APPENDIX E:
Accessibility Standards

1. Background **E-2**
2. Operating Policies and Procedures **E-2**
a. General E-2
b. Applicability E-2
c. Conflicting Standards E-4
d. Rent E-4
e. Cost E-4
f. Modifications and Waivers E-4
3. Attachments **E-4**

1. Background

The Uniform Federal Accessibility Standards (UFAS) were originally published by the four Federal standard setting agencies in 1984 to comply with the requirements of the Architectural Barriers Act of 1968 (ABA).

The U.S. Access Board published new accessibility guidelines with respect to the Americans with Disabilities Act (ADA) and the ABA on July 23, 2004. These updated guidelines covered access to Federal facilities under the ABA, and non-Federal facilities, including places of public accommodation, commercial facilities, and state and local government facilities, under the ADA. The board's updated guidelines established a baseline for standards used to enforce the ABA and the ADA.

On November 8, 2005, GSA adopted the ABA Accessibility Standard (ABAAS) by publication in the Federal Register of Federal Management Regulation (FMR) 41 CFR Parts 102-71, 102-72, et al., Real Property Policies Update, Final Rule. A subsequent amendment delayed the applicability of ABAAS to real property leasing until February 7, 2007, except in cases of new lease construction. Leases requiring new construction were required to include ABAAS effective June 30, 2006.

2. Operating Policies and Procedures

a. General

All solicitations issued on or after February 7, 2007, must include SFO paragraphs that require compliance with ABAAS. This standard replaced the ADA guidelines and UFAS for GSA leasing. GSA has developed a checklist (see Attachments to this appendix) that building owners may use as an aid for determining the extent of ABAAS compliance of their buildings and for determining what space alterations will be necessary before GSA can lease those buildings.

Leasing Specialists and Lease Contracting Officers must incorporate lease provisions to comply with ABAAS in all lease SFOs. The current lease documents include all required language and paragraphs.

b. Applicability

All Requests for Lease Proposals must contain the following language:

> Accessibility (Feb 2007)
>
> The building, leased space, and areas serving the leased space shall be accessible to persons with disabilities in accordance with the Architectural Barriers Act Accessibility Standard (ABAAS), Appendices C and D to 36 CFR 1191 (ABA Chapters 1 and 2, and Chapters 3 through 10). To the extend the standard referenced in the preceding sentence conflicts with local accessibility requirements the more stringent shall apply.

These policies and procedures apply to all leases, including new, succeeding, superseding, and individual or cumulative extensions exceeding 12 months duration. The unilateral exercise of a

renewal option that is included as one of the terms of a preexisting lease is not considered the negotiation of a new lease, and therefore the ABAAS does not apply.

The ABAAS standard also applies to alterations and expansions under current leases.

As applicable, all offerors must follow ABAAS Sections F202.2, F202.3, F202.5 and F202.6:

1. ABAAS Section F202.2—Additions to existing Buildings and Facilities

   Each addition to an existing building or facility shall comply with the requirements for new construction.

   EXCEPTION 1: In alterations to areas serving additions where it is technically infeasible to comply with the toilet and bathing specifications contained in section 603 of ABAAS, altering existing toilet or bathing rooms is not required where a single unisex toilet room or bathing room complying with the requirements of F213.2.1 is provided to serve the addition.

   EXCEPTION 2: Where only one toilet or bathing facility is provided in the existing building or facility, one toilet or bathing facility shall comply with F312.2 and F213.3 and shall serve the addition.

2. ABAAS Section 202.3—Alterations

   Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of Chapter 2.

   EXCEPTION 1: Unless required by F202.4, an alteration affecting the primary function area, where elements or spaces are altered and the circulation path to the altered element or space is not altered, an accessible route shall not be required.

   EXCEPTION 2: In alterations, where compliance with applicable requirements is technically infeasible, the alteration shall comply with the requirements to the maximum extent possible.

   EXCEPTION 3: Residential dwelling units not required to be accessible in compliance with a standard issued pursuant to the Architectural Barriers Act or Section 504 of the Rehabilitation Act of 1973, as amended, shall not be required to comply with F202.3.

3. ABAAS Section F202.5—Alterations to Qualified Historic Buildings and Facilities.

   Alterations to a qualified historic building or facility must comply with F202.3 and F202.4.

   EXCEPTION: Where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the requirements for accessible routes, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, the exceptions for alterations to qualified historic buildings or facilities for that element shall be permitted to apply.

4. ABAAS Section F202.6—Leases.

   Buildings or facilities for which new leases are negotiated by the Federal Government after the effective date of the revised standards issued pursuant to the Architectural Barriers Act, including new leases for buildings or facilities previously occupied by the Federal Government, shall comply with F202.6.

EXCEPTION 1: Buildings or facilities leased for use by officials servicing disasters on a temporary, emergency basis shall not be required to comply with F202.6.

EXCEPTION 2: Buildings or facilities leased for 12 months or less shall not be required to comply with F202.6 provided that the lease may not be extended or renewed.

c. Conflicting Standards

Where ABAAS and local accessibility standards conflict, the more stringent standard applies.

d. Rent

Costs associated with providing access under the accessibility standards are considered shell rent.

e. Cost

Facilities for which new leases are entered into must comply with ABAAS Section F202.6 without regard to whether costs of alterations to provide an accessible path of travel to an altered area containing a primary function are disproportionate to the costs of the overall alterations.

f. Modifications and Waivers

If no offer is received that meets the minimum accessibility requirements described above, offers will not be considered unless the Regional Commissioner requests a modification or waiver of ABAAS requirements and the Commissioner of PBS grants it. Requests for modifications or waivers of ABAAS must be submitted to the Commissioner of PBS and must include all pertinent documentation to determine whether the modification or waiver is clearly necessary. A modification or waiver must be based on findings of fact and must be consistent with the requirements of the Architectural Barriers Act.

3. Attachments

The following GSA materials may be useful for Leasing Specialists, Lease Contracting Officers, and contract brokers.

GSA's accessibility checklist for bidders, and training materials on ABAAS can be found at:

http://www.gsa.gov/portal/content/102324