Camden, Maine Public Library entrance renovation. The original library was set high on a hill with 24 steps to the building. The solution was to shift the main public space to below ground with an entrance from a primary street on the side.
Access **New England** is published three times a year by DBTAC – New England ADA Center

The center is one of ten Regional Disability and Business Technical Assistance Centers funded by the National Institute on Disability and Rehabilitation Research (NIDRR) to provide information, materials and technical assistance to individuals and entities that are covered by the Americans with Disabilities Act (ADA). However, please be aware that NIDRR is not responsible for enforcement of the ADA. The information, materials and/or technical assistance are intended solely as informational guidance and are neither a determination of your legal responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA.

**Regional Advisory Board**

The Regional Advisory Board meets twice a year. The members’ input and commitment greatly assists DBTAC – New England ADA Center in its mission.

**Connecticut**

Lisa Caron, ADA Coalition of Connecticut
Michael Kurs, Pullman & Comley, LLC
Candace Low, ADA Coalition of Connecticut

**Maine**

Lisa Rouelle, Alpha One

**Massachusetts**

Myra Berloff, Massachusetts Office on Disability
Cathy Taylor, Cape Organization for Rights of the Disabled (CORD)
Thomas Mercier, Assistive Technology Center

**New Hampshire**

Carol Nadeau, New Hampshire Governor's Commission on Disability

**Rhode Island**

Bob Cooper, Rhode Island Governor's Commission on Disabilities

**Vermont**

James P. Dorsey, Vermont Department of Employment and Training
Deborah Lisi-Baker, Vermont Center for Independent Living
David Sagi, Vermont Division of Vocational Rehabilitation

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Access **New England** is available in large print, Braille, audiocassette, computer disk, and email upon request and online at: [www.NewEnglandADA.org](http://www.NewEnglandADA.org)

Karen Murray, Editor
Building Boston: Can We Make the World a Better Place to Live?

Build Boston, coming this November, is on our minds here at Adaptive Environments as we work on this issue of Access New England. This premiere event is New England’s largest regional tradeshow for the design and construction industry in the U.S. Each year, Build Boston attracts over 15,000 architects, contractors, engineers, and designers to its workshops and exhibit hall. As part of Build Boston, this year, more than ever, Adaptive Environments will provide guidance on how to better build Boston...Massachusetts...New England, and beyond! Adaptive Environments will deliver a stunning Universal Design (UD) Symposium, and workshops on the American with Disabilities Act (ADA).

Our newsletter, Access New England, highlights state and federal accessibility requirements, and universal design principles in this issue. Valerie Fletcher, Executive Director of Adaptive Environments – the person behind the Universal Design Symposium, provides an appealing overview of universal design on Page 2. Look for Valerie at Build Boston. Her symposium will focus on the impact of design on the workplace, healthcare settings, transportation, college classrooms, museums - and our brains. There is also an exciting workshop on the natural relationship between universal design and green design. These workshops are kicked off by a universal design breakfast where you will be inspired to transform your life at home, at work and in the community, both here and around the world.

In another article, Kathy Gips, Director of ADA Center Training has designed a helpful chart unscrambling the perplexity between state and federal accessibility requirements (See Page 6). Kathy will also offer workshops on Massachusetts and federal accessibility requirements and ADA updates at Build Boston.

In addition, our state affiliate in Maine, Denis Pratt, Architect at Alpha One and a US Access Board member discusses Maine’s trail blazing history in providing accessibility to persons with disabilities. See his article ‘Maine’s Milestones in Accessibility History’ on Page 4.

Be sure to visit Adaptive Environment’s exhibit booth—number 965—at Build Boston. We’ll see you at the Seaport World Trade Center in Boston, November 13-15. We’d love to hear your thoughts on how we can make the world a better place to live.

See you there,
Oce
Universal Design, An Overview

Universal Design is a framework for the design of places, things, information, communication and policy to be usable by the widest range of people operating in the widest range of situations without special or separate design. Most simply, Universal Design is human-centered design of everything with everyone in mind.

It is not limited to particular places or things nor does it focus on particular types of functional limitations such as accommodating users of wheeled mobility or people who are blind.

Universal Design, also called Inclusive Design, Design-for-All and Lifespan Design, is not a design style but an orientation to the design process that starts with a responsibility to the experience of the user. As green design is a response to environmental sustainability, Universal Design is a response to social sustainability. Both assume the importance of an evolving knowledge base.

The various terms – Universal, Inclusive, Design-for-All – are considered synonyms and used across the globe.

The aging of the world’s population, the demographic tsunami of the 21st century, has been the primary catalyst to the international Universal Design movement. In the US, lifespans average 30 years more than 100 years ago. The process of human aging is a normal and mostly incremental process that affects all of the body’s systems. Design that minimizes limitations, emphasizes strengths and supports independence and choice in all facets of life offers a potent tool for aging well.

People with disabilities have also been primary proponents of Universal Design. In the US, the Rehabilitation Act, Americans with Disabilities Act, Fair Housing Act, and state codes establish requirements for accessibility. That set of obligations constitutes the most robust and legally binding set of accessibility guidelines in the world. Framing the requirements as civil rights is a powerful legal base.

At the same time, US accessibility mandates fall short of the vision of inclusive, welcoming communities. Too often, accessibility requirements are perceived in the same light as plumbing and elevator code – more about safety and liability than about either design or human experience. “Just tell me what I have to do” is a common refrain when faced with obligations to comply. Accessibility is a floor upon which to build Universal Design in the US.

Ron Mace, FAIA, often credited as the ‘Father’ of Universal Design, was a polio survivor and architect who knew the value but also the limits of accessible design. He observed first hand that compliance with accessibility requirements doesn’t guarantee inclusive communities or good design. He cajoled his colleagues to appreciate that inclusion was not about accommodating his specific needs but about designing a world that works better for everyone.

World Health Organization’s New Definition of Disability

The way disability is defined and understood has evolved frequently over the course of history. The World Health Organization (WHO) issued a new definition of disability in 2001 after 10 years in development.

Conceptually, the WHO’s ICF departs significantly from previous definitions. The distinguishing concepts include:

- Emphasizes functional status over diagnoses
- Mainstreams disability as a universal human experience
- Calls for parity between health conditions that are ‘mental’ or ‘physical.’
- Recommends Universal Design as a framework for identifying environmental facilitators that can benefit all people.

The WHO defines disability as a contextual variable, dynamic over time and in relation to circumstances. One is more or less disabled based on the interaction between oneself and the individual, institutional and social contexts in which you live. Environment is used as an umbrella term that includes the built, communication, information, attitudinal and policy environments.
**Principles + User/Experts Underlie Universal Design**

1. **Equitable Use:** The design does not disadvantage or stigmatize any group of users.

2. **Flexibility in Use:** The design accommodates a wide range of individual preferences and abilities.

3. **Simple, Intuitive Use:** Use of the design is easy to understand, regardless of the user’s experience, knowledge, language skills, or current concentration level.

4. **Perceptible Information:** The design communicates necessary information effectively to the user, regardless of ambient conditions or the user’s sensory abilities.

5. **Tolerance for Error:** The design minimizes hazards and the adverse consequences of accidental or unintended actions.

6. **Low Physical Effort:** The design can be used efficiently and comfortably, and with a minimum of fatigue.

7. **Size and Space for Approach & Use:** Appropriate size and space is provided for approach, reach, manipulation, and use, regardless of the user’s body size, posture, or mobility.

[Compiled by advocates from five organizations in 1997. The Principles are copyrighted to the Center for Universal Design, School of Design, State University of North Carolina at Raleigh.]

The Principles established a valuable language for explaining the characteristics of Universal Design. They are in common use around the world, sometimes with slight modifications, primarily one or two principles grouped together. The Principles are under review in their 10th anniversary year and are likely to evolve in response to experience with implementation.

In addition to the Principles, there is another core concept to Universal Design: the role of the user-expert.

“A user/expert can be anyone who has developed natural experience in dealing with the challenges of our built environment. User/experts include parents managing with toddlers, older people with changing vision or stamina, people of short stature, limited grasp or who use wheelchairs. These diverse people have developed strategies for coping with the barriers and hazards they encounter everyday. The experience of the user/expert is usually in strong contrast to the life experience of most designers and is invaluable in evaluating both existing products and places as well as new designs in development.”

[Ostroff, Elaine. INNOVATION, the Quarterly Journal of the Industrial Designers Society of America (IDSA), Volume 16, No. 1 1997.]

**United Nations & Universal Design**

The United Nations has endorsed Universal Design for post-conflict redevelopment and has integrated it in the rebuilding of Beirut and Kosovo. Some of the foundational policy documents of the UN in the last decade state a commitment to inclusive design. They include the Copenhagen Declaration on Social Development (1995) that uses the term “people-centered sustainable development.” The Madrid International Plan of Action of Ageing (2002) in Priority Direction III calls for “ensuring enabling and supportive environments” and specifically notes the inclusion of homes, cities, public transit and information and communication technology.

The new UN Treaty on the Human Rights of People with Disabilities was signed on March 30th, 2007 and signed by 102 member states. It completes a set of supplements to the International Treaty on Human Rights. The new treaty adopts Universal Design as a core principle.
Maine’s Milestones in Accessibility History

By Denis Pratt, AIA, Architect / Access Specialist, Alpha One, So. Portland, Maine

Background and History
Accessibility in building construction has been an issue of public concern since the mid 1960’s. The Civil Rights Act passed in 1964, together with an increasing awareness of the problems many Americans were encountering with barriers to accessibility, lead Congress to take a careful and extensive look at the problem in 1965 while considering the Vocational Rehabilitation Act Amendment.

The Disability Civil Rights Movement, active since the sixties and seventies, was instrumental in the passage of accessibility legislation, such as Section 504 of the Rehabilitation Act of 1973, and other major legislation following in the 70’s, 80’s and as recent as 1990, with the passage of the Americans with Disabilities Act. Although access laws have been enacted, enforcement has been scattered and undocumented. The ADA emphasizes civil rights, self-enforcement, and empowerment of people with disabilities. Ignorance and unawareness or “attitudinal barriers” that have been the major obstacles to compliance with access regulations are being replaced with a growing sensitivity to issues surrounding the disability community and accessibility.

The Architectural Barriers Act Becomes Law
On August 12, 1968, Congress began implementing the National Commission on Architectural Barriers to Rehabilitation of the Handicaps Recommendations by enacting the Architectural Barriers Act (ABA). In passing this law, Congress expected two major outcomes:
1. That Federal buildings and facilities would become fully accessible to people with disabilities.
2. That the Federal governments activity in eliminating barriers with the showcase setting an example for state and local governments and private industry.

Maine’s First Accessibility Legislation
Maine has long been regarded as a pioneer in providing accessibility to persons with disabilities. Taking the Federal government’s lead, in 1969 the state of Maine adopted Title 25 MRSA, Chapter 331 that covers buildings the public customarily uses and are constructed in whole or in part with state funds or its political subdivisions. With passage of Title 25, MRSA Chapter 331 for publicly funded buildings, Maine was one of the first states in the country to adopt legislation to require access to publicly funded buildings.

The Maine Human Rights Act
In 1974, in what would later be called Pioneer Legislation in field of accessibility, the state of Maine passed the Maine Human Rights Act. The Act protects individuals from discrimination in employment, housing, access to public accommodations, credit extension and educational opportunity. The Maine Human Rights Act policy reads as follows:

“To protect the public health, safety and welfare, it is declared to be the policy of this state to keep continually in review all practices infringing on the basic human right to a life with dignity and the causes of these practices so that corrective measures may where possible be promptly recommended and implemented, and to prevent discrimination in employment, housing or access to public accommodations on account of race, color, sex, physical or mental handicap, religion, ancestry or national origin; and in employment, discrimination on account of age, and in housing because of familial status; and to prevent discrimination in the extension of credit on account of age, race, color, sex, marital status, religion, ancestry or national origin; and to prevent discrimination in education on account of sex or physical or mental handicap.”

Relative to housing, public accommodations and employment, the Maine Human Rights Act established requirements and standards that needed to be met in order to comply with the Maine Human Rights Act Non-discrimination Provisions. These standards applied to new and renovated construction, and established basic physical requirements for both of these categories and have been amended over the years.

In 1977, the original law was amended to also include places of employment where five or more persons would be employed, or public housing that was also constructed in whole or in part with either state or Federal funds.
It should be noted that the Maine Human Rights Act accessibility requirements were regarded as a boilerplate for the standards and requirements that were incorporated into the Americans with Disabilities Act.

The original regulations, Chapter 331, have since been superseded by the Maine Human Rights Act Title 5, Subchapter 5, Public Accommodations, Paragraph 4594D, after 1991. The new regulations included state, municipal and county buildings within its provisions and required mandatory plan, review, certification and inspection.

Maine Adopts ADAAG as MHRA Construction Standard

In June 1995, after a year-long effort by an appointed commission named “People with Disabilities Access Commission”, the state of Maine implemented the recommendations of this commission and amended the Maine Human Rights Act to incorporate the provisions of the Americans with Disabilities Act and the Americans with Disabilities Act Accessibility Guidelines into Maine law. The new language incorporated into the Maine Human Rights Act renders the Maine law comparable to the Americans with Disabilities Act regulations, and includes provisions for non-discrimination in the workplace, barrier removal, reasonable accommodations and design and construction requirements for places of public accommodation, places of employment, and commercial facilities. The new design guidelines reference the Americans with Disabilities Act Accessibility Guidelines and replace the old American National Standards Institute 1986 Guidelines that had been in effect since 1988. Also incorporated within the new regulations are permitting and mandatory plan review requirements and the re-authorization of those responsibilities to the Maine State Fire Marshall’s office.

The Maine Human Rights Act Certified Equivalent to ADA Title III

In December of 1996, the Department of Justice in Washington ruled that the Maine Human Rights Act, Title 5, Sub-Chapter V is equivalent to the Title III provisions of the Americans with Disabilities Act. This “certification” of the MHRA assures compliance with ADA Title III provisions if MHRA provisions are met but does not guarantee immunity from federal lawsuits. Compliance with the MHRA will probably lessen the likelihood of a lawsuit and if sued an entity has the advantage of rebuttable evidence of compliance. Under ADA provisions, the Dept. of Justice has the authority to certify that State laws, local building codes, or similar ordinances meet or exceed the Title III accessibility requirements. Certification is advantageous to Maine citizens involved in development for the following reasons:

1. When an entity is designing, constructing, or altering a building in accordance with the Maine Human Rights Act, the designer or contractor needs only to consult the MHRA in order to determine the applicable accessibility requirements.
2. The covered entity has some degree of assurance in advance of construction or alteration that the ADA requirements will be met.
3. If a covered entity is subject to a lawsuit, compliance with the MHRA will be rebuttable evidence of compliance with the ADA.
4. The ME State Fire Marshal’s Office which enforces the MHRA is for practical, but not legal, purposes facilitating compliance with the ADA and could help to eliminate confusion concerning possible inconsistencies in standards.
5. The amount of unnecessary litigation can be reduced, particularly because the administrative method of handling complaints concerning violations already exists within the Maine Human Rights Act.

Currently, only five states [Texas, Maine, Florida, Maryland and North Carolina] have ADA certified accessibility requirements in place.

MHRC Chapter 7 is Adopted

In July of 1997, the Maine Human Rights Commission adopted rules and regulations aimed at clarifying and enforcing the new MHRA accessibility statutes for Places of Public Accommodations and Employment enacted in January of 1996. The rules adopted by the MHRC are intended to make facilities covered under this section accessible to, functional for and safe for use by persons with physical or mental disabilities in accordance with the new regulations. The rules also contain procedures and requirements for alterations with will threaten or destroy the historic significance of qualified historic buildings and facilities.
Architectural Accessibility Requirements: Confused? You are not alone.

While you’re complying with the ADA requirements for architectural accessibility, keep your eye on state requirements. Did you know that Connecticut requires three grab bars at public restroom toilets: one on the back wall, one on the sidewall and a third that swings down? The third grab bar makes the toilet more usable by people who are ambulatory and need extra arm oomph getting on and off the toilet. Connecticut also requires one access aisle for each accessible parking space, no aisle sharing allowed. In Massachusetts a ramp must be at least 48” wide, not 36” as in the ADA and all public entrances need to be accessible, not just 50%. In Maine elevators in state facilities, condominiums, apartment buildings and buildings that have places of public accommodation must be of sufficient size to allow the transport of a person on an ambulance stretcher in a fully supine position. In Vermont churches, temples, mosques and other houses of worship must comply with accessibility requirements (unlike the ADA where such places are exempt) and certain “visitabile” requirements apply to much residential construction. Rhode Island’s amendments to their building code have child-appropriate access requirements for toilets, sinks, mirrors, controls and receptacles. In New Hampshire an 18” vertical grab bar is required at toilets in addition to the back and horizontal side grab bars.

And these are just a few of the differences. Always check state and local codes.

<table>
<thead>
<tr>
<th>Where</th>
<th>Connecticut</th>
<th>Maine</th>
<th>Massachusetts</th>
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<tbody>
<tr>
<td>Other Contact</td>
<td>N/A</td>
<td>Municipalities may adopt the Maine Model Building Code which is based on IBC 2003 ICC/ANSI A117.1 1998 but MHRA still enforced with mandatory plan review <a href="http://www.maine.gov/legis/lawlib/buildcode.htm">www.maine.gov/legis/lawlib/buildcode.htm</a></td>
<td>N/A</td>
</tr>
</tbody>
</table>
The ADA also needs to be understood within the context of the federal Fair Housing Act and Section 504 of the Rehabilitation Act. The Fair Housing Act precedes the ADA by several years. The design and construction requirements apply to “covered multifamily dwellings” designed and constructed for first occupancy after March 13, 1991. Condominiums and apartment buildings are covered by the requirements. So are time-shares, dormitories, transitional housing, homeless shelters that are used as a residence, student housing, assisted living housing, and others. For some of these buildings only the Fair Housing Act design and construction requirements apply. For others, such as dormitories and homeless shelters, both the ADA and the Fair Housing Act requirements apply.

Now what if the organization, entity or business receives federal funds such as a university where Department of Education money flows in or a city housing agency that receives funds from the Department of Housing and Urban Development? Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability by recipients of federal financial assistance; one of the most important sections states that new construction and alterations must be accessible. Each federal agency writes and enforces its own Section 504 regulations and all the Section 504 regulations reference the Uniform Federal Accessibility Standards (UFAS).

It’s unfortunate that working towards a common, important goal - ensuring the inclusion of people with disabilities in all aspects of community life - ends up being so complicated with differing state and federal requirements. We hope the following chart will be helpful untangling some of the confusion.

<table>
<thead>
<tr>
<th>New Hampshire</th>
<th>Rhode Island</th>
<th>Vermont</th>
</tr>
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<tbody>
<tr>
<td>NH State Building Code Amendments</td>
<td>Regulation SBC-1-2007 with 1/1/06 amendments</td>
<td></td>
</tr>
<tr>
<td>State Building Code Review Board reviews and oversees, Local Building Officials enforce</td>
<td>State Building Code Commission addresses access complaints in buildings and facilities less than 1 year old</td>
<td>Dept Public Safety - Division of Fire Safety Access Board</td>
</tr>
<tr>
<td>Cheryl Killam, Architectural Barrier Free-Design Committee</td>
<td>Governor’s Commission on Disabilities investigates/can order corrective action for violations in buildings/ facilities 1 year old+</td>
<td>N/A</td>
</tr>
</tbody>
</table>

In CT, three grab bars are required at accessible public restroom toilets.
DBTAC—New England ADA Center and Adaptive Environments at Build Boston

This November, DBTAC—New England ADA Center and Adaptive Environments, our parent organization, will be presenting at Build Boston.

Build Boston will take place November 13—15 at the Seaport World Trade Center, Boston. This premier regional tradeshow and convention for the design and construction industry, will offer more than 350 exhibits and over 225 workshops and other professional development opportunities. Last year, over 15,500 people registered for the three day event.

There is something for building owners/managers, architects, engineers, contractors, interior designers, landscape architects and all interested people. Build Boston also provides an ideal opportunity to earn AIA continuing-education credits.

There will be FREE Admission to the exhibit hall and workshop discounts if you register before October 19.

Universal Design Symposium, Sponsored by Adaptive Environments

Wednesday, November 14

Adaptive Environments will host the Universal Design Symposium at Build Boston. Adaptive Environments welcomes all building industry professionals and universal design advocates to join them for a content-rich day of workshops and panel presentations. DBTAC—New England ADA Center’s Project Director, Oce Harrison, and ADA Information Specialist, Ana Julian will be participating in select workshops! For more information, see below.

Registration Information
www.buildboston.com
By fax: (508) 759-4552
By phone: (800) 544-1898
B35 Inclusive Pedestrian Design
Steve Demos, RA (moderator); Kim Eric Harzavartian, Ph.D., Institute of Transportation Engineers, Board of Directors, Concord, NH; Ken Kruckemeyer, AIA, ASCE; Coco Raynes, Coco Raynes Associates; Lois Thibault, Director of Research, US Access Board

B37 Healthcare Design that Cares
Jan Carpman, Ph.D. (moderator); Patricia Moore, Moore Design; John Zeisel, Ph.D., Hearthstone Alzheimers Care

3:30 – 5:00 pm
B51 Innovative Products for Inclusive Environments
Patricia Moore (moderator); Gunnar Baldwin, Toto Ltd.; William Marshall, Senior VP of Sales & Marketing, Leviton; John O’Meara, Hafele; Manuel Saez, Design Director, Humanscale

B52 Workplaces that Work for Everyone
Gabriela Bonome-Sims (moderator); Shigeki Inoue, Hakuhodo (Japan) and Visiting Fellow at Adaptive Environments; John Puleio, Senior Ergonomicist, Humanscale; Susan Szenasy, Editor, Metropolis; John Zeisel, Ph.D., Academy on Neuroscience and Architecture, Board of Directors

6:00 – 7:30 pm
B75 Museum Design that Welcomes Everyone
Ana Julian, Assoc. AIA (moderator); Andrew Anway, Principal, Amaze Design; Hannah Goodwin, Manager of Accessibility, Boston Museum of Fine Arts; Peter Kuttner, FAIA, Cambridge 7 Associates; Jan Majewski, US Dept. of Justice Civil Rights Division, formerly Smithsonian Museums; Renee Wells, Museum Design Consultant, Vermont

For workshop details go to: www.buildboston.com/eh_univdessymp.asp

Continental Breakfast
8:00 – 8:45 AM
B01 Kickoff Panel
Valerie Fletcher, Executive Director, Adaptive Environments; Ajay Khare, Ph.D., Professor & Department Head, Department of Architecture, Birla Institute of Technology, India; Elaine Ostroff, Hon. AIA, Founder, Adaptive Environments

Morning Plenary Sessions
9:00 – 10:30 am
B05 Neuroscience and Design
Barbara E. Knecht, RA, Director of Design, Adaptive Environments (moderator); John Zeisel, Ph.D., Board of Directors, AIA Academy on Neuroscience and Architecture; John Eberhard, FAIA, AIA Director of Research

11:00 – 12:30 pm
B10 Social + Environmental Sustainability
Barbara E. Knecht (moderator); Kira Gould, co-author, Women in Green, Director of Communications, William McDonough + Partners; Hubert Murray, AIA, RIBA; Susan Szenasy, Editor, Metropolis Magazine

Afternoon Concurrent Workshops
1:30 – 3:00 pm
B36 News from the Universal Design Movement Worldwide
Valerie Fletcher, Adaptive Environments, Boston; Rachna Khare, Fulbright Fellow, India
BOARD’S SUSTAINABILITY DISCUSSION GROUP; ROB ANDERSON, BOARD OF BUILDING REGULATIONS AND STANDARDS, BOSTON; DAVID COLLINS FAIA, THE PREVIEW GROUP, CINCINNATI OH; MARK TEBBETTS, INTERNATIONAL CODE COUNCIL, PAWTUCKET CT; JERRY TEPPE FAIA, INTERNATIONAL BUILDING CODE CONSULTANT, HOPKINTON NH

1:00 – 2:30 pm

C29 The New Massachusetts State Building Code – 7th Edition

Sponsored by the BSA Codes Committee

A. Vernon Woodworth AIA (moderator), R.W. Sullivan Engineering, Boston; Chair, BSA Codes Committee; Member, National AIA Codes Committee/AIA Board’s Sustainability Discussion Group; Rob Anderson, Board of Building Regulations and Standards, Boston; David Collins FAIA, The Preview Group, Cincinnati OH; Mark Tebbetts, International Code Council, Pawtucket CT; Jerry Tepe FAIA, International Building Code Consultant, Hopkinton NH

THE BUILDING CODES SYMPOSIUM

THURSDAY, NOVEMBER 15

On Thursday, November 15, Kathy Gips, DBTAC—New England ADA Center’s Director of Training will be offering two outstanding workshops during the Building Codes Symposium that will assist design and construction professionals with federal and state accessibility compliance (see below).

For workshop details go to: www.buildboston.com/eh_codesymp.asp

8:30 am – noon

C04 Introducing the 2003 International Building Code

Sponsored by the BSA Codes Committee

A. Vernon Woodworth AIA (moderator), R.W. Sullivan Engineering, Boston; Chair, BSA Codes Committee; Member, National AIA Codes Committee/AIA Board’s Sustainability Discussion Group; Harold Cutler F.P.E., Fire Protection Engineer Consultant, Sudbury MA; Alexander (Sandy) MacLeod, Skanska USA Building, Boston; Tom Riley, Board of Building Regulations and Standards, Boston; Timothee Rodrique, Office of the State Fire Marshall, Stow MA

3:15 – 4:45 PM

C52 ADA and MAAB Regulations: Untangling the Confusion

Sponsored by DBTAC—New England ADA Center
**AT-A-GLANCE Guide to the AAB, ADAAG, and FHA**

A single reference guide that tells which accessible design standards apply to your project, and which are more stringent. Includes the complete text and illustrations of the Rules and Regulations of the Massachusetts Architectural Access Board (521 CMR). The guide incorporates federal accessible design guidelines, including:

- **ADA Design Standards – 1994** enforceable standards known as ADAAG
- **ADA Accessible Design Guidelines – ADAAG amendments through 2002**
- **Federal Fair Housing Act Design Guidelines for multifamily housing**

To order, go to: [www.kmaccess.com/html/alerts.htm](http://www.kmaccess.com/html/alerts.htm)

**Accessible Public Rights-of-Way Planning and Design for Alterations**

A design guide is now available from the US Access Board on achieving accessibility in alterations projects involving public streets and sidewalks.

The guide is available at: [www.access-board.gov/prowac/alterations/guide.htm](http://www.access-board.gov/prowac/alterations/guide.htm)

**Accessibility Pocket Book**

2006 IBC and ANSI A117.1 2003


To order, go to: [www.iccsafe.org/dyn/prod/4028S06.html](http://www.iccsafe.org/dyn/prod/4028S06.html)

**New Resource On Universal Design & Visitability**

Universal Design and Visitability: From Accessibility to Zoning, Edited by Jack L Nasar and Jennifer Evans-Cowley


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**C54 Understanding Chapter 34, the code for existing buildings**

Sponsored by the BSA Codes Committee

**A. Vernon Woodworth** AIA (moderator), R.W. Sullivan Engineering, Boston; Chair, BSA Codes Committee; Member, National AIA Codes Committee/AIA Board’s Sustainability Discussion Group, Boston; **Rob Anderson**, Board of Building Regulations and Standards, Boston; **Michael Grover**, City of Cambridge Inspectional Services Department, Cambridge

**5:30 – 7:00 PM**

**C75 Open to Below: A discussion of allowed floor openings**

Sponsored by the BSA Codes Committee


**C77 ADA updates**

Sponsored by DBTAC—New England ADA Center


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Access Codes in New England

Massachusetts State Access Codes Vs ADAAG

The state of Massachusetts through the Massachusetts Architectural Access Board (AAB) promulgates and enforces building code pertaining to architectural accessibility that has been in effect since 1968, for state or municipal buildings and since 1975 for all buildings open to and used by the general public. There have been multiple revisions over the years, nine in total, with the most recent in 2006. The AAB, for the most part, has more stringent requirements than those of the ADAAG, with respect to ramps, entrances, curb cuts and other areas.

One of the major differences between the ADAAG and the AAB is the scoping requirements. AAB looks strictly at the dates of construction and renovation, assessed values of buildings prior to the construction, and dollar amounts of the renovations to determine the level of accessibility that can be expected. Since the AAB is building code, there is a variance process. If a particular regulation cannot be met, there are two distinct reasons a variance could be granted. You can find the variance process on the AAB's website, www.mass.gov/dps, as well as their current and past regulations, information on the complaint process, and contact information for the Agency. Because there are many differences between AAB and ADAAG, those designing and constructing buildings in Massachusetts need to look at both the AAB and ADAAG to ensure the more stringent is met.

The Massachusetts Office on Disability offers Community Access Monitor trainings to help better understand the differences between the state and federal requirements. For more information regarding the training dates, please go to www.mass.gov/mod or call (617) 727-7440 V/TTY.

Source: Jeffrey L. Dougan, Assistant Director for Community Services Massachusetts Office on Disability: (617) 727-7440

In Connecticut, Building Code Requirements Enforced By State and Municipal Building Officials

The variance process in CT is called the Lifts and Waivers program. Connecticut General Statutes authorize the Office of Protection and Advocacy for Persons with Disabilities to review, in conjunction with the State Building Inspector, requests for exemptions from the accessibility provisions of the State Building Code, and requests for approval to install wheelchair lifts in most types of buildings.

Following are some unique features of the Connecticut State Building Code that are required in addition to the ADA requirements:

- 13” from front of sink to faucet and controls on accessible lavatories in at least one lavatory per gender per bathroom
- A swing away grab bar is required in at least one accessible toilet location per gender per floor
- Pull handle at least 6” from the side hinge on the inside of the door
- Automatic doors—at least one set required in mercantile facilities of 50,000 or more square feet; push pads must be 30” in height, beyond the swing of the door, and within the 10’ of the door.
- The minimum width of accessible parking spaces is 15’, and shared access aisles between vehicles are not permitted (van spaces are still 16’ wide minimum).

Source: Lisa Caron, Project Director, ADA Coalition of CT: (860) 297-4383

Architectural Accessibility in New Hampshire

New Hampshire has a state code but municipalities are not required to have a building inspector (RSA 673:1). For those that don’t, contractors must notify the state fire marshal before construction begins. I have found
many examples of non-compliance where there is no code enforcement. My favorite - a new ramp brought access to a town hall. The ramp was good until I reached the 6-inch step at the door!

The Architectural Barrier-Free Design Code, effective since 1977, adopts “Accessible and Usable Buildings and Facilities ANSI A117.1-1998”. Building Inspectors enforce the AB code. They cannot legally issue a building permit or certificate of occupancy if they know that the facility does not comply with the AB Code. However, the Architectural Barrier-Free Design Committee has the power to issue waivers.

The State Building Code (RSA 155-A) adopts the 2006 International Building Code; Chapters 11 & 34 and ANSI A117.1-2003 cover accessibility. These codes are easier to understand than the current ADA Standards, requiring better access in toilet rooms with clearer diagrams and more detailed requirements for children’s facilities. Unlike ADAAG, dwelling units are covered. These codes mirror the US Access Board’s 2004 AB-ADAAG. When there is a conflict between the state building code and the state fire code, the fire code takes precedence. The code for Means of Egress is NFPA 101, v. 2003 – Life Safety.

Source: Cheryl Killam, Accessibility Specialist, Governor’s Commission on Disability: (603) 271-4177

What’s wrong with these pictures?

“New ADAAG” News
News from the Department of Justice indicates that the long awaited Notice of Proposed Rulemaking for the revised ADA Standards for Accessible Design based on the 2004 U.S. Access Board’s ADAAG is still several months away—at least. DBTAC—New England ADA Center has learned that the proposed rule has yet to be submitted to the Office for Budget and Management (OBM)—a critical step in the regulatory process. Once OBM receives the document, it can take up to ninety days to review all of the information. After OBM reviews and releases it, the Notice of Proposed Rulemaking will be issued. The earliest possible date for this to occur would not be until early 2008.

Course on Play Areas
An interactive web-based course on the U.S Access Board’s accessibility guidelines for play areas is available on the Board’s website.

To access the course, go to: access-board.gov and click on “play areas”

Federal Fair Housing Act - New Safe Harbors Announced
The U.S. Department of Housing and Urban Development (HUD) issued a report on the 2006 International Building Code and 2003 ANSI A117.1 Standard as safe harbors for compliance with the Fair Housing Act’s accessibility requirements.

For more information or to access the reports, go to: www.fairhousingfirst.org

Disability Group Sues State Over Emergency Plans
This spring, the MA Disability Policy Consortium, a nonprofit group representing people with disabilities, filed a lawsuit in Superior Court against the Massachusetts Emergency Management Agency over the Agency’s unwillingness to make emergency management information available to the public.

To read more, go to: www.dpcma.org and click on “emergency preparedness”
EVENTS AND ANNOUNCEMENTS

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