



New Regulations to the American with Disabilities Act

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As all design professionals are aware, the Americans with Disabilities Act (ADA), which was signed into law in 1990, fundamentally affected the construction industry and the work of architects and engineers. Under Title II of the ADA, all buildings owned by a state or local government must be fully accessible to persons with disabilities (the same requirement applies to federal buildings under the Architectural Barriers Act of 1968 and Rehabilitation Act of 1973). Title III of the ADA imposes the same requirements on privately-owned buildings deemed to be either public accommodations or commercial facilities. Buildings constructed after the ADA's enactment must comply with the ADA Accessibility Guidelines (ADAAG). In addition, barriers to accessibility must, with some exceptions, be removed from buildings existing prior to the ADA's enactment.

What's being proposed

The ADA charged the Department of Justice (DOJ) with issuing regulations to implement Titles II and III of the ADA. Pursuant to that authority, the DOJ has proposed new regulations that amend some ADAAG standards. The proposed regulations affect a wide array of buildings and recreational facilities, including courthouses, playgrounds, amusement parks, swimming pools and golf courses.

The proposals have been published in the Code of Federal Regulations under 28 CFR Parts 35 and 36 and are available online at: http://www.ada.gov/NPRM2008/t2NPRM_federalreg.pdf (Title II) and http://www.ada.gov/NPRM2008/t3NPRM_federalreg.pdf (Title III).

Opportunity to Comment

Although not all of the proposed changes directly affect the construction industry, many are relevant. As required by federal law, the proposed changes must be submitted for public review and comment before the DOJ can formally adopt them as binding regulations. For those interested, there is currently an opportunity to comment and provide suggestions on the proposed regulations. Interested parties can submit comments or review the comments of others at <http://www.regulations.gov>. Existing comments can be found by searching under DOJ-CRT-2008-0016 (Title II) and DOJ-CRT-2008-0015 (Title III). Comments must be posted by August 18, 2008.

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