



Department of Fire Services

Scott French, Director

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One of the responsibilities of the Code Services Office is to ensure compliance with the 1990 Americans with Disabilities Act when a building permit is issued. This is accomplished through enforcement of the 2010 Standards for Accessible Design and the 2004 Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines (ADAAG). The following information is being provided to clarify plan submittal expectations for an alteration to covered existing buildings, specifically when the cost of accessible improvements are deemed disproportionate to the overall cost and scope of a project.

Section 202.4 Alterations Affecting Primary Function Areas, of the 2004 ADAAG states that “ In addition to the requirements of 202.3, an *alteration* that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the *altered area*, including the rest rooms, telephones, and drinking fountains serving the *altered area*, are readily *accessible* to and usable by individuals with disabilities, unless such *alterations* are disproportionate to the overall *alterations* in terms of cost and scope as determined under criteria established by the Attorney General. In existing transportation *facilities*, an area of primary function shall be as defined under regulations published by the Secretary of the Department of Transportation or the Attorney General.”

The phrase “disproportionate to the overall alterations in terms of cost and scope” is clarified by the Department of Justice as “Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area” (28 CFR 36.403 (f)(1)).

If the path of travel to the altered primary function area will not be fully accessible as a result of the project, it is the duty of the design professional to substantiate this conclusion by submitting supporting documentation with the building permit application. The document shall provide a description of the accessible improvements, the estimated cost of each improvement and a comparison of the total cost of the accessible improvements to the overall project cost. When the scope of a building permit application includes alterations to a covered building, the attached form shall be completed and submitted.



City of Manhattan
Building Construction Accessibility Analysis

Date: _____

Building Address: _____

Estimated Overall Project Cost: _____

Brief Description of the project scope: _____

Please indicate the date and valuation of building permits that have been issued for the address in the past 3 years. _____

- The path of travel to the *altered* area, including the entrance, route the rest rooms, telephones, and drinking fountains serving the *altered* area, are readily *accessible* to and usable by individuals with disabilities
- The cost of the alterations necessary to make the path of travel fully accessible is disproportionate to the cost of the overall alteration. Please mark the following items that are not fully accessible as a result of the project. Improvements should be undertaken in the following order.
 - An accessible entrance
 - An accessible route to the altered area
 - Accessible restrooms
 - Accessible telephones
 - Accessible drinking fountains
 - Accessible parking
 - Accessible routes from the site arrival points (parking, passenger loading areas, and public sidewalks) to the building entrance.

If any of the items above are marked, please complete the back page of this form.



City of Manhattan
 Building Construction Accessibility Analysis (cont.)

Description Of Accessible Improvements Included In The Project Scope	Estimated Cost
Total Estimated Cost	

Description Of Disproportionate Accessible Improvements	Estimated Cost
Total Estimated Cost	