

# Americans with Disabilities Act - Title III

## Design, Construction and Barrier Removal Requirements for Places of Public Accommodation and Commercial Facilities



### Covered Facilities

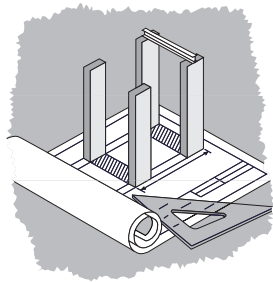
The Title III design requirements apply to the facilities of **places of public accommodation** and **commercial facilities** whether or not they receive Federal funds.



### New Construction Design Requirements

Title III defines new construction as the design or construction of a facility for first occupancy. Title III requires all new construction of places of public accommodation and commercial facilities for first occupancy to be accessible to and usable by individuals with disabilities. Title III would exempt a facility from compliance if it could demonstrate structural impracticability.

### Alteration Design Requirements



Title III defines an alteration as a change to a place of public accommodation or a commercial facility that affects or could affect the usability of the building or facility or any part thereof. Examples of alterations include additions, remodeling, renovation, rehabilitation, or rearrangement in structural parts or elements, and changes or rearrangement in the configuration of walls and full partitions. An alteration would not include normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical or electrical systems unless they affect the usability of the building or facility. Title III requires that altered portions of covered facilities, to the maximum extent feasible, meet accessibility design requirements (see below).

If an alteration affects or could affect the usability of or access to an area of a facility that contains a primary function, the path of travel to the altered areas and the restrooms, telephones, and drinking fountains serving the altered area must, to the maximum extent feasible



be readily accessible to and usable by individuals with disabilities. However, Title III would not require an entity to spend more than twenty (20) percent of the total cost of altering the primary function area to provide such an accessible path. If making the path of travel accessible would cost more than twenty percent of the total alteration cost, the entity must spend only an amount equal to twenty percent of the intended alteration.

## Elevator Exemption

Title III would not require the installation of an elevator for either new construction or alterations in a facility that has less than three stories or that has less than 3,000 square feet per floor, unless it houses a shopping center, a shopping mall, a professional office of a health care provider, a terminal, depot or other station used for specified public transportation, or an airport passenger terminal.



## Historic Structures



A qualified historic building or facility is a building or facility that is (1) listed or eligible for listing in the National Register of Historic Places, or (2) designated as historic under state or local law. If making the altered portion of a qualified historic building or facility readily accessible would threaten or destroy its historic significance, Title III provides for alternative methods of access. In certain cases, achieving compliance with the alternative accessibility requirements is not possible without destroying the historic significance of the building. In such cases, Title III requires that covered

facilities follow specific procedures and consult with appropriate preservation officers at the state or Federal level to determine whether to make exceptions.

## Barrier Removal Requirements

Title III of the Americans with Disabilities Act (ADA) requires the removal of architectural barriers in places of public accommodation when such actions are **readily achievable**.

## Readily Achievable Defined

**Readily achievable** means “without much difficulty or expense.”

Barrier removal does not require extensive restructuring or burdensome cost. However, there is no specific monetary formula to determine when removing a given barrier would be readily achievable. Readily achievable is determined on a case-by-case basis in light of the resources available.



Factors to consider in determining whether barrier removal is readily achievable include:

- the nature and cost of the action needed;



- the overall financial resources of the facility itself; and
- the overall financial resources of a parent corporation, if applicable, and the degree to which a parent corporation has resources to allocate to the local facility.

## Examples of Readily Achievable Barrier Removal

Examples of readily achievable barrier removal include, but are not limited to:

- Installing ramps and making curb cuts in sidewalks and entrances;
- Repositioning shelves and telephones and rearranging furniture;
- Adding raised markings on elevator control buttons and installing flashing alarm lights;
- Widening doors and installing accessible door hardware and offset hinges to widen doorways;
- Eliminating a turnstile or providing an alternative accessible path;
- Installing grab bars in toilet stalls and raised toilet seats;
- Rearranging toilet partitions and insulating lavatory pipes under sinks;
- Installing a full-length mirror and repositioning the paper towel dispenser in a bathroom;
- Creating designated accessible parking spaces;
- Installing an accessible paper cup dispenser at an existing inaccessible water fountain;
- Removing high pile, low density carpeting; or
- Installing vehicle hand controls.



In general, Title III would not require a public accommodation to remove a barrier posed by a flight of steps if removal would require extensive ramping or an elevator. Title III does not require actions that would result in significant loss of selling or serving space.

A public accommodation may consider legitimate safety requirements in determining what is readily achievable so long as the basis of the and nece requirements are actual risks operation.



## Barrier Removal Priorities

The Title III regulations recommend that barrier removal occur in the order of priority listed below.

1. Provide access to the site from public sidewalks, parking, or public transportation.
2. Provide access to those areas where goods and services are made available to the public.
3. Provide access to restroom facilities.
4. Provide access to all remaining areas.



## Design Guidelines

Title III requires that all new construction of public accommodations and commercial facilities comply with the ADA accessibility Guidelines (ADAAG). Alterations must comply with the ADAAG to the maximum extent feasible. The ADAAG provides specific design and scoping requirements and guidance on how to apply the design guidelines. The ADAAG does not supplant or replace state or local laws that impose higher accessibility standards. The governing principal to follow when Federal, state, or local codes differ is that the more stringent requirements apply.



When **removing barriers**, the Title III regulations recommend that public accommodations follow the ADAAG standards. It is permissible to deviate from the standards if such deviation does not pose a significant risk to the health or safety of individuals with disabilities or others.

## ADA Information

Call the DOJ Toll-Free ADA Information Line for answers to general and technical questions about the ADA and to order technical assistance materials: 800-514-0301(voice) 800-514-0383 (TTY). Visit the DOJ ADA web site to see the Title III regulations, related guidance, and the current ADAAG at [ada.gov](http://ada.gov).

Call the U.S. Access Board Toll-Free Technical Assistance Line for answers to technical questions about the ADAAG and to obtain technical assistance materials: 800-872-2253 (voice) 800-993-2822 (TTY) or contact the Access Board by e-mail at [ta@access-board.gov](mailto:ta@access-board.gov). Visit the Access Board web site for additional accessibility guidelines at [access-board.gov](http://access-board.gov).



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