

## **ADAAG/ANSI A117.1/FHA Interpretations and General Information (updated through 10/25/2006)**

**October 25, 2006**

### **ADAAG Section: 4.1.3 (5) Accessible route to mezzanines**

Taking guidance from the ADA/ABA - Accessible routes shall not be required to connect mezzanines where buildings or facilities have no more than one story. In addition, accessible routes shall not be required to connect stories or mezzanines where multi-story buildings or facilities are exempted by ADA/ABA 206.2.3 Exceptions 1 through 7. Area of rescue assistance will not be required if the mezzanine meets these requirements.

**April 22, 2005**

### **ADAAG Section: 4.1.6(2) Path of travel**

"Path of travel" is the path one takes from the accessible site parking spot, to the building entry, into the building, and then to the space within the building that is to be renovated. The law states that if you alter a portion of a building then, you must create an accessible path of travel to that renovated area from the accessible parking. For example, say you completely demolish the interior of a large space in an existing building and renovate it such that it can be used as an assembly room, yet all of the doors entering the building and all the doors in the hallways leading to the assembly space are 2'-8" wide. The law requires that you spend at least 20% of your construction budget making the path of travel to the assembly space accessible -that is: on widening the doors. THAT IS THE LAW. However, the fire marshal's office has no way to track your construction cost, so the fire marshal's office does not enforce that portion of the code. That DOES NOT MEAN THAT IT IS NOT LAW, it just means that we do not have the means to enforce it. So the fire marshal's office is not authorized to cite these code violations. The law says "To the maximum extent feasible, the path of travel to the altered area AND the rest-rooms, telephones, and drinking fountains serving the altered area are required to be accessible unless the costs of the alterations are disproportionate" Section 4.1.6(2) is still the law of the land. [More than 20% of your construction cost is considered to be disproportionate]

**April 22, 2005**

### **ADAAG Section: 4.1.2(7) Low Level Exit Signage:**

There has been a 'rash' of calls concerning the required location of 'low level exit signage'. The Fire Marshal's office interpretation is as follows:

1) Exits are 'permanent spaces' marked by exit signage and therefore require low level exit signage as a redundancy to inform the visually impaired of the location of exit doors as per a written interpretation by the justice department of section 4.1.2(7) and as per verbal confirmation by Victor Alfaro of the Justice Department 5/1/00.

2) Exits are 'permanent spaces' and therefore require low level exit signage as per 4.1.2(7) of ADAAG by the ATBCB, as per verbal confirmation by Lois Tibeaux of the ATBCB 5/1/00.

3) The draft proposal of changes to the current ADAAG, clarifies the intent of the code by specifically stating: "Exit doors shall be identified by tactile signs complying with..." Low level exit signage is required at exterior building exits and at exit stairs at all levels. The signage is required even when the exit is immediately apparent as it will not be apparent to a blind person.

**April 22, 2005**

**ADAAG Section: 4.1.2(7) What does “Low Level” mean when describing a sign?**

‘Low level’ as defined by 4.30.6 is 5'-0" to the centerline of the sign. The 'exact' centerline of the sign is not critical. Many people ask, "Is that to the centerline of the lettering, the Braille, or the sign borders?" The 'exact' centerline of the sign is not critical. Low Level Exit signage is defined by ADAAG Section 4.1.3(7): Provide low level mounted exit signage in accordance with 4.30.1, 4.30.4, 4.30.5 and 4.30.6 at all required exit doors to the exterior, exit stair doors and horizontal exit doors. 4.30.1 is the general statement about signage, 4.30.4 is the requirement for raised, Braille lettering, 4.30.5 is the requirement for finish and contrast of letters 4.30.6 is the requirement for the mounting location and height of a sign.

**April 22, 2005**

**ADAAG Section 4.3.06**

Many convenience stores and other mercantile occupancies have all glass walls at the entrances. Most owners are reluctant to place Low Mounted Exit Signage with Braille text on the glass walls at store entrances/exits for esthetic reasons. How should we handle this?

ADAAG 4.30.6 says that when there is no wall space to the latch side of the door signs shall be placed on the nearest adjacent wall.

**April 22, 2005**

**ADAAG Section: 4.5.1 What constitutes a firm stable and slip-resistant “accessible route”?**

Marsha Mazz of the ATBCB said that she can not mandate what material surface must be used to produce a “firm, stable and slip resistant accessible route’. However on a case by case basis it is possible to determine if what has been provided is suitable. The inspector’s response should properly be "This surface is not stable" or "This surface is not firm". We do not tell the client what material surface to provide. We tell the client why something is not acceptable. Once cited the client should make a proposal that can be proven (by the client) to be "firm, stable and slip resistant".

Please note that a dirt path may not be firm after a rain.

- A grass path may be acceptable if it is in an area that one can be reasonably sure will be maintained.
- Pea gravel is not stable. Loose gravel is not stable.
- Compacted limestone or asphaltic gravel may be stable, the inspector shall confirm.

If a concrete pad is provided at the exit and transitions to another surface, particular attention must be paid to the drop off at the pad. No more than 1/2" is permitted.

The accessible route must be level (less or equal to a 1 to 20 slope) and must not have level changes greater than 1/2" along its path.

**April 22, 2005**

**ADAAG Section: What are the accessibility requirements when part of a residence is converted to a business that will accommodate the public?**

The new business occupancy within the residence will be reviewed as a "Change In Use" of that portion of the building. The portion of the existing residence used as a business will be required to comply with ADAAG [Americans with Disabilities Act Accessibility Guidelines]. Section 4.1.6

Accessible Building Alterations will be applicable.

A few of the considerations to plan for in providing accessibility are:

- provision of accessible parking
- provision of an accessible route into the building from the parking spot
- provision of an accessible toilet room (if a toilet room is ever to be made available to the public or to an employee)
- provision of accessible door widths
- provision of maneuvering space at doors and accessible hardware at the doors

**April 22, 2005**

**ADAAG Section: Figure 17 Ramp Dimensions: How is the width of a ramp measured?**

**How is the Length of a ramp measured?**

ADAAG Figure 17 shows that the width of the ramp is measured between the hand rails in every situation. However, we have contacted the U.S. Architectural and Transportation Barriers Compliance Board and have been told that for hand rails that are mounted to side walls the hand rails can project 3" to 3 ½" into the required clear width of the ramp. [As per the 2003 edition of the 101 Life Safety Code, Table 7.2.2.2.1(a)(b), handrails can project up to 4 ½" into the clear width of the ramp.]

- If handrails are wall mounted and project into the width of the ramp not more than 4 ½" on each side then the width of the ramp is measured wall to wall.
- If the handrails are mounted to vertical posts, then the required clear width is measured between the handrails.

**April 22, 2005**

**ADAAG Section: 4.8.2 How is the slope of a ramp measured?**

To measure the slope of the ramp, determine the difference in elevation between the floor height and the ground. Provide a minimum one foot of ramp length for every inch of the elevation difference. For example, if the building is 25 inches above the ground, the sloped part of the ramp must be a minimum of 25 feet long. [The ratio is 1:12]

**April 22, 2005**

**ADAAG Section: 4.29 Are detectable warnings required?**

The suspension of the ADAAG requirement to provide detectable warnings at all curb ramps [so that a blind person can feel the change in texture with a cane] has been lifted as of July 26, 2001. The Office of State Fire Marshal requires truncated domes at curb ramps. The truncated dome area shall be of a contrasting color. Detectable warnings are required at the transition space between pedestrian areas and vehicular areas. The Office of State Fire Marshal allows the following discretionary exemption (to be allowed at the discretion of the State Review Architect): This exception is intended to allow the exemption from 'truncated dome' provisions of the ADA- AG at areas requiring detectable warning surfaces. After consultation with the Office of Rehabilitation Services, it has been determined that this office will not require this facility to provide 'truncated domes' as the tactile warning at areas required to provide detectable warning surfaces, with the following stipulations:

1. The only acceptable alternative tactile warning at areas required to provide detectable warning surfaces is a surface with a profile of minimum 1/4" deep grooves that are spaced 2" to 3" on center and scored into concrete at all locations that detectable warning surfaces are required.

2. Other than the profile of the tactile warning, the detectable warning surface must comply with Section 4.29 of the ADAAG. (Note that the area of the detectable warning surface must have an integral color that contrasts with adjacent pedestrian and vehicular way surfaces.)

3. This exemption does not apply to public rights of way.

4. If a complaint is received about discrimination in hiring of handicapped individuals or concerning handicapped accessibility to any part of the facility, then this office shall reserve the right to investigate the complaint and, if justified, shall reserve the right to require the facility or a portion thereof to be upgraded to comply with the accessibility requirements enforced by this office.

5. Please note that this document indicates specific compliance with state regulations and does not guarantee nor attempt to circumvent compliance with federal law.

### April 22, 2005

#### **ADAAG Section: 4.7 Are landings required at the top of ‘curb ramps’?**

Note that there are two different types of ramps. One is a ‘curb ramp’ and is required to comply with Section 4.7. The other is a ‘ramp’ and is required to comply with Section 4.8 As per Figure 12, a landing is not required at the top of a ‘curb ramp’. The flared sides of a curb ramp will be required to be a minimum 1:12 slope if the level area at the top of the curb ramp is less than 48” deep. If there are two curb cuts in series, a minimum 48” level landing between them is required as per section 4.7.11.

### March 25, 2002

#### **ADAAG Section: 4.1.2(5)(a)(b) Are handicapped parking spaces to be measured from centerline to centerline of stripe or are they to be measured a clear distance from inside of stripe to inside of stripe?**

Centerline to Centerline of stripe. As confirmed by the ATBCB, 3/25/02. April 22, 2005

What are some internet web sites that might help me in my research?

<http://www.access-board.gov/indexes/pubsindex.htm> will answer a few frequently asked questions dealing with topics such as visual notification, parking, and accessible surfaces.

<http://www.access-board.gov/adaag/about/index.htm> is a web page “About the ADAAG”

<http://www.usdoj.gov/crt/ada/adahom1.htm> is the Department of Justice home page.

<http://www.istal.com/smoke/> includes a description of accessible products.

<http://www.usdoj.gov/crt/ada/checktxt.htm> is the web page that will lead you to the check list of the “Readily Achievable Barrier Removal” requirements are.

<http://www.abledata.com> is a site database on assistive devices and technologies, including emergency and evacuation products.

To download the ADAAG enforced by Louisiana: Go to the Department of Justice web site for 1994 ADAAG: <http://www.usdoj.gov/crt/ada/reg3a.html>

Then click on: Department of Justice ADA Title III Regulation 28 CFR Part 36

When this page is opened, scroll down to the Americans with Disabilities Act Accessibility Guidelines. However, it is best to order the hard copy book of the ADAAG as the Figures are integral with the text. To order a copy of the ADAAG enforced in Louisiana, call 1-800-872-2253, press 2 Leave your name, address and phone number. Ask for Publication Number 28 CFR Part 36 (ADA Title III Federal Regulations). It should be sent to you within 2-4 weeks.

**April 22, 2005**

**What are the ADAAG code requirements concerning swimming pool access?**

There may be ADA requirements, but there are no guidelines for building facilities within the ADAAG, which is what the Fire Marshal's office reviews with.

**April 22, 2005**

**Does the Fire Marshal's office handle complaints concerning existing conditions that do not comply with the ADAAG?**

Yes. Complaints concerning accessibility violations conveyed to the Fire Marshal's office regarding existing buildings shall be directed to Inspections District Supervisors. The District Supervisors will obtain documentation from the complainant, who is responsible for gathering the following information:

1. The structure name and address.
2. The nature of the complaint.
3. The date of the construction/change in occupancy type of the structure.

If the documented date of construction/change in occupancy type is on or after August 14, 1995, (the date Americans with Disabilities Accessibility Guidelines became enforceable in Louisiana) then a building inspection of the nature of the complaint will be done by this office. Accessibility violations will be cited from ADAAG. If the documented date of construction/change in occupancy type is prior to August 14, 1995, then the complainant shall be directed to file the complaint with the Department of Justice at the following:

Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
Post Office Box 66738  
Washington, DC 20035-6738

Complainants may also be referred to:

Advocacy Center  
515 South College Road Suite 130  
Lafayette LA 70503  
Nell Hahn  
318-237-7380  
FAX 318-237-0486

[hahnnell@net-connect.net](mailto:hahnnell@net-connect.net)

Or they may call: 800-514-0301 (voice), 800-514-0383 (TDD) for information on how to file a complaint.

**April 22, 2005**

**When can the Accessibility Standards and Specifications for Children be applied?**

The Accessibility Standards and Specifications for Children can be used in Daycare centers, and Schools, where children under the age of 13 attend, provided at least one "uni-sex" adult toilet room is provided within the facility. All of the other toilet rooms shall comply with the toilet room provisions of the ADAAG Proposed Modifications for Children (July 22, 1996) Sections 15.1 through 15.10.4 or shall comply with standard adult ADAAG provisions for adult toilet rooms. [This is a discretionary exemption granted by the review architect.] Please note that a 5'-0" turning radius is required in Child accessible toilet rooms and Adult accessible toilet rooms.

**April 22, 2005**

**Do I have to comply with the ADAAG –what if I have reasonable cause not to comply?**

You can APPEAL this code requirement for just cause when an equivalent provision of safety or convenience can be demonstrated. Appeal forms can be accessed from the Office of State Fire Marshal web site. There is a review fee for appeal (\$25 for an accessibility issue.) The following is required:

- a completed application form
- a check for the appeal process
- a letter stating why you are appealing the code

**April 22, 2005**

**Why do all bathrooms have to comply with accessible requirements? Where is that required in the code?**

The code which requires handicapped accessibility is the Americans with Disabilities Act Accessibility Guidelines (the ADAAG). The section which requires all rest rooms to have an accessible toilet and lavatory is section: 4.1.2(6) which states that "If toilet facilities are provided on a site, then each such public or common use toilet facility shall comply." All toilet rooms are required to comply so that a handicapped person will not have to seek out 'special' facilities. The Fire Marshal's Office is in receipt of your request to identify the Section of the Americans with Disabilities Act Accessibility Guidelines [ADAAG] that requires all toilet rooms to be made handicapped accessible and makes the following response: Section 4.1: Scoping Requirements Section 4.1.2(6) states that if toilet facilities are provided on a site then each public or common use toilet facility shall comply with 4.22. This section also states that at least 5% but no less than one portable toilet unit in each cluster shall comply with 4.22. Under this section, portable toilets in excess of 5% of the total number of toilets are not required to be made accessible. Under this Section portable toilets at construction sites are not required to be made accessible.

**Section 4.1.3: New Construction Requirements**

Section 4.1.3(11) states that if toilet rooms are provided, then each public and common use toilet room shall comply with 4.22. Under this Section a private toilet room for the occupant of a private office is not required to be fully accessible. A private toilet room shall be adaptable. The Federal Register / Volume 56, No. 144 / Friday, July 26, 1991 as written by the Architectural and Transportation Barriers Compliance Board [ATBCB/Federal Register document] clarifies this section by stating that although each common and public use toilet room must be accessible, if more than one toilet stall, lavatory, or other feature is provided in such a toilet room, generally only one of each feature is required to be accessible. The ATBCB also states that in new construction all areas of buildings and facilities must comply with 4.1 through 4.35, unless otherwise provided in the general application section or a special application section.

**Section 4.1.5: Addition Requirements**

This Section states that the portion of the building that is added shall comply with the scoping and new construction requirements listed above. The ATBCB/Federal Register document clarifies this statement by stating that if a restroom is provided in the addition, it must comply with the requirements for new construction.

#### Section 4.1.6: Alteration Requirements

Section 4.1.6(3)(e) states that where it is technically infeasible ('technical' is defined as structural) to comply with 4.22, then installation of at least one unisex toilet per floor, located in the same area as existing toilet facilities, will be permitted in lieu of modifying existing toilet facilities to be accessible. Under this Section existing toilet rooms that can not be made accessible for structural reasons are not required to be accessible. The ATBCB/Federal Register document clarifies this section by stating that if the water closets, toilet stalls, lavatories and mirrors in a toilet room are all replaced, the new fixtures must comply with the technical specifications in 4.16, 4.17, and 4.19 for those elements. It also states that since replacement the water closets, toilet stalls, lavatories and mirrors also amounts to an alteration of the toilet room, the entire toilet room must comply with the technical specifications in 4.22.

Section 4.1.7: Historic Preservation Building Requirements Section 4.1.7(3)(c) states that if toilets are provided then at least one toilet facility complying with 4.22 shall be provided. Under this Section toilet rooms in excess of the one accessible unisex toilet room required are not required to be accessible. Each of these Sections clearly indicates which toilet rooms ARE NOT required to be accessible and which ARE required to be accessible. These are the toilet rooms referred to under Section 4.22.1: Minimum Number when it is stated that toilet facilities required to be accessible by 4.1 shall comply with 4.22. The Americans with Disabilities Act Title III Technical Assistance Manual written by the U.S. Department of Justice clarifies Section 4.22 by stating that "every public and common use bathroom must be accessible." Public use spaces are those designated for use by the general public. Common use spaces include those spaces designated for use by employees or the general public. Therefore any toilet room that is for common use by employees or the general public must be accessible.

**April 22, 2005**

#### **ADAAG Section 4.1.3.11: I have a business that I run, I am the only employee. The public does not enter the building. Does the toilet room have to be accessible?**

All toilet rooms are required to be accessible and a private toilet room (a toilet room with the only access door opening onto a private office) is required to be 'adaptable'. The design of an adaptable bath room includes the following:

- the 5'-0" turning radius
- blocking in the walls to attach grab bars should they be installed in the future
- adequate door width and accessible hardware, door width into the toilet room shall be 32" clear (2'-10" or a 3'-0" door).
- maneuverability within the toilet room.
- the toilet can be a standard toilet in an ADAPTABLE toilet room
- the lavatory can have a cabinet under it in an ADAPTABLE toilet room

**April 22, 2005**

#### **ADAAG Section 4.1.6: In a 'RENOVATION' or a 'CHANGE OF USE' occupancy, when do the existing toilet rooms have to be accessible?**

Any 'renovation work' should be reviewed under the ALTERATIONS section of the ADAAG. A 'change-in-use project' should also be reviewed under the ALTERATIONS section of the ADAAG. Section 4.1.6(1)(b) refers you back to section 4.1.3 [which is the New Construction chapter]. So you DO apply the NEW CONSTRUCTION CHAPTER (4.1.3) requirements to

'renovation work' and to 'change-in-use' projects. HOWEVER section 4.1.6 is also applicable, as it is the base code for compliance in 'renovation' work and for 'change-in-use' work. In chapter 4.1.6 there are many allowances for 'renovation' and 'change in use' projects. [For example: see (1)(h) for allowances at entrances, (3)(c) for allowances in size of elevator cabs, (3)(d) for allowances for clear door width requirements, and (3)(e) for TOILET ROOM OPTIONS WHEN IT IS TECHNICALLY INFEASIBLE (technical infeasibility means: Structural) TO MAKE ALL TOILET ROOMS ACCESSIBLE.] If the client documents that it is technically infeasible to alter all toilet rooms to comply then the review architect can apply (3)(e) without having to go through the appeal process. THE REVIEW ARCHITECT MUST HAVE THE DOCUMENTATION IN WRITING FROM THE CLIENT.

The review process will appear inconsistent to the inspector, as on some projects all toilet rooms will be made to be accessible and on others only one toilet room will be made to be accessible.

**April 22, 2005**

**ADAAG Section: Figure 31, Does the 30" wide clear floor space required at a lavatory have to be centered on the lavatory?**

Figure 32 of the ADAAG shows a clear floor space in front of a lavatory that is 30" wide, the diagram shows the clear floor space centered on the lavatory. HOWEVER, centering is not a code requirement. The 30" can be shifted such that one side of the clear space aligns with the lavatory. This has been confirmed by the Access Board.

**April 22, 2005**

**ADAAG Section: Section 4.16.5 Is there a requirement stating which side a toilet flush control has to be on?**

Section 4.16.5 of ADAAG states that the flush control of a water closet shall be on the "wide side" of toilet stall, at a maximum of 44 inches above the floor. The flush control fixture should be on the open side of the toilet stall or room (as opposed to the side of the toilet closest to the adjacent wall). Centered flush controls on wall mounted fixtures are permitted.

**April 22, 2005**

**Assuming that one has designed the toilet room to be as efficient as possible and the clear space at fixtures and the turning radius within the toilet room has been provided, is there a remedy to the problem of the required 36" grab bar length extending into the lavatory splash when locating the toilet and lavatory on one wall of a toilet room.**

If equivalent convenience can be demonstrated with by providing grab bars on all three sides of the toilet with a 42" grab bar on one side of the toilet, a grab bar of at least 24" on the rear wall and a 'flip down' grab bar on the opposite side of the toilet, an appeal may be considered by this office.

**April 22, 2005**

**What can intrude on the clear floor space required at maneuvering clearances at doors?  
Can a lavatory with knee space intrude into that space?**

A lavatory can not extend into the 18" clear floor space req. at a door. Clear floor space is required to be clear of obstruction from floor to ceiling. (As per Scott Wimbley 10/16/00 at ATBCB)

**April 22, 2005**

**ADAAG Section: How are Church owned and operated apartments reviewed?**

As per Section 36.201 of the Federal Register, dated July 26, 1991, 'Religious entities' are exempt from the rule requiring accessibility.

**December 29, 2000 Update**

**Are Religious SCHOOLS such as Catholic and Episcopal schools exempt from the ADAAG and from the requirement to place strobes in the facility?**

The Federal Register states: If a church itself operates a day care center, a nursing home, a private school, or a diocesan school system, the operations of the center, home, school, or schools would not be subject to the requirements of the ADA or to this part (the ADAAG). The religious entity would not lose its exemption merely because the services provided were open to the general public. The test is whether the church or other religious organization operates the public accommodation, not which individuals receive the public accommodation's services. The test remains a factual one: Does the church or other religious organization control the operations of the school or service, or is the school or service a religious organization? If a religious organization leases a piece of property to a secular organization then the property has to comply with ADAAG, but if the religious organization operates the facility, then it does not have to comply. Catholic Schools and/or Episcopal Schools are exempt.

Why is strobe coverage not cited at a religious educational facility?

A school operated by a religious organization is exempt from the requirements of ADAAG. However there is a reference in 101 Life Safety Code in Chapter 14 [2000 edition] to Section 9-6 of 101 which requires audible and visual notification. Why then is this not enforced in all schools as there is no exception to be found in 101 concerning religious organizations?

This is the answer:

- 1) All of the 101 occupancy chapters refer to chapter 9 for fire alarm notification. Chapter 9 requires visual notification as per 9-6.3.3 through 9-6.3.10.
- 2) Chapter 9 does not regulate WHERE strobes are to be placed -it references NFPA 72 and ANSI A117.1. [Which explain HOW to place strobes but not WHERE. This was a problem. That is why the Fire Marshal's Act adopted the ADAAG for enforcement in the state of Louisiana as the ADAAG regulates WHERE to place strobes.]
- 3) The Federal Government has exempted Religious Facilities and Private Clubs from compliance with the ADAAG. Therefore strobes are not required in Religious Facilities or Private Clubs as there is no code to cite from to require a strobe in a particular area within these facilities. If the facility is partially equipped with accessible notification [strobes] or with accessible accommodations [anything from ADAAG] then the client has chosen to provide more than the code requires. Plan review does not cite accessibility deficiencies and inspection should not cite accessibility deficiencies for religious facilities or for private clubs.

Cynthia A. Obier [ADAAG specialist]

Michael McLean [Fire Alarm specialist]

**January 29, 2001**

**When was an area of refuge first required by the Fire Marshal's office?**

The first volume of NFPA 101 to require an 'Area of Refuge' was the 1991 edition. The Fire

Marshal's office began enforcing this edition June 1, 1992. The purpose of the inclusion of this section in the 101 Life Safety Code was to reflect the ANSI A117.1 requirements for the disabled.

### March 12, 2001

#### **Are 'Areas of Rescue Assistance' required in parking garages?**

NO. The Federal Register Vol. 56, No. 144 states:

"The scoping provisions in 4.1.3(9) for areas of rescue assistance do not apply to exterior facilities covered by 4.1.2. For example, parking lots and open parking garages are covered only by 4.1.2 and are not required to comply with the scoping provisions in 4.1.3(9) for areas of rescue assistance."

### April 22, 2005

#### **ADAAG SECTION 4.1.3(4): When are handrails required at stairs in addition to guardrails?**

Handrails: 34-38" high; Guardrails: 42" high

ADAAG SECTION 4.1.3(4) says that: Interior and exterior stairs connecting levels that are not connected by an elevator, ramp or other accessible means of vertical access (such as a lift) shall comply with 4.9. Section 4.9 of ADAAG is the section that outlines the requirements for accessible stairs. Therefore if there is an elevator in the building then the stairs do not have to comply with the hand rail requirements of section 4.9 by ADAAG [or any of the other requirements of section 4.9]. Handrails at 34"-38" are not required in addition to guardrails at stairs when there is an elevator or ramp that leads to grade in the building.

As the ADAAG does not address handrail details at a stair when there is an elevator or a ramp leading to grade we review by the 101 Life Safety Code which specifies that [101:5-2.2.4.5 Exception No. 1 to (a)] the height of required handrails that form part of a guard shall be permitted to be not more than 42". The 42" high guard rail must meet the requirements for graspability defined by 5-2.2.4.5(c). When a guardrail is used instead of a handrail, the extension at the top of the stair shall be as required by 101:5-2.2.4.5(e) which states that there shall be an extension of railing at least 12" beyond the top riser and shall continue to slope for a depth of one tread beyond the bottom riser. Both the extension at the top of the stair and at the bottom of the stair can also be at guardrail height. Please refer to section 101:7-2.2.4.5 [2000 edition] in the Life Safety Code [and the commentary] Please refer to section 4.1.3(4) of ADAAG.

### April 22, 2005

#### **Are churches and private clubs exempt from the accessibility requirements of Life Safety Code as well as of the ADAAG?**

Clarification:

Religious facilities and private clubs are exempt from the accessibility requirements of ADAAG and the 101 Life Safety Code. The accessibility requirements (accessible means of egress and areas of refuge) in the Life Safety Code are to reflect the intent of the ADAAG. [This has been confirmed by Walter Sterling of NFPA 3/8/01] Therefore the code reads: "Areas accessible to people with..." (101:7-5.4.1 edition 2000) That is to say: not all areas are required to be accessible. Churches and private clubs are not required to be accessible. Religious facilities and private clubs are exempt from accessibility requirements as decided at a federal level as per Title

II based of the Civil Rights Act of 1964. In that the intent of ADAAG is to exempt churches and private clubs, this is also the intent of the Life Safety Code.

**April 22, 2005**

**What constitutes a “Private Club”?**

In determining whether a private entity qualifies as a private club under title II, courts have considered such factors as:

- the degree of member control of club operations,
- the selectivity of the membership selection process,
- whether SUBSTANTIAL membership fees are charged,
- whether the entity is operated on a nonprofit basis, and the extent to which the facilities are open to the public. If it is determined that the facility is a private club and the club will lease space to secular/nonprivate organizations, then the facility must comply with ADAAG. If the facility is ever used for fund-raisers where people purchase tickets to attend events, then the facility must be accessible. If the facility is used for social events where the general public may be invited (such as for wedding receptions or member sponsored parties) then the facility must be accessible.

**April 22, 2005**

**ADAAG Section 9.1.2(3) What doors in hotel rooms are required to provide a minimum of 32” clear opening?**

ALL doors in ALL hotel rooms are required to provide 32” clear as per 9.4 of the ADAAG. Therefore, entry doors, bathroom doors and connecting doors to ALL hotel rooms are required to provide 32” clear opening.

**Updated August 31, 2010**

**When are apartments required to be accessible? What code do I comply with? Can apartments be ‘adaptable’?**

The Fire Marshal’s Act Section 40:1734(B) states: Any dwelling unit, in a facility which incorporates four or more dwelling units, shall be made accessible in accordance with rules promulgated by the Fire Marshal pursuant to the Administrative Procedure Act.

The codes used to determine compliance at apartments are:

1. ANSI A117.1 (EDITION 1992 OR 1994) SECTION 4.33. Any adaptable solution described in 4.33 can be used.
  - If you have 15 or more apartments in a complex then AT LEAST 5% of the apartments shall comply with ANSI A117.1. This means if you have a specific number and a fraction, then the number is to be rounded up. Example 30 units x 5% = 1.5 units, 1 unit of 30 units is 3% which is less than 5%. Because of this two units would be required to meet the AT LEAST 5% requirement.
2. HUD Fair Housing Act Design Manual (1998 REVISED EDITION) as per Fair Housing Accessibility Guidelines 24 CFR Part 100.205.1991.

- If you have 4 or more dwelling units in a building, then all units shall comply with Fair Housing Accessibility Guidelines 24 CFR Part 100.205.1991.

Whenever there is conflict between the Fair Housing Act and ANSI –THE MOST RESTRICTIVE CODE SHALL BE ENFORCED. Any public use space on the apartment site shall be reviewed by ADAAG. [These areas include but are not limited to: rental office, community rooms, laundry rooms, etc.]

**April 22, 2005**

**Are 'detectable warnings required at apartment complexes even though apartments are governed by ANSI A117.1?**

- Detectable warnings are an ADAAG requirement.
- Apartments are not governed by ADAAG. Detectable warnings are not required between vehicular areas and pedestrian areas related to apartments.
- Business occupancies and assembly occupancies are governed by ADAAG. The business office and any common use spaces such as club houses, exercise rooms and recreational areas are governed by ADAAG. Detectable warnings are required between vehicular areas and pedestrian areas related to common use areas.

**April 22, 2005**

**ANSI A117.1 How many toilet rooms are required to be accessible within an apartment?**

Within an apartment required to be fully accessible, only one of the bath rooms will be required to be fully accessible. If the apartment is a multi-level unit, the accessible bath room shall be located on the lower level. The additional bath rooms shall not be required to be adaptable or accessible. However the accessible toilet room must be at an accessible level. A client cannot choose to make the upstairs toilet the accessible toilet. This has been confirmed by discussion with Jerry Jones 3/2/00.

**January 5, 2001**

**When and where are strobes required in apartments?**

At accessible apartment units within buildings that ARE required to have a FIRE ALARM SYSTEM:

- 1) Provide smoke/sounder/strobe single station devices in all sleeping rooms.
- 2) Provide ONE horn/strobe device connected to the FIRE ALARM SYSTEM somewhere in the apartment.

At accessible apartments within buildings that ARE NOT required to have a fire alarm system:

- 1) Provide smoke/sounder/strobe single station devices in all sleeping rooms.

Guidance for this interpretation (as per Jerry Jones) in March of 2000 came from the proposed new ADAAG which requires only one device in the apartment be connected to the FIRE ALARM SYSTEM as other devices can be added once the wiring is there.

**April 22, 2005**

**NFPA 101 doesn't mandate that areas of rescue assistance be provided in Apartment occupancy types and I could not find where ANSI 117.1 addresses the issue. Are areas of rescue assistance required in apartment buildings?**

Chapter 30:2.2.12 [2000 edition] does refer you to 101:7-2.12 which states that areas of refuge "shall be permitted". 'Shall be permitted' is interpreted to mean that areas of refuge shall be permitted as a 'means of egress component' when an accessible means of exit discharge is required. Whereas accessible apartments are not required to be dispersed throughout the property and are not required to be dispersed according to type of apartment, the Office of State Fire Marshal has not viewed the upper floors as "areas accessible to persons with severe mobility impairment" [see commentary 101:7-2.12.] UNLESS the designer has indicated accessible units on an upper floor. Then an "Area of Refuge" as defined by 101 Life Safety Code (as opposed to Area of Rescue Assistance as found in ADAAG) is required. If there are common use spaces on the upper floors they are reviewed according to ADAAG and therefore an area of rescue assistance is required on all floors with common use spaces (such as activity rooms). ADAAG is not applicable with reference to apartment occupancies.

**April 22, 2005**

**Referring to ADA-AG 4.1.6 Accessible Buildings: Alterations, (k) Exception, subparagraphs (i) and (ii), regarding elevator requirements for alterations in the facility of an existing health care provider: If the construction cost of alterations does not exceed 50% of the building's appraised value, does the "alterations" section of ADA-AG still required an elevator for the project?**

An elevator would not be required unless:

- the construction budget of the renovation is 50% or greater of the appraised value of the building
- a new healthcare occupancy is located at an upper level

**April 22, 2005**

**When is an elevator required?**

Section 4.1.3 of ADAAG states that elevators are always required. HOWEVER If you meet EITHER ONE of these exceptions then an elevator is not required:

- If the facility is less than 3 stories
- If the facility is less than 3000 square feet per story

There are times when you are required to provide an elevator EVEN IF you meet one of these two exceptions. They are:

- If the building is a Title II building (that is: if it is paid for or operated with state, city, or Gov. money)
- If the building is a shopping center (the definition of a shopping center or mall is FIVE stores)
- If the building upper floors will be occupied by a health care provider.

**April 22, 2005**

**Is the height of a sink cabinet required to be 34" in a break-room that is only used by employees?**

Yes, with the following alternative: At the SINK COUNTER in a break room, lounge or kitchenette, the counter height can be either:

- 36" with a 30" wide knee space below OR
- 34" with no knee space

This is based on reach range to access the faucet. (ADAAG 4.2.5, and 4.2.6 and 4.1.3(13) The

height requirement applies only to the sink counter and not to the remainder of the counter space. This is true even if the sink is used only by employees (as a break room, lounge or kitchenette is considered an employee common use space and not the work space of an individual employee).

**April 22, 2005**

**How do I obtain a copy of the ADAAG?**

Contact Linda Burch at the Office of State Fire Marshal at 225-925-4911. Ask for the order form for the ADAAG and the ADAAG Commentary Manual. Both are free of charge.

**April 2, 2002**

**Where can I find information on Emergency Evacuation Chairs for use in Evacuating people in wheel chairs from buildings at stairs?**

<http://www.abledata.com> is a site database on assistive devices and technologies, including emergency and evacuation products.