

Americans with Disabilities Act

ADA TITLE III DESIGN GUIDELINES

A General Guide for New Construction and Alterations to Existing Construction



WHAT IS THE ADA?

The Americans with Disabilities Act (ADA) is designed to extend federal civil rights protection to people with disabilities. The law's intent is to provide accommodations and access equal or similar to those available to the general public.

STATE REQUIRES CITY TO ENFORCE ADA

On July 1, 1992, a Kansas law passed responsibility for enforcement of ADA on to local jurisdictions, including the City of Lenexa. The City's role is limited to reviewing and approving plans and work that require a building permit.

GENERAL REQUIREMENTS

Applications Must Show Means Of Compliance: Plans submitted for a permit will be reviewed for compliance with ADA and city codes and ordinances. Plans are required to show how compliance with ADA will be achieved, either on the plans or on a separate submittal.

A private home used exclusively as a residence does not have to meet accessibility requirements. Areas of a home used as a public accommodation, such as a day care center or an office used for meetings with clients, are required to be accessible. Accessibility requirements for multi-family dwellings are governed separately through HUD's Fair Housing Accessibility Guidelines.

Both New And Altered Work Must Comply: All new construction must fully comply with ADA. In existing structures, areas being remodeled or altered must comply. The "path of travel" to those areas must be readily accessible and usable by people with disabilities. The ADA Accessibility Guidelines are the basic standard.

What Is The Path Of Travel? The "path of travel" is a means of continuous, unobstructed access to a building or an altered or renovated area, including sidewalks, parking, building entrance, corridors and doorways. Restrooms, telephones, drinking fountains, break rooms, etc., that serve the altered or renovated area are included in the definition of path of travel.

Landlord and Tenant Obligations

Both the landlord who owns a building that houses a place of public accommodation or commercial facility and the tenant who owns or operates a place of public accommodation or commercial facility must meet accessibility requirements. Responsibility for compliance may be determined by lease or other contract between the parties. A landlord who makes alterations has an obligation to bring the full path of travel into compliance.

For additions or remodels, a detailed cost analysis indicating Americans with Disabilities Act (ADA) compliance modifications of at least 20% of the overall project cost, or a letter from the architect stating that the building or tenant space fully complies with ADA regulations.

If a tenant makes alterations only upon its leased premises (with lease authority to do so) and the landlord is not making alterations to other parts of the facility, the alterations do not trigger the path of travel obligation upon either the tenant or the landlord in areas of the facility that remain under the control of the landlord. To qualify for this exemption, the tenant must provide the city with required documentation. A landlord may still be obligated to make alterations to provide access under provisions of other ADA Titles and Sections.

Cost Ratio for Path of Travel

Where the path of travel obligation exists, access to the altered areas, rest rooms, phones, drinking fountains, parking, building entrances and other components of the path of travel must be upgraded to the extent that the cost and scope of the work is not disproportionate. By statute, the cost is disproportionate when it exceeds 20 percent of the cost of the alteration to the primary function area. A "primary function" is a major activity for which the facility is intended, such as offices or work areas. It does not include corridors, restrooms, mechanical rooms and other similar areas.

Path of Travel Improvements Priorities

When the costs are disproportionate, path of travel priority should be considered in this order:

- An accessible entrance
- An accessible route to the altered area
- At least one accessible restroom for each sex or a single unisex restroom
- Accessible telephones
- Accessible drinking fountains
- Additional accessible parking and other elements such as storage and alarms

IMPRACTICAL OR UNFEASIBLE REQUIREMENTS

If you believe full compliance with state requirements is structurally impractical or technically unfeasible in that it would defeat the purpose of the construction or renovation, you may apply for a waiver or modification.

ADDITIONAL REQUIREMENTS

For copies of federal ADA regulations, contact the U.S. Department of Justice, Architectural and Transportation Barriers Compliance Board, 1-800-872-2253. The attorney general is responsible for overseeing enforcement of state requirements. Call the Kansas Attorney General's office at 913-296-2215, for interpretation of questions. You may also contact the City of Lenexa Building Inspections Division if you have questions about your project.



FOR MORE INFORMATION

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