



InterSpace ■ Design

ADA and Your Business

BY MARIE CHAN, ASID, Commercial Real Estate Women San Jose

Which of the following statements are correct?

- Relocating an electrical outlet in an office is exempt from the ADA.
- A private bathroom only serving one person in an office, such as an executive bathroom, is not required to be accessible.
- An elevator must be installed in a multistory office building to service other floors.

All three are false:

- Once the location of an electrical outlet is altered, an accessible path to the office, adjacent rest rooms, and water fountains must be provided.
- Any bathroom serving a single occupant must still be adaptable.
- If a building is under 3,000 sq. ft. per floor or less than 3 stories high, an elevator is not required. However, it must not be a shopping center, medical building, transportation depot, or publicly funded facility.

The passage of ADA presents both risks and opportunities for business owners and managers. Providers of goods and services as well as employers face potential liability if they alter their facilities without consideration of ADA Accessibility Guidelines. Under Title I of the ADA, companies with a head count of 15 or more will need to make reasonable accommodations for employees with disabilities unless undue hardship results. On the other hand, as the Silicon Valley pulls out of the recession, there is an increased demand for skilled professionals. By creating accessible interiors, companies can tap into a pool of qualified individuals with differences in ability who were previously excluded from the labor market.

If Title III is triggered when a facility is being remodeled during an expansion or internal reorganization, it must comply with all access requirements as for new building construction. An Implementation Plan must also be established for the space. Five elements providing access to, and serving the area, are reviewed to determine what is readily achievable without undue effort or expense. They are prioritized in the following order:

1. Building entrance
2. Path of travel to the altered area
3. Rest rooms (minimum of 1 per sex)
4. Public phones

5. Drinking fountains

Although exceptions are allowed under the "unreasonable hardship" clause, such exceptions are not based solely on construction cost, and the area of remodel itself must still remain accessible. To meet the unreasonable hardship criteria, the project must meet the following requirements:

1. The total construction cost is over \$50,000 based on a 1981 index (at \$80,710 for 1994 California access requirements), *and*
2. Compliance based on the above 5 items increases the cost of the project by more than 20%

It must also be noted that the unreasonable hardship provision is an exception, not an *exemption* that removes the obligation to provide access. Even when allowed by the California State Building Standards Code, an exception can only be granted through an appeals process, on the condition that equivalent facilitation is provided.

It must also be noted that the unreasonable hardship provision is an exception, not an exemption that removes the obligation to provide access. Even when allowed by the California State Building Standards Code, an exception can only be granted through an appeals process, on the condition that equivalent facilitation is provided.

As non-compliance runs the risk of potential lawsuit, there is need for both tenant and landlord alike to ensure that the requirements are met. When we have a building with universal access, we make it possible for everyone to be productive. Ultimately, accessibility guidelines are tools to help create an environment where people with differences in abilities can contribute in our society.

Marie Chan is principal of [InterSpace Design](#), a Silicon Valley-based space planning & interior design firm. You can reach her via email, [Facebook](#), [Google+](#), [Twitter](#), or her blog, [Interior Design Diva](#).