

Hotel Renovations And ADA Compliance

By Peter A. Stratton, Steven Winter Associates, Inc.



Hotels often approach renovations by consulting the corporate guidelines provided by their franchise. These guidelines are designed with an internal target market in mind, and provide directives on layout, furniture, fixtures and amenities, among others, which must be present in guest rooms. However, these guidelines generally fail to take issues of accessibility and compliance into account. Integrating American Disabilities Act (ADA) accessibility compliance into the renovation plan is essential; these guidelines can affect design elements as fundamental as layout and space allocation. Hotel properties must consider ADA regulations and design guidelines before embarking on renovation projects to avoid the risks associated with non compliance, which could lead to litigation and costly remediation.

Title III of the ADA applies to public accommodations and commercial facilities, including hospitality facilities. Hotels, motels, inns and resorts, for example, are required to be "designed, constructed and altered in compliance with the accessibility standards." As of March 15, 2012, the 2010 ADA Standards for Accessible Design must be used as the safe harbor for demonstrating compliance with the design and construction requirements of the ADA.

The ADA Title III requires readily achievable barrier removal, which is defined as "easily accomplishable and able to be carried out without much difficulty or expense." What is readily achievable is determined on a case-by-case basis, with consideration given to several factors, including the nature and cost of barrier removal.

One of the biggest challenges in bringing guest rooms into compliance with the ADA is managing space. Accessible guest rooms must include an accessible route, at least 36-inches wide, around the bed in a one-bed guest room; or, between beds in a two-bed guest room. All doors meant for user passage must be sufficiently wide and bathrooms must include minimum clearance to support maneuverability. Sometimes, clearances within guest rooms can be difficult to achieve given furniture and fixture requirements specified in a franchise's corporate guidelines. For this reason, it is crucial to consider the necessary design elements of a room within the context of ADA compliance before beginning any kind of renovation project.

As part of a recent renovation project, a hotel in Baltimore hired Steven Winter Associates, Inc. (SWA) to serve as its ADA consultant to ensure that guest room renovations are ADA compliant. This project was significant because the hotel considered accessibility before it began renovations. By taking this initiative, the hotel was able to avoid any compliance issues before they arose.

SWA began working on the project in 2011. Working closely with the hotel, the SWA team conducted a field visit to determine the extent of ADA compliance. The team developed a report of

non-compliance for each existing accessible guest room and suggested options for remediation, including associated cost for remediating each non-compliant item. By working closely with the hotel to review proposed solutions, SWA was able to equip the hotel with the specifications and information needed to make informed design decisions for the renovation. In the end, SWA designed ADA compliant guest rooms which meet the requirements of the 2010 ADA Standards for Accessible Design.

Renovation projects can provide unique opportunities to remove barriers and increase accessibility. Since the ADA's updated regulations and new design standards became mandatory on March 15, 2012, there has been much more of a spotlight focused on the hotel industry. With many barriers to access, working with experienced design consultants and legal professionals has emerged as a practical and cost-effective way to navigate the nuances of ADA compliance. While full compliance with Title III may not be cheap, easy or even possible to implement fully during a renovation, working it into the design of any alteration project should be a priority and considered an investment in the future.

The Accessibility Compliance and Consulting Group at SWA is a proven leader in providing ADA compliance consulting to clients nationwide.

Peter A. Stratton is a Senior VP and Director of SWA's Accessibility Compliance and Consulting Group. He directs compliance and consulting services provided to private and public clients nationwide, including the largest private multifamily residential rental real estate firm in the U.S. Services provided are designed to assess compliance with federal, state, local laws and building code requirements for accessible design and construction, including plan reviews; field inspections and construction supervision for developers, architects, engineers, designers and builders; and due diligence inspections conducted for equity real estate investors. Stratton provides litigation consulting on several large-scale and high-profile cases focused on design and construction violations of Federal and state accessibility laws, such as the Fair Housing Act (FHA), the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 (Section 504), among others. He provides litigation consulting expertise to the U.S. Department of Justice, the New York State Office of the Attorney General, and private law firms. For one of the top-five housing authorities in the U.S., Stratton is retained to certify compliance pursuant to the requirements of its consent decree with the U.S. Department of Justice.

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