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ADA National Network and the
U.S. Access Board



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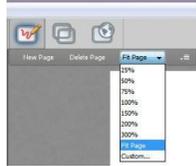
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Federal Facilities & the Architectural Barriers Act Accessibility Standard (ABA): "A Refresher"

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Presenters



Rex Pace
GSA's National
Accessibility Officer



Mario Damiani
Access Board
Compliance Specialist

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Session Agenda

Part I
ABA Standards

Part II
ABA Enforcement Process

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Part I ABA Standards

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The Architectural Barriers Act of 1968 (ABA)

Requires that certain buildings and facilities be accessible to persons with disabilities – specifically buildings and facilities:

- 1) Intended for use by the public or may result in the employment or residence therein of individuals with physical disabilities;
- 2) Which were:
 - (a) **constructed or altered** by or on behalf of the United States,
 - (b) **leased**, in whole or in part by the United States, or
 - (c) **financed** in whole or in part by a grant or loan made by the United States **after August 12, 1968 (date of ABA enactment)**.

(the ABA also applies to stations and facilities of Washington's Metrorail System)

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ABA-Covered Facilities

While Federal facilities built before 1968 are generally not covered, **alterations** and **leases** undertaken after 1968 may trigger ABA coverage.

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ABA-Covered Facilities

Examples:

- Federal office buildings
- United States Post Offices
- HUD multi-family residential units
- Federal prisons and courthouses
- Social Security Administration offices
- National Parks, Monuments, Forests
- DoD Facilities
- State or local transit facilities built with Federal funds

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History of the ABA



- 1968: The ABA was signed into law by President Lyndon Johnson.
- 1970: The ABA was amended to cover the buildings and facilities of Washington's Metrorail System.
- 1973: The Access Board was established by Section 502 of the Rehabilitation Act of 1973, signed into law by President Richard Nixon, with the mandates to enforce ABA and establish accessibility standards.
- 1976: The ABA was amended to extend coverage to buildings and facilities of the U.S. Postal Service (USPS), private buildings used to provide federally subsidized housing, and buildings leased by the United States.
- 1984: GSA, DoD, USPS, and HUD jointly adopted the Uniform Federal Accessibility Standards (UFAS).
- 1984: The Rose v. USPS decision required the U.S. Postal Service to make all buildings it leased after January 1, 1977, to be accessible.
- 2004: The Access Board updated the ABA Accessibility Guidelines (ABAAG).
- 2005: USPS and GSA adopted the Guidelines as the ABA Accessibility Standards (ABAAS)
- 2008: DoD adopted the Guidelines.

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Organization of ABAAS

ABA Chapter 1:
Application and Administration

ABA Chapter 2:
Scoping Requirements

These section numbers
Preceded with "F"



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Organization of ABAAS

Technical Requirements:

Chapter 3: Building Blocks

Chapter 4: Accessible Routes

Chapter 5: General Site and Building Elements

Chapter 6: Plumbing Elements and Facilities

Chapter 7: Communication Elements and Features

Chapter 8: Special Rooms, Spaces, and Elements

Chapter 9: Built-in Elements

Chapter 10: Recreation Facilities

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Elements Covered

Standards apply to fixed or built-in elements



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ABA Standard-Setting Agencies

The GSA ABA Standards cover the vast majority of Federal Executive Branch agencies.



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Overview of GSA Real Estate



GSA owns and leases over 376.9 million square feet of space in 9,600 buildings in more than 2,200 communities nationwide.



Accessibility Program in Public Buildings Service/Office of the Chief Architect

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GSA's National Accessibility Program



National and Regional Accessibility Officers

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Sections 501 and 504

- Implicate operational, procedural, and policy issues, e.g., emergency evacuation plans, use of service animals, parking enforcement or permitting, employment issues, etc.;
- Require facilities to comply with accessibility standards at time of construction;
- Handled through EEO or reasonable accommodation processes;
- May require changes to existing facilities if no other option is available;
- Not covered by the ABA.

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ADA vs. ABA

Americans with Disabilities Act

- ADA is a full civil rights Law – covers the employment, programs, and polices as well as facilities
- ADA covers public accommodations and state/local governments.
- 2010 Standards for Accessible Design

Architectural Barriers Act

- ABA only addresses building and site – facility standard
- ABA covers Federal Government and certain federally funded projects
- ABA Accessibility Standards - "ABAAS"

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Differences between ABA and ADA Standards

1. Modifications and Waivers (§ F103)
2. Some Definitions (§ F106.5)
3. Employee Work Areas
4. Additions (§ F202.2)
5. Leased Facilities Section (§ F202.6)
6. Existing Elements (§ F203.2)
7. Elevator Exceptions (§ F206.2.3)
8. Outdoor Developed Areas on Federal Lands
9. Military Exclusions
10. Unique provisions added by DOJ & DOT to ADA Standards

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Modifications and Waivers

AUTHORIZED UNDER THE ABA

- Administrator of the General Services Administration
- Secretary of the Department of Housing and Urban Development
- Secretary of the Department of Defense
- United States Postal Service

“to **modify or waive the accessibility standards** for buildings and facilities covered by the Architectural Barriers Act on a case-by-case basis, upon application made by the head of the department, agency, or instrumentality of the United States concerned.”

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Employee Work Areas

ABA Statute:

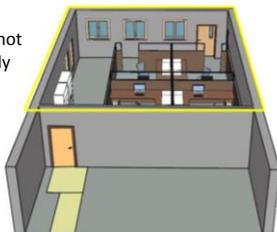
42 U.S.C. § 4151. "Building" defined:

As used in this chapter, the term "building" means any building or facility [...] the intended use for which either will require that such building or facility be accessible to the public, or may result in the employment or residence therein of physically handicapped persons...

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Employee Work Areas - ADA

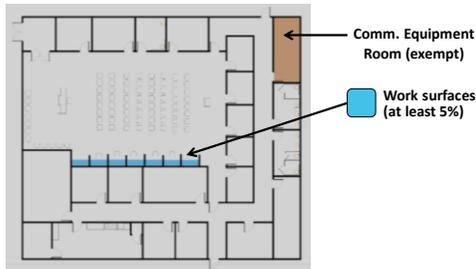
Common use circulation paths not required to comply unless 1,000 SF



Access for approach, entry, & exit to work area

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Employee Work Areas - ABA



Federal Office Space

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Employee Work Areas

Example:

The ADA would require a research laboratory (not used by students, i.e. the public) to only provide "approach, entry, and exit" or, if over 1000 sq. ft., an accessible common use circulation paths in the work area

An ABA research laboratory would include....

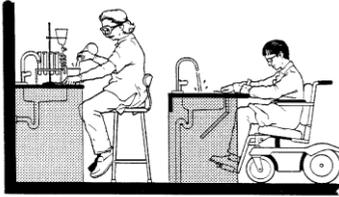
32

Employee Work Areas

- Accessible entry door including security issues
- Accessible route throughout the space
- 5% of work surfaces to be accessible
- 5% of sinks to be accessible
- All controls and operable part to be accessible including: switches, electrical outlets, gas controls, fume hoods
- Accessible emergency eye wash and shower stations

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Employee Work Areas



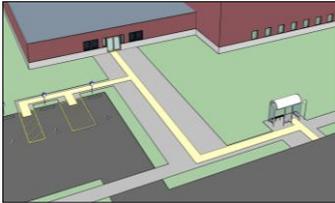
Accessible work surfaces must have forward approach

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Additions – ABA (§F202.2)

ABA Standards:

AR to addition entrance from site arrival points required for all additions



(applies to existing facility entrance if addition doesn't include its own entrance)

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Additions – ABA (§F202.2)

If not included in addition, access required in existing facility to:

- toilet & bathing facilities
- a public telephone
- a drinking fountain



No cost caps apply

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Leased Facilities (§F202.6)

Requirements for new leases & renewals unless facility is leased:

- 12 months max without renewal or extension options; or
- On a temporary, emergency basis for disaster relief services

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Federal Leases

- Newly built – full compliance
- Tenant build out – alterations
- Existing – specific provisions (whether altered or not)



GSA's Federal Management Regulation (41 CFR Part 102-76)

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Leased Facilities (§F202.6)

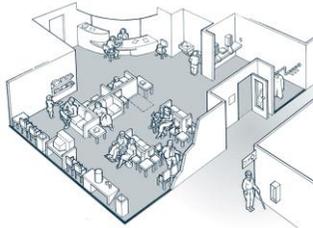
“Buildings and Facilities for which new leases are negotiated by the Federal government ...” (§F202.6)

- Joint use areas
- Accessible route
- Toilet facilities
- Parking (where provided)
- Additional specified elements & spaces where provided

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Leased Facilities

Joint Use: Interior or exterior rooms, spaces, or elements that are common space available for use by all occupants of the building. Joint use does not include mechanical or custodial rooms, or areas occupied by other tenants.



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Leased Facilities

Accessible routes required to connect to Primary Function areas

(as defined by the Administrator of the General Services Administration, the Secretary of Defense, the Secretary of Housing and Urban Development, and the United States Postal Service)

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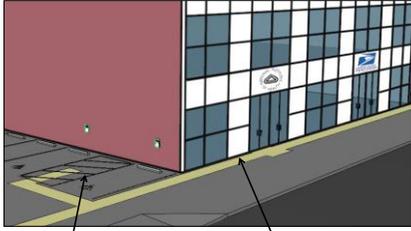
Accessible Routes (§F202.6.2) Primary Function Areas (GSA)

- “For purposes of providing an accessible route in leased facilities subject to the standards, a primary function area is an area that contains a major activity for which the leased facility is intended.”
- Primary function areas include
- areas where services are provided to customers or the public
- offices and other work areas in which the activities of the Federal agency are carried out



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Accessible Routes (§F202.6.2)



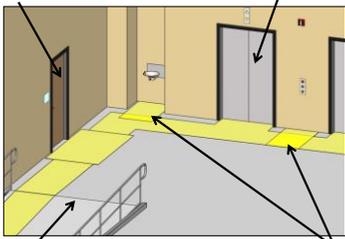
Accessible Parking (§F208)

At least 1 AR (§F206) from site arrival points to accessible entrance

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Accessible Routes Overview

each accessible room and space each story (unless an exception applies)

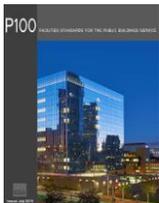


each level on a floor required to be accessible

each accessible element

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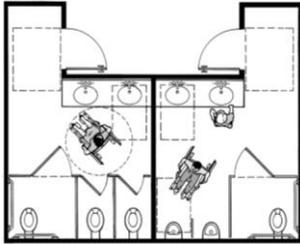
PBS-P100 Facility Standard



- Applies to Federally owned or lease with option to purchase
- Accessible entrance with power door operator (1.3.7)

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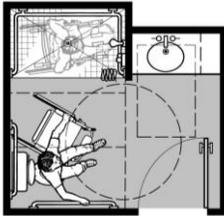
Toilet and Bathing Facilities (§F202.6.3)



F202.6.3.1 Multiple Facilities
 At least one compliant toilet or bathing facility for each sex on each floor that has toilet facilities or bathing facilities

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Toilet and Bathing Facilities (§F202.6.3)



F202.6.3.2 Single Facilities.
 Where only one toilet or bathing facility is provided for each sex, either one compliant unisex toilet or bathing facility, or one for each sex must be provided.

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Accessible Parking: Minimum Number of Spaces (§F208.2)

Parking/Facility Total	Minimum Number of Accessible Spaces		
	Standard	Van**	Total (Standard + Van)
1 - 25	0	1	1
26 - 50	1	1	2
51 - 75	2	1	3
76 - 100	3	1	4
101 - 150	4	1	5
151 - 200	5	1	6
201 - 300	5	2	7
301 - 400	6	2	8
401 - 500	7	2	9
501 - 600	9	2	11
601 - 800	10	2	12
801 - 1000	10	3	13
1001 - 1500	11	3	14
1501 - 2000	12	3	15
2001 - 3000	13	3	16
3001 - 4000	14	3	17
4001 - 5000	15	3	18
5001 - 6000	15	4	19
6001 - 10000	16	4	20
10001 - 15000	17	4	21
15001 - 20000	18	4	22
20001 - 30000	19	4	23
30001 - 40000	20	4	24
40001 - 50000	20	5	25
50001 - 100000	21	5	26
100001 - 150000	22	5	27
150001 - 200000	23	5	28
200001 - 300000	24	5	29
300001 - 400000	25	5	30

* At least 1 of every 6 accessible spaces (or fraction of 6 accessible spaces) must be van accessible.

** 501-1000: 2% of total.

*** 1001 and over: 20 PLUS 1 for every 100 spaces (or fraction of 100 spaces) over 1000.

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Leased Facilities (§F202.6.5)

Other elements & spaces where provided

- Drinking fountains
- Fire alarms
- Public telephones
- Dining and work surfaces
- Assembly areas
- Sales and service counters
- Depositories, vending and change machines
- Residential Dwelling Units
- Emergency Transportable Housing Units

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Federal Leases

Compliance required where these elements and spaces provided to serve leased space



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Leased Facilities

Disproportionality does NOT apply in alterations completed by a Federal entity to meet the leasing requirements of §F202



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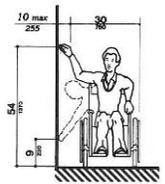
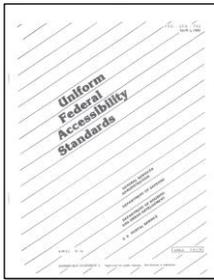
Existing Elements

§F203.2 Existing Elements

Elements in compliance with an earlier standard issued pursuant to the Architectural Barriers Act or Section 504 of the Rehabilitation Act of 1973, as amended, shall not be required to comply with these requirements unless altered.

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UFAS and Existing Elements



High and Low Side Reach Limits

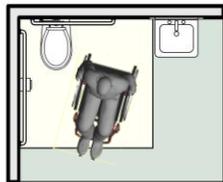
Uniform Federal
Accessibility
Standard "UFAS"

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UFAS and Existing Elements



UFAS permitted lav to encroach on toilet maneuvering clearance



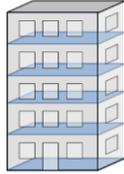
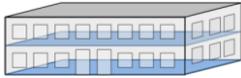
Under ABAAS lav must be outside of maneuvering clearance (except for residential)

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“Elevator Exceptions” (§F206.2.3)

The ADA Standards except an accessible route between levels in buildings less than 3 stories OR less than 3000 sf/floor

The ABA Standards DO NOT



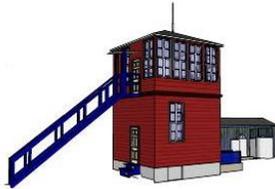
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“Elevator Exceptions” (§F206.2.3)

ABA Exception for:

- 2 story only AND
- 1 floor has: no pub AND max. occupan people

e.g. train dispatch or boat traffic towers



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“Elevator Exceptions” (§F206.2.3)

Additional exceptions:

- detention and correctional facilities
- residential facilities
- transient lodging (multi-story units)
- air traffic control tower cab
- qualified historic facilities

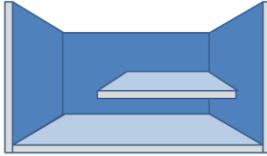


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Accessible Routes

Other Key points

- if circulation path interior, accessible route must be interior
- Accessible route not required if no pedestrian route provided
- Accessible route not required to mezzanines in one story buildings



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Outdoor Developed Areas

- New provisions added for trails, camping and picnic facilities, viewing areas, and beach access routes
- Includes several exceptions for “accessible routes” in these areas and new provisions for -
 - Outdoor recreation access routes
 - Beach access routes



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Outdoor Developed Areas

- §F244 Camping Facilities
- §F245 Picnic Facilities
- §F246 Viewing Areas
- §F247 Trails
- §F248 Beach Access Routes
- §§ 1011 – 1019 Technical Requirements



(See archived webinars on this subject)

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Military Exclusions from ABA Coverage

- Facilities, or portions of facilities, on a military installation that are designed and constructed for use **exclusively by able-bodied military personnel**.
- Reserve and National Guard facilities, or portions of such facilities, owned by or under the control of the Department of Defense, that are designed and constructed for use **exclusively by able-bodied military personnel**.
- Facilities obtained in **emergencies** such as natural disasters or in an area where contingency operations are being conducted.

** However, compliance with accessibility standards is still "recommended to the maximum extent that is reasonable and practicable without degrading the facility's military utility."

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ADA Standards



Additional DOJ requirements:

- Social Service Center Establishments
- Housing at Places of Education
- Assembly Areas
- Medical Care Facilities
- Residential Dwelling Units
- Detention and Correctional Facilities
- Places of Lodging
- Curb Ramps

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ADA Standards

Revisions in DOT's standards:



- Location of accessible routes (§F206.3)
- Detectable warnings on curb ramps (§406.8)
- Bus boarding and alighting areas (§810.2.2)
- Rail station platforms (§810.5.3)

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Part II

ABA Enforcement Process

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Who enforces ABA compliance?

- Complaints that facilities are not accessible are handled by the **Access Board's Compliance and Enforcement Section in the Office of General Counsel.**
- Staff within the Enforcement Section take each complaint through a **multi-step investigation and enforcement process.**

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Starting the Complaint Process

To start an investigation, Compliance Specialists need a written complaint with:

- the name and address of the facility;
- complaint allegations (a brief description of the access problems or barriers); and
- if available, additional information about the facility, such as when it was built or known sources of Federal funding; photographs are helpful but not necessary.

Note: anyone can file an ABA complaint

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How to File a Complaint

- A complaint must be submitted in writing, in one of three ways: 1) online complaint form; 2) e-mail to enforce@access-board.gov; or 3) by mail or fax.
- No special form is required.
- Personal information, including one's name, is optional and, where provided, is not released without the written permission of the complainant.
- Complaints may also be filed anonymously.
- Enforcement staff acknowledges receipt of complainant's initial filing within 10 days.

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How are ABA Complaints Handled?

- Step 1. Conduct a Preliminary Analysis
- Step 2. Open an Investigation
- Step 3. Determine Jurisdiction
- Step 4. Determine Standard and Violation
- Step 5. Corrective Action Plan
- Step 6. Monitor Corrective Action
- Step 7. Close the Complaint

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Step 1. Conduct a Preliminary Analysis

Staff first determine whether the complaint presents allegations of accessibility barriers.

- **If no**, staff inform the complainant accordingly, and, if appropriate, advise the complainant of another accessibility law that may apply and provide appropriate referral information.
- **If yes**, staff open an investigation (Step 2).

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Step 2. Open an Investigation

- Notify the appropriate agency with a letter of inquiry, and obtain jurisdictional and other information about the facility.
- Send the complainant an acknowledgement letter.

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Step 3. Determine Jurisdiction

Staff **determine whether the facility or element is covered by the ABA.**

1. Facility is intended for use by the public, or may result in the employment or residence therein of individuals with physical disabilities;
2. Facility was either:
 - (a) constructed or altered by or on behalf of the United States;
 - (b) leased, in whole or in part by the United States; or
 - (c) financed in whole or in part by a grant or loan made by the United States

after the effective date the ABA (August 12, 1968).

If one or more of these is not met, case is closed but referral information may be provided and agency may still choose to take voluntary corrective action.

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Step 4. Determine if a Violation has Occurred

If jurisdiction is established, staff then:

- Determine the applicable Federal accessibility standard;
- **Determine if the allegations amount to a violation of the applicable standard.**

If not, a referral may be made and/or the agency may voluntarily choose to address the issue.

If a violation exists, go on to Step 5 (Corrective Action).

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Step 5. Corrective Action Plan

If there is a violation of the applicable standard, a corrective action is required.

Corrective Action Plan:

- Contains a detailed description as to how the architectural barriers will be remediated.
- Contains a specified timeframe for plan implementation.
- Enforcement staff can provide assistance in the development of the plan, if needed.
- Enforcement staff approve the proposed plan.

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Step 6. Monitor Corrective Action

Once the corrective action plan has been approved:

- Staff notify the complainant and agency when the corrective action plan is approved; and
- Staff monitor implementation of the corrective action plan until the agency provides verification of completion (e.g., official statements, photographs, and/or architectural or dimensioned drawings).

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Step 7. Close the Complaint

After verifying that the agency's corrective actions are completed:

- notify the complainant in writing of the final actions taken; and
- give them 15 days to provide contradictory information.
- If none, staff close the case and notify the agency.

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Access Board Compliance and Enforcement Regulations

- Board notifies agencies of the alleged instance of noncompliance and affords a reasonable opportunity to respond or submit pertinent documents.
- Board seeks agency cooperation in obtaining compliance and provides assistance and guidance to help agencies comply voluntarily.
- Agencies must submit timely, complete, and accurate information concerning the complaint.
- Agencies required to give the Board access to “books, records, accounts, and other sources of information concerning facilities as may be pertinent to ascertain compliance.”

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Informal Complaint Resolution

- Complaints should be resolved “informally and expeditiously.”
- “Amicable resolution is encouraged.”
- Board can “survey and investigate buildings, monitor compliance programs, furnish technical assistance, and obtain assurances, certifications, and plans of action as may be necessary to ensure compliance.”

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Formal Complaint Resolution Process

- Citations
- Remedy may include suspension or withholding of funds and/or specific corrective action.
- Court Proceedings
- Board has almost never had to invoke these procedures due to strong agency cooperation.

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ABA Complaints Most Common Facility Types

- United States Post Offices
- Offices Buildings/Suites
- Recreational
- Educational
- Health Care
- State/Local Government
- Courthouses & Other Judicial

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Most Common Barriers to Accessibility

- Accessible routes
- Accessible parking
- Entrances
- Interior doors
- Toilet rooms

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Most Common Complaint Referrals

- Americans with Disabilities Act
- Section 504 of the Rehabilitation Act of 1973
- Fair Housing Act
- Section 501 of the Rehabilitation Act of 1973
- Other

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Questions?

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GSA's National Accessibility Program



- National and Regional Accessibility Officers
- Accessibility Facility Design Webpage:

www.gsa.gov/real-estate/design-construction/accessible-facility-design

- Accessibility Desk Guide
- For ICT access - www.section508.gov

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GSA's National Accessibility Program

GSA Regional Accessibility Officers

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Continuing Education

AIA Provider Number: I017
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