



2010 ADA Standards for Accessible Design and Oregon

On Friday, July 23, 2010, U.S. Attorney General Eric Holder signed final regulations revising the Department’s Americans with Disabilities Act (ADA) regulations, including its “2010 ADA Standards for Accessible Design” (*2010 Standards*). The *2010 Standards* are closely based on the U.S. Access Board’s ADA and ABA Accessibility Guidelines (2004). DOJ’s revised title II and title III regulations include additional design requirements that supplement certain provisions in the standards.

With regard to building codes, the 1991 ADAAGs have served as the “minimum guidelines” to ensure that buildings and facilities are accessible in terms of architecture and design to individuals with disabilities. Historically, these guidelines were the genesis for Oregon’s “Chapter 11” regulating accessibility in the state.

To minimize compliance burdens on municipalities and entities adopting model building codes, the *2010 Standards* have been “harmonized” with Chapter 11 of the 2009 International Building Code (IBC).

The Federal rule includes a general “safe harbor” under which elements covered in facilities that were built or altered in compliance with the 1991 ADAAG Standard (current Oregon Chapter 11) would not be required to be brought into compliance with the *2010 Standards* until the elements were subject to planned alteration. A similar safe harbor applies to elements associated with the “path of travel” to an altered area.

In general, the Federal rule will become effective six months after publication in the Federal Register. Eighteen months after publication, compliance with the *2010 Standards* will be required for new construction, alteration and barrier removal.

In anticipation of this announcement, Oregon Building Codes Division (BCD) is working closely with stakeholders in the preparation of an amended version of the 2009 IBC Chapter 11. Oregon amendments are necessary in keeping with statutorily driven accessibility requirements which provide for greater accessibility than the Federal standards. Consistent with the U.S. Attorney General’s implementation timelines noted above, BCD anticipates adoption of the amended 2009 IBC Chapter 11 with an effective date of March 1, 2012. This should provide ample time for training and required rule making.

Additional information regarding the *2010 Standards* may be obtained through the following URL: <http://www.ada.gov/regs2010/ADAregs2010.htm>

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