



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all public buildings, facilities and sites constructed by, or on behalf of the State or any county, shall conform to the 2004 Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-216, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

Docket: **DCAB 2011-16:**

- 1) **Do kitchens within housing units containing accessible sleeping rooms with mobility features (including suites and clustered sleeping rooms) or on floors containing accessible sleeping rooms with mobility features need to provide turning spaces that comply with section 809.2.2 and kitchen work surfaces that comply with section 804.3?**
- 2) **Are multi-bedroom housing units containing accessible sleeping rooms with mobility features required to have an accessible route throughout the unit in accordance with section 809.2?**

Summary: The Department of Justice has issued supplemental regulations for kitchens and accessible routes within transient lodging facilities that are not included in the 2004 ADAAG.

The DOJ has provided within their Title II regulations an explanation as to why they have proposed the supplemental regulations for kitchens and accessible routes:

“The Department has considered the comments recommending the use of the residential facilities standards and acknowledges that they require certain features that are not included in the transient lodging standards and that should be required for housing provided at a place of education. In addition, the Department notes that since educational institutions often use their academic housing facilities as short term transient lodging in the summers, it is important that accessible features be installed at the outset. It is not realistic to expect that the educational institution will be able to adapt a unit in a timely manner in order to provide accessible accommodations to someone attending a one-week program during the summer. The Department has determined that the best approach to this type of housing is to continue to require the application of transient lodging standards, but at the same time to add several requirements drawn from the residential facilities standards related to accessible turning spaces and work surfaces in kitchens, and the accessible route throughout the unit. This will ensure the maintenance of the transient lodging standard requirements related to access to all floors of the facility, roll-in showers in facilities with more than 50 sleeping rooms, and other important accessibility features not found in the residential facilities standards, but will also ensure usable kitchens and access to all the rooms in a suite or apartment.”

State and County Facilities subject to HRS §103-50 are enforced by the (DOJ) and must comply with their 2010 Standards and regulations addressing Title II. Projects that do not comply with the supplemental requirements for Title II facilities with regards to kitchen and accessible routes will not be in compliance with the DOJ Title II regulations.

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

ADAAG Section 224 Housing at a Place of Education

Housing at a place of education covered by section 224.2 Guest Rooms with Mobility Features, shall comply with the following:

- (1) Kitchens within housing units containing accessible sleeping rooms with mobility features (including suites and clustered sleeping rooms) or on floors containing accessible sleeping rooms with mobility features shall provide turning spaces that comply with section 809.2.2 and kitchen work surfaces that comply with section 804.3.
- (2) Multi-bedroom housing units containing accessible sleeping rooms with mobility features shall have an accessible route throughout the unit in accordance with section 809.2.

[Rul:01/21/2016] (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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