

**Housing Development Bureau**  
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hcidla.lacity.org

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### **Accessible Design / Construction Compliance Requirements**

In reference to the Section 504 / Uniform Federal Accessibility Standards (UFAS), which will apply in the event that federal funds are used and ADA Standards for Accessible Design compliance, the following items are to be provided.

**Note:**

If the start date for physical construction or alterations is on or after March 15, 2012, all newly constructed or altered State and local government facilities must comply with the 2010 ADA Standards. If physical construction or alterations commenced after July 26, 1992 but prior to September 15, 2010 then it must comply with either UFAS or the 1991 Standards without the ADA elevator exception. If physical construction or alterations commenced on or after September 15, 2010 and prior to March 15, 2012 then the project can comply with UFAS, 1991 ADA Standards without the elevator exception, or the 2010 ADA. Please note that demolition or ceremonial groundbreaking prior to site preparation is not the commencement of physical construction. Starting on March 15, 2012 newly constructed or altered elements that did not comply with UFAS or the 1991 Standards must now comply with the 2010 ADA.

The 2010 ADA Standards for Accessibility Design can be located at: [www.ada.gov](http://www.ada.gov)

1. The developer shall provide HCIDLA with an Accessibility Report as described in item number 4. The Accessibility Report should state that this project "meets all applicable standards," and should explicitly state which standards apply given the funding source(s), along with State and local government provided services, programs and activities involved. The applicable standards must include any and all applicable federal and local standards for accessibility.
2. Identify the location of the specific units which are designated for the physically disabled (5% of the total number of units) and in addition identify the specific units which are designated for the visual and hearing impaired (2% of the total no. of units). These standards are contained in the 2010 ADA Standards for Accessibility, Section 203 and also in the Uniform Federal Accessibility Standards (effective July 11, 1988-24 CFR 8.32, 24 CFR 40, appendix A, 35 CFR 1190). <http://www.access-board.gov/usaf/usaf-html/usaf.htm>. . [Refer to attached: Accessibility Regulations Matrix & Overview regarding the applicable accessibility standards]
3. Please note: For UFAS Section 504 and 2010 ADA Standards, the countertop at the kitchen sink may be repositionable or fixed. If fixed, a maximum floor to counter top height of 34 inches must be provided.
4. To insure design compliance, and to assess existing field conditions and final installations in respect to accessibility standards, the developer shall hire an independent architecture or engineering firm as an Accessibility Consultant. The Accessibility Consultant's personnel assigned to the project must be State of California, Certified Accessibility Specialists. (CASP). The CASP consultant's role will be to provide HCIDLA with written Accessibility Reports prior to submission of plans to the Dept of Building & Safety and two points during construction; 1) Prior to framing inspection sign-off and, 2) Prior to construction completion. The Accessibility Report shall state that this project "meets all applicable standards". In the event that potential unreasonable hardship or technical infeasibility\* is discovered, in respect to particular accessible elements or requirements, the CASP consultant shall list those elements and/or special

conditions along with strategies which address the accessibility requirements within the Final Accessibility Report which is to be submitted to HCIDLA.

A listing of Certified Accessibility Specialist (CASp) may be obtained from the California Department of General Services, Division of the State Architect's website noted below:

[https://www.apps.dgs.ca.gov/casp/casp\\_certified\\_list.aspx](https://www.apps.dgs.ca.gov/casp/casp_certified_list.aspx)

5. For alterations of existing facilities where disproportionality\*\* or the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards, or site impracticalities\*\* are encountered, the final accessibility report provided by the CASp consultant must describe and confirm the issues, mitigation measures, design solutions and conclusive determinations within the final report which is to be submitted to HCIDLA, prior to construction completion. Please note that for program accommodation there is no proportional spending - the area being altered and the full path of travel to it should be accessible. Proportional spending can be used in reference to other alterations that do not have to do with program accommodation.

NOTE: \* - Refers to conditions as defined in the Department of Justice, 2010 ADA Standards for Accessible Design.


Points regarding ADA Title II & III compliance:

- Title II of the ADA covers all programs, services, and activities of state and local governments.
- Title II of the ADA applies to housing built, operated, or sponsored by state or local governments (tax credits, tax exempt bonds).
  - For example, Public Housing Authorities, entities operating CDBG, HOPWA, HOME funds, etc
- ADA Title II does not depend on receipts of Federal financial assistance.
- HUD is the designated agency under Title II to investigate and resolve complaints relating to state and local public housing, housing assistance, and referral. (28 CFR part 36)
- Title III of the ADA covers public accommodations associated with housing that are open to the general public and commercial facilities.
  - For example, rental offices, sales offices, homeless shelters, and commercial spaces associated with housing like daycare centers.
- Justice Dept is the designated agency under Title III to investigate and resolve complaints relating to "places of public accommodation" and "Commercial facilities." (28 CFR part 36)

Should you have any questions on the above, you may reach me at (213) 808-8586.

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