



FIGURE 11-1 President George H. Bush signing Americans with Disabilities Act

FEDERAL REGULATIONS

In 1990, President George H. W. Bush signed the American with Disabilities Act (ADA) (Figure 11-1). It was a civil rights legislation to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. It also provided a clear, strong, consistent, enforceable standard addressing discrimination against individuals with disabilities. The ADA is enforced by the federal Department of Justice through civil rights litigation. The ADA references the American with Disabilities Act Accessibility Guidelines (ADAAG) for buildings and facilities. This document provides regulations that outline the building-related requirements. They are applied during the design, construction, and alterations of buildings regulated by the ADA.

Prior to the ADA, the federal government passed the Federal Fair Housing Act (FFHA) to provide accessible living facilities for people with disabilities. The act applies to buildings consisting of four or more dwelling units if the building has one or more elevators; or any ground floor dwelling units in buildings consisting of four or more units. The intent is to create equal housing opportunities for all persons living in the country. The FFHA is enforced by the U.S. Department of Housing and Urban Development (HUD). It also has design guidelines that provide the minimum requirements with which the design and construction must comply.

In addition to these federal standards, the IBC also has accessibility requirements for buildings. The IBC requirements are separate from the federal standards and are enforced by the local jurisdiction that adopts the code. Local jurisdictions do not have the authority to enforce either the ADAAG or the FFHA. However, the regulations in the IBC and associated ICC Standard for Accessible and Usable Buildings and Facilities (A117.1) are very similar to the federal standards. In fact, the IBC and A117.1 have been accepted by HUD as “safe harbor” under the FFHA. This means that if a building is designed to the IBC and A117.1, the design is deemed to comply with the FFHA. Attempts to get the same approval under the ADA are ongoing.