**New Department Of Justice (DOJ) Regulations
A.K.A. 20% ADA Rule**

New mandatory regulations have been issued by the Department of Justice (DOJ) for state and local government facilities. If the start date for construction is on or after March 15, 2012, all newly constructed or renovated state and local government facilities must comply with the 2010 ADA Standards.

20% ADA Rule: When renovating a “primary function area,” any alterations made within that area has to comply with 2010 ADA Standards, AND an additional amount has to be set aside to upgrade the accessibility at the “path of travel”, to provide better access for persons with disabilities.

This additional amount is to be calculated as 20% of the “primary function area” construction costs (maximum), excluding all Design fees, Hazardous materials abatement fees, free standing furniture costs and any Facility Services management fees. It should also be noted that the full amount of construction costs may not be applicable, as some scope of work should be excluded from the calculation (such as electrical, mechanical, roofing, painting, and other items that do not affect accessibility). No more than 20% is required to be spent on upgrading accessibility at the “path of travel”.

Definitions:

“Path of travel” = route to the new or altered space and amenities which also include public restrooms, drinking fountains & public phones).

“Primary function area” = any area where people carry out one or more of the major activities for which a facility is used is considered to be a “primary function area” under the DOJ ADA.

In choosing which elements should be upgraded at the “path of travel”, priority should be given to those elements that will provide the greatest accessibility in the following order:

(1) An accessible exterior route and entrance to the facility;

(2) An accessible route to the altered area;

(3) At least one accessible restroom for each sex or a single unisex restroom;

(4) Accessible telephones;

(5) Accessible drinking fountains; and

(6) When possible, additional accessible elements such as parking, storage, and alarms.

In developing an implementation plan for providing accessibility, the Design Professional, NAU Project Manager, and any other NAU facilities stakeholders should consult with NAU Lead Building Inspector and the appropriate NAU organizations representing persons with disabilities (such as NAU Office of Affirmative Action & Equal Opportunity, NAU Disability Resources, NAU Commission on Disability Access and Design’s) to solicit their suggestions.

The required funds (up to a max of 20%) should be spent right away, but construction may be deferred for up to 3 years.

For any questions, please contact Facility Services

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