



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 2014-03: Where glazed openings are provided in accessible rooms or spaces, but where the openings are not for operation by occupants, is one opening still required to be accessible? Are windows in public and common use areas that have operable parts intended for use only by service and maintenance personnel, exempt from complying with 229.1 per 205.1, Exception 1?**

Summary: Air-conditioned public and common use areas, e.g. library reading rooms, computer rooms, common use corridors, etc., often have select operable windows located beyond an accessible reach range. These windows are used to allow daylight into the room and provide ventilation during air-conditioning maintenance or interruption and have operating mechanisms intended to be used only by service and maintenance personnel.

Both the U.S. Department of Justice and the U.S. Access Board agree that where window openings are not to be operated by occupants of the room and only by service and maintenance personnel, those types of windows are not required to be accessible.

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

ADAAG Sections 229.1 per 205.1, Exception 1

Windows in public and common use areas that have operating mechanisms intended for use only by service or maintenance personnel are not required to comply with ADAAG 229.1 per ADAAG 205.1, Exception 1, which exempts operable parts that are intended for use only by service or maintenance personnel from having to comply with 309.

Advisory:

Windows in public and common use areas that are operated by occupants or employees, including but not limited to librarians, teachers, health care staff, etc., do not meet the exception in ADAAG 205.1, Exception 1.

[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.