

**THE U.S. DEPARTMENT OF JUSTICE
HAS ISSUED
NEW ADA STANDARDS FOR ACCESSIBLE DESIGN
July 26, 2010**

What happened

The Department of Justice issued new ADA Standards for Accessible Design on July 26 as part of their ADA title II and III regulations changes. The Department of Justice refers to these as the 2010 ADA Standards for Accessible Design or the 2010 Standards.

When may the 2010 Standard be used

The 2010 Standards may be used as soon as they are published in the Federal Register as part of the ADA title II and III regulations. This will probably occur in early September. We will send out another email at that time.

What to do before the 2010 Standards are published in the Federal Register

Until the 2010 Standards are published in the Federal Register continue to use the ADA Standards for Accessible Design that are in the July 1994 grey and white 6" x 9" booklet that has "code of federal regulations" and 28 CFR Part 36 on the cover. If you need a copy let us know, we have copies in the office. If you'd prefer the online version here is the link [1994 ADA Standards for Accessible Design](#). Section 2.2 of the 1994 Standards allows "equivalent facilitation" so at this time we can look to the 2010 Standards for guidance and alternative designs that provide substantially equivalent or greater access, but should not use any section that provides less access than the 1994 Standards.

Will there be a transition period

After the 2010 Standards are published in the federal register people will have the option of using either the 2010 Standards or the 1994 Standards for eighteen months.

When must the 2010 Standard be used

Eighteen months after the 2010 Standards are published in the federal register only the 2010 Standards may be used.

Trigger dates for the 2010 Standards

State and local governments (Title II entities): When construction or alterations begins (ceremonial ground breaking and razing of structures prior to site preparation don't count).

Example: DEK State College begins construction of a new dormitory 17 months after the 2010 Standards are published in the federal register. Either the 1994 Standards or the 2010 Standards may be used. LTM State College begins construction of a new

dormitory 19 months after the 2010 Standards are published in the federal register, the 2010 Standards must be used.

Private entities –such as restaurants, hotels, stores, factories and warehouses (Title III entities):

1. Date last application for a building permit or permit extension is certified to be complete by a state, county or local government.
2. If government does not certify completion of application use date last application for building permit or permit application is received by state, county or local government
3. If no permit is required, use date when construction or alterations begin.

Example: VJP Private College's last building permit for a new dormitory is certified by the city 17 months after the 2010 Standards are published in the Federal Register. Either the 1994 Standards or the 2010 Standards may be used. RST Private College's last building permit for a new dormitory is certified by the city 19 months after the 2010 Standards are published in the Federal Register, the 2010 Standards must be used.

Go to: <http://www.ada.gov/regs2010/ADAregs2010.htm>

For:

- Final Rule amending Title II
- Final Rule amending Title III
- Fact sheet summarizing major changes
- Highlights of the rule implementing Title II
- Highlights of the rule implementing Title III
- Analysis and commentary on the new standards

Continue to monitor this link for updated information.

If you have any questions please contact:

New England ADA Center
800-949-4232 voice/tty (New England only)
617-695-0085 voice/tty
ADAinfo@NewEnglandADA.org