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ADA National Network and the
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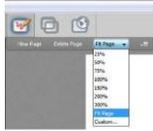
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Customize Your View *continued*



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Leased Facilities

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Today's Presenters

Rex Pace
National Accessibility
Officer
U.S. General Services
Administration (GSA)

Paul Beatty
Accessibility Specialist
U.S. Access Board

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Agenda

- Background on the ABA
- Other Relevant Laws and Standards
- ABAAS Lease Requirements
- Alteration Considerations
- Enforcement
- Resources

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You must have misspelled,
ADA not **ABA**?

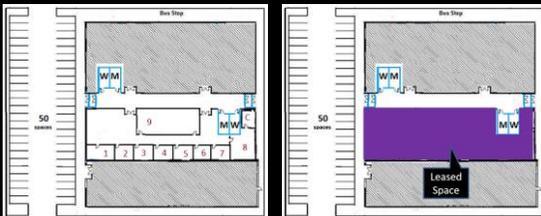
The **"ABAAS"**?, what do you mean the
ADA Standards don't Apply to Federal
Government's Buildings?

ABA – Architectural Barriers Act

ABAAS - ABA Accessibility Standards

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ABA Leasing Focus



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Overview of the ABA, ABAAS, and related Standards

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Architectural Barriers Act (ABA) of 1968 Pub. L. 90-480 (42 U.S.C. §§4151 et seq.)

ABA Covered Building or Facility:

- (1) constructed or altered by or on behalf of the United States;
- (2) leased in whole or in part by the United States after August 12, 1968;

(3) financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, if such building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such grant or loan; or

(4) constructed under authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact.

<https://www.access-board.gov/the-board/laws>

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ABA-Covered Facilities

Examples:

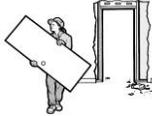
- Federal office buildings
- United States Post Offices
- HUD multi-family residential units
- Federal prisons and courthouses
- Social Security Administration offices
- National Parks, Monuments, Forests
- DoD Facilities



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ABA-Covered Facilities

For "Pre-ABA" Federal facilities alterations and leases undertaken after 1968 are covered



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Current ABA Standards and Leasing Section

- US Postal Service: postal facilities (Oct 2005)
- Dept. of Defense: military facilities (Oct 2008)
- GSA: all other Fed agency facilities (2006/2007), except where HUD ABA applies



<https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/aba-standards>

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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

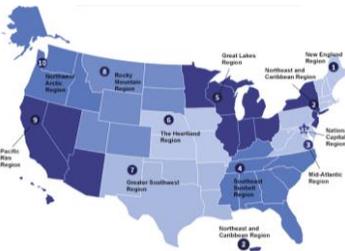


GSA owns and leases over 376.9 million square feet of space in 9,600 buildings in more than 2,200 communities nationwide.



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

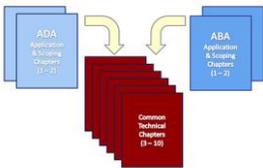
GSA's National Accessibility Program



National and Regional Accessibility Officers

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Basis of ABA Standards



Key differences are in application/scope chapters 1 and 2 and DOJ and DOT added requirements for 2010 ADA Standards

Access Board's
2004 ADA-ABA 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"



**F202 Existing Buildings
and Facilities**

F202.6 Leases

No designated section
on leases in 2010 ADA
Standards

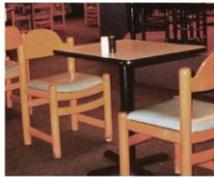
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ABAAS Applies to Fixed or Built-in Elements



Fixed and
Built-in

VS.



Furniture and
Movable Equipment

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Rehabilitation Act

- §504 of the Act covers federally funded/conducted programs & requires compliance with accessibility standards at time of construction
- "Program access requirements" under the act may require changes to "existing facilities" if no other option is available - **NOT** the ABA



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2010 ADA Standards and Leases



§36.403 Alterations: Path of travel (d) Landlord/tenant

If a tenant is making alterations affecting primary function areas, the path of travel obligations apply only to the area they occupy and does not trigger requirements on the landlord (unless the landlord is otherwise altering related areas).

Title III Regulations address landlord tenant responsibilities (§ 36.201(b))

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Americans with Disabilities Act of 1990 No leasing Section, but...

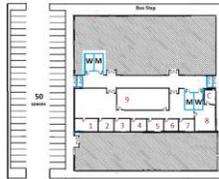
- Alterations and tenant build outs covered

Title II - State and Local Governments

- "Program Access" obligations

Title III - Private Entities who are Public Accommodations

- "Readily Achievable Barrier Removal" obligations



In alterations, all trigger access improvement based on the scope of an alteration.

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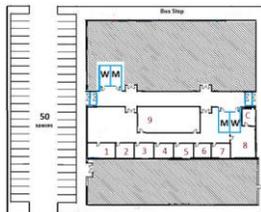
What Leases Are Covered?

ABA Regulations

- GSA Focus: New Fed leases after **Feb 6, 2007*** (see 41 CFR 102-76.65)
- Includes renewed leases neg. by Feds
- "Assignment of space" not "leases"

ABAAS Section F202.6

- EX1: facilities used by officials servicing disasters
- EX2: leases for 12 months or less (no extension)



* lease-construction: on or after June 30, 2006

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Federal Leases and ABAAS Coverage

- **Existing lease facility** – must meet specific leasing provisions (whether altered or not)
- **Tenant build out/changes** – must meet alterations provisions
- **Newly built/“build to suite”** – full compliance, built on behalf of Federal Government



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IBC – State/Local Accessibility Codes



ICC/ANSI A117.1



IBC



California Code

A private or state/local government landlord may have other mandatory access obligations in addition to the ABAAS

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ABAAS Lease Section

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F202.6 - Minimums - Covered Features

- F202.6.1 Joint Use Areas
- F202.6.2 Primary Function Areas
- F202.6.3 Toilet and Bathing
- F202.6.4 Parking
- F202.6.5 Other

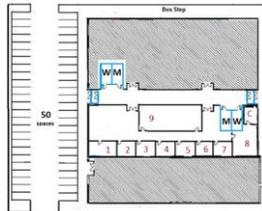
F202.6.2 Accessible route connects these accessible features in leased spaces and in joint use areas

- Drinking Fountains
- Fire Alarms
- Public Telephones
- Dining and Work Surfaces
- Sales and Service Counters
- Assistive Listening Systems
- Assembly Areas
- Depositories, Vending Machines, Change Machines and Mail Boxes
- Residential Dwelling Units
- Emerg. Transportable Housing

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What if feature is not provided in the leased area?

- Joint Use Areas (F202.6.1) SERVING the leased space
 - Defined (F106.5) as:
 - common space available for use by all occupants of the building
 - not mechanical or custodial rooms, or areas occupied by other tenants
- Accessible per leasing minimums
- Landlord alterations/additions not covered

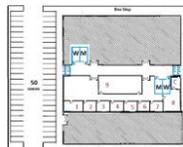


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Acc Route Must Connect (F202.6.2) Primary Function Areas (PFA)

Definition (GSA: 41 CFR 102-76.85):

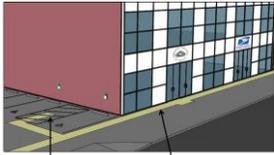
- area that contains a major activity for which the leased facility is intended
- includes areas where services are provided to customers or the public, offices and other work areas



- Accessible route (AR) connects PFA
- AR connects other leasing features required to be accessible
- PFA not req'd to be accessible, unless altered or contains leasing features

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Accessible Routes (§F202.6.2)



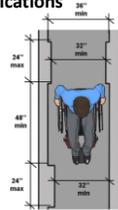
Accessible Parking (§F208)

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

Accessible Route

Technical Specifications

- Clear width
- Passing Space
- Running Slope 1:20 max.
- Cross Slope 1:48 max.
- Changes in level
- Surfaces
- Handrails



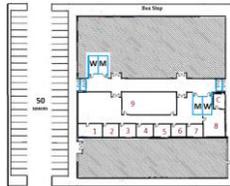
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Accessible Route (F202.6.2) refers to F206

At least 1 AR connects leasing features required to be accessible

Acc. Route Components, Chapter 4

- Walking Surface (403)
 - Doors (404)
 - Ramps (405)
 - Curb Ramps (406)
 - Elevators (407-409)*
 - Platform Lifts (410)*
- * restricted use in F206

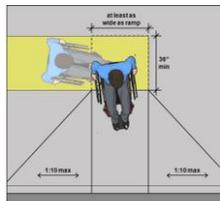


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Curb Ramp Design



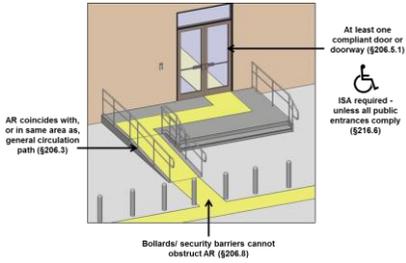
non-compliant Example



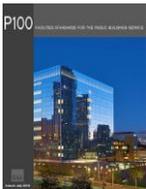
plan view of compliant curb ramp

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Accessible Routes - Entrance



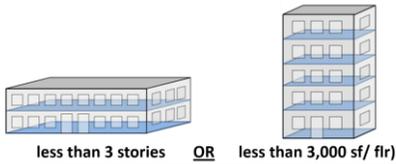
Entrances: PBS-P100 Facility Standard



- Applies to Federally owned or lease with option to purchase
 - Accessible entrance with power door operator (1.3.7)
- 41

Accessible Route (F202.6.2) Vertical Access

ADA 206.2.3 EX 1: Private sector (title III) facilities only:



Not In ABAAS - Can't Use

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Accessible Route (F202.6.2) Vertical Access Exceptions (F206.2.3 EX1)

- Only 2 stories
- 1 story has:
 - no public space, AND
 - occupancy of 5 max



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Accessible Route (F202.6.2) Within Story Exception (F206.2.4)

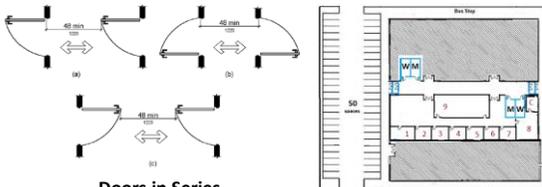
- AR not required to mezzanines in 1 story facilities



Photo by Robert Plant,
https://commons.wikimedia.org/wiki/File:Industrial_Mezzanine_Floor.jpg

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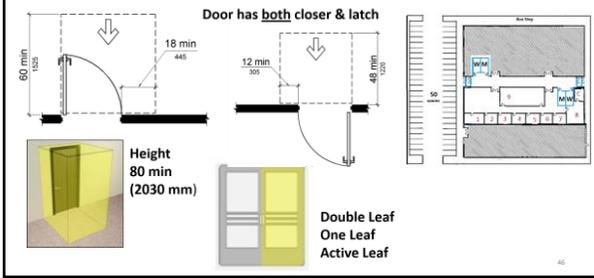
Doors and Gates – In Series



Doors in Series
48" (1220) min. separation required
between the swing of doors

45

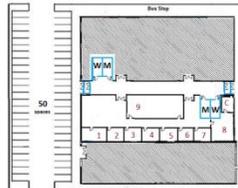
Doors and Gates - clearances



Parking (F202.6.4)

refers to F208 - Scoping at each parking facility

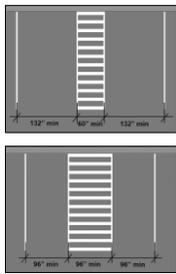
Total Number of Parking Spaces	Min. Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000



Van Parking Spaces (F208.2.4)



1 for every 6 accessible spaces or fraction of

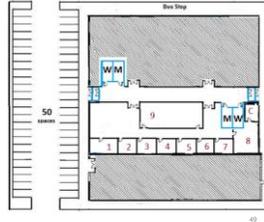


502 Technical

Toilet and Bathing (F202.6.3)

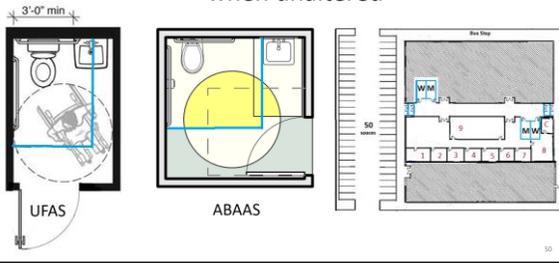
refers to F213.2 and F213.3

- Multiple Facilities: At least one per sex per floor, where provided.
- Single Facilities: Unisex or one per sex.
- F213.2 EX1: Where technically infeasible, may install unisex facility on same floor and same area instead of altering existing facilities.

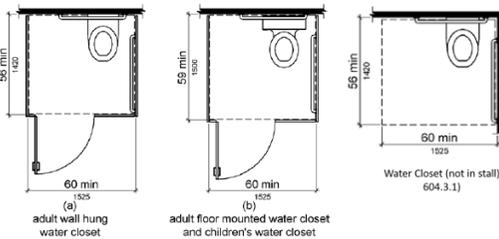


No change req'd (F203.2)

when unaltered

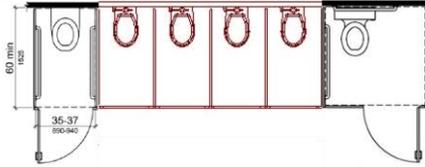


Toilet Stalls (F213.3.1)



Ambulatory Stall (F213.3.1)

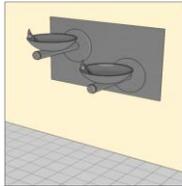
- Required where 6 or more stalls (urinals) provided



Drinking Fountains (F202.6.5.1)

F211 - Where provided at exterior site, floor, or secured area, 2 units required (wheelchair & standing)

- multiple installations:
50% of each type
(can round up or down)



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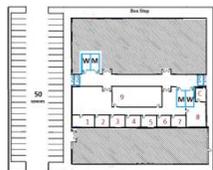
[Visual] Fire Alarms (F202.6.5.2)

F215 - Where provided, need in:

- public and common use areas
- employee work areas (wiring)

Alts: compliance required only when system upgraded/replaced or new one is installed

F202.6.5.2 EX: Not req'd where existing power source must be upgraded

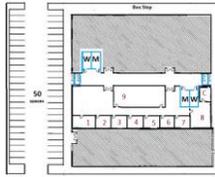


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Public Telephones/TTYs (F202.6.5.3)

F217 – Where public phones are provided

- Wheelchair accessible – Table F217.2
- Volume Controls – all public phones
- TTY – if public pay phones provided: per bank, floor, building requirement
 - Banks: where 4 or more provided - exception for banks within 200 ft
 - Shelf/outlet needed at interior banks with > 3 or more and has no TTY



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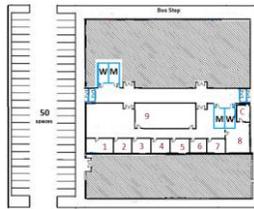
Dining and Work Surfaces (F202.6.5.4)

F226 – Where provided

- 5% accessible (F226)
- Dispersed



30" X 48" clear floor space

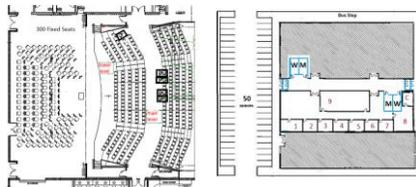


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Assembly Areas (F202.6.5.5)

F221 - Where fixed seats are provided

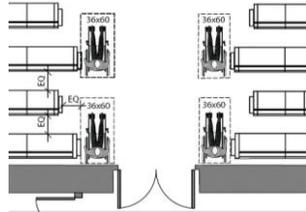
802 - Technical provisions



Definition F106.5 - Assembly Area. A building or facility, or portion thereof, used for the purpose of entertainment, worship, educational or civic gatherings, or similar purposes. ...

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Assembly Areas - Smaller Space (F202.6.5.5)



- Wheelchair spaces:
- 802.1.4
 - adjoin ARs
 - not overlap ARs
 - 802.1.5
 - not overlap circulation paths

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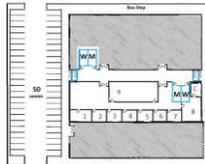
Assistive Listening Systems (F202.6.5.5)

F219 - Required in each assembly area where:

- audible communication is integral to use of the space and
- area has audio amplification

Courtsrooms (must have)

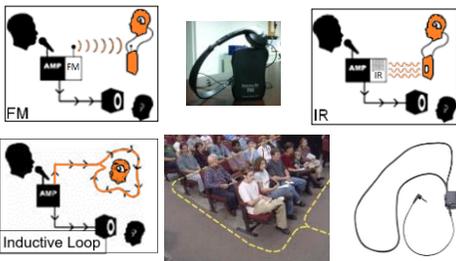
Not triggered by fixed seating or occupant load



Definition F106.5 - Assembly Area. A building or facility, or portion thereof, used for the purpose of entertainment, worship, educational or civic gatherings, or similar purposes. ...

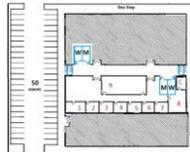
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Assistive Listening System 3 Types



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Sales and Service Counters (F202.6.5.6)



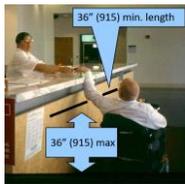
F227.3 and 904 – Where provided

- At least 1 of each type
- Provide a parallel or forward approach
- Not exceed 36" in height

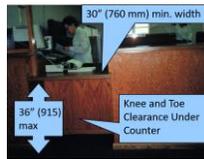
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Sales & Service Counters

904 Technical



Parallel Approach



Forward Approach

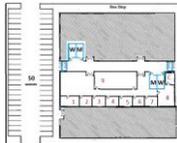
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Depositories, Vending ..., Change ... Mail Boxes (F202.6.5.7)

F228 & 309

Mail boxes: At least 5 percent of each type

Other: At least 1 of each type



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Other

- **F202.6.5.8 Residential Dwelling Units, per F233**
- **F202.6.5.9 Emergency Transportable Housing Units with Mobility Features, per needs assessment**
- **F202.6.5.10 Emergency Transportable Housing Units with Communication Features, per needs assessment**



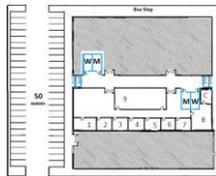
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Alteration Considerations

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Not Required by F202.6 BUT may be required in alterations

- F204 Protruding Objects
- F205 Operable Parts (not in covered elements)
- F207 Accessible Means of Egress
- F209 Passenger Loading Zones and Bus Stops
- F212 Kitchens, kitchenettes, and Sinks
- F214 Washing Machines and Clothes Dryers
- F216 Signs
- F220 ATMs and Fare Machines
- F220 Dressing, Fitting, and Locker Rooms
- etc



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Alterations Cost

Disproportionality does NOT apply in alterations completed by a Federal entity to meet the leasing requirements of §F202.6



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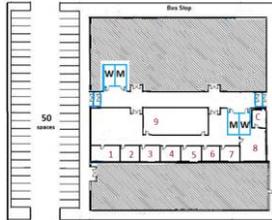
What needs to be changed?

What must be altered to meet ABAAS new lease requirements?

- Apply min. leasing requirements
- Apply exceptions

What access improvements are triggered by alterations done by or on behalf of Feds?

- What you touch you fix
- What you create conforms
- Apply exceptions



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ABA Enforcement



Who enforces the ABA?

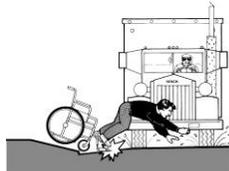


- Complaints are handled by the **Access Board's Compliance and Enforcement Section in the Office of General Counsel.**
- Staff within the Enforcement Section take each complaint through a **multi-step investigation and enforcement process.**

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U.S. Access Board's Most Common ABA Complaints

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



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Resources

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GSA's National Accessibility Program



Integral Access and Creative Design

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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

GSA Regional Accessibility Officers

- Region 1 - Michael Williamson, (617) 565-6528, michael.williamson@gsa.gov
- Region 2 - Jamal Wells, (718) 704-6657, jamal.wells@gsa.gov
- Region 3 - Thomas Sincavage, (215) 446-5761, thomas.sincavage@gsa.gov
- Region 4 - Thomas Dragoone, (404) 526-3121, thomas.dragoone@gsa.gov
- Region 5 - Richard Gee, (312) 353-0936, richard.gee@gsa.gov
- Region 6 - Glen Essink, (816) 823-4904, glen.essink@gsa.gov
- Region 7 - Charles Lawrence, (817) 978-4158, charles.lawrence@gsa.gov
- Region 8 - Jeff McCaffrey, (720) 413-7203, jeffrey.mccaffrey@gsa.gov
- Region 9 - Michael Foegelle, (628) 219-4334, michael.foegelle@gsa.gov
- Region 10 - Joe Cooley, (585) 754-6670, joseph.cooley@gsa.gov
- Region 11 - Rex Pace, (202) 969-4026, rex.pace@gsa.gov



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ABAAS On-line

Download entire document at

www.access-board.gov/attachments/article/1029/ABASTandards.pdf

Online Guidance (Chapters 1 – 5) and Animations at

www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/guide-to-the-aba-standards



Technical Guides on the Standards

Available on the Access Board's website



Questions?



U.S. Access Board

(800) 872-2253 (voice)

(800) 993-2822 (TTY)

E-mail: ta@access-board.gov

www.access-board.gov

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Continuing Education



AIA Provider Number: I017

Course Title: Leased Facilities

AIA Course Number: GL20191107

Date: November 7, 2019

Credits earned on completion of this course will be reported to AIA CES for AIA members. Certificates of Completion are available upon request.

This course is registered with AIA, for continuing professional education. As such, it does not include content that may be deemed or construed to be an approval or endorsement by the professional organizations of any material of construction or any method or manner of handling, using, distributing, or dealing in any material or product.

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Thank you for participating
in today's webinar



Next session:
December 5, 2019

Accessible Restaurants and Bars

www.accessibilityonline.org

(877) 232-1990 (v/TTY)

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