



## 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 2018-05: If a water closet flushing device is required to be a certain height to comply with plumbing code requirements (e.g., water consumption, cross-connection, etc.), can the plumbing code be considered an administrative authority?**

**Summary:** Generally, accessible water closets are required to have a side and rear wall grab bar installed. Often when designing the accessible water closet for children's use, there is a conflict between the rear wall grab bar mounting height and the minimum height of the exposed flush device (e.g. flushometer) for the water closet. This conflict is due to the maximum accessible grab bar height for children's use, the minimum required clearance below the grab bar, and the "lowest" manufactured exposed flush device compliant with plumbing regulations.

Per the 2004 ADAAG section 106.5, the State of Hawaii Building Code Council meets the definition of an Administrative Authority as the Council adopts regulations for the design, construction, or alteration of buildings and facilities. The Uniform Plumbing Code has been adopted by the Council and contains regulations for flushometer backflow prevention and specifies the flushometer critical level height above the water closet bowl.

ADAAG section 604.5.2 contains an exception "Where an administrative authority requires flush controls for flush valves to be located in a position that conflicts with the location of the rear grab bar, then the rear grab bar shall be permitted to be split or shifted to the open side of the toilet area."

The U.S. Access Board has provided technical assistance that the plumbing code which regulates the flush valve height and/or flow rate would lead to the water closet being eligible for the exception.

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

**ADAAG Section 604.5.2 Rear Wall, exception 2**

Regulations that are adopted by State or County agencies for the design, construction, or alteration of buildings and facilities can be considered an administrative authority.

At accessible water closets designed for children's use, where the flushing device (e.g., flushometer, tank) protrudes into the rear wall grab bar clearance; the maximum flushing device height shall meet one of the provisions below:

1. No higher than the minimum required by the plumbing code, or
2. No higher than the lowest height available from all device manufacturers.

When the flushing device complies with one of the provisions above and still protrudes into the rear wall grab bar clearance, the rear wall grab bar shall be permitted to be split or shifted per the exception in ADAAG 604.5.2.

[Ruling: 11/15/2018] (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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