

Summary of ADA Requirements for Renovations and Additions to Existing Buildings  
submitted by the Implementation Subcommittee, April 4, 2022

The purpose of this report is to give a brief summary and analysis of the ADA standards for renovations of existing buildings. Equity in access is a pillar of local government, and this report is in no way intended to be a justification for not bringing town buildings into compliance with ADA standards. The question is one of timing. Mindful of the significant expense that major building improvements represent, bringing our town buildings into compliance will be a multi-year project. This report will show how the law accounts for this reality.

The American with Disabilities Act (ADA) was passed in 1990 and revised in 2010. Title II of the ADA Regulations, or Subchapter II in the 2010 Standards, deals with nondiscrimination on the basis of disability in state and local government services. Upon passage, the law did not require that existing buildings be immediately upgraded to ADA standards. Instead, standards for alterations, additions, and new construction were intended to improve accessibility in existing buildings over time:

*Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that **the altered portion of the facility is readily accessible** to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992. (Code of Federal Regulations (CFR) §35.151(b)(1))(emphasis added)*

The law recognizes the hardship that would be placed on local governments should alterations to a portion of a building trigger an immediate retrofit of the entire building. Were such an immediate and total retrofit rule in place, many towns and cities might avoid minor improvements that would trigger significant expenditures, and many buildings would remain unimproved, frozen in time. This would be counterproductive to the goal of accessibility for all. Because ADA compliance is generally limited to “the altered portion of the facility,” full compliance can be reached in stages.

The law makes a distinction in the type of space that is altered in an existing building. If that space is a “primary function area,” then the path of travel to that altered space must also be renovated to be accessible to individuals with disabilities:

*Path of travel. An alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration. (CFR §35.151(b)(4))*

Not only does the path of travel to the altered area need to be accessible, but any elements serving the altered area, such as restrooms, telephones, etc., must be readily accessible. The path of travel obligation only applies to primary function areas. A primary function is defined as the “major activity for which a facility is intended.” (CFR §35.151(b)(4)) In a library, the primary function areas would be those where library services are offered to patrons and areas dedicated to library employees for library functions.

Certain areas of buildings are not considered primary function areas. Alterations to these areas are required to comply with ADA standards, but the path of travel obligation is not triggered by alterations to non-primary function areas. Such areas include mechanical rooms, storage rooms, closets, and (usually) restrooms. The only time a restroom would be considered a primary function area would be a highway rest area, for example, where the provision of restroom facilities is the primary function of the building. Additionally, alterations to “windows, hardware, controls, electrical outlets, and signage,” regardless of location, are not considered alterations to a primary function. To reiterate, any alteration, even an element as small as doorknob must be of an accessible design, but the ADA requirements generally stop with the element itself unless the alteration is to a primary function. For all non-primary function alterations, there would be no path of travel obligation. (CFR §35.151(b)(4))

When the alteration is to a primary function area and the path of travel requirement is triggered, the law contains a provision limiting the expenditure for the accessible path of travel to 20% of the cost of the alteration to the primary function area. Path of travel costs that are greater than 20% of the alteration cost are considered disproportional. In the case that the costs for the path of travel are disproportional, the law prioritizes those elements that will provide greatest access, from greatest priority to least:

1. *An accessible entrance;*
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.* (CFR §35.151(b)(4))

If the costs of establishing an accessible path of travel are disproportional to the alteration costs, the altered area of the building shall be made accessible to the greatest extent possible.

Additions to buildings are treated as new construction and must be compliant with ADA standards, but again, only the part of the facility so constructed is affected:

Each facility or **part of a facility** constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or **part of the facility** is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992. (CRF §35.151(a)(1)) (emphasis added)

If an entire facility is constructed, then that entire facility must be fully accessible. If a part of a facility is constructed, i.e., an addition, then that part of the facility must be fully accessible.

The table which concludes this report shows the potential effect of ADA standards for a list of hypothetical alterations or additions to the Stowell library building. Examples are chosen for illustrative purposes and may not be realistic, advisable, or practicable. This report has not focused on state regulations such as [RSA 155-A:5-a](#), *Accessibility Standards for Public Buildings* and [RSA 275-C](#), *Governor's Commission on Disability*, which apply to alterations of public buildings. Licensed professionals in the state are well aware of these regulations, as well as ADA standards, and may be relied upon for design compliance. Opportunities for further exploration and study include readily achievable barrier removal, maintenance of accessibility features, and ADA Accessibility Guidelines specific to libraries.

Resources:

*2010 ADA Standards for Accessible Design*

<https://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm#c1>

*2010 Standards for ADA Accessible Design*

<https://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm#c2>

*Americans with Disabilities Act: ADA Guide for Small Towns* {highly recommended}

<https://www.ada.gov/smtown.htm>

*Americans with Disabilities Title II Act Regulation*

[https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm#a35151](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35151)

### Potential Effect of ADA Standards for Hypothetical Alterations to Stowell Library

Alteration/Construction	ADA standards required	Primary Function Area	Path of Travel	Area affected by alteration or construction
New bathroom with water and septic service in the basement of the Stowell Library	Yes	No	No	Fixtures must be ADA compliant, any remodeling to the room containing restroom facilities must be ADA compliant. No path of travel alterations required.
Renovation of main floor collection room in the Stowell Library	Yes	Yes	Yes	All features of the renovated area and path of travel ADA compliant: access into the building and to altered area, etc. If basement restroom is considered to serve main floor, access to basement and ADA upgrade of restroom. Dependent on cost, 20% rule may apply and require only access into building and to altered area.
Renovation of basement collection room in the Stowell Library	Yes	Yes	Yes	All features of the renovated area and path of travel ADA compliant: access into the building and to the basement level, basement restroom, etc. Dependent on cost, 20% rule may apply. No renovation required to main floor beyond path of travel.
Construction of a connecting wing between the Stowell Library and the History center	Yes	Yes	Yes	The addition must follow the rules for new construction. The entirety of the addition must be ADA compliant. Basement level access and renovation not required.
Replacement of door hardware in the Stowell Library	Yes	No	No	The hardware elements must be ADA compliant.
Water and septic service to Stowell Library	Yes	No	No	Any fixtures in the building must be ADA compliant.