

ADA & FHA

Americans with Disabilities Act & the Fair Housing Act

Plan For Access
Avoid Common Errors
Limit Risk

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Common Errors

Curb Cuts & Detectable Warning

To Specify or Not to Specify?

- Yes – 1994 ADAAG
- No – 2004 ADAAG
- Maybe – ADAAG: Public Rights-Of-Way
 - Yes, if/when adopted as currently proposed for *public sector facilities only*
 - No, if/when adopted as currently proposed for *private sector facilities only*



Common Error

Detectable Warning

Curb cuts in an accessible route covered by the ADA lack detectable warnings.

FHA/ANSI – depends which ANSI is used and what the pathway serves.



Common Error

Slopes of Flares

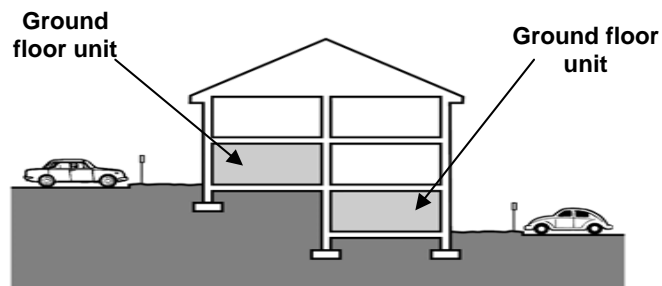
Curb cuts are constructed with non-compliant flared sides



Common Error

Ground Floor

Where garden style projects contain buildings with more than one “ground floor”, an accessible path of travel is not provided to units on both ground floor levels.



Common Error

Threshold

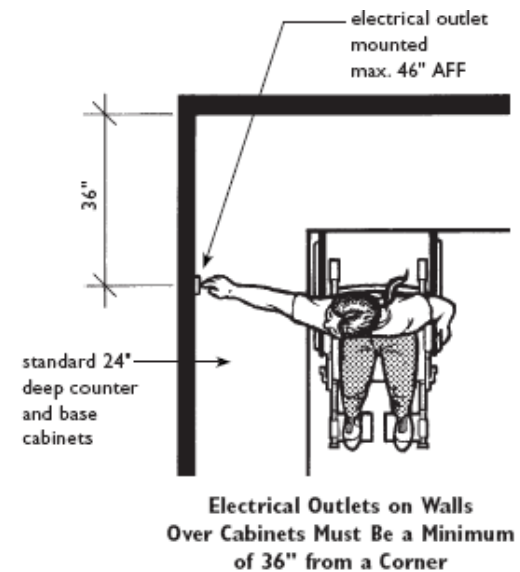
Change in level at secondary exterior door to balcony with previous surface > 1/2" and/or threshold is not beveled



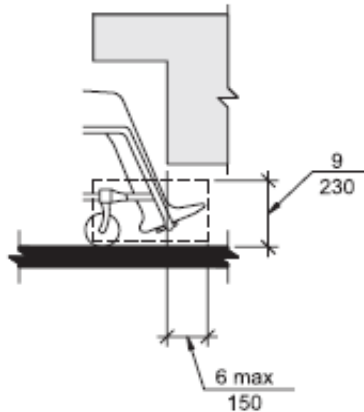
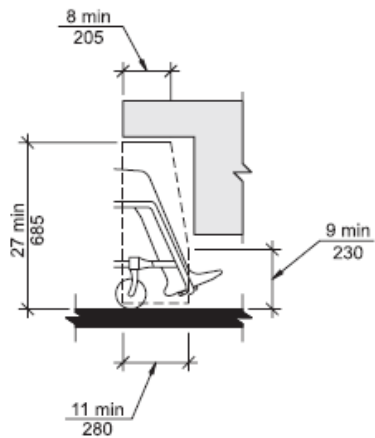
Common Error

Outlets

Above kitchen counters, at least one receptacle is not min. 36" from inside corner.



Common Error



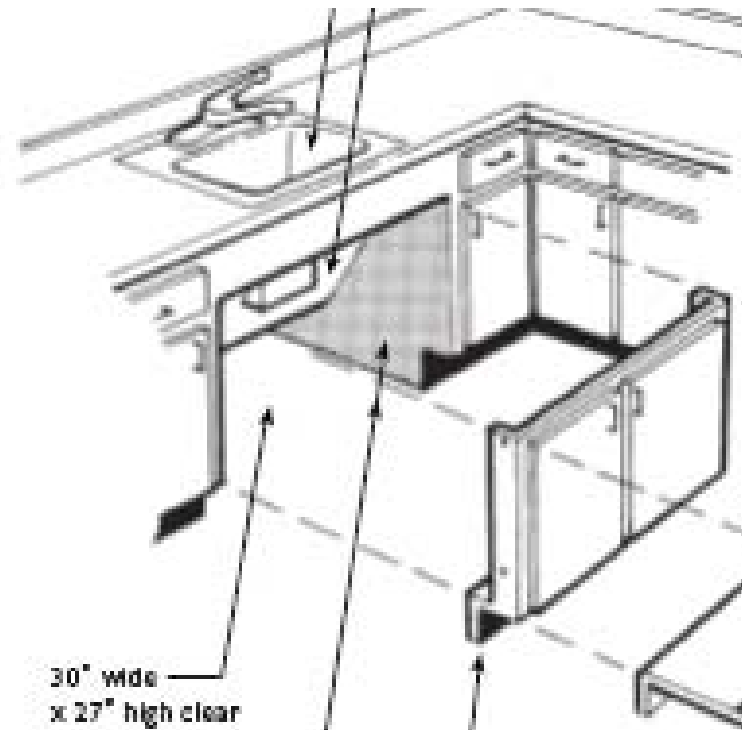
Protective Panels & Knee Space

Panels installed to protect individuals from hot water pipes obstruct the required clear knee space.

Common Error

Finish Floor & Walls

Where cabinets are removable, floor, walls, and cabinet faces of knee space are not finished during initial construction.

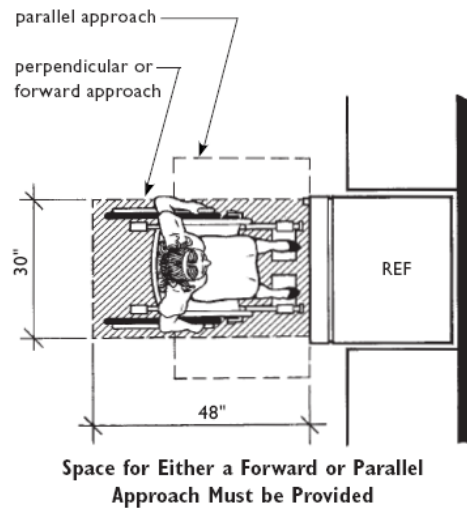


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Common Error

Refrigerator CFS

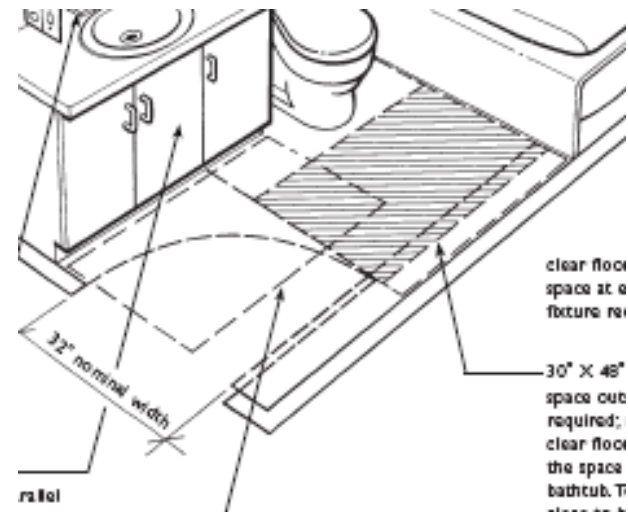
Refrigerators are located without either a centered parallel or front approach.



Common Error

Designed to Min/Max Dimensions.

Required CFS is designed at min. required, leaving no room for construction tolerances. Ex. - the application of tile to vertical surfaces could decrease the CFS below the minimum required.



Common Error

Least Possible Slope

- Ramps are designed at 1:12 although they could be longer.
- There is no construction tolerance on ramp slopes
- Measured with 24" SmartLevel



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Common Error

Dormitory Accessible Design Standards

Failure to apply the FHA
design requirements – in
addition to ADAAG and
UFAS – to new dormitories.



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Common Error

Accessible Path of Travel

Failure to include 20% accessible path of travel in project scope, fee, and budget of alterations to 'primary function areas'.

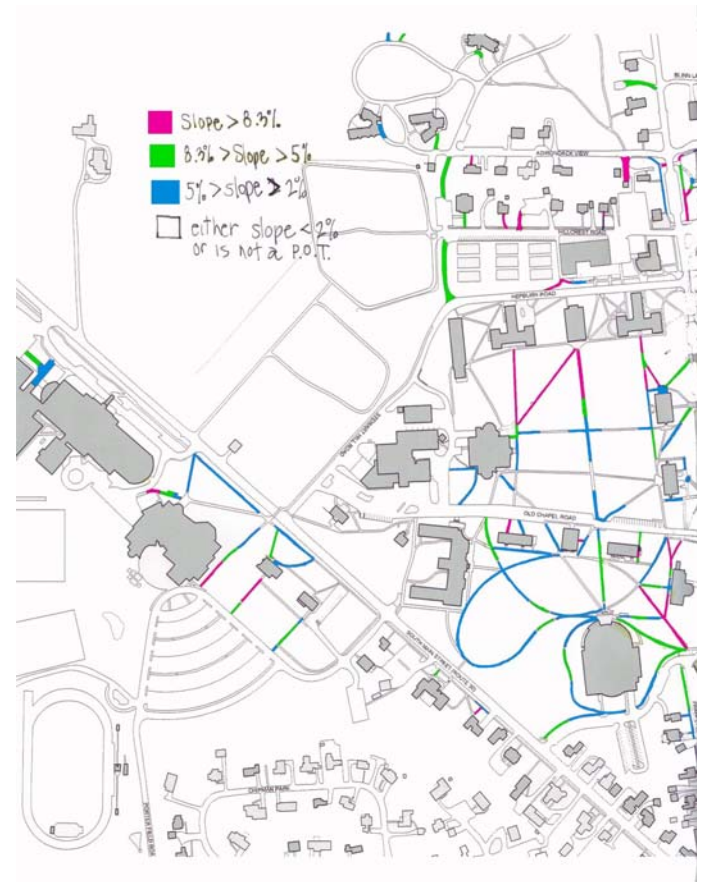


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Common Error

Exterior Accessible Routes

Failure to provide an accessible route connecting all accessible elements to public sidewalks and transportation...even on hilly sites.



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Common Error

Heavy Doors

Failure to ensure that doors are 'readily accessible'. Good guidelines are:

- 15 lbf exterior door *or* automatic door opener
- 5 lbf interior door *or* automatic door opener

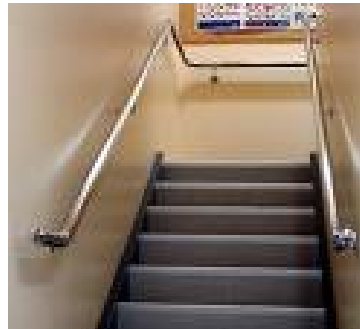


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Common Error

Handrails

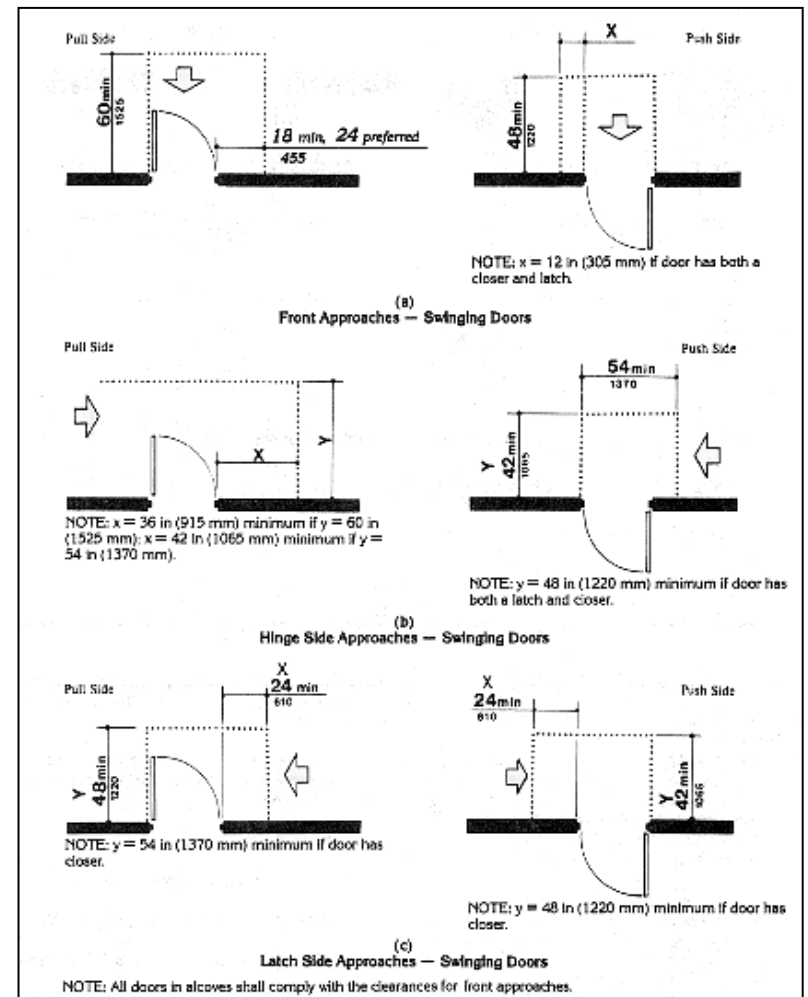
- Not mounted 1.5" (+/- 1/8th") from the wall
- Extensions are a protruding object



Common Error

Doors

Inadequate CMS provided on one or both sides of doors.



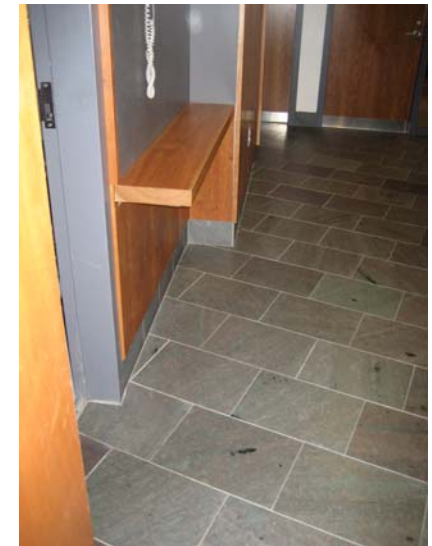
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Common Error

Protruding Objects

Recess or Relocate:

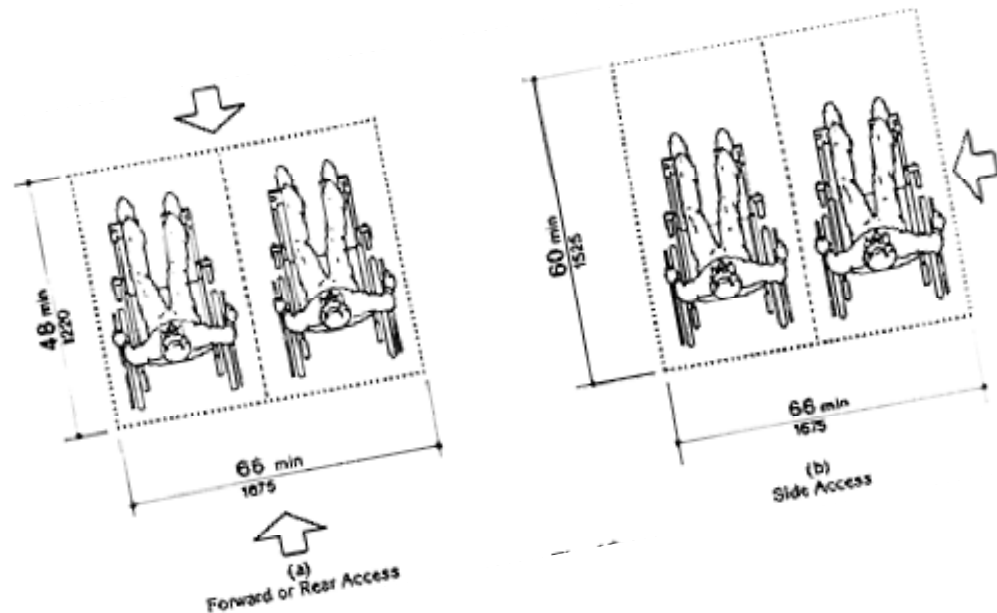
- Drinking fountains
- Fire extinguishers
- Overhead signs
- Counters
- AEDs



Common Error

Assembly Areas

Failure to provide dispersed accessible & companion seating when there are >300 fixed seats.



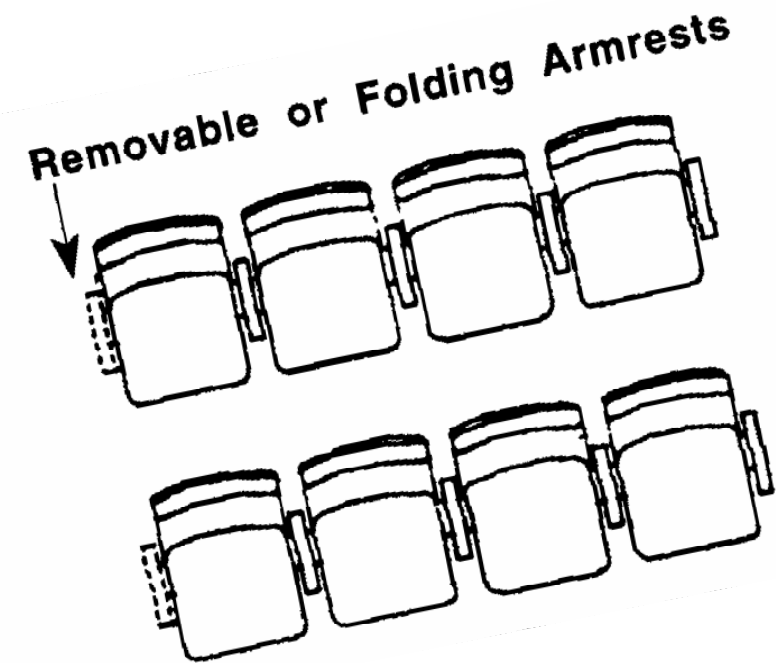
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Common Error

Assembly Areas

Failure to provide:

- 1% Armless seats
- No exit overlap
- ADAAG @ 48" X 60"
(front) or 60" X 66" (side)



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Common Error

Teaching Labs

- ✓ Accessible sinks
- ✓ Accessible lab bench (1/5%)
- ✓ Accessible reach ranges
 - Eye wash
 - Emergency showers
- ✓ Accessible route through the lab
- ✓ Visual alarm

Labs as Employee Work Space

- Accessible route through the lab
- Visual alarm

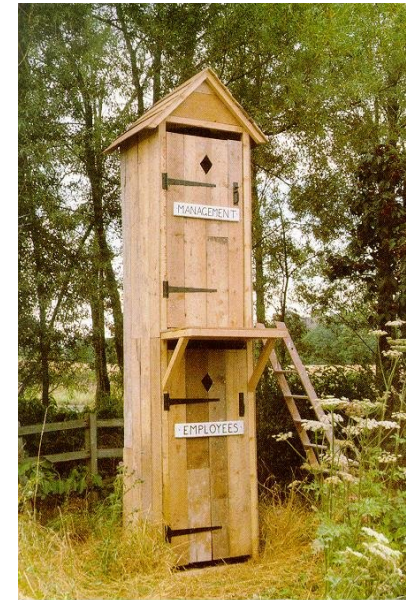


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Common Error

Toilet Room Dimensions

- Door swing interferes with sink CFS
- Inadequate CMS at accessible stall doors
- 18" toilet c/l & closest wall



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Strategies for Compliance



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Prevention v. Cure



- Predesign
- Contract language
- Design
- Review with PwD
- Specifications
- QC
- Construction Administration

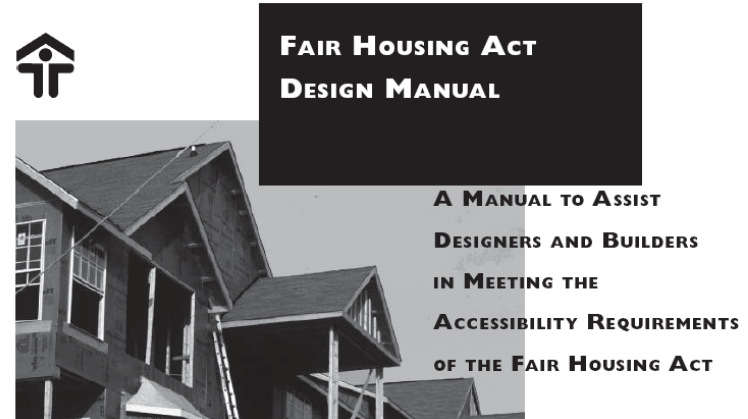


Jurisdictional Analysis



At project start-up:

- Which accessible design standards?
- Safe Harbor
- State Code
- Local Code
- Accessible Path-of-Travel



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Contract Language – Design



The Americans with Disabilities Act (ADA) provides that it is illegal to design and construct a facility that does not meet the accessibility and usability requirements of the ADA unless it can demonstrate that it is structurally impractical or technically infeasible to do so. The Client understands that the requirements of the ADA Standards for Accessible Design (ADAAG 1994) will be subject to various and possibly contradictory interpretations. The Consultant therefore will use its reasonable professional efforts and judgment to interpret applicable ADAAG requirements and other State local and federal regulations as they apply to the project. The Consultant however cannot and does not warrant or guarantee that the Client's project will comply with all interpretations of the ADA and its Standards for Accessible Design and/or requirements of other federal, state, and local laws, rules, codes, ordinances and regulations as they apply to this project.

Contract Language - Construction



It is essential that Contractors are aware of the ADAAG requirements for inspection of pavement and walkways. The ADAAG standards do not point out what method will be used to determine compliance, specifically that the grade will be measured at two foot intervals with a tool called a Smart Level. The designer has developed the following specifications language to assure that Contractors are aware of the requirement at the point in time when they are bidding the project. In addition we have made a point in this specification section as well as in our drawings to provide maximum slopes that are less than what is allowed by the ADA. This provides for construction tolerances that the ADA and MAAB do not provide for in the regulations. If these grades are not achievable, the specification requires that the contractor contact the designer before they move forward with the work.

Continued.....



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Contract Language - Construction



....Special Attention is to be given to compliance to the American with Disabilities Act Standards for Accessible Design (ADAAG 1994)

1. Slopes: *All walkways as defined by section 22.1 of 521 CMR shall be graded to a maximum of 4.5%. The cross-pitch (perpendicular to travel) for all walkways and paths shall be constructed at 1.5%. The slopes of all ramps and side slopes on handicap curb cuts as defined by section 21.1 of 521 CMR shall be constructed at 7% maximum. Ramps as defined in Section 24.1 of 521 CMR shall be constructed to a maximum slope of 7%.*

2. 'SmartLevel'. *The Contractor is to assume that all sidewalk grades shall be verified/ checked with a 2-foot long electronic 'smart level'.*

3. Level Entrances: *A 5'-0" minimum level (1.5% pitch) area shall be provided at all entrances to buildings. Puddling of water at the entrances will not be allowed.*

4. Requirements: *The above requirements shall supersede the grades shown on the plans. If these requirements cannot be met with the grades shown on the plans, the Architect shall be notified immediately for direction.*



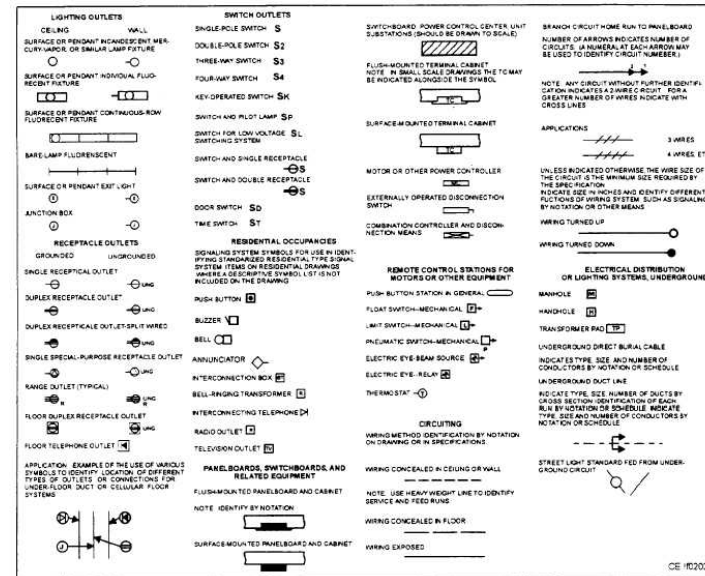
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Accessible Design & Construction Notes



- Accessible Design Notes Page
- ADAAG, FHA, UFAS
- Typical conditions
- Specifications
- ID construction tolerances



Accessible Design Review



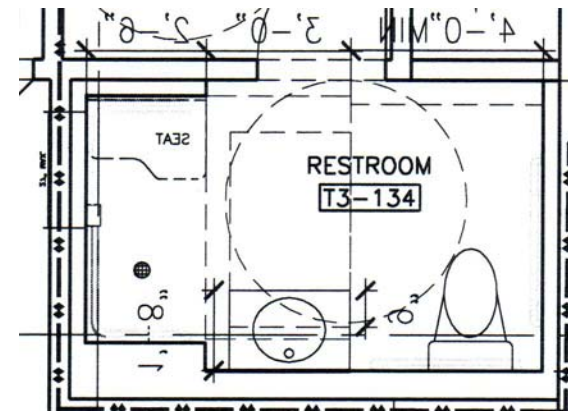
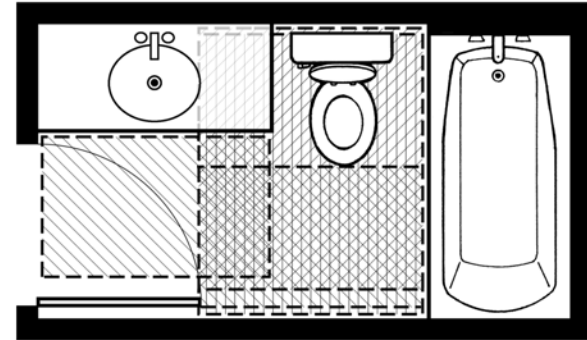
- Different items @
 - 10%
 - 30%
 - 60%
 - 100%
 - Access Punch List/Walk-through



Minimum Dimensions



Where required maneuvering space is designed to absolute minimum dimensions there is no room for construction tolerances. For example, the application of tile to vertical surfaces could decrease the clear floor space below the minimum required. KMA recommends review of these areas to allow for some tolerance to ensure compliance in final construction.



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Construction Administration

- Avoid post-construction complaint
- Give contractor a 'SmartLevel'
- ID allowable construction tolerances for access elements
- Access Punch List at substantial completion

Learning From Litigation



- Take it seriously
- Respond respectfully
- Get a lawyer w/ ADA expertise
- Check out the plaintiff's 'expert'
- Settle
- Do mitigations in compliance with ADAAG and/or FHA



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