



2010 ADA STANDARDS FOR ACCESSIBLE DESIGN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES

Effective March 15, 2012, the 2010 ADA Standards for Accessible Design replace the 1991 Standards.

The Standards set minimum requirements for 12 categories of public accommodation (businesses that provide goods or services to the public) to be readily accessible to and usable by individuals with disabilities, including but not limited to stores, restaurants, bars, service establishments, theaters, hotels, recreational facilities, private museums and schools, doctors' and dentist's offices, shopping malls, and other businesses. Nearly all types of public accommodations that are included in the 12 categories, and all other commercial facilities, regardless of the size of the business or the age of their buildings are required to comply. "Grandfather provisions" often found in local building codes do not exempt businesses from their obligations under the ADA. **Additional details can be found on the ADA website at the following link: www.ada.gov/revised_effective_dates-2010.htm.**

■ **NEW CONSTRUCTION**

The ADA requires that all new public accommodations and commercial facilities, including small businesses, must be accessible to and usable by people with disabilities in accordance with the requirements of the 2010 ADA Standards.
28 CFR 36.401(a) (1)

■ **ALTERATIONS TO EXISTING FACILITIES**

When a business undertakes an alteration to any of its facilities, it must, to the maximum extent feasible, make the alteration accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.
28 CFR 36.402(a) (1)

An alteration is defined as remodeling, renovating, rehabilitating, reconstructing, changing or rearranging structural parts or elements, changing or rearranging the configuration of walls and full-height partitions, or making other changes that affect (or could affect) the usability of the facility.

PATH OF TRAVEL / 20% RULE

"When the cost of alterations necessary to make the **path of travel** to the altered area fully accessible is **disproportionate** to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs." *28 CFR 36.403(g) (1)*

Disproportionate: When cost of alterations made to provide an accessible path of travel exceeds 20% of the cost of the alteration to the primary function area. *28 CFR 36.403(f) (1)*

Path of Travel: a continuous, unobstructed passage way that allows for approach, entrance, and exit to the altered area, as well as a connection to other parts of the facility. Examples of path of travel include: sidewalks, streets, parking areas and access aisles, interior/exterior ramps, clear floor paths, elevators and lifts, restrooms, telephones, and drinking fountains that serve the altered area.
28 CFR 36.403(e) (1) (2) (3)

Primary Function: is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or private entity using the facility are carried out. *28 CFR 36.403(b)*

Additional information regarding the 20% rule is available on the back side of this handout.

