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A collaborative program between the ADA National Network and the U.S. Access Board



The Session is Scheduled to begin at 2:30pm Eastern Time
We will be testing sound quality periodically

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Webinar Features

- **Closed captioning:** Click CC icon (located in the panel labeled "Audio and Video" on your screen) and adjust the captioning box as needed for font size.
- **Customize your view:** You can resize the whiteboard where the Presentation slides are shown to make it smaller or larger by choosing from the drop down menu located above and to the left of the whiteboard. The default is "fit page"


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Webinar Features (con't)

- **Asking ?'s:** Participants may submit questions via the chat area (Ctrl M). You will not be able to see the questions submitted by other participants but they will be viewable by the speakers/moderators.
- **Emotions/Hand-raising:** Please do not use these features during this session unless instructed by the presenter.

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 **Presenter**



Jim Pecht

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Accessible Historic Facilities

Session Agenda

- **Laws requiring access to Historic Facilities**
- **ADA and ABA Standards**
- **Scoping requirements for Alterations to Historic Facilities**

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Accessibility Laws

- **Americans with Disabilities Act**
- **Architectural Barriers Act**
- **Rehabilitation Act**

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Accessibility Laws

Americans with Disabilities Act Covers:

- State and local government historic properties under Title II
- Privately owned historic places of public accommodation under Title III

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Accessibility Laws



Title II State House

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Accessibility Laws



Title III Private Mansion

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Current ADA Standards



DOJ's 2010 Standards

(mandatory March 15, 2012)



DOT's 2006 Standards

(mandatory November 29, 2006)

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Accessibility Laws

Architectural Barriers Act:

Covers historic facilities that are altered, or leased by, or on behalf of, the United States.

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Accessibility Laws



Federal Facilities

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Current ABA Standards

Federal facilities



DOD Standards (October 31, 2008)



GSA Standards (May 8, 2006)



USPS Standards (October 1, 2005)

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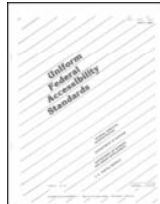
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Current ABA Standards cont.

Federal facilities



HUD still uses UFAS
(1984) for historic
facilities
(HUD plans to update
standards)



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Accessibility Laws

Rehabilitation Act:

Covers historic facilities that house a program of Federal agency or that are altered with Federal financial assistance.

(Many Federal Agencies still reference UFAS)

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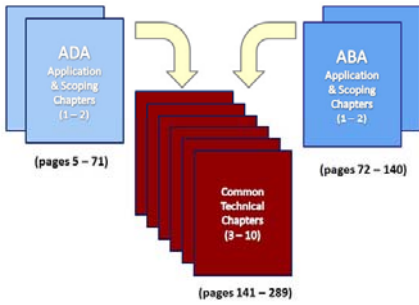
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ADA and ABA Standards



Based on the Board's ADA-ABA Guidelines (2004)

Guidelines v. Standards



Online Guidance



www.access-board.gov

Definitions

Alteration:

A change to a building or facility that affects or could affect the usability of the building or facility or portion thereof.

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Definitions

Alteration cont.

Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.

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Definitions

Alteration (con't)

Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

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Definitions

Qualified Historic Building or Facility:

A building or facility that is listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate State or local law.

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Historic Facilities Scoping

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Historic Facility Scoping

202.5 Alterations to Qualified Historic Buildings and Facilities.

Alterations to a qualified historic building or facility shall comply with 202.3 and 202.4.

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Historic Facility Scoping

EXCEPTION: Where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the requirements for accessible routes, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, the exceptions for alterations to qualified historic buildings or facilities for that element shall be permitted to apply.

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Historic Facility Scoping

ADA facilities must consult with the State Preservation Officer to meet this exception.

ABA facilities must additionally comply with the requirements of Section 106 of the National Historic Preservation Act.

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Historic Facility Scoping

206.2.1 Site Arrival Points. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.

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Historic Facility Scoping

206.2.1 Site Arrival Points.

EXCEPTION: 1. Where exceptions for alterations to qualified historic buildings or facilities are permitted by 202.5, no more than one accessible route from a site arrival point to an accessible entrance shall be required.

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Historic Facility Scoping



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Historic Facility Scoping



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Historic Facility Scoping

206.2.3 Multi-Story Buildings and Facilities.

At least one accessible route shall connect each story and mezzanine in multi-story buildings and facilities.

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Historic Facility Scoping

206.2.3 Multi-Story Buildings and Facilities.

EXCEPTION:

7. Where exceptions for alterations to qualified historic buildings or facilities are permitted by 202.5, an accessible route shall not be required to stories located above or below the accessible story.

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Historic Facility Scoping



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206.4 Entrances.

Entrances shall be provided in accordance with 206.4. Entrance doors, doorways, and gates shall comply with 404 and shall be on an accessible route complying with 402.

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Historic Facility Scoping

206.4 Entrances.

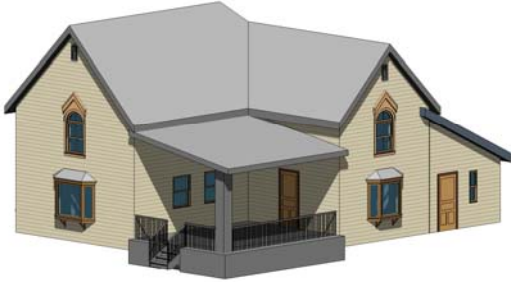
Exception:

2. Where exceptions for alterations to qualified historic buildings or facilities are permitted by 202.5, no more than one public entrance shall be required to comply with 206.4. Where no public entrance can comply with 206.4 under criteria established in 202.5 Exception, then either an unlocked entrance not used by the public shall comply with 206.4; or a locked entrance complying with 206.4 with a notification system or remote monitoring shall be provided.

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Entrances



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Entrances



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Entrances



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Entrances



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Entrances



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Historic Facility Scoping

213.2 Toilet Rooms and Bathing Rooms. Where toilet rooms are provided, each toilet room shall comply with 603. Where bathing rooms are provided, each bathing room shall comply with 603.

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Historic Facility Scoping

213.2 Toilet Rooms and Bathing Rooms.

Exception:

2. Where exceptions for alterations to qualified historic buildings or facilities are permitted by 202.5, no fewer than one toilet room for each sex complying with 603 or one unisex toilet room complying with 213.2.1 shall be provided.

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Historic Facility Scoping



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Historic Facility Scoping

So what about everything else covered in the Standard like counters and operable hardware and drinking fountains?

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Historic Facility Scoping



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ADA

The Department of Justice's regulation for new construction and alterations reads:

§ 36.405 Alterations: Historic preservation.

(a) Alterations to buildings or facilities that are eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 *et seq*) or are designated as historic under State or local law, shall comply to the maximum extent feasible with this part.

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ADA

§ 36.405 Alterations: Historic preservation cont.

(b) If it is determined that it is not feasible to provide physical access to an historic property that is a place of public accommodation in a manner that will not threaten or destroy the historic significance of the building or the facility, alternative methods of access shall be provided pursuant to the requirements of subpart C of this part.

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ABA

Federal agencies must apply for a waiver or a modification of the Standard for those elements not specified in the exception.

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When Everything Threatens or Destroys....



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When Everything Threatens or Destroys....



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One of my favorite TA questions:

“I have a historic foundation. The original house that sat on it burned down. If I reconstruct an exact replica of the original building, can I use the exceptions for historic buildings?”

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Answer

NO

That would be considered new construction. The exemptions would only apply to the foundation alone.

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Questions?

You May Type and Submit questions in the Chat Area Text Box or press Control-M and enter text in the Chat Area

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Thank you for participating
in today's webinar



Next scheduled session:

"Accessible Medical Diagnostic Equipment"

December 6th , 2012

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