



APPLICATION FORM DISABILITY AND COMMUNICATION ACCESS BOARD

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INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings and facilities constructed by, or on behalf of the State or any county, shall conform to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-216, Hawaii Administrative Rules, the Disability and Communication Access Board (DCAB) has authority to issue interpretive opinions to HRS §103-50 design standards.

Docket: DCAB 2015-04: Can a door threshold that is required to have a ½” high maximum height, have a vertical portion between ¼” to ½” if the threshold is required as part of a hurricane rated assembly?

Summary: There are projects submitted to DCAB for review in which a threshold is required to be part of a rated hurricane assembly. The thresholds being submitted do not comply with ADAAG Section 303 which states: “Changes in level between 1/4 inch (6.4 mm) high minimum and 1/2 inch (13 mm) high maximum shall be beveled with a slope not steeper than 1:2.”

The Department of Justice (DOJ) has provided technical assistance that a non-accessible threshold can be used if no other accessible threshold exists; however that entity still has an obligation to ensure program access is provided.

The Title II entity and their design consultants are responsible for determining if a threshold is available that meets the applicable accessibility guidelines and hurricane resistant ratings. The DOJ does not review and approve of products, nor does DCAB.

Ruling: For buildings or facilities subject to HRS §103-50,

ADAAG Section 303 Changes in Level, 404.2.5 Thresholds.

Where a threshold that must comply with both, a) ADAAG section 303 and b) is required to meet a State or county department/agency’s requirement for a hurricane rated assembly, does not exist, the final decision to install a threshold that does not comply with ADAAG 303 rests with the department/agency overseeing the project.

Advisory: Title II regulations of the Americans with Disabilities Act requires State and local government entities to ensure that “no qualified individual with a disability shall, because a public entity’s facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefit of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

[Rul: 11/20/15] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call us at 586-8121.
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