

A Locksmith's Guide to the ADA

This is a summary of some provisions of the 1994 ADA Standards for Accessible Design that may be of interest to locksmiths. These are federal regulations, found at 28 CFR Part 36. This is not a complete summary of the Americans with Disabilities Act (ADA). You will see numbers in parentheses throughout this document; these are the actual paragraph numbers in the ADA standards, so you can read the law yourself. The numbers with "CFR" in them are sections of the Code of Federal Regulations, which you can find via Google. I urge you to read the actual regulations and standards, and not rely on my little summary. I also urge you to check local building codes and other state and local laws, which might impose other, stricter requirements.

This summary is provided for general information only. I do not guarantee its accuracy or completeness, and you may not rely on it as professional or legal advice.

Arnie Bell
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What does the ADA apply to?

The ADA applies to:

- Places of public accommodation
- State and local government agencies
- Commercial facilities
- Schools that give secondary or postsecondary courses or exams relating to licensing or certification.

The ADA does *not* apply to:

- Religious facilities, including churches
- Private clubs that are exempt under federal civil rights law
- Federal government agencies (which are covered under a different law)
- Residences

The ADA applies to temporary structures as well as permanent buildings.

New Construction, Alterations, and Existing Facilities

The ADA applies to new construction and alterations to existing facilities. Normal maintenance does not count as alterations unless it affects the usability of the facility. The ADA does not apply to existing buildings unless there are alterations, but see the next section about making existing buildings accessible.

Removal of Barriers in Existing Facilities

It's not part of the ADA, but a federal regulation does require the removal of architectural barriers in existing "places of public accommodation" when that can be done without great difficulty or expense. Places of public accommodation include hotels and motels, restaurants, bars, theaters, stadiums, convention centers, shopping centers, retail stores, doctor's offices, museums, hospitals, schools, and so on. (28 CFR § 36.104)

Examples of barrier removal include widening doors and doorways, installing ramps, and installing accessible door hardware. (28 CFR § 36.304)

Who's responsible?

Both the landlord *and* the tenant are responsible. They can divide up those responsibilities with a lease or contract. (28 CFR § 36.201 (b))

Who enforces the ADA?

The ADA is a civil rights law, not a building code, so it is primarily the responsibility of the Department of Justice (DOJ). Since the DOJ doesn't have the resources to enforce it, much of the enforcement is by private civil suits.

Many states have adopted portions of the ADA into their state building or accessibility codes. In these states, local authorities may seem to be enforcing the ADA, but technically they are enforcing their own state or local laws.

The building codes of Washington, Texas, Maine, and Florida have been certified by the DOJ as meeting the accessibility requirements of the ADA.

Transportation facilities such as bus terminals and airports fall under different regulations issued by the Department of Transportation.

Accessibility in multi-family housing comes under the regulations of the Department of Housing and Urban Development. ADA standards are under development for housing constructed by or for state or local governments, including single-family housing.

Remedies

If the Attorney General brings an action, a court can order a violator to fix the problem, award money damages to victims if the Attorney General requests it, and impose a civil penalty of up to \$50,000 (\$100,000 for repeat offenders). (28 CFR § 36.504)

In private suits, the court can appoint an attorney for the complainant at the court's option, and allow the case to be filed without payment of the filing fee. (28 CFR §501)

Entrances

Not all entrances have to be accessible, but there must be at least one. Inaccessible entrances require signs directing people to the nearest accessible entrance. (4.1.2 (7) (c))

There must be at least one accessible route from the entrance to all accessible spaces or elements (an element is something like a ramp, a water fountain, or a pay phone) within the building. (4.1.3 (1))

Each accessible entrance and at least one door to each accessible space must comply with the requirements for doors (see below). Doors along the accessible route or an egress route must also comply. (4.1.3 (7))

At least half of all public entrances (meaning any entrance except a loading or service entrance, unless that's the only entrance) must be accessible, including at least one on the ground floor. This must be at least equal to the number of code-required exits. Each tenancy in a building requires an accessible entrance. (4.1.3 (8))

If there is direct access from a parking garage or pedestrian walkway, those entrances must be accessible.

Entrances that are not accessible require approved directional signs to the nearest accessible entrance.

Each public and common use toilet room must be accessible.

Additions to Existing Buildings

An addition must comply with the new construction requirements. (4.1.5)

Alterations to Existing Buildings

If an existing area or building feature is altered, it must meet the new construction requirements, except that it might not have to be on an accessible route. (4.1.6 (1))

For existing buildings, a threshold up to ¾" high can remain if it's beveled on both sides.

Historic Buildings

A building only qualifies for possible alternatives to the usual ADA requirements if it is listed on the National Register of Historic Places (or is eligible for listing), or has been designated as historic by state or local law. (4.1.7 (1))

Accessible Routes

An accessible route must connect the accessible entrance to each accessible space, including each accessible dwelling unit. (4.3.2)

Accessible routes must be at least 36” wide (32” at doors). (4.3.3)

Protruding Objects

Objects between 27” and 85” high may not protrude more than 4” from the wall. Objects below 27” may protrude further. (4.4.1)

Doors

Revolving doors and turnstiles shall not be the only way in or out at an accessible entrance or on an accessible route. (4.13.2)

Doorways require a minimum clearance of 32”, measured from the face of the door to the opposite stop, with the door open 90 degrees. (4.13.3)

When two hinged doors are in series, the space between doors must be at least 48” plus the width of any door swinging into the space. The doors must swing in the same direction, or both doors must swing away from the space. (4.13.7)

Thresholds are limited to ½”, except at exterior sliding doors, which can be ¾”. (4.13.8)

“Handles, pulls, latches, locks, and other operating devices shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs.” (4.13.9)

“Hardware required for accessible door passage shall be mounted no higher than 48 in (1220 mm) above finished floor.” (4.13.9)

Door closers

If a door has a closer, it shall take at least 3 seconds for the door to move from open 70 degrees to 3" from the latch. (4.13.10)

The maximum opening force shall be:

Fire doors: the maximum allowed by the applicable building code

Exterior doors: No specification given!

Interior hinged, sliding, or folding doors: 5 lbf

These values do not include the force required to operate the lock or latch. (4.13.11)

Power doors

Automatic doors shall comply with ANSI/BHMA A156.10-1985. Low powered, slowly opening automatic doors shall comply with A156.19. Such doors shall not open to back check in less than 3 seconds, and shall require no more than 15 lbf to stop door movement. (4.13.12)

Additional rules for medical care facilities

All public and common use areas have to be accessible. So do 10% of patient rooms. (6.1 (1))

Hospitals and rehabilitation facilities that treat mobility problems must also make all patient rooms accessible. (6.1(2))

Nursing homes require 50% of patient rooms, and all public and common use areas, to be accessible. (6.1 (3))

Additional requirements for retail stores (like locksmith shops)

At least one accessible counter (max. 36" high, min. 36" long) is required, on an accessible route from the entrance. (7.2 (1))

Additional requirements for transient lodging (hotels, dormitories, etc.)

All public and common use areas must be accessible. This doesn't apply to places with five or fewer guest rooms if the proprietor lives there. (9.1.1)

There are requirements for the number of accessible rooms, rooms with roll-in showers, and rooms for the hearing-impaired, depending on the total number of rooms. Generally, only 1 out of every 25 to 50 rooms needs to be accessible. (9.1.2)

When an existing facility remodels guest rooms, 1 out of every 25 needs to be made accessible. (9.1.5)

Additional requirements for transportation facilities

Bus stations, train stations, airport terminals, and similar facilities must be accessible. (10.1)