



A Publication of Steven Winter Associates, Inc.

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## SWA APPOINTED AS COMMITTEE LEADER ON ACCESSIBILITY

Steven Winter Associates, Inc. (SWA) has been appointed as the Lead on Accessibility for the American Institute of Architects (AIA) Committee on Health and Wellbeing in Washington, DC. The Committee promotes the concept that smartly designed and innovative buildings can have a direct impact on an individual's health and day-to-day productivity, thereby improving overall human performance.

SWA will lead the committee in exploring how accessible design can be incorporated into health and wellness design strategies. The committee will strive to increase its understanding of how such initiatives could help people with disabilities mitigate chronic symptoms such as pain, fatigue, and mobility impairments; or possibly contribute to preventing certain disabilities. For example, the *WELL Building Standard*, which seeks to improve nutrition, fitness, mood, and sleep patterns of building occupants, addresses compliance with the Americans with Disabilities Act to ensure that individuals with disabilities have equitable access to the built environment. The *WELL Building Standard* also promotes ergonomic design to prevent body strain; air quality control to address asthma, among other conditions; and, stress reduction and relaxation techniques, which can impact physical or mental well being.

"Initiatives such as the *WELL Building Standard* highlight the relationship between building design and human performance," said Victoria Lanteigne, Senior Accessibility Consultant with SWA. "We are very excited to take on this role with the Committee to help champion the concept that building for health and wellness can successfully integrate with accessible design."

SWA's perspective aligns with that of several other recent initiatives including the Active Design Guidelines of New York City, which address synergies between active design and universal design; and Aging in Place movements that focus on developing livable housing communities to be enjoyed at all stages of life and mobility.



## ACCESSIBILITY: IT'S NOT ALL ABOUT DESIGN AND CONSTRUCTION

It's a common misconception that once a building is designed and constructed in compliance with the Americans with Disabilities Act (ADA), a claim citing violations can no longer be filed. However, many cases citing violations of the ADA, Fair Housing Act, Section 504, and other federal laws are unrelated to design and construction entirely and are often filed well after the certificate of occupancy is issued. These claims occur on the operations and management (O&M) side; and they're more common than you might think. The complaints result when those in charge of the operations and management of a facility do not fully understand their legal obligations to comply with federal laws.

Here are some recently cited violations related to O&M documented by the U.S. Department of Justice and the U.S. Department of Housing and Urban Development:

1. **Improperly responding to requests for reasonable accommodations** to adjust policies, practices, and/or procedures in order to accommodate people with disabilities. This includes requests for service animals in places of public accommodation. [Blockbuster Inc. Settlement Agreement \(7/19/10\)](#)
2. **Failure to provide effective communication** including providing auxiliary aids such as sign language interpreters, companion note takers, and other accommodations where such aids and services are necessary to ensure effective communication. [Concord Hospital Settlement Agreement \(9/18/08\)](#)
3. **Discrimination or unfair treatment.** This includes turning people with disabilities away from housing, retail services, or restaurant facilities, or denying access to goods, services, or programming. [Camelot Child Development Center \(11/27/13\)](#)

SWA's Accessibility Compliance and Consulting group has designed a series of O&M trainings that will help prepare hotels, restaurants, and housing communities to maintain compliance with federal accessibility regulations throughout the lifecycle of a building. For more information about SWA's O&M trainings, please contact Victoria Lanteigne at [vlanteigne@swinter.com](mailto:vlanteigne@swinter.com).

### EVENTS

- Friday, January 23  
Washington, DC  
[DRAWING THE LINE: HOW TO ACHIEVE ACCESSIBILITY COMPLIANCE](#)
- February 4-5  
Dallas, TX  
2015 BUILD EXPO: ACCESSIBLE DESIGN IS SUSTAINABLE DESIGN
- Thursday, March 19  
Lancaster, PA  
GREENCON 2015: ACCESSIBLE DESIGN IS SUSTAINABLE DESIGN

### UPDATES

- We're hiring! Check out our job posting for an [Accessibility Compliance Specialist](#) in our Washington, DC office.
- Want to automatically receive new issues of SWA Access? Click [here](#) to subscribe!

## AN INSIDER'S PERSPECTIVE: SOLUTIONS TO COMMON OVERSIGHTS

In 2015, each issue of SWA Access will feature a common oversight made in the field during design and construction, along with advice from SWA consultants on how to resolve the issue. Be sure to follow us throughout the year to learn how to stop common violations before they occur!

### Issue: Lack of Accessible Common Use Amenities

In multifamily housing developments covered by the Fair Housing Act (FHA), common use areas are defined as amenities and spaces outside of dwelling units that are made available for the use and enjoyment of residents and their guests, such as fitness centers, tennis courts, pools, playgrounds, etc. According to the FHA, a sufficient number of common use amenities must be accessible; however, often, after construction is complete, management installs amenities that are not accessible. For example, picnic tables and barbecues are often installed post construction in grassy areas and are not served by an accessible route, as required by the FHA.



Within covered multifamily buildings, at least one of each type of common use amenity must be accessible

### SWA consultants suggest...

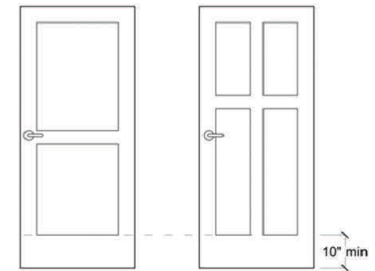
*"Where possible, add features such as pet litter stations, trash facilities, etc. along the accessible route, as opposed to bringing the accessible route to the feature. In instances where there are two of the same type of amenity (e.g., two lap pools), remember that at least one must be located along an accessible route."* -Theresa D'Andrea, Accessibility Specialist

*"Within a common use area, at least one of each type of appliance or equipment must be accessible. For example, in a laundry room, at least one washer and one dryer must be located along an accessible route with controls within reach range. Similarly, fitness centers must have accessible routes leading to at least one of each type of equipment."* -Harold Bravo, Senior Accessibility Consultant, CASP

*"Be mindful of features added to the project that are not included on the design drawings. It is common for management to add features and elements, such as benches, which were not a part of the original design. Where features are added to the project but do not appear on the plans, notify the architect or management staff to verify any impact on accessibility."* -Peter A. Stratton, Senior VP, Director of Accessibility Compliance and Consulting

## TECH NOTES

The ANSI A117.1 Standard for Accessible and Usable Buildings and Facilities at Section 404.2.9 requires doors subject to the criteria to have a smooth surface on the push side within 10 inches of the floor and extending across the full width of the door. While there are some exceptions (e.g., sliding doors and tempered glass doors without stiles), this requirement applies to doors along the accessible route in public and common use areas, the primary entry door to Type B dwelling units, and to user passage doors at the primary entry to and within Accessible and Type A dwelling units.



Ensure that the bottom 10 inches of doors is smooth on the push side of user passage doors.

This provision is intended to assist people with disabilities who require the use of wheelchairs, walkers, or canes that will commonly push open doors with the toe of the wheelchair or other maneuvering device. The smooth surface allows the leg rest of a wheelchair and other devices that come in contact with the door to slide across easily without catching. Adding kick plates that are as wide as the door, less approximately 2 inches, placed within 10 inches of the floor will reduce wear on doors caused by common maneuvering devices, while still providing a safe smooth surface to assist people with disabilities.

## Q&A CORNER

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**Q:** Section 203.9 of the 2010 ADA Standards subjects employee work areas to requirements for approach, enter, and exit only. Would the exemption apply to employee work areas covered by Section 504, since HUD now permits the 2010 ADA Standards to be used in lieu of UFAS as the technical criteria to demonstrate compliance with Section 504?

**A:** No. In 24 CFR Part 8 issued Friday May 23, 2014, HUD clarifies that the 2010 ADA Standards specify a more limited level of access within employee work areas than UFAS, which requires employee work areas to be fully accessible. Therefore, HUD does not permit use of Section 203.9 (and the exceptions to 405.3 and 405.8) of the 2010 Standards for employee work areas covered by Section 504.