

July 15, 2004

ADA ACCESSIBILITY GUIDELINES CHANGING

Major revisions to Title III of the Americans With Disabilities Act's (ADA) Accessibility Guidelines are coming. The Accessibility Guidelines, which establish the architectural requirements for providing physical access to persons with disabilities, have seen few substantive changes since the ADA's enactment in 1992. However, revisions to the Accessibility Guidelines have been submitted to the Office of Budget and Management for review and comment and are scheduled to be published in the *Federal Register* on July 26, 2004 (the 12th anniversary of the Act). Both the Department of Transportation and the Department of Justice are likely to adopt the new Accessibility Guidelines during late 2004 or early in 2005. It is known that the new Accessibility Guidelines will use a revised organizational system similar to other accessibility standards, and the substantive changes are rumored to be extensive.

The changes to the Accessibility Guidelines will affect both public and private enterprises and institutions who own or lease commercial properties and places of public accommodations. The Accessibility Guidelines currently set forth the physical accessibility requirements not only for new construction and alterations, but also with respect to the obligation to remove architectural barriers in existing buildings. The changes will affect both existing properties and all new construction. Properties that are in compliance today may not be in compliance once the new Accessibility Guidelines take affect. Property owners who have, in good faith, either newly-constructed or modified their properties to be ADA-compliant may suddenly find themselves non-compliant.

In September, Seyfarth Shaw LLP will conduct Breakfast Briefinga in each of our offices to discuss the impact of the new Accessibility Guidelines.