



## 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 2020-01: At residential dwelling units with mobility features, is an exterior balcony/lanai/patio considered a room and therefore subject to the turning space requirement in ADAAG 809.2.2?**

**Summary:** DCAB has received numerous residential alteration projects where non-compliant dwelling units were converted to units with mobility features. These projects involved substantial alterations and thus triggered the requirements of ADAAG 233.3.4.2. Typically, these buildings were built pre-ADA and one common issue for compliance is that the size of existing balcony/patio cannot accommodate the turning space required by ADAAG. ADAAG 809.2 requires an accessible route to all spaces which are part of the residential dwelling unit and a turning space is required in all rooms served by an accessible route.

There is an exception in ADAAG 809.2.2 that states “Turning space shall not be required in exterior spaces 30 inches maximum in depth or width”. This exception implies that a turning space is required in an exterior space that is greater than 30 inches in depth or width. Per the Honolulu Land Use Ordinance section 21-10.1, a covered exterior balcony/patio that is supported is typically included in the total unit floor area.

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

#### **ADAAG Section 809.2.2 Turning Space**

Where balconies/patios are provided at residential dwelling units with mobility features, the portion(s) of the balcony/patio which is/are below an overhang supported by fin walls or columns/posts shall be considered an exterior room/space and the requirements of ADAAG 809.2.2 shall apply. Where the door(s) leading to the balcony/patio is intended for user passage, the applicable requirements of ADAAG 404 shall apply.

[Ruling: 09/03/2020] (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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