

Architectural Barriers Act Accessibility Standard (ABAAS)

Leased Facilities – Frequently Asked Questions

♦ General FAQs

♦ Technical FAQs

The Architectural Barriers Act (ABA) of 1968 – requires that buildings and facilities designed, built, altered or leased with Federal funds be accessible to persons with disabilities. The United States Access Board develops and maintains accessibility guidelines under the ABA which serve as the basis for the standards used to enforce the ABA. GSA is one of four Federal agencies responsible for the standards. The others are the Department of Defense, the U.S. Postal Service and the Department of Housing and Urban Development.

The Architectural Barriers Act Accessibility Standard, ABAAS – is GSA's new accessibility standard under the ABA. It comprises ABA Chapters 1 and 2 and Chapters 3 through 10 of the Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines published by the U.S. Access Board on July 23, 2004. A full copy of the guidelines is available at <http://www.access-board.gov/ada-aba/final.htm>.

Applicability of ABAAS to Leased Facilities – ABAAS Section F202.6 Leases, outlines compliance requirements for leased facilities.

General FAQs:

1. When does the Architectural Barriers Act Accessibility Standard go into affect for leased facilities?
2. How can I get a copy of the Architectural Barriers Act Accessibility Standards (ABAAS)?
3. Is my building/facility subject to the ABAAS?
4. What tools are available to help me understand and comply with the requirements of the Architectural Barriers Act?
5. How do I get technical assistance with the requirements of the Architectural Barriers Act?
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20. Do existing GSA leases have to be retrofitted to comply with ABAAS if no alteration or lease extension is planned?
21. What documentation of compliance with ABAAS is required by GSA?
22. Who has responsibility for monitoring compliance with ABAAS in GSA leased facilities/buildings?
23. What are the accessibility standards for a lease in an existing building or facility? Do they differ from the standards for new construction?

General FAQs:**1. When does the Architectural Barriers Act Accessibility Standard go into affect for leased facilities?**

On November 8, 2005, GSA adopted the new ABAAS. Awards of leases requiring new construction must include ABAAS effective June 30, 2006. Existing facilities (not requiring new construction), must meet ABAAS if the Solicitation for Offers (SFO) is issued on or after February 7, 2007. ABAAS is not applicable to the existing lease inventory until an addition/expansion, alteration or lease extension is necessary.

2. How can I get a copy of the Architectural Barriers Act Accessibility Standards (ABAAS)?

A full copy of ABAAS is available from the Access board website at <http://www.access-board.gov/ada-aba/final.htm>. (See note in box at the top of page one)

3. Is my building/facility subject to the ABAAS?

Yes. ABAAS applies to:

- all existing buildings where GSA is awarding a new lease,
- lease construction actions where GSA provides design criteria (e.g. blast protection, progressive collapse language, standoff distances), and
- GSA leases resulting from solicitations for offers seeking office space where existing buildings and new construction are considered but where new construction is built to local codes and ordinances and not to specific construction design criteria of the Government.

For existing buildings and new lease construction built to local codes and not GSA design criteria, ABAAS Section F202.6 contains the requirements.

4. What tools are available to help me understand and comply with the requirements of the Architectural Barriers Act?

GSA has provided an **ABAAS Compliance Checklist - Leased Facilities**, to facilitate determination of compliance with ABAAS for leased buildings. Also provided are an overview briefing for leased facilities and links to other helpful resources. Many industry forums also provide training and information on the Architectural Barriers Act standard. The checklist can be accessed at: www.gsa.gov/leasing.

5. How do I get technical assistance with the requirements of the Architectural Barriers Act?

Technical assistance is available through the U.S. Access Board and through GSA's Regional Accessibility Officers.

6. How is the ABAAS different from prior standards?

A side-by-side comparison of the updated guidelines, the original ADA standards, and the IBC (2003 edition) is available on the Access Board website at: <http://www.access-board.gov/ada-aba/comparison/index.htm>.

A comparison based on the 2006 edition of the IBC is available on the ICC's website at: www.iccsafe.org/news/nr/2006/0706access.html.

A side-by-side comparison of the NFPA 5000 Building Construction and Safety Code (2006 edition) and the ADA and ABA guidelines, is available at NFPA's website: www.nfpa.org/itemDetail.asp?categoryID=823&itemID=29693.

7. Does ABAAS apply to existing buildings?

Yes, ABAAS Section F202.6 applies to existing buildings.

8. Are the standards different for new leases vs existing leases?

Yes. The GSA requirement for compliance with ABAAS applies only to SFOs issued on or after February 7, 2007. Lease additions/expansions, alterations, and individual or cumulative extensions for a term exceeding 12 months are covered by the new standard as well.

9. Are there exceptions?

Yes, for leased, existing buildings there are notable exceptions including,

- facilities leased for use by officials servicing Federal disaster areas,
- short term use (not to exceed 12 months; such leases may not be extended),
- where compliance with ABAAS requirements for accessible routes, entrances or toilet facilities would threaten or destroy the historic significance as determined by the State Historic Preservation Officer (see Question 14), and
- where compliance is technically infeasible. See Question 19 below for a definition of "technically infeasible".

See ABAAS Section F203 General Exceptions for additional exceptions.

Technical FAQs:**10. What are the primary differences between ABAAS and UFAS?**

The ABAAS has been written to harmonize with the broadly adopted International Building Code. There are some differences from UFAS. These include; reach ranges, protruding objects, toilet and bathing rooms, fire alarms, entrances, TTY public telephones, parking, passenger loading zones, handrails, assembly areas, and drinking fountains.

11. Are there new requirements in ABAAS not covered by previous standards?

Yes, for example, within parking requirements, van spaces are now required at federal leased facilities. Under UFAS there was no requirement for van parking. Under ADA there was a requirement that not less than 1 out of every 8 accessible parking spaces accommodate a van. Under ABAAS not less than 1 out of every 6 accessible parking spaces must accommodate a van.

12. What is the Primary function area under ABAAS?

An area of a *building* or *facility* containing a major activity for which the *building* or *facility* is intended is a primary function area. There can be multiple areas containing a primary function in a single *building*. Primary function areas are not limited to *public use* areas. For example, both a bank lobby and the bank's employee areas such as the teller areas and walk-in safe are primary function areas. Also, mixed use facilities may include numerous primary function areas for each use. Areas containing a primary function do not include: mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, or restrooms. **Primary Function Area** for purposes of providing an accessible route in leased facility is an area that contains a major activity for which the leased facility is intended. The definition in its entirety is included in *Federal Management Regulation; Real Property Policies Update; Final Rule, November 8, 2005 - [41 CFR Part 102-76.85](#).*

13. What about additions/expansions or alterations within the Primary Function Area?

For existing buildings and facilities, both Additions/Expansions and Alterations are required to be fully compliant with ABAAS. ABAAS Sections F202.2 Additions and F202.3 Alterations apply.

14. Are historic properties required to meet ABAAS?

Yes. The provisions of ABAAS section F202.5 Alterations to Qualified Historic Buildings and Facilities, apply. In general, compliance is required for alterations to qualified historic buildings and facilities. There are exceptions for accessible routes, entrances, and toilet facilities which apply only when the State Historic Preservation Officer or the Advisory Council on Historic Preservation agrees that compliance with requirements for the specific element would threaten or destroy the historic significance of the building or facility. In such a case, the requirement for compliance with ABAAS is excepted for that element, but the historic building must comply with other elements of ABAAS.

15. What are Joint Use Areas under ABAAS?

Joint use areas are: "Interior or exterior rooms, spaces, or *elements* that are common space available for use by all occupants of the *building*. *Joint use* does not include mechanical or custodial rooms, or areas occupied by other tenants." If an area is joint use in fact (i.e., shared by multiple tenants), then it should be treated as joint use space for purposes of the ABAAS. See ABAAS Section F106.5

16. What should be done if non-compliant elements are found during an inspection of joint use space or brought to the attention of the GSA realty specialist by the offeror/building owner?

The non-compliant conditions should be documented and recommendations for correction should be provided by the GSA Contracting Officer after consultation with GSA's Regional Accessibility Officer. The landlord should make the necessary changes and conduct all work necessary to achieve and maintain ABAAS compliance.

17. Is ABAAS compliance necessary for a leased parking facility that is separate from any leased building?

Yes, a leased parking lot or parking structure is a "parking facility" for purposes of accessibility compliance, and the parking lot or structure must satisfy all requirements for accessible parking spaces, access aisles, and accessible routes to site access points.

18. Do the accessible spaces in a satellite parking lot have to be located closest to the building served?

The accessible spaces must be located to provide the shortest distance via an accessible route to the accessible entrance of the building served.

Technical FAQs, continued:**19. When is it “technically infeasible” to correct an identified violation of ABAAS?**

“Technically infeasible” is defined as follows: “With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.” See ABAAS section 106.5

20. Do existing GSA leases have to be retrofitted to comply with ABAAS if no addition/expansion, alteration or lease extension is planned?

ABAAS is not applicable to the existing lease inventory until an addition/expansion, alteration or lease extension is necessary. ABAAS applies to all leases entered into as a result of SFOs issued on or after February 7, 2007. Existing leases may be extended for a period up to twelve months without triggering ABAAS compliance. Cumulative lease extensions for longer than twelve months require ABAAS compliance. Existing leases complying with previous accessibility standards that require alteration or expansion must comply with ABAAS for that altered area or expansion space.

21. What documentation of compliance with ABAAS is required by GSA?

Compliance is a requirement of the SFO and the Lessor's subsequent offer and signing of a lease contract is an affirmation that the leased building/facility is compliant with ABAAS. As such it is subject to enforcement like any other provision of the lease.

22. Who has responsibility for monitoring compliance with ABAAS in GSA leased facilities/buildings?

The offeror/lessor has a responsibility to comply with the accessibility requirements of ABAAS. The Government will conduct periodic inspections of the leased premises and may identify elements that fail to meet the requirements of ABAAS. In such a case, GSA will promptly enforce the requirements of the lease, and the lessor will make the alterations necessary to achieve compliance.

23. What are the accessibility standards for a lease in an existing building or facility? Do they differ from the standards for new construction?

Yes, however the minimum accessibility standards for existing buildings/facilities (ABAAS Section F202.6) are significantly less rigorous than the standards for new construction. Simply, elements of the facility which were compliant with a prior accessibility standard (i.e., UFAS or issued under the Architectural Barriers Act or Section 504 of the Rehabilitation Act of 1973, as amended) are considered compliant. Some elements not covered by the prior standards are enumerated in ABAAS Section F202.6 and require compliance.