

# YOUR NEED TO KNOW IN THE NEWS

JULY 29, 2010

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## JUSTICE DEPARTMENT ISSUES FINAL RULE REVISING ADA REGULATIONS

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The U. S. Department of Justice (DOJ) has amended its regulations implementing Title III of the Americans with Disabilities Act (ADA), which applies to commercial buildings and public accommodations. This is the first comprehensive revision since the 1991 ADA Accessibility Guidelines (ADAAG) went into effect.

In making this long anticipated change to the ADA regulations, DOJ adopted standards contained in the U. S. Access Board's 2004 ADA/ABA Accessibility Guidelines impacting a broad array of commercial building types. The new standards address a variety of building elements, including new requirements for restrooms, reach ranges, sales and service counters, employee work spaces, telephones and stairways. The revised rules also impact power-driven mobility devices such as Segways, communication services, such as remote interpreting of video conferencing, and lodging reservation systems.

BOMA and its industry coalition partners were successful in securing major concessions in the revised regulations for the commercial real estate industry on the two major issues that facilitate a less problematic and more cost-effective transition to the new rules.

The first is a broad "grandfather" clause that exempts all building elements that were constructed or altered in compliance with the 1991 rules. This grandfather exemption is in effect until those elements are subject to a planned alteration and also applies to the "path of travel" to an altered area. The second is the inclusion of a reasonable time within which to comply with the new rules. The revised regulations do not become effective until six months after July 27, 2010 but are not mandatory for new construction and alterations and barrier removal until 18 months after publication. During the period from late January, 2011 and January 2012, projects may be designed and constructed in compliance with the current ADAAG (1991 regulations) or the revised 2010 regulations.

A more comprehensive review of the details of the new ADA regulations is under development by the BOMA staff and will be available on the BOMA website ([www.boma.org](http://www.boma.org)) soon. For more information, contact [Ron Burton](#) or [visit the DOJ's ADA webpage](#) ( <http://www.ada.gov/regs2010/ADAregs2010.htm> .)