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Architects, Builders Playing It Safe with ADA's Accessibility Guidelines

Can architects, developers and builders rely on local building codes and still comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) to ensure their clients' buildings will be in compliance with the law?

The answer: only if the codes are certified under the ADA by the Department of Justice. But so far, the

agency, which oversees enforcement of the law, has yet to give its stamp of approval to any local building code in the country.

"I don't know of any local jurisdictions that are certified," said Mark Berman, a space planner at Interplan, an interior architectural design firm in Rockville, Md.

Berman noted that building in-
see **Playing It Safe**, page 5

Timeshares, Condos Likely to Fall Under ADA, DOJ Document Indicates

Although federal officials are less than forthcoming about whether timeshares and condominiums will fall under the bailiwick of the Americans with Disabilities Act (ADA) or the Fair Housing Act Amendments (FHAA), a Depart-

ment of Justice document indicates they will be regulated by the ADA's more stringent guidelines.

Overlap between the two statutes — both of which contain accessibility guidelines for people with dis-
see **Timeshares**, page 2

Photo: Bill Labovitch



The 1992
Opening of
Camden Yards
Made Baseball
Accessible
to All.
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FROM the PUBLISHER'S
Desk



It is an ambitious goal for all designers, manufacturers and builders.

The ADA encourages us to provide an environment designed for universal use. That concept is not only achievable, but one that makes economic and social sense. Current technology has made it possible to design buildings and most manufactured products for a wide range of people (see examples in the New Products and New Publications columns), including children, senior citizens and those with disabilities. The problem is in knowing how to do this.

Universal Design Newsletter will give readers examples of Universal Design in urban design, landscapes, buildings, interiors and products. We also will provide you with tips on how to comply with the ADA within your industry. And finally, we will serve as a forum for you to contribute your ideas and to help resolve design questions as they relate to people with disabilities, the ADA and Universal Design.

We see Universal Design as a means to an end — to create a world we all can use for as long as we live.

John Salmen
John Salmen,
Publisher

The Americans with Disabilities Act has created a great demand for clear, cost-effective ways to make public buildings accessible. In doing so, the law — perhaps one of the most comprehensive passed by the U.S. Congress in recent years — has generated both confusion and questions.

Universal Designers & Consultants of Rockville, Md., a firm whose principals have been at the forefront of the accessible design movement for years, has decided to publish *Universal Design Newsletter*. This quarterly publication will provide facility managers and design and construction professionals with the latest information on the ADA and its emerging concept — Universal Design: making the environment usable for all.

The “built” environment long has been designed for the ‘average’ physical type: the young, fit, adult male. The fact is, only some of us fit that description, and none of us for a lifetime.

The underlying premise of Universal Design is that all aspects of our environment should be designed to allow people with a diverse range of abilities to use and enjoy it to the fullest.

Timeshares, from page 1

abilities — has caused considerable confusion among owners, developers and architects of condominiums and timeshares.

At the center of the confusion is the definition of places of public accommodation whose operations affect commerce, specifically places of lodging under the ADA. “This area of the law,” admits Elizabeth Hosford, a land-use attorney with the law firm Linowes and Blocher in Silver Spring, Md., is a “source of confusion. There’s no doubt people are still wondering.”

Even so, officials with the Department of Justice and the Housing and Urban Development Agency, charged with enforcing the ADA and FHAA, respectively, declined to clarify which statute will apply to condos and timeshares. They would only say “talks” are underway between the two agencies on accessibility guidelines under both statutes. A DOJ official declined to discuss the issue “on the record,” while a HUD official said the agency has “no comment.”

But a copy of a letter obtained by *Universal Design Newsletter* that DOJ sent last April to a major timeshare company said that since timeshares are “operated in a manner very similar to the manner in which hotels are operated, timeshare facilities are more likely to be treated as places of lodging under the ADA.”

The company had requested guidance on whether timesharing sold in increments of one week or less is a “place of public accommodation” as defined in DOJ’s requirements implementing Title III guidelines.

But the agency qualified its response by saying, “We wish to stress that we have reached this conclusion based on your description of the ownership and operation (of the timeshare). Thus, this conclusion should not be viewed as a general statement of the Department’s position with respect to other types of timesharing facilities; our position on this issue may well be different given a differ-

see **Timeshares**, page 8

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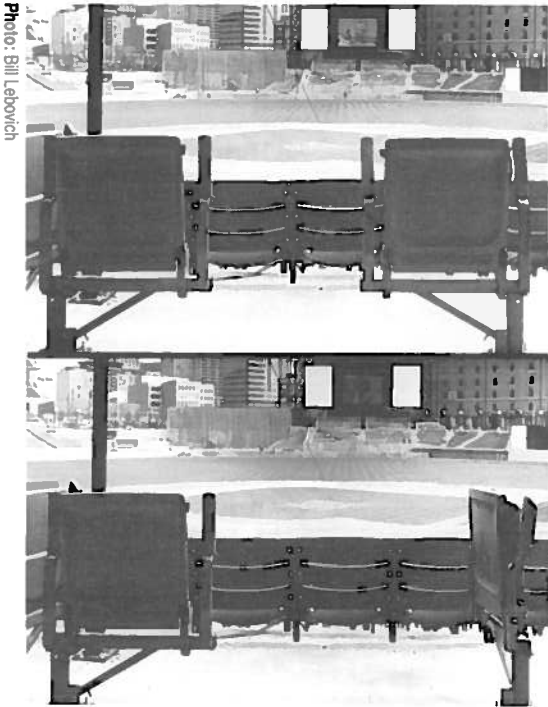
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Camden Yards Ballpark: A State-of-the Art Facility for Accessibility

The lines and form of the new Orioles Park at Camden Yards are more than a beacon drawing passionate baseball fans to Baltimore. They are the foundation of the country's newest state-of-the-art stadium designed and built to accommodate people with disabilities.

Widely acclaimed for its architectural beauty and urban placement, the stadium has been hailed for its design which meets the accessibility requirements under the Americans with Disabilities Act. Nationally-known architects Hellmuth, Obata



Above is the "Camden" seat in its open and closed position.

and Kassabaum (HOK) designed the facility to include 426 "Camden seats" for people who use wheelchairs. The special seats are in nearly every level of the stadium and at every price range.

The stadium's urban placement, in fact, netted architects HOK Sports Facilities Group, and Baltimore-based RTKL Associates Inc. the AIA Urban Design Awards of Excellence during the American Institute of Architects' annual convention in Boston in June.

Design time and effort to create the special seats were donated by representatives of the Volunteers for Medical Engineering, the Maryland Stadium Authority and Gov. William Donald Schaefer's

Accessibility Task Force.

Kim Beasley, a task force member and director of architecture for Paralyzed Veterans of America, drew the sketch for the seat, which was built by the American Seating Company. PVA has since been granted a patent on the seat. Other recreational facilities, including the Superdome in Louisiana, the Oregon Arena Project and a minor league stadium are using the seat or plan to, said Beasley. "It's catching on."

Because the seat folds up and pivots to one side to accommodate people with disabilities, the design "is really universal," said Beasley, who added that the concept "went far beyond the letter of the law and the intent of the law because you could have your wheelchair users sitting with everyone else."

"The design," he said, "seemed obvious to me in response to a unique problem the industry had," which is how to make seating accessible to people with disabilities while at the same time addressing the economic concerns of, in this case, stadium officials.

In addition to the seats, which represent about 1 percent of the park's total 46,620 seats, the stadium has ramps, lower concession counters, Braille signs and an FM broadcast station that allows people with hearing impairments to follow the game.

"It's been very popular," said Joseph E. Spear, senior vice president of HOK. "People use it to enjoy a description of the game."

While the Camden seats cost about \$230 more than the standard \$67 seats, accessibility requirements didn't make much of a dent in the total cost of the \$250-million park, Spear said.

The design goal, he added, was to consider accessibility guidelines under the ADA, but also make the stadium comfortable for all baseball fans, not just those who use wheelchairs. Ramps and handrails make moving about the stadium easier for ambulatory people as well, Spear said.

He also noted that with forethought and planning, stadiums and other, similar facilities can have a distinctive style and flair and still be accessible to people with disabilities. The alternative, Spear noted, is to retrofit buildings in a piecemeal fashion, which can inflate costs and damage the aesthetic appeal.

Conforming to the ADA "is not going to cost you tens of millions of dollars," Spear said. ■

"The design seemed obvious to me in response to a unique problem the industry had," which is how to make seating accessible to people with disabilities.

— Kim Beasley, director of architecture, Paralyzed Veterans of America.

Businesses Discover Accessibility Is A Boon Rather Than a Burden

Betty Longwith travels a great deal in her role as founder of the Cochlear Implant Club International, and usually it's a harrowing experience. But not anymore.

On a recent trip to Las Vegas, Longwith, who stayed at the Imperial Palace, was escorted to a room designed specifically for people with hearing impairments. Not only was there a light on the door to indicate when someone knocked, but the room also was equipped with a special television decoder, telephone and clock.

"It was so comforting to pick up that telephone and call home . . ." wrote Longwith in a letter to the hotel management. "But my biggest thrill was getting room service. I have been alone in hotels so much, and especially late at night. I've been hungry or thirsty but did not want to take a chance on roaming around late at night with my deafness. Can you ever imagine the thrill of being able to pick up that phone and order room service?"

William Hunt, a businessman with a visual impairment, often found himself without any cash at crucial times because he was unable to use automatic teller machines. Now, however, almost every bank he uses has ATM instructions written in Braille and many have voice guidance.

"It's great to be able to get money when I need it, and not be at the mercy of banking hours," Hunt related.

Both Longwith and Hunt attribute their new-found ability to use crucial systems taken for granted by most people to the Americans with Disabilities Act, which guarantees equal access to accommodations and employment for people with disabilities.

The Imperial Palace and the banks Hunt uses are just two examples of businesses that have not only met the requirements of the ADA, but have improved customer satisfaction as well. Since passage of the ADA, many businesses have discovered that improved accessibility ultimately is more of a boon than a burden.

In fact, initial fears by small businesses that the mandates would bankrupt them have been largely unrealized, experts note. The ADA specifically states that businesses are exempt from providing auxiliary

aids if doing so would constitute an "undue burden," meaning a significant difficulty or expense, or a fundamental alteration in the nature of goods or services.

Auxiliary aids and services include audio tapes for people with visual impairments; assistive listening headsets, television captioning and decoders and telecommunication devices for those with hearing impairments; text telephones, video-text displays; taped texts; brailled materials; large print materials and interpreters.

"The ADA is about making life better for everyone, not just people with disabilities," said Mary Jane Owen, a disability-rights advocate and consultant based in Washington, D.C., who also writes a newsletter entitled *Disability Focus*. "Most people are reasonable about what they need. Nobody is served if businesses go under."


Since the requirements took effect, many businesses have found that providing access is not as costly as they expected. Providing an auxiliary aid or service, for example, can end up being much less expensive than making a structural change or providing an ongoing service like hiring an interpreter.

The auxiliary aid requirement is flexible. Restaurants, for example, can provide menus in Braille or have waiters read menus to customers with visual impairments. The more cost-efficient method, however, would be to provide audiocassettes of menus. Taped versions also may be used by other customers who have difficulty reading.

The concept — Universal Design — ultimately will bring down the cost of making structures and services accessible to people with disabilities. The more people are able to use an auxiliary aid or service, the more cost-efficient it will be.

Though the costs for such devices and services range widely — from \$50 for a phone amplifier to much more for flashing alarms or assistive listening systems — they usually can be kept to a minimum with a little ingenuity, said Julie Kopit, director of the assistive devices center at Self-Help for the Hard of Hearing in Bethesda, Md.

"The size of the business has a lot to do with how much should be spent," Kopit added. "Of course, the more accessible, the better."

Further information on specific auxiliary aids is available by contacting the Institute for Technological Development, Product Search Service, 601.234.0158. 

"I've been hungry or thirsty but did not want to take a chance on roaming around late at night with my deafness. Can you ever imagine the thrill of being able to pick up that phone and order room service?"

— Betty Longwith, founder, Cochlear Implant Club International.

Future issues of *Universal Design Newsletter* will include advertising inserts. Manufacturers and service providers should contact the Publisher for information.

spectors, at least in metropolitan Washington, stamp a warning on permits that states: 'This doesn't indicate our approval that you've complied with the ADA.' But they stop short of actually enforcing the law.

"Building inspectors will not and should not enforce ADAAG because they are not responsible for enforcing civil rights laws — which the ADA is — only building codes," said John Salmen, a Rockville, Md., architect specializing in ADA compliance.

Under the Supremacy Clause of the U.S. Constitution, the ADA overrides any less stringent requirements under state and local building codes, said Stephen Koslow, a Rockville, Md.-based attorney, who specializes in labor and employment law.

"Architects, builders and developers should not assume that having their plans approved by the local building department is a guarantee that those plans won't be challenged under the ADA," Koslow said.

Because ADAAG is more stringent than ANSI — the basis of all accessibility building codes — architects are encouraging builders and developers to comply with ADAAG even if officials with local and state building departments do not, said Berman.

Architects and designers planning alterations and new construction of private buildings under Title III of the act should use ADAAG, said Philip Breen, special legal counsel in the DOJ's public

access section. But local building codes can be used once they have been certified as equivalent by the agency, he added.

The building codes have evolved from ANSI to the Minimum Guidelines and Requirements for Accessible Design (MGRAD) to the Uniform Federal Accessibility Standards (UFAS) to ADAAG. When Congress passed the ADA in 1990, the Architectural and Transportation Barriers Compliance Board — charged with writing new accessibility guidelines — came up with

see **Playing It Safe**, page 8

The Five Titles Of the ADA

Here are the five titles of the Americans with Disabilities Act and the dates their requirements take effect.

TITLE I — Employment: Prohibits discrimination against qualified individuals with disabilities with regard to employment. The requirements took effect July 26, 1992, for employers with 25 or more employees, and will kick in July 26, 1994 for employers with 15 to 24 employees.

TITLE II — Public Services: Prohibits discrimination in the programs, services, or activities of public entities (state and local governments). The title, which took effect January, 1992, also requires buses, trains and subway systems to make their services accessible to people with disabilities. Early this year, the Architectural and Transportation Barriers Compliance Board will issue accessibility guidelines for Title II of the ADA. Until then the Department of Justice, which oversees enforcement of the act, says architects and builders can use the ADA Accessibility Guidelines (ADAAG) or the Uniform Federal Accessibility Standards, originally designed for public institutions.

TITLE III — Public Accommodation And Commercial Facilities: Requires that private businesses open to the public (restaurants, department stores, convenience stores, specialty stores and hotels and motels) allow people with disabilities to participate

equally in the goods and services they offer. It also requires the construction of such commercial facilities as office buildings, factories and warehouses to be accessible to people with disabilities. Further, the title mandates the provision of auxiliary aids and services, accessible transportation services when they are offered, and the removal of architectural barriers. On Jan. 26, 1993, the requirements become effective for newly-designed and constructed facilities.

TITLE IV — Telecommunications: Requires telephone companies to make relay services available for people with hearing and speech impairments. The requirements take effect on July 26, 1993 for provision of operator relay services. Hotels or resellers of telephone service are not required to comply with this section, but are subject to portions of Title III, requiring the provision of auxiliary aids and services.

TITLE V — Miscellaneous: Ties the ADA to the Civil Rights Act of 1964, and includes various legal and technical provisions, among them: that the ADA does not override or limit the remedies, rights or procedures of any federal, state or local law which provides greater or equal protection for the rights of individuals with disabilities. It also provides a mechanism for state and local building codes to be certified as equivalent to ADAAG.

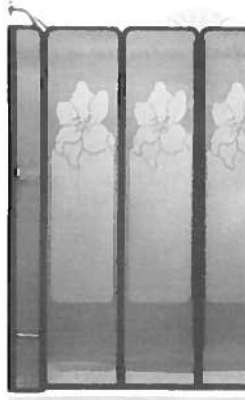
“Architects, builders and developers should not assume that having their plans approved by the local building department is a guarantee that those plans won't be challenged under the ADA.”

— Stephen Koslow, attorney.

For Roll-In Showers and Baths

Making showers and baths comfortable and accessible for people with disabilities doesn't mean sacrificing style. Form and function can combine to create a bathing area that is comfortable and attractive for everyone.

■ The Shower Veil, available from Lyons Industries Inc., in widths from 28" to 84," folds neatly out of the way into two sections. Because of the unique angle of the bottom of the door, no tracks are needed, which enhances accessibility. Made of durable and attractive G.E. Lexan, the Shower Veil is covered by a full 12-year warranty.



■ Work Right enclosures also allow for a creative and attractive use of space. Built of heavy extruded aluminum frames and tempered safety glass, the enclosure's double-wide swinging doors create a 60" opening. Styles range from traditional to contemporary.

■ With Tub-Master's new barrier-free shower door, those with special needs can be comfortable in a standard shower area. The bottom track of the door was designed to create a small dam to minimize spillover, yet provide easy rollover for wheelchairs.



■ Lightweight, handheld showerheads by The Alsons Corporation can be used with standard tub faucets and positioned on pins or on a glide-rail mounting.

■ Safetek International Inc. has introduced a line of high-strength, thermoplastic grab bars, which won't peel, chip, or corrode. The bars, which range in length from 9" to 48," are available in various colors.

Lyons Industries Inc.
P.O. Box 88
Dowagiac, Mich.
49047
800.458.9036
FAX: 616.782.5159

Work Right
Customer Service
4215 Work Right
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Calif. 95453
800.862.4995
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(nationwide)

Tub-Master Corporation
413 Virginia Drive
Orlando,
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407.898.2881

Alsons Corporation
525 East
Edna Place
Covina,
Calif. 91723
818.966.1668
FAX: 818.915.1033

Safetek International Inc.
P.O. Box 23
Melbourne,
Fla. 32902
407.952.1300
FAX: 407.952.2766

Retail: Services & Procedures

? **PROBLEM:** The ADA requires checkout aisles that are accessible to people who use wheelchairs.

TIP: Clearly identify the accessible checkout aisle. Have an accessible aisle open at all times. If you have express and standard aisles, make sure one of each is accessible.

? **PROBLEM:** The range of reach of short vs. tall people and standing vs. wheelchair users seems to make the display of merchandise difficult.

TIP: Arrange merchandise in vertical rows (rather than horizontal) so it is situated between 18" and 48." A similar solution is to have two or more identical horizontal bands of merchandise, one around 36" and another around 60."

? **PROBLEM:** People with hearing impairments must often see the face and lips of the speaker in order to understand what is being said.

TIP: Provide lighting over retail counters that illuminates the work surface and at the same time illuminates the face of the retail clerk. It is best if the background behind the clerk be relatively dark and non-distracting to allow the hearing impaired person to better concentrate on the speaker. Train service personnel to speak clearly, to speak at a normal volume, and to look directly at hearing impaired persons when communicating with them. If the customer is not looking at the sales person, the sales person should get the attention of the customer before proceeding with the communication.

*If you have ideas, experiences or solutions to specific problems that you would be willing to share, please send them to **Universal Design Newsletter**.*

NEW
PUBLICATIONS

As businesses begin the task of complying with the Americans with Disabilities Act, a number of trade organizations and other groups have released guides and publications to help people decipher the statute's requirements.

Residential Design . . .

The National Association of Home Builders (NAHB) Research Center has released the *Directory of Accessible Building Products 1992*, a compilation of innovative products designed to help make life more enjoyable, and even safer, for people with disabilities. Many of the products can be used in commercial structures.

Cost: Free, with a \$2 charge for shipping and handling. Contact NAHB Research Center, 400 Prince George's Boulevard, Upper Marlboro, Md. 20772-8731, or call 301.249.4000.

Supermarkets . . .

The *Americans with Disabilities Act Starter Kit for Supermarkets* was developed by the Food Marketing Institute to help supermarkets comply with the law. Materials include ways to determine which store features already are in compliance, cost estimates for barrier removal and listings of national/regional sources for more information.

The *ADA Compliance Manual for Supermarkets*, which continues where the starter kit leaves off, was due to be released last fall [1992]. The 200-page manual is a complete reference guide for supermarkets in need of specific compliance plans. It also contains illustrations and diagrams of ways to adapt store layout and design to meet the ADA.

There also is a special section on employment issues under Title I of the law.

Cost: The starter kit is \$10 for FMI members and \$20 for non-members. The manual is \$25 for FMI members and \$50 for non-members. Contact Barbara Sisson, FMI, 800 Connecticut Ave., NW, Washington, DC 20006, or call 202.452.8444.

Designing Consumer Products . . .

How to design consumer products to meet the needs of people with disabilities and seniors is the focus of *Accessible Design of Consumer Products: Guidelines for the Design of Consumer Products to Increase Their Accessibility to People with Disabilities or Who Are Aging*.

The aim of the document is to provide designers with criteria that will allow products to be used by seniors and people with disabilities, and to highlight problems encountered by people with various disabilities in using such products.

The document provides, among other things, design/idea options to maximize the number of people who can reach and read labels on controls.

The document's authors are Gregg C. Vanderheiden, an associate professor of Industrial Engineering at the University of Wisconsin-Madison and director of its Trace Research and Development Center, and Katherine R. Vanderheiden, a CPA and business/education consultant.

For a copy of the document, write to Consumer Products Guidelines Project; c/o Trace R&D Center, S-151 Waisman Center, University of Wisconsin, Madison, 1500 Highland Ave., Madison, Wisc. 53705. Or call 608.263.2309; TDD 608.263.5408; FAX 608.262.8848. The document is available in electronic form. Price varies.

In the next issue, Universal Design Newsletter will feature: truncated domes, family restrooms, ATMs and communication products.

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Playing It Safe, from page 5

ADAAG which is based upon, but goes beyond MGRAD and UFAS.

The differences between the codes has led to confusion for architects, builders and developers who are trying to comply with the correct standards. Under Title II, state and local governments are covered by UFAS and ADAAG, but the federal government is covered only by UFAS (See sidebar on page 5.)

The most important and basic differences between ANSI, UFAS and ADAAG deal with scoping provisions (how many elements must be incorporated into an architectural design and under what circumstances). There also are technical differences in areas such as detectable warnings and emergency egress.

Under ADAAG, new and existing buildings are treated differently. Any new building must be con-

structed in compliance with ADAAG. Existing buildings have to make changes that are "readily achievable," that is, easily accomplished without much difficulty or expense. While confusion exists, it appears that most good-faith efforts to comply with the law will be acceptable.

"Understanding the technicalities of the letter of the law can be confusing, but the spirit of the law is really quite simple. It involves understanding people — the users of our environment," said Salmen. "By incorporating the concepts of Universal Design embodied in ADAAG, we will be able to create strong and more viable designs for everybody."

Over the next five years, the DOJ is expected to go easy on those businesses trying to comply with the assortment of building codes. ADA, said a DOJ spokesman, will only be enforced on a "complaint-by-complaint" basis. ■

"Understanding the technicalities of the letter of the law can be confusing, but the spirit of the law is really quite simple. It involves understanding people — the users of our environment."

— John Salmen,
architect.



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ent set of facts concerning the ownership and operation of such facilities."

The FHAA's accessibility guidelines apply only to new construction of condominiums, which must be built to be made accessible to those with mobility impairments, said Hosford. But the ADA, she added, covers existing and new timeshares and public accommodations contained in condominiums, offices or clubhouses rented to the public.

Condos used as residences fall under the FHAA, says Al Elsenberg, senior director for federal liaison with the American Institute of Architects. "As far as drawing the line for public accommodation in condos and timeshares — it's really quite simple — it's those areas that are open

to the public (that fall under the ADA)."

If the condo or timeshare is marketed on a weekly basis as a vacation property, they could fall under the ADA. But if used as long-term residences, they clearly come under FHAA's enforcement arm.

Because condos and timeshares can be considered to be a hotel or motel occupancy, architects are playing it safe with ADAAG. "When we look at space we absolutely design everything for people with disabilities . . .," said Lewis Goetz, principal of Greenwell Goetz Architects, based in Washington.

(PUBLISHER'S NOTE: *Universal Design Newsletter* will continue to keep its readers posted on this issue.) ■

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