

## SECTION 3-5: ARCHITECTURAL BARRIERS COMPLIANCE

|        |                          |
|--------|--------------------------|
| 3-5-00 | Policy                   |
| 10     | Procedures               |
| 20     | Guidance and Information |
| 30     | (Reserved)               |

### 3-5-00 POLICY

#### A. THE ARCHITECTURAL BARRIERS ACT (ABA) OF 1968

Most Federal buildings and certain federally funded buildings are covered by the Architectural Barriers Act (ABA) of 1968. This act is enforced by the Access Board and requires that covered federally funded buildings and facilities be accessible to persons with disabilities. The Board was created to enforce the ABA, which it does through the investigation of complaints.

### 3-5-10 PROCEDURES

#### A. EXISTING FACILITIES

The ABA Guidelines cover new construction and planned alterations and do not apply to existing facilities except where altered. Existing facilities built or altered according to earlier versions of the ABA standards will not necessarily have to meet the updated version except where they are subsequently altered or renovated. (Additional information on accessibility requirements for persons with disabilities is provided in Chapter 3 of Volume I).

#### B. COMPLAINT HANDLING

1. Complaints of inaccessible conditions received by HHS OPDIVS from employees or facility users should be resolved at the OPDIV level, when possible. Otherwise, they may be forwarded to OFMP for review and resolution.
2. Complaints received from the Architectural and Transportation Barriers Compliance Board (ATBCB) shall be forwarded to the appropriate agency facilities office for review and necessary action.
3. Complaints received by OFMP that require site investigation to determine validity or means of resolution will be forwarded to the appropriate OPDIV facilities office for investigation and action. An interim reply will be prepared and sent by OFMP to the party submitting the complaint (*i.e.*, the ATBCB or the complainant).
4. Upon completion of its investigation, the OPDIV facilities office will notify the ATBCB or complainant, as appropriate, of the results. A copy of final resolution shall be furnished to OFMP. In cases where remedial action is required, the facilities office will notify the HHS OPDIV official responsible for operating or funding the facility of any standards violation, and any necessary remedial action.

### 3-5-20 GUIDANCE AND INFORMATION

Facilities not constructed with Federal funds, but which house federally conducted programs and activities, are covered by Section 504 of the Rehabilitation Act of 1973 (29 USC 794) which is enforced by the Office for Civil Rights (OCR). Effective May 8, 2006, the Uniform Federal Accessibility

Standards (UFAS) were replaced by the Architectural Barriers Act (ABA) Accessibility Guidelines, codified at 36 C.F.R. Part 1191 (ABA Chapters 1, 2 and 3 through 10) (the ABA Accessibility Guidelines are available at [www.access-board.gov](http://www.access-board.gov)). The General Services Administration adopted the ABA Accessibility Guidelines as enforceable standards in November of 2005. These new standards apply to construction and alterations that commence on or after May 8, 2006 and to leases entered into on or after that date. For construction or alteration projects that began before May 8, 2006 and for projects whose designs were substantially complete before that date, reliance on the UFAS standards would be permissible.

For guidance and information contact:

The United States Access Board  
1321 F. Street, N.W. Suite 1000  
Washington DC 20004-1111

(800) 872-2253 (v)

(800) 993-2822 (TTY)

Fax: (202) 227-0081

[www.access-board.gov](http://www.access-board.gov)

e-mail: [info@access-board.gov](mailto:info@access-board.gov)