



## DISABILITY AND COMMUNICATION ACCESS BOARD

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### 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 2012-04: Are windows in public and common use toilet rooms and bathing rooms that are intended to be operable by service and maintenance personnel, exempt from complying with 229.1 per 205.1, Exception 1?**

**Summary:** Unlike common use or public areas in which a room's occupant opens and closes a room for personal comfort, the windows in the toilet and bathing room are at times, primarily fulfilling a code requirement to provide air exchange to ventilate the space.

In toilets and bathrooms the location of the window is also important in providing privacy. Public buildings and facilities typically locate windows so as not to allow a view into the room and high enough to discourage someone from trying to enter through the window. Where operable windows are provided, these windows are closed and secured when the facility is closed and reopened prior to the start of business. It is the responsibility of the facility's maintenance staff to open and close the windows.

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

#### **ADAAG 229.1**

Operable windows in toilet rooms, bathrooms and locker rooms that are intended to be operated only by service or maintenance personnel, are not required to comply with ADAAG 229.1.

ADAAG 205.1, Exception 1, exempts operable parts that are intended for use only by service or maintenance personnel from having to comply with 309.

[Ruling: 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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