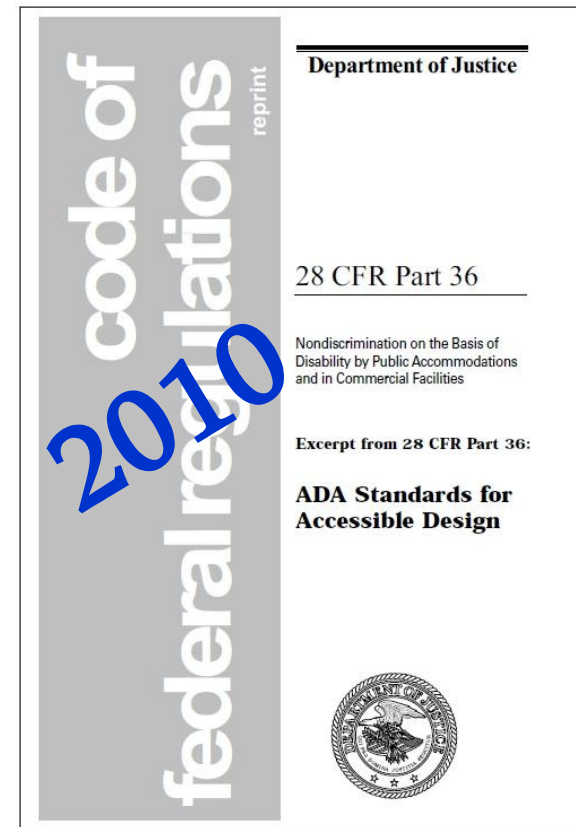
INTRODUCTION TO THE 2010 ADA ACCESSIBILITY STANDARDS

Battle of the Standards:

Problem



Solution



New ADA Accessibility Standards?

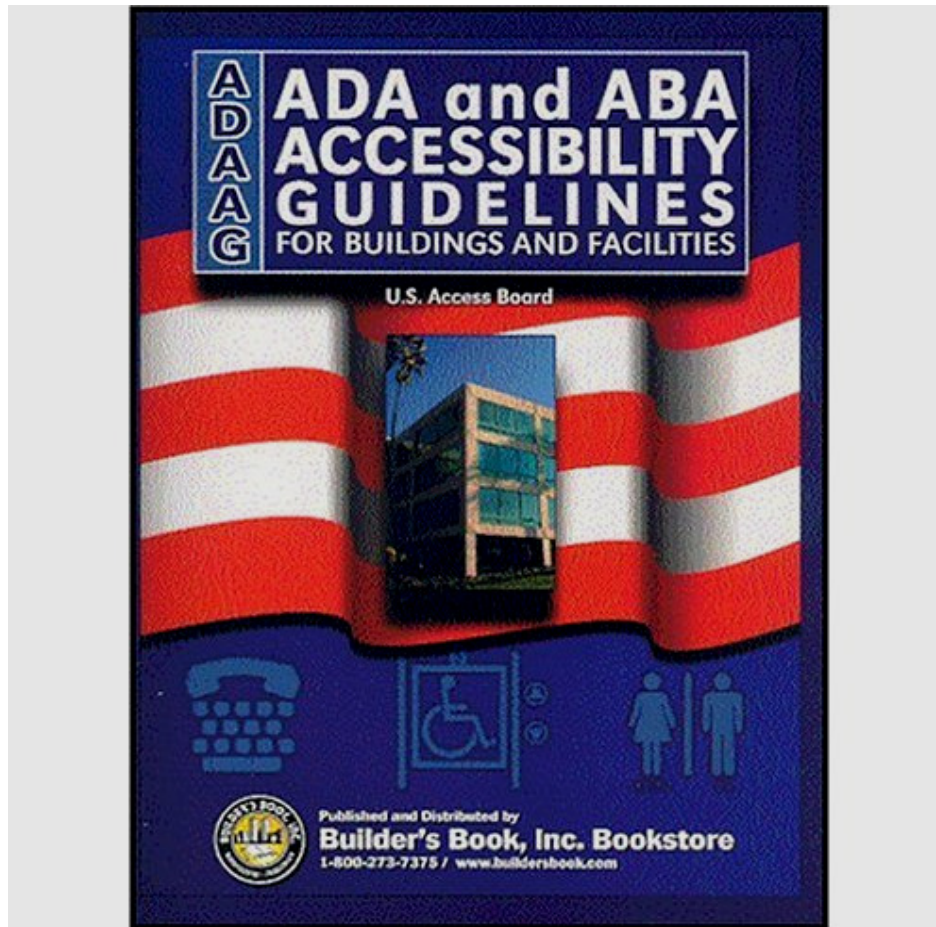
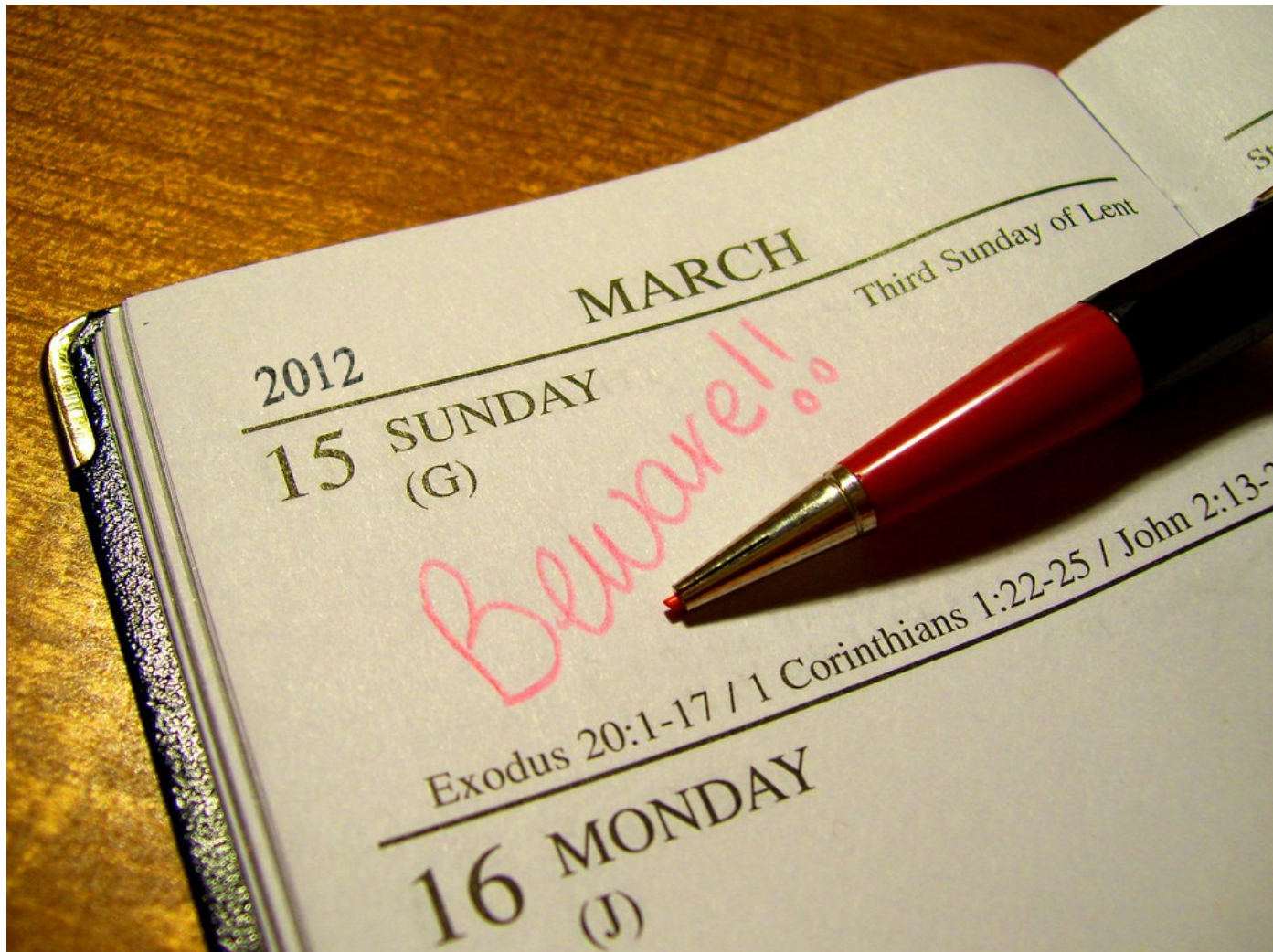


Photo credit: [Amazon.com](https://www.amazon.com)

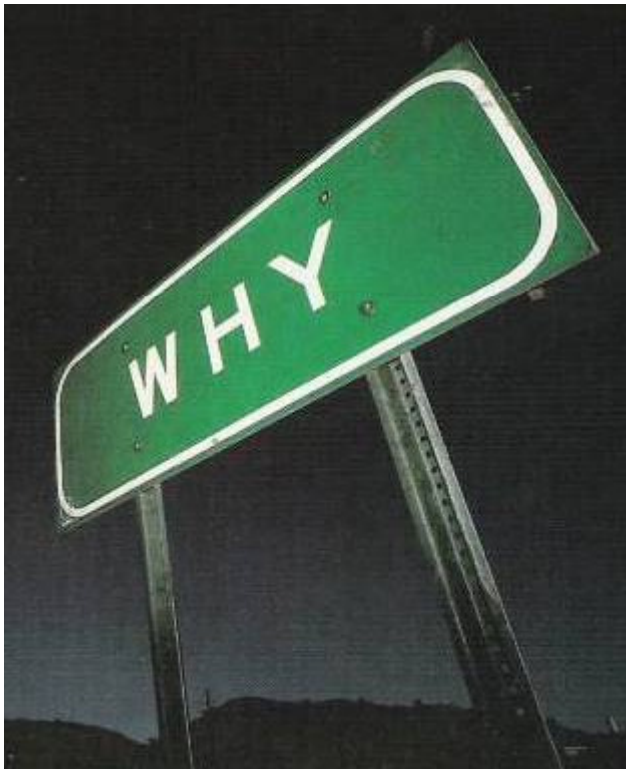
Updating & Development of the 2010 ADA Accessibility Standards

- Advisory Committee (1994-1996)
- Public comment period (1999-2000)
- Review of comments; revision (2000-2002)
- Cost analysis (2003)
- Final Clearance (June 2004 --- released from OMB)
- First Publication: July 26th, 2004
- Final Publication: September 15th, 2010
 - Effective date 18 months after final publication in the Federal Register.
 - **March 12th, 2012** becomes mandatory

2010 ADA Accessibility Standards: Effective Date?



2010 Standards: Goals of Update



- Better access
- Easier compliance
- Improved format & usability
- Consistency: ADA & ABA
- Harmonization: model building codes

2010 Standards: A Rule in 3 Parts

Both scoping provisions reference the Technical Chapters

Scoping refers to *which* elements or facilities, & *how many* must comply

Technical Chapters
(part III)

ADA Scoping
(Part I)

ABA Scoping
(Part II)

2010 Standards: New Construction + Alteration



2010 Standards: Alterations of Areas of Primary Function & the 20% Rule - § 202.4



2010 Standards: Harmonization?



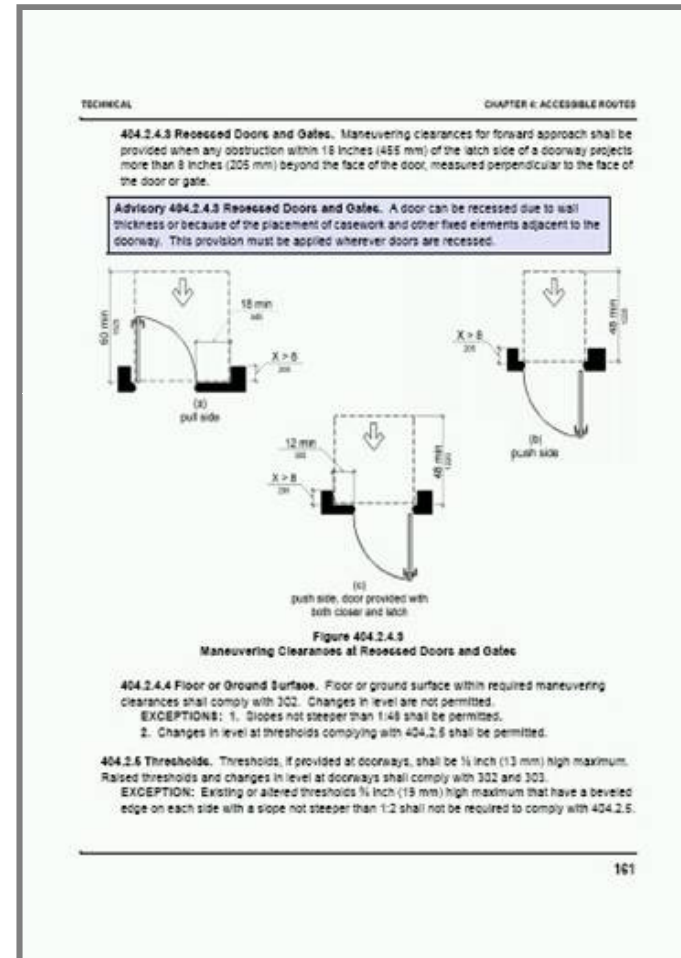
ICC/ANSI A117.1-2003



IBC 2003

2010 Standards: New Format

- New numbering system
- New figures
- All dimensions expressed in text
- New advisory notes



2010 Standards: New Format

Advisory Language Not Enforceable...

206.7.9 Team or Player Seating. Platform lifts shall be permitted to provide *accessible* routes to team or player seating areas serving *areas of sport activity*.

Advisory 206.7.9 Team or Player Seating. While the use of platform lifts is allowed, ramps are recommended to provide access to player seating areas serving an area of sport activity.

2010 Standards: New Format

Italicized Text?

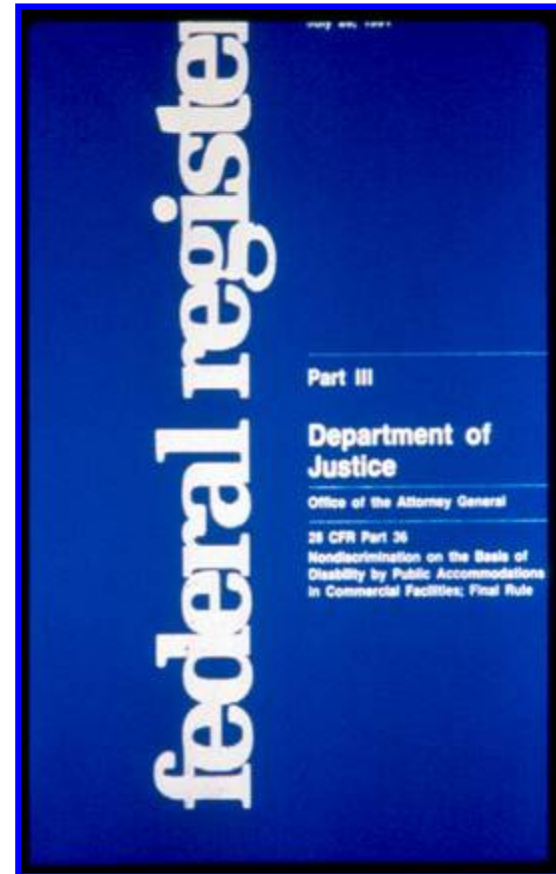
202.3 Alterations. Where existing *elements* or *spaces* are *altered*, each *altered element* or *space* shall comply with the applicable requirements of Chapter 2.

EXCEPTIONS: 1. Unless required by 202.4, where *elements* or *spaces* are *altered* and the *circulation path* to the *altered element* or *space* is not *altered*, an *accessible route* shall not be required.

2. In *alterations*, where compliance with applicable requirements is *technically infeasible*, the *alteration* shall comply with the requirements to the maximum extent feasible.

2010 Standards: Previous Supplements?

- State & local governmental facilities
- Building elements for children
- Play Areas
- Recreational facilities



2010 Standards: Recreation



2010 Standards: Recreation + Lodging



CC creative commons



CC creative commons

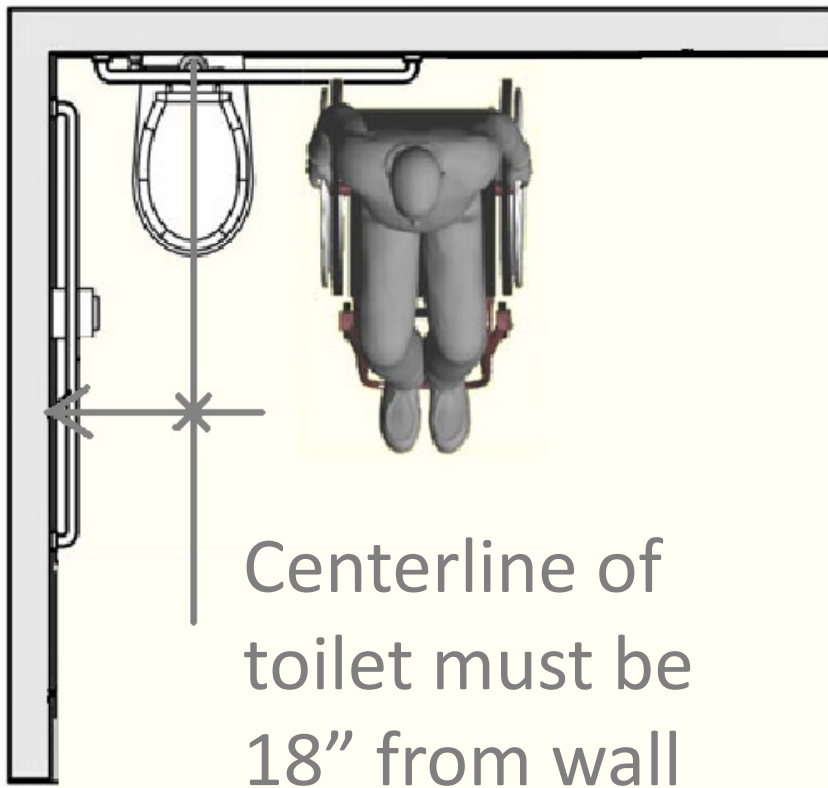
2010 Conventions: Dimensions

- **Ranges** are included instead of absolute dimensions where possible:
 - Global change
 - Builds tolerance
 - Dimensions that are not stated as “maximum” or “minimum” are **absolute**.

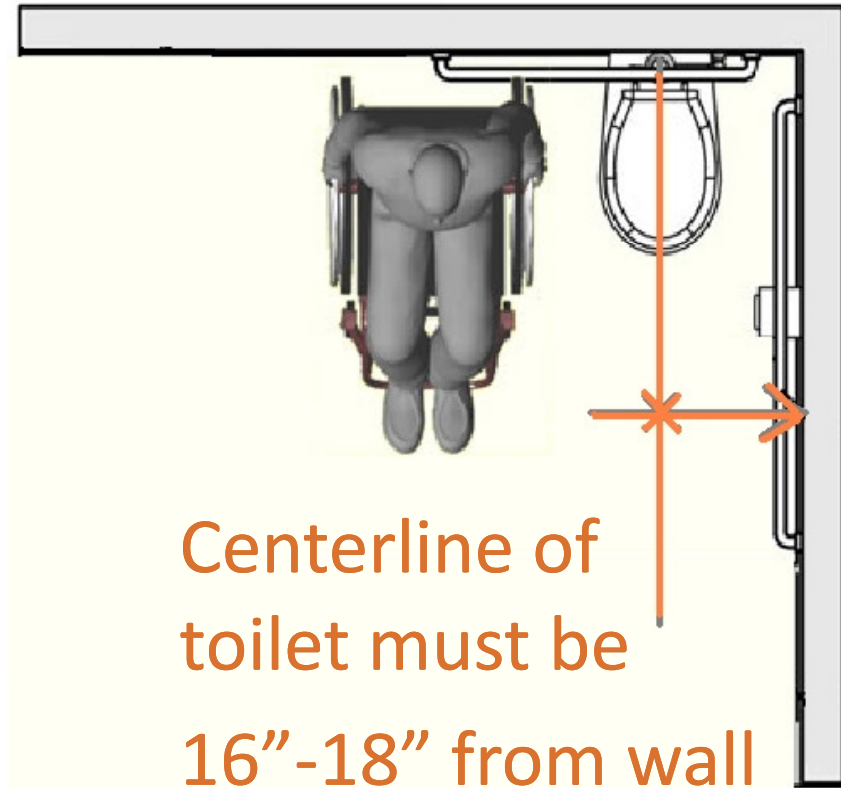


2010 Conventions: Dimensions

1991 ADAAG



2010 Standards



2010 Conventions: Dimensions



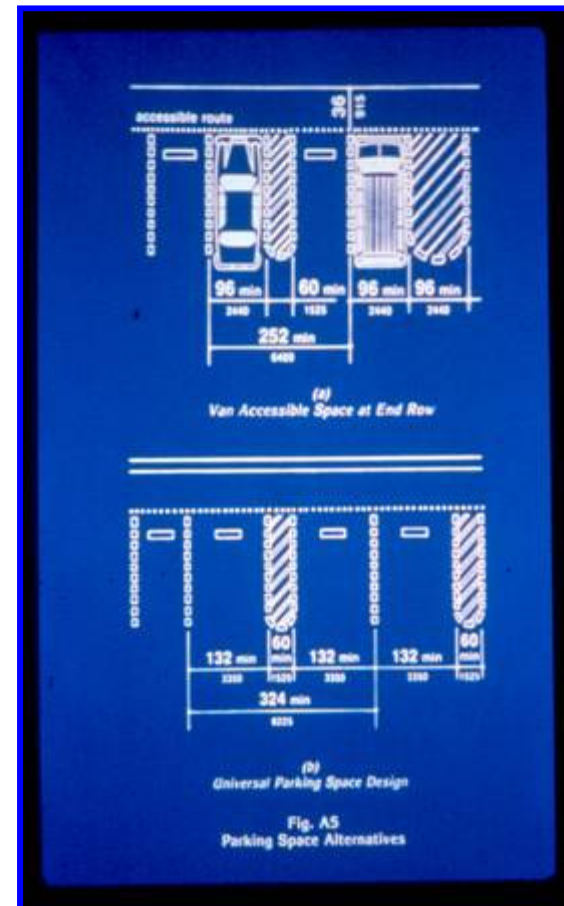
- **Dimensional Tolerances**
- All dimensions are subject to “conventional building industry tolerances for field conditions.”
- What?

2010 Conventions: Percentages

- **ROUND UP!**

- **Example:**

- 725 spaces,
 - 2% need to be accessible spaces,
 - or 14.5 spaces,
 - round up to the next whole number, or 15 spaces.



2010 Conventions: Figures

- **Unless specifically stated otherwise,**
- **Informational only,**
- ***Text governs***

503.3 Access Aisle. Passenger loading zones shall provide access aisles complying with 503 adjacent to the vehicle pull-up space. Access aisles shall adjoin an accessible route and shall not overlap the vehicular way.

503.3.1 Width. Access aisles serving vehicle pull-up spaces shall be 60 inches (1525 mm) wide minimum.

503.3.2 Length. Access aisles shall extend the full length of the vehicle pull-up spaces they serve.

503.3.3 Marking. Access aisles shall be marked so as to discourage parking in them.

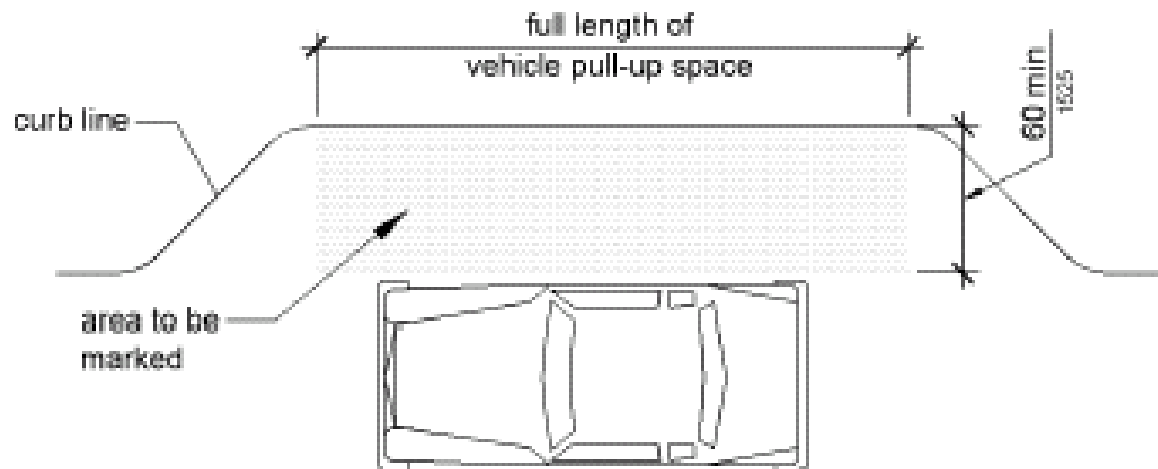


Figure 503.3
Passenger Loading Zone Access Aisle

2010 Standards: Equivalent Facilitation

- Permits departures from strict compliance with standards where equal or better accessibility is provided.
- *Specific examples in 1991 ADAAG removed from 2010 Standards*



Safe Harbor for Present Compliance?

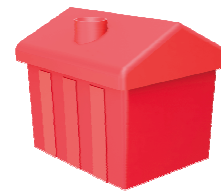


2010 STANDARDS: LODGING

Guest Room + 2010 Standards



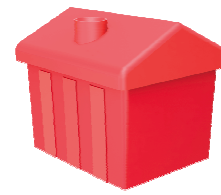
Rooms with Accessible Features: Scoping 1991



=51*



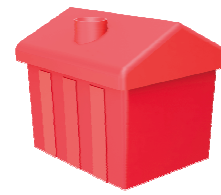
Rooms with Accessible Features: Scoping 2010



= 51*



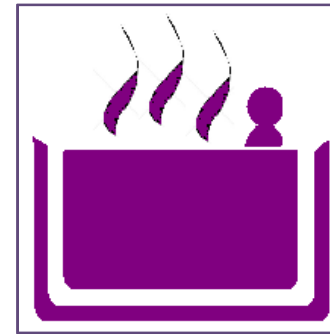
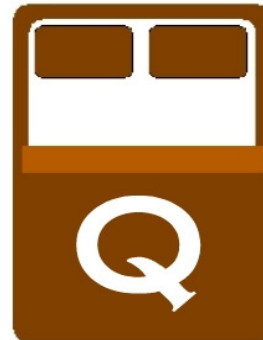
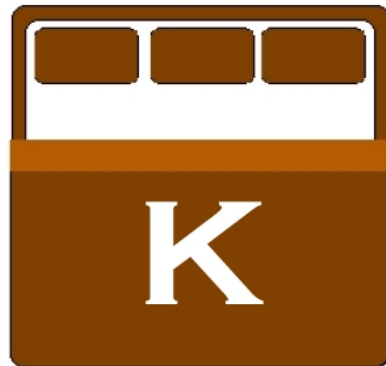
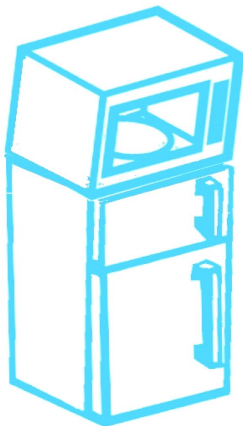
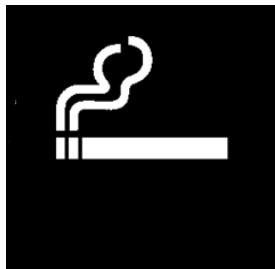
Rooms with Accessible Features: Scoping 2010



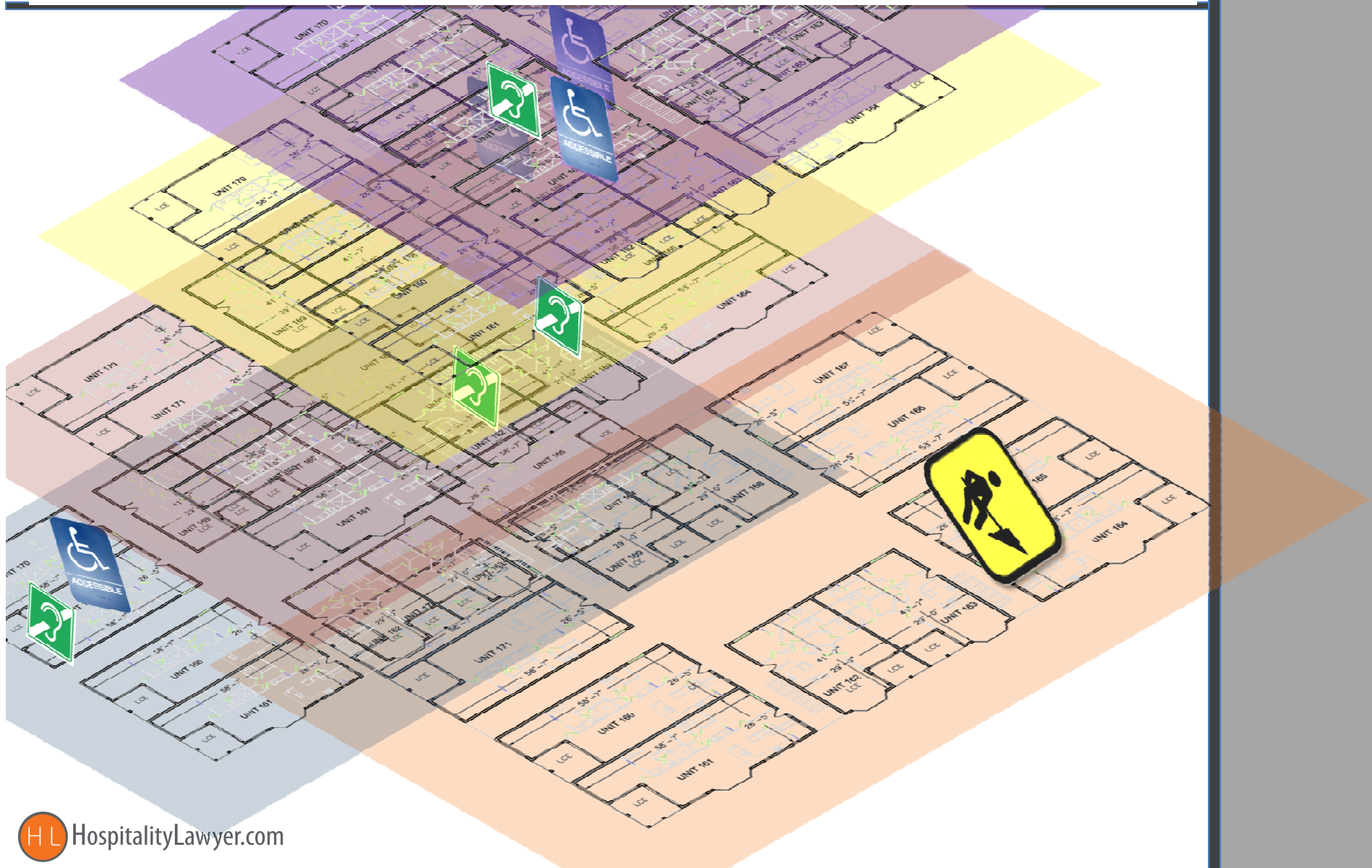
=51*



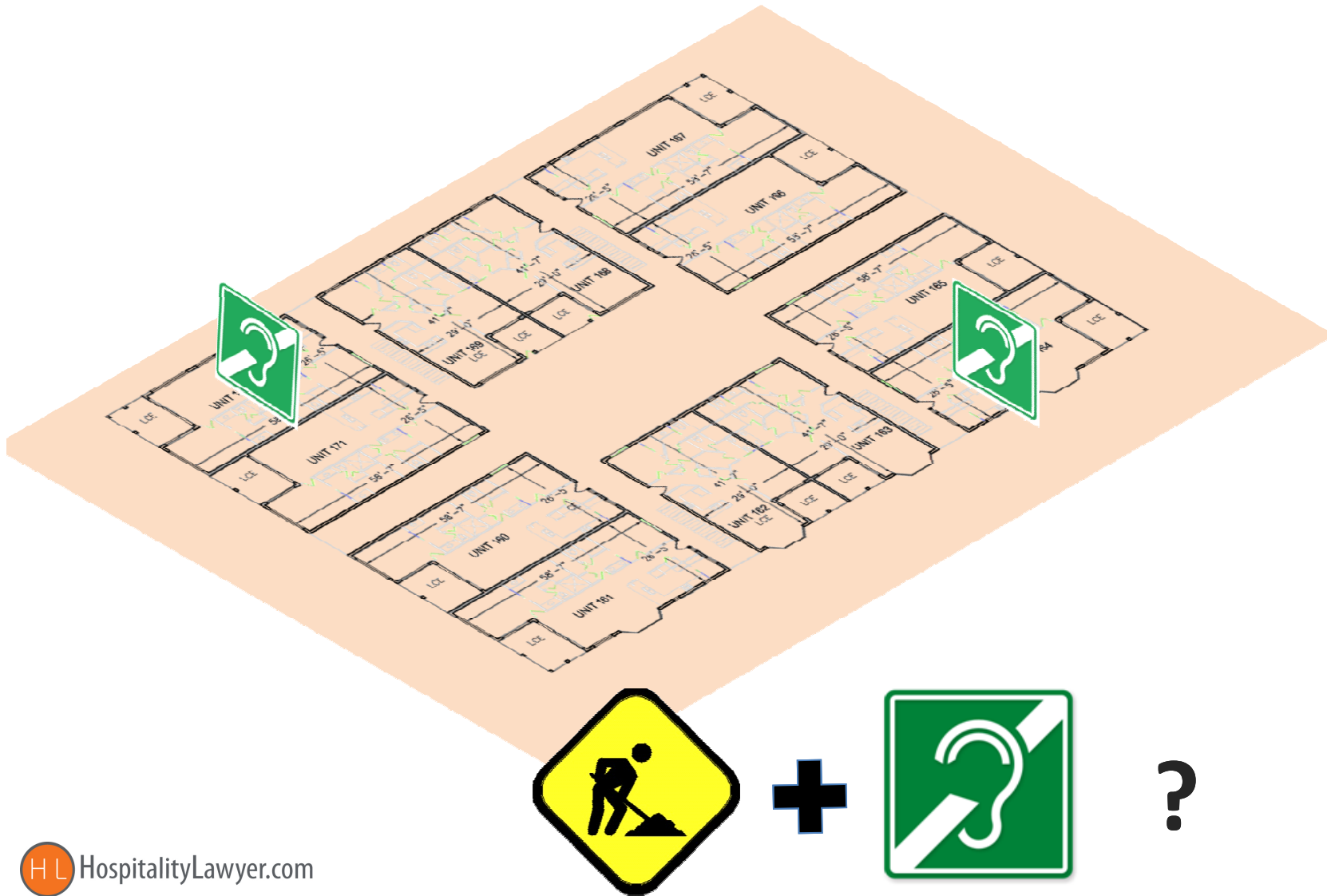
Guest Room + 2010 Standards: Dispersion of Room Types / Class



2010 Standards: Alterations



2010 Standards: Alterations



2010 STANDARDS: FOOD & BEVERAGE

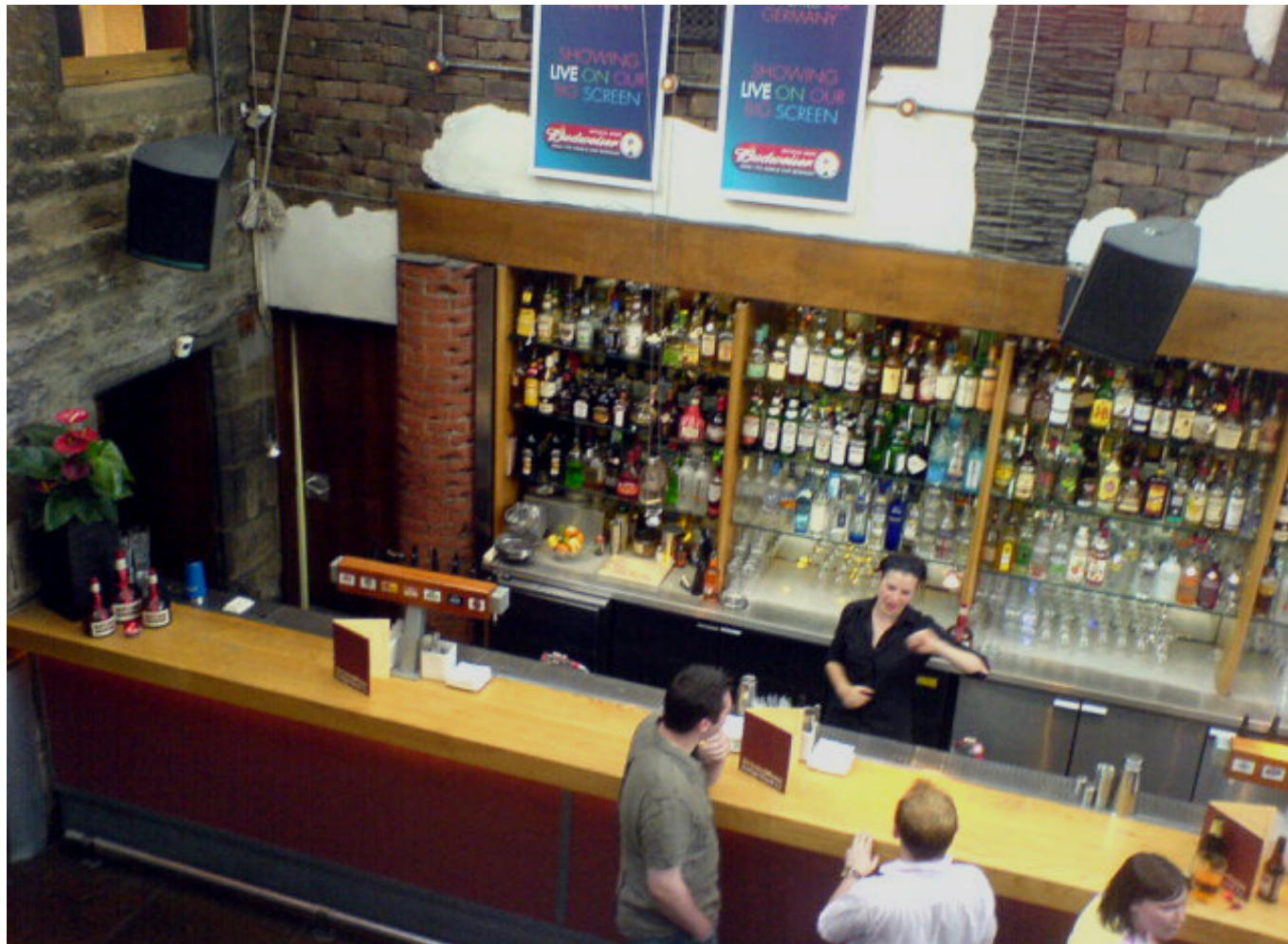
2010 Standards: Food & Beverage



2010 Standards: Food & Beverage



2010 Standards: Food & Beverage

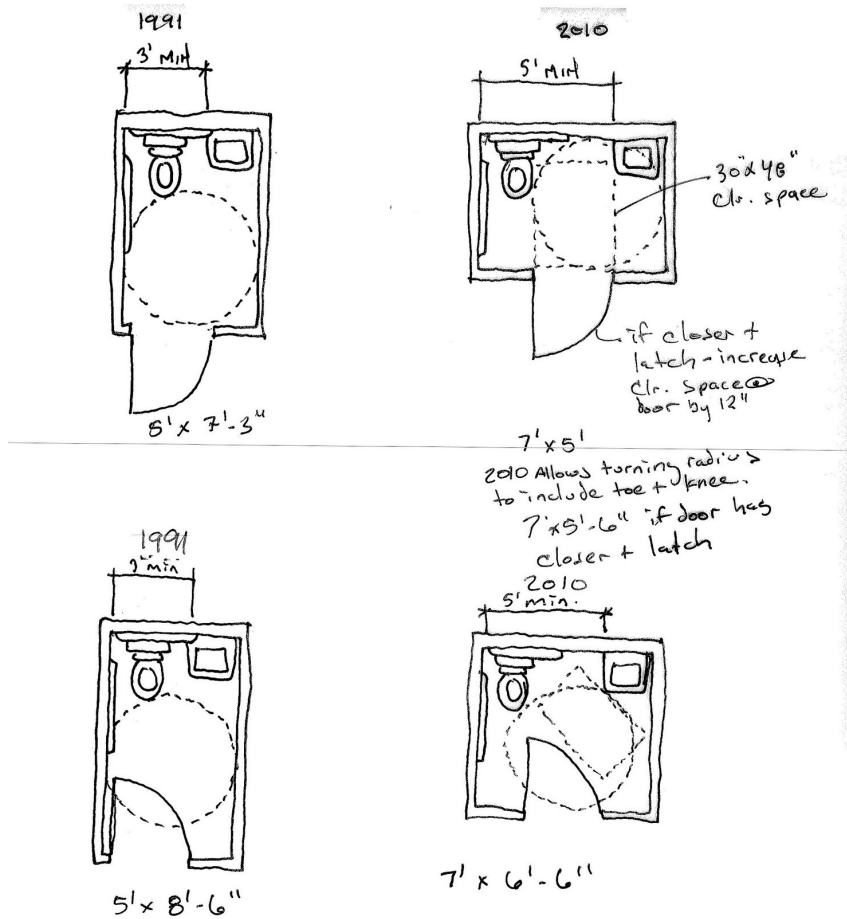


2010 Standards: Food & Beverage



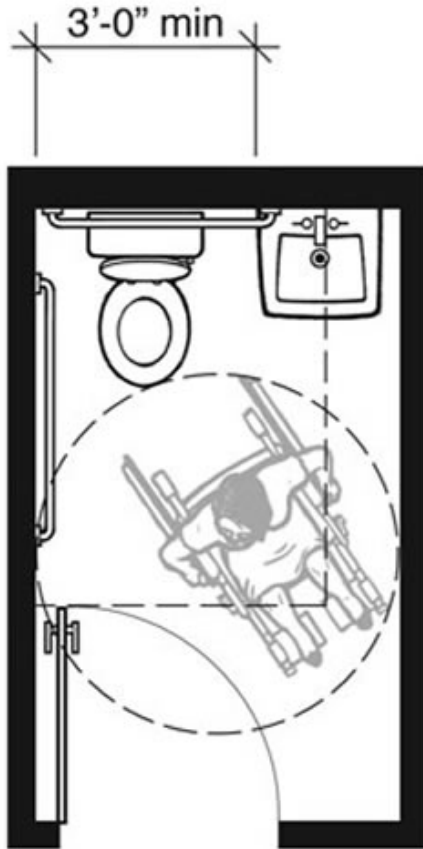
2010 STANDARDS: SINGLE-USER WATER CLOSETS

2010 Standards: Single-User Water Closets



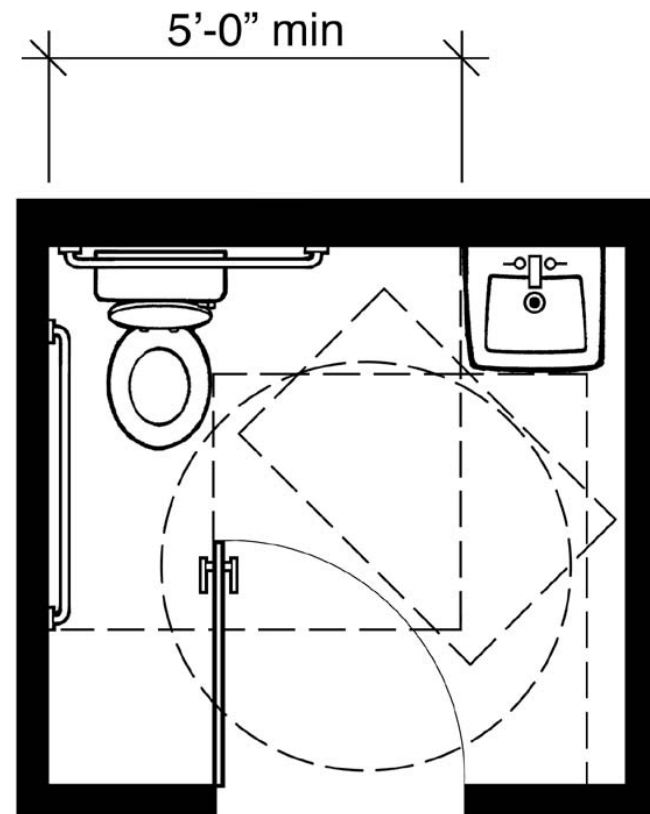
2010 Standards: Single-User Water Closets

1991 Standards



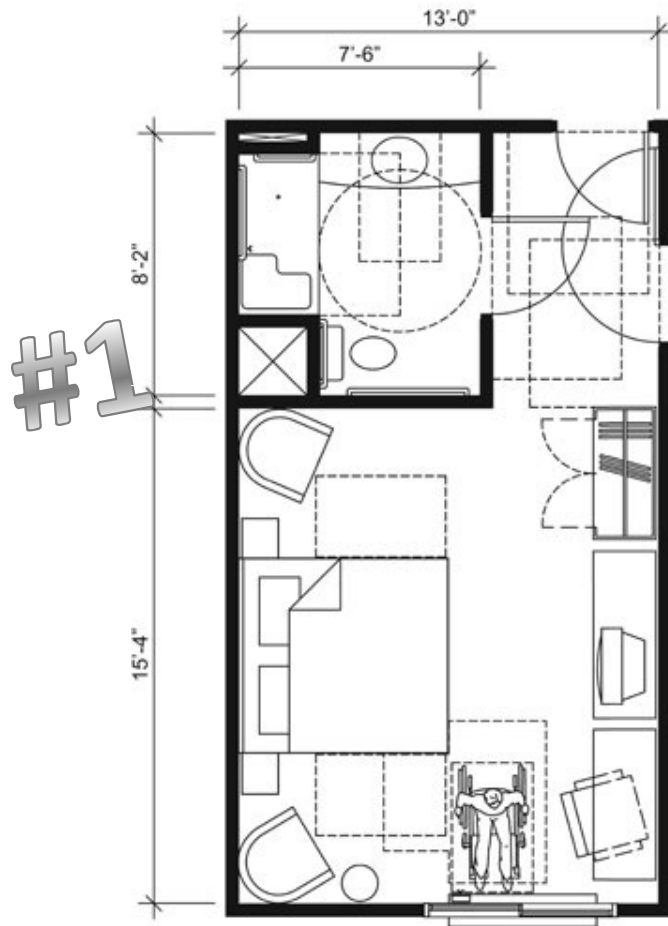
5'-0" x 8'-6" 42.50 Square Feet

2010 Standards

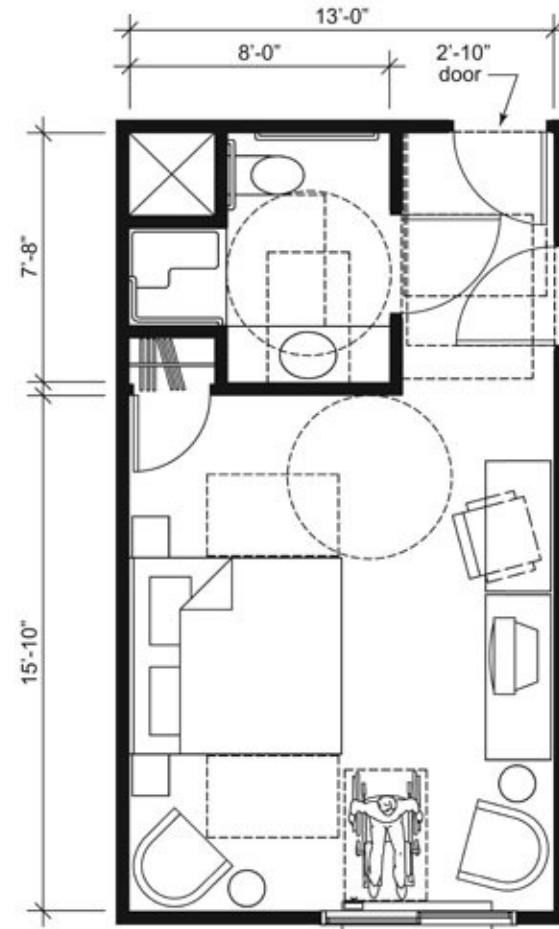


7'-0" x 6'-6" 45.50 Square Feet

2010 Standards: Single-User Water Closets in Guest Rooms



#2



NEW 2010 REGULATIONS: RESERVATIONS BY PLACES OF LODGING

Effective Date: Reservations by Places of Lodging



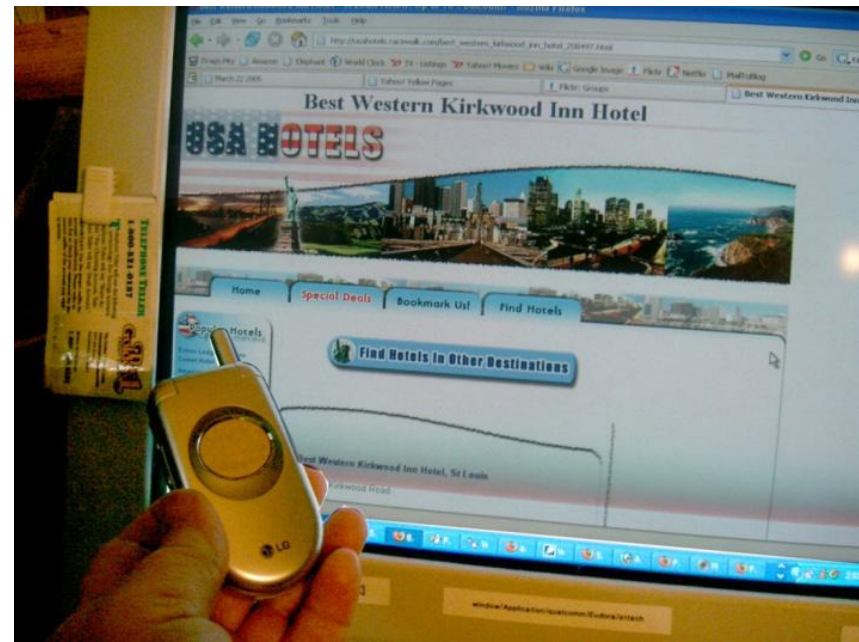
Reservations: Goals of Update



- That people with disabilities should be able to reserve hotel rooms with the same efficiency, immediacy, and convenience as those who do not need accessible guest rooms.

What Reservations are Covered?

- Reservations made for places of lodging including those made:
 - by telephone;
 - in-person;
 - via a website; or
 - through a third party



Third-Party Reservation Providers

- Reservations need to be accessible from some 3rd-party providers.
- Regulations limit liability for 3rd party failures.



Reservations: Identification of Accessible Features



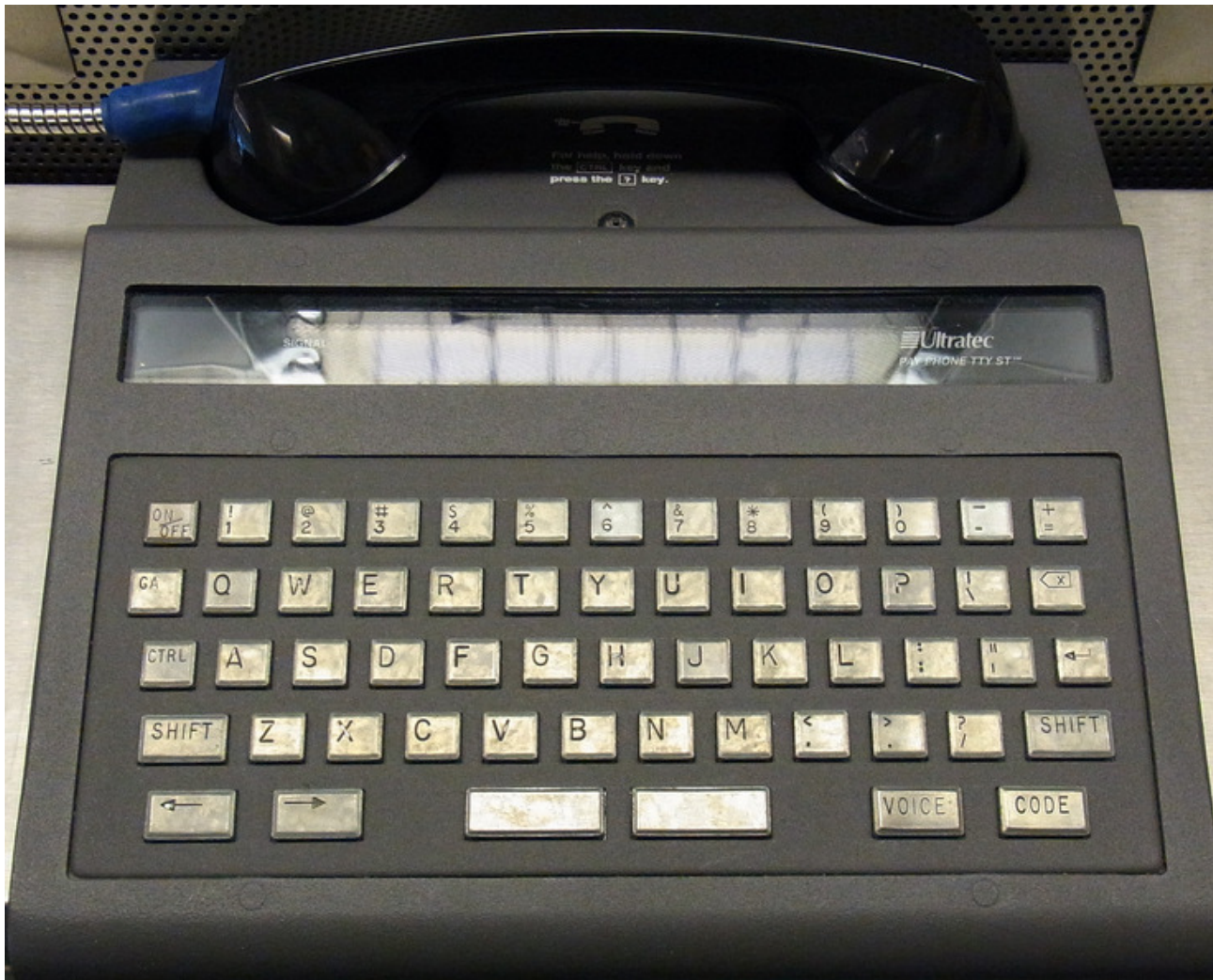
Reservations: Identification of Accessible Features



Reservations: Identification of Accessible Features



Reservations: Identification of Accessible Features



Reservations: Hold Accessible Guest Rooms



Reservations: Block Accessible Guest Room Reservations



Reservations: Guarantee of Reservations for Accessible Guest Rooms



**NEW 2010 REGULATIONS:
OTHER TITLE III REGULATIONS
AFFECTING HOSPITALITY**

Effective Date: Other Title III Regulations Affecting Hospitality



NEW 2010 REGULATIONS: EFFECTIVE COMMUNICATIONS

Effective Communications: In the Year 2000 ... er 2010?



Effective Communications: Obligations in Hospitality Settings



Effective Communication: Sign Language



Effective Communication: Sign Language – Video Remote Interpreting



© creative commons

NEW 2010 REGULATIONS:
Other Powered-Driven Mobility Devices

Not Wheelchairs: Other Powered-Driven Mobility Devices



NEW 2010 REGULATIONS: SERVICE ANIMALS*

*** PLUS, AN EXCEPTION, WELL OF SORTS?**

Service Animals + New Regs:



Service Animals = Dogs *but* ...

Title III § 36.302(c)(9) – Miniature Horses



My thanks to pet-friendly lodging brands...



OTHER, ER STUFF ...

Mixed Residential Dwelling & Transient Lodging Units – Condo/Hotels, etc.

- Residential units are **not** subject to the transient lodging standards.
- Units designed for **both** residential and hotel use are subject to transient lodging standards.





Condo/Hotels, etc. : Exception

Units not owned or substantially controlled by lodging management ?