



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 2011-11: What is the definition of ‘Housing at a Place of Education’ as used within the context of the 2004 ADAAG?

Summary: Projects subject to HRS §103-50, must comply with the Department of Justice’s Title II regulations for new construction and alterations. The phrase “housing at a place of education” is not used within the ADAAG scoping or technical requirements. However, the Title II regulations address housing in places of education within their 2010 Standards. The Department of Justice (DOJ) requires housing at places of education to comply with the ‘Transient Lodging’ provisions of the 2004 ADAAG.

The Department of Justice has included a definition for this phrase within their Title II Regulations as they feel it merits additional clarification. As the DOJ is responsible for enforcing the ADAAG for Title II entities, their definition should be applied to projects subject to HRS §103-50.

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

ADAAG Section 106.5 Defined Terms

Housing at a place of education means housing operated by or on behalf of an elementary, secondary, undergraduate, or postgraduate school, or other place of education, including dormitories, suites, apartments, or other places of residence.

[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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