



Navigating Accessibility Regulations in Resort Design

One of the biggest challenges facing vacation ownership resort developers and designers is the myriad of state and federal regulations covering the provision of facilities for owners with disabilities. These include the Americans with Disabilities Act, the Fair Housing Act, and state disability codes and accessibility provisions in the International Building Code. Looking at all these requirements can feel like navigating a minefield, but understanding the different requirements of these regulations is essential to designing a compliant resort.

The two chief regulations that govern our industry are the American with Disabilities Act (ADA) and the Fair Housing Act (FHA). Both are federal Civil Rights regulations which are enforced by the courts. They are also incorporated by reference into the International Building Code and most state building codes. They differ greatly in their approach to accessible design and their impact on resort facilities. The Fair Housing Act Design manual is available from the Department of Housing and Urban Development Web site at www.huduser.org/publications/destech/fairhousing.html. ADA regulations are available at www.ada.gov.

ADA: What You Need to Know

The ADA is intended to cover “places of public accommodation” and impacts all areas of the resort site. ADA requires an accessible route throughout the site from the parking lot to the unit entry doors. It mandates the size and number of accessible parking spaces, the maximum slopes of walkways on an accessible route, and minimum widths and turning radii to accommodate wheelchairs. It will influence the design of public amenities in the resort, such as check-in lobbies, recreational spaces, and sales centers. Typical ADA requirements include

mandated minimum door clearances, public toilet fixture heights, and the provision of grab bars for accessible fixtures. Building and directional signage are also covered. An additional requirement that is often overlooked is the need for a lower counter for wheelchair users at the check-in desk.

ADA also impacts the design of the resort units. One accessible unit for every 25 units is the standard. Compliant resort units must meet the required minimum door sizes and clearances, in addition to providing appropriate fixture clearances and grab bars in at least one bath. Closet rods are required to be lower for ease of reach. The design of the kitchen requires special consideration. Minimum clearances are specified for the space between cabinets and approach to appliances. In addition, a minimum 30” wide section of the work surface must be no more than 34” high (or adjustable in height) and have knee and toe clearance below. Appliance selection is also important. Top mounted freezers are difficult to reach; a side by side refrigerator is a better choice. Front mounted range controls are easier to reach and a counter top microwave should be provided as an alternate to the units typically installed above the range. Some of the newer models are designed to be mounted in the base cabinet.

FHA: What You Need to Know

While ADA has many stringent requirements that impact the design of the resort, its scope is relatively clear. Interpreting the Fair Housing Act is a bigger challenge for vacation ownership designers and developers. As originally conceived, the FHA was an adaptability standard intended for multi-family dwellings. It was intended to prevent impediments to accessibility from being designed into dwelling units, so they could

be adapted by users with special needs at minimal cost. Unlike ADA, FHA applies to all the units in any development with four or more dwelling units per building (if it has an elevator) or all ground floor units in buildings without elevators. FHA mandates an accessible route and entry to buildings with covered dwelling units, as well as minimum door sizes and toilet fixture and kitchen appliance clearances. These are generally less stringent than the ADA requirements but must still be understood and implemented by the designers.

Of special concern to our industry is the “support-blocking” requirement, which allows for the installation of grab bars in specific units’ bathrooms when necessary. This provision was intended to allow a handicapped resident to adapt their unit without undue extra expense. Obviously, applying this idea to an interval unit is not practical, given the transient nature of the occupants. The installation of support blocking that will never be used behind bathroom walls is an unnecessary expense for the developer, and ARDA is working to clarify this requirement with HUD. Rosemary O’Shea, Esq., RRP, at Baker Hostetler LLP, is championing ARDA’s efforts to have this regulation clarified so it does not apply to vacation ownership projects.

We look forward to a successful conclusion to her efforts. ARDA’s Construction & Design Committee is committed to working with government to mold sensible regulations that designers and developers can easily understand. We can then apply our talents to designing the finest resort products that enhance the vacation experience of all our owners including those with special needs. **D**

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